

# Right to Travel By Automobile

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**ABSTRACT:** *According to the prevailing laws of every United States jurisdiction, driving a car is a privilege, not a right. This was not always the case, however. When cars were first introduced around the turn of the twentieth century, drivers relied on common law practices that upheld every individual's right to ride without a licence on public roads. Courts regularly wrote of the "right to travel" of a person by car and struck down laws aimed at restricting the freedoms of car drivers on constitutional grounds. But with the passing of time, in legislative halls and courtrooms, automotive regulators usually prevailed.*

**KEYWORDS:** *Automobile, Right to drive. Right to ride, Right to Travel.*

## INTRODUCTION

Today, to nineteenth century Americans, the public has tolerated a degree of travel control that would have seemed almost tyrannical. This paper analyses this shift in common law and argues that the change reflects a significant loss of independence, even though most Americans are unaware of it. Few historical developments have brought as much change to the American environment as the invention of the automobile. Indeed, it is easy to write American history in two parts: America before automobiles arrived and America after automobiles. Motorized vehicles have changed everything from American society's population distribution to the ways Americans live and work to the normative balance of homes[1].

The changes the car has made to the American legal environment are equally wonderful. During a rare time when America's laissez-faire ethos was being swept away by the instrumentalist lawmakers of the Progressive Era, the car entered the scene. The law was seen as a tool to combat social uncertainty, injustice, and insecurity. The "hands-off" strategy of previous generations was seen as an obstacle to sound public policy. Highway safety has largely been seen as the domain of government policymakers, such as health, drugs, and workplace safety. N6 The vast quilt of laws regulating highway travel today will barely be remembered by Americans of the nineteenth century[2].

## DISCUSSION

Month after month, year after year, regulators invaded the area of freedom of traffic. While in countless decisions in the first two decades of the 1900s, the right to drive was claimed in dicta, it seldom functioned as the law of a case. License systems or other impositions have seldom been struck down as breaches of the Constitution. Driving may have been a constitutional right, but no court appeared willing to strike down laws aimed at regulating it after the 1920s[3].

With the exception of the Civil War, nothing has changed America's system of rights and freedoms so profoundly before or since as that of the laws now regulating highway travel. In order to travel by car, the vast majority of Americans today willingly adhere to a number of registration, identification, and licencing schemes. Today's laws were once considered as illegal. The hand of the state now stretches over facets of travel in ways that, according to common law precedents familiar to earlier Americans, would have been unlikely. Before the nineteenth century, the courts normally kept public roads open to all users without regard to the meth of the passengers[4].

The Corpus Juris 1925 edition offers a telling example of how restricted the freedom to drive had become by that time. Under the "Licenses" entry, it is specified, as a general rule, that a person's right to drive a team or automobile on a public street or highway or to carry his own goods on it by ordinary means without permission or obstacle is normal to all people who have the ability to use the street or highway for pleasure, profit or benefit[5].

It was assumed that licences or other signs of governmental approval were excessive or even violative of constitutional rights. But widespread contempt and fear of the car led politicians of the twentieth century to drive these long-standing constitutional obstacles aside in order to control motorised driving. This new regulatory strategy was justified on the grounds that motor vehicles were too unsafe for unlicensed vehicles to operate and that traffic accidents were rapidly growing[6].

Difference between driving and travelling in an automobile: You specifically work a multi-ton vehicle while travelling versus driving, and thus the state can guarantee that you can do as such and mandate that you have a driver's permit and insurance, and that the vehicle is protected to be out and about. You can drive while travelling, or you can take a few different approaches. You can ride a donkey, ride a horse, ride a bike, or travel in another person's car. If you need to and if anyone would permit you to ride on their transport, you reserve an opportunity to fly. You do not reserve a driving option[7].

Driving is an advantage which the state can restrict. In addition, it is captivating that 65 percent of survey respondents shared that they were dissatisfied with AI driving the vehicle in terms of how individuals have increasingly welcomed hardware into these driving experiences over the long term. The first instances of the style that we promptly underestimate in our vehicles were travel power and non-freezing stopping devices. The rundown of occupations and characteristics in our cars that are robotized or enhanced with AI continues to expand rapidly these days: Back location " reinforcement " cameras, room support capabilities, slow down programmed crisis, assist with path flight warnings and path keeping, awareness of Blindspot, mishap shirking plans, admonitions for walker detection, voice-actuated security applications, and that's just the tip of the iceberg. Gradually, vehicles are essentially moving PCs that for us do the increasing amount of transport exchanges[8].

