



Motor Vehicles Act Reform and Road Safety Governance in India: A Critical Legal Study

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DOI: <https://doi.org/10.56025/IJARESM.140426258>

ABSTRACT

Road safety remains one of the most pressing public policy and legal challenges in India. Despite the enactment of the Motor Vehicles Act, 1988 and the transformative reforms introduced through the Motor Vehicles (Amendment) Act, 2019, India continues to report one of the highest road accident fatality rates globally. This article critically evaluates the legal and constitutional foundations of motor vehicle regulation in India, with particular emphasis on road safety governance, compensation jurisprudence, criminal liability, institutional mechanisms such as Motor Accident Claims Tribunals (MACT), and emerging regulatory challenges relating to electric vehicles and transport aggregators. The article argues that while the 2019 amendment marked a significant shift toward safer mobility governance, implementation gaps, procedural delays, and structural weaknesses continue to undermine its effectiveness. The study proposes a technology-integrated and rights-based reform model to strengthen road safety governance in India.

Keywords: Motor Vehicles Act, road safety governance, MACT, compensation law, criminal liability, transport regulation, Article 21, legal reform.

INTRODUCTION

Road transport plays a crucial role in India's economic growth, urban mobility, and social connectivity. However, the expansion of motorization has simultaneously intensified road accident risks, making road safety a major legal and governance challenge. According to government statistics cited in your research project, India accounts for nearly 11% of global road accident deaths despite having only about 1% of the world's vehicles.

The Motor Vehicles Act, 1988 provides the principal legislative framework governing vehicle registration, licensing, insurance, compensation, and enforcement of traffic regulations. Recognizing persistent enforcement failures and rising fatalities, Parliament enacted the Motor Vehicles (Amendment) Act, 2019, introducing enhanced penalties, electronic monitoring mechanisms, protection for Good Samaritans, and the establishment of the National Road Safety Board.

This article critically examines whether these reforms adequately address India's road safety governance challenges and whether the legal framework effectively protects accident victims under constitutional principles.

2. Constitutional Foundations of Road Safety Governance

Road safety governance in India is closely linked with the right to life under Article 21 of the Constitution. Judicial interpretation has expanded Article 21 to include the right to safe infrastructure, emergency medical assistance, and fair compensation following accidents.

In *Parmanand Katara v. Union of India*, the Supreme Court held that every accident victim has a fundamental right to emergency medical treatment without procedural delays. This judgment laid the foundation for statutory recognition of the golden hour treatment principle, later incorporated into the 2019 amendment.

Similarly, the Supreme Court's interpretation of Article 21 has reinforced the obligation of the State to:

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maintain safe road infrastructure,
regulate driver competence,
enforce vehicle safety standards,
provide timely compensation mechanisms.

Thus, road safety is not merely an administrative responsibility but a constitutional mandate.

3. Evolution of the Motor Vehicles Act

Motor vehicle regulation in India evolved through three major legislative stages:

3.1 Motor Vehicles Act, 1914

This Act marked the earliest attempt to regulate automobiles but remained limited in scope and enforcement mechanisms.

3.2 Motor Vehicles Act, 1939

The 1939 Act introduced licensing, registration, and transport regulation provisions and remained operative until post-independence modernization demands required reform.

3.3 Motor Vehicles Act, 1988

The 1988 Act consolidated earlier laws and introduced:

licensing systems,
permit regulation,
compulsory insurance,
vehicle fitness certification,
compensation mechanisms through MACT.

It remains the principal regulatory statute governing road transport today.

4. The Motor Vehicles (Amendment) Act, 2019: Transformative Reform

The 2019 amendment represents the most comprehensive reform of Indian motor vehicle law in three decades.

Key reforms include:

4.1 Enhanced Penalties for Traffic Violations

Penalties for offences such as drunken driving, dangerous driving, and driving without license were significantly increased to strengthen deterrence.

However, deterrence depends not only on penalties but also on enforcement probability. Weak enforcement continues to undermine legislative effectiveness.

4.2 Protection for Good Samaritans

Prior to 2019, bystanders avoided helping accident victims due to fear of legal harassment. The amendment introduced statutory protection ensuring:

anonymity rights,
protection from police questioning,
exemption from repeated court appearances.
This reform strengthened emergency response frameworks significantly.

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4.3 Golden Hour Treatment Framework

The amendment introduced provisions ensuring cashless treatment during the critical first hour following accidents. This reflects judicial recognition that delayed treatment contributes significantly to accident fatalities.

4.4 National Road Safety Board

The establishment of the National Road Safety Board (NRSB) represents a major institutional innovation intended to:

advise central and state governments,

recommend safety standards,

coordinate road safety policies nationwide.

However, its advisory nature limits enforcement authority, reducing institutional effectiveness.

5. Compensation Jurisprudence under the Motor Vehicles Act

Compensation law forms the remedial backbone of the Motor Vehicles Act.

The MACT system ensures victims receive financial support following accidents. Judicial decisions have standardized compensation through the multiplier method, ensuring consistency and predictability.

Important Supreme Court precedents include:

Sarla Verma v. Delhi Transport Corporation

National Insurance Co. Ltd. v. Pranay Sethi

Rajesh v. Rajbir Singh

Reshma Kumari v. Madan Mohan

These judgments clarified:

multiplier selection,

future prospects calculation,

consortium compensation,

dependency assessment principles.