Mechanized wheels moved by human power or by the combination of power and electric motor, fit for pushing the vehicle, are set for electric bikes, not over 30 Mph on level ground. The vehicle consists of a two-haggle machine that activates at a specific pace. In comparison to traditional bikes, these bikes deliver greater efficiency at the cost of reasonably reduced performance. Without the issue of communication and swarming public cars, technical improvement recognises these bikes as the ideal travel decision.

Another case is from the extra security perspective; Haven living (disaster safety time of the online provider) empowers these customers to agree on easy terms and conditions choices. Millions, using big data innovations, by online surveys, solution chronicles, government engine vehicle reports, and other data sources.

The rule of free travel was so well-settled that it was known as recently as 1931 in American Jurisprudence's "constitutional law" entry:

Personal freedom consists largely of the right of locomotion - to go wherever and whenever one pleases - limited only to the degree that the rights of others may make it necessary for the welfare of all other people. The right of a man, by horse-drawn carriage, waggon, or vehicle, to travel on public highways and to transport his property thereon is not a mere privilege which may be allowed or prohibited at will, but a common right which he has under his right to life, liberty, and the pursuit of happiness.

Today, as Americans get behind the wheel of their vehicles, they engage in one of modern life's most controlled regions. Without reservation, most individuals support this regulation, and few recognise the enormous changes that have taken place over the last century. Highway travel was commonly seen by Americans living at the turn of the twentieth century as a constitutional right. Government provisions such as permits or identification requirements were deemed to breach constitutional protections, and in the United States, horse and wagon transport was almost entirely uncontrolled.

As their primary means of getting to work and for many of their basic logistical, social, and recreational needs, they must rely on automobile travel. Currently, as a consequence of road travel, individuals are more

likely to come into contact with law enforcement officers than in any other case. The imposition of driver licences and traffic patrol by state agents has also led to a very real increase in the state's influence over the lives of Americans.

However, as Americans took to automotive driving in large numbers, legislators put more and more strict rules on their conduct. Earlier precedents which protected the right to travel and upheld the constitutionality of even the most audacious traffic regulations were discredited by the courts. Certain Americans discount the degree of traffic control as insignificant, but it has major consequences for the extent of freedom in the United States. As a vast amount of all land travel is by vehicle, Americans are overwhelmingly dependent on motorised travel today. Most Americans do not have access to "to any viable alternative public mode of transportation."

The very essence of highway travel changed when the highways became the provinces of state and federal legislatures. With carts, buggies, horses, and the occasional vehicle, the highways were no longer the realm of simple travellers. With the occasional pedestrian and horse-wagon, the new highways were mainly designed for automobiles.

### CONCLUSION

According to this constitutional guarantee, one may therefore, under normal circumstances, travel along public highways or in public places at his inclination, and while conducting himself in an orderly and respectable manner, neither interfering with nor disturbing the rights of another, he will be protected, not only in his person, but in his safe conduct. True to the law of the lane, when the Car Club gained a fast and simple victory over the ordinance in the Yorkville Police Court, automobilists rejoiced.

City magistrate held that the arrest of a club member for driving in Central Park was unconstitutional because pleasure carriages are permitted on the park roads and because cars are obviously carriages of that description. The streets and highways have been designed thus far by and for the use, comfort, and protection of all citizens, not just for any one class. Suddenly, a mighty change took place in less than half a dozen years. While the people - all the people - continue to supply the toil and tax for their upkeep, the streets and highways are virtually monopolised by a single class today, and that class includes, but consists of, owners and operators of cars. Of the nation, a tiny amount. Horse automobiles, the only kind that the average person can normally afford, are virtually banished from the boulevards and well-paved streets, and are scared of the country's main highways. Every minute of day and night, the lives of pedestrians are threatened by a grudging recklessness of speed, crippling and killing people at a pace that is appalling.

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  2. See Lawrence M. Friedman, *American Law in the 20th Century* 548-51 (2002).
  3. See Bernard Schwartz, *Main Currents in American Legal Thought* (1993);
  4. Lawrence M. Friedman, *Crime and Punishment in American History* (1993).
  5. The right to travel by personal vehicle was thought to be a fundamental right.
  6. See, e.g., *City of Chicago v. Banker*, 112 Ill. App. 94 (1904); *City of Chicago v. Collins*, 51 N.E. 907 (Ill. 1898); *Swift v. City of Topeka*, 23 P. 1075 (Kan. 1890).
  7. J.C. Furnas, *The Americans: A Social History of the United States 1587-1914*, at 674 (1969) (citing Sarah Cleghorn, *Portraits and Protests* 49 (1917)).
  8. See Stephen B. Goddard, *Getting There: The Epic Struggle Between Road and Rail in the American Century* (1994); Clay McShane, *Down the Asphalt Path: The Automobile and the American City* (Kenneth T. Jackson ed., 1994)
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