Despite these developments, compensation mechanisms remain inadequate for informal sector workers whose income cannot easily be documented.

6. Compulsory Third-Party Insurance: A Social Justice Mechanism

Compulsory third-party insurance represents one of the most progressive aspects of the Motor Vehicles Act.

Its objectives include:

protecting accident victims,

ensuring compensation irrespective of driver solvency,

reducing litigation complexity,

promoting risk-sharing across society.

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Courts frequently apply the pay and recover principle, directing insurers to compensate victims first and recover costs later from vehicle owners where policy violations exist.

This approach strengthens victim-centric justice.

7. Criminal Liability for Motor Vehicle Offences

Motor vehicle offences involve both regulatory violations and criminal wrongdoing.

Common offences include:

drunken driving,

rash driving,

negligent homicide,

failure to report accidents.

Historically, prosecution relied on Section 304A IPC (now corresponding provisions under the Bharatiya Nyaya Sanhita, 2023).

However, challenges remain:

proving negligence,

inconsistent sentencing,

weak investigation frameworks,

overlapping statutory provisions.

The 2019 amendment strengthened penalties but did not fully resolve attribution challenges in multi-party accidents involving drivers, owners, and manufacturers.

8. Role and Challenges of Motor Accident Claims Tribunals (MACT)

Motor Accident Claims Tribunals are specialized adjudicatory bodies designed to provide speedy compensation.

Despite their importance, MACTs face serious institutional challenges:

8.1 Procedural Delays

Many claims remain pending for years due to:

understaffed tribunals,

repeated adjournments,

documentation disputes.

Delayed compensation defeats the social welfare objective of the statute.

8.2 Insurance-Driven Litigation Complexity

Insurance companies frequently challenge:

policy validity,

driver authorization,

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liability attribution.

Such adversarial practices increase procedural complexity.

8.3 Barriers for Economically Vulnerable Claimants

Victims from weaker socio-economic backgrounds face:

legal illiteracy,

documentation barriers,

financial constraints.

This undermines access to justice.

9. Road Safety Governance Challenges in India

Road accidents result not only from driver negligence but also systemic governance failures.

Key governance challenges include:

9.1 Weak Enforcement Infrastructure

Traffic enforcement agencies face:

manpower shortages,

corruption risks,

limited surveillance technology.

Electronic enforcement mechanisms remain unevenly implemented across states.

9.2 Poor Road Infrastructure Design

Unsafe road engineering contributes significantly to accidents involving:

pedestrians,

cyclists,

two-wheelers.

Road safety governance must integrate engineering reforms with legal regulation.

9.3 Fragmented Institutional Coordination

Road safety involves multiple authorities:

central government,

state transport departments,

municipal agencies,

police departments.

Lack of coordination weakens implementation effectiveness.

10. Emerging Regulatory Challenges

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The Motor Vehicles Act was originally designed for a conventional transport ecosystem. Modern mobility technologies present new legal challenges.

10.1 Electric Vehicles

EV expansion raises regulatory questions relating to:

battery safety,

charging infrastructure liability,

emergency response mechanisms.

Existing statutory provisions remain inadequate to address these issues comprehensively.

10.2 App-Based Transport Aggregators

Ride-sharing platforms introduced under the 2019 amendment as “aggregators” create liability uncertainties involving:

platform responsibility,

driver employment classification,

insurance coverage during trips.

Clearer statutory guidelines are necessary.

10.3 Technology-Based Enforcement Systems

The amendment introduced provisions supporting:

automated number-plate recognition,

electronic challans,

surveillance-based enforcement.

However, implementation remains uneven nationwide.

11. Comparative Perspectives on Road Safety Governance

International jurisdictions provide useful lessons.

Countries such as:

United Kingdom

New Zealand

European Union member states

have adopted:

centralized accident databases,

no-fault compensation schemes,

strict licensing enforcement systems.

India can adapt these models to strengthen domestic governance frameworks.

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12. Need for Comprehensive Legal Reform

Although the 2019 amendment marked a major shift, several reforms remain necessary.

Recommended reforms include:

12.1 Strengthening MACT Efficiency

Introducing:

time-bound adjudication,

digital claim filing,

structured settlements.

12.2 Expanding Victim Compensation Framework

Reforms should address:

informal sector income assessment,

disability compensation adequacy,

psychological injury recognition.

12.3 Technology-Integrated Enforcement Systems

Nationwide adoption of:

automated enforcement infrastructure,

unified vehicle databases,

digital insurance verification systems

is essential.

12.4 Strengthening National Road Safety Board Authority

Transforming the Board from advisory to regulatory status would significantly improve coordination and enforcement capacity.

CONCLUSION

The Motor Vehicles Act represents one of India's most important social welfare statutes, combining regulatory governance with compensation justice. The Motor Vehicles (Amendment) Act, 2019 introduced transformative reforms aimed at strengthening enforcement, protecting accident victims, and improving institutional coordination.

However, persistent implementation gaps, procedural delays in MACT proceedings, enforcement weaknesses, and emerging mobility challenges continue to limit its effectiveness.

A technology-integrated, victim-centric, and constitutionally grounded reform framework is essential for strengthening road safety governance in India. Future legislative reforms must focus on institutional strengthening, digital enforcement integration, compensation expansion, and clearer liability frameworks for emerging transport technologies.

Only through such comprehensive reforms can India ensure safer roads and effective legal protection for all road users.

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