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## Motor Vehicle Act, 1988

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### Abstract

The governance of motor vehicle is no longer confined to administrative convenience-it now stands as a complex intersection of constitutional rights, tort law, criminal jurisprudence, environmental regulation, and public policy. The Motor Vehicle Act, 1988 as amended notably by the 2019 legislation, constitutes a comprehensive framework governing road transport in India. This paper aims to analyse the legal structure, interpretative trends, policy imperatives, and systemic challenges embedded within the Act, while proposing a pragmatic path forward anchored in constitutional morality, technological innovation, and institutional reform.

### Introduction

India witnesses over 400 road accident-related death daily, accounting for nearly 11% of global road fatalities, despite having only 1% of the world's vehicles. This grim reality necessitates a robust legal framework. The Motor Vehicle Act, 1988- a successor to the colonial-era 1939 law-serves as the cornerstone of India's road transport regulation. Its multidimensional canvas span from licensing and registration to road safety, insurance, permits, traffic offence, and compensation mechanism.

**The 2019 Amendment Act introduced a paradigm shift-** prioritising deterrence, accountability, and technological integration. This article delves into the historical evolution, statutory architecture, jurisprudential interpretations, and policy challenges of the Motor Vehicle Act, with a comparative and futuristic lens.

### Historical and Legislative Evolution

#### Colonial and Pre-Independence Era

- The Indian Motor Vehicle Act, 1914 was rudimentary, focusing on vehicle registration.
- It was replaced by the Motor Vehicle Act, 1939, which introduced licensing, permits and penalties.

Post-Independence, the growing complexity of traffic and industrialisation necessitated a modern statute, resulting in the Motor Vehicle Act, 1988.

#### The 2019 Amendment Act: A response to Crisis

Based on the **Sundar Committee report (2005) and Justice Radhakrishna Committee recommendations**, the amendment addressed India's poor road safety records.

It Introduced:

- Heavier Penalties
- Enhanced third-party compensation
- Digital governance
- Corporate accountability
- Protection for good Samaritans

### **Amendment In the Motor Vehicle Act, 1988**

It is the five times amendment had in The Motor Vehicle Act, 1988 are:

**In 1994, In 2000, In 2001, In 2015, In 2019**

### **Structure of the Motor Vehicle Act, 1988**

- **Name-** The Motor Vehicle Act, 1988
- **Enact-** 14-10-1988
- **Commence-** 1-07-1989
- **Total Chapter-** 14
- **Total Section-** 217 A

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### **Motor Vehicle Laws in India**

- The Fatal Accident Act, 1855
- The Road Transport Corporation Act, 1950
- The National Highway Act, 1956
- The Motor Transport Workers Act, 1961
- The Public Liability Insurance Act, 1961
- The National Highway Authority of India Act, 1988
- The Motor Vehicle Act, 1988
- The Multimodal Transportation of Goods Act, 1993
- The Control of National Highway (Land & Traffic) Act, 2002
- The Carriage by Road Act, 2007

### **Object of the Motor Vehicle Act**

- To take care of the fast-increasing number of both commercial vehicle and personal vehicles in the country.
- The need for encoring adoption of higher technology in automatic sector.
- For road safety standards, pollution-control measures.
- Standard for transportation of hazardous & explosive material.
- Simplification of procedure in the road transport field.
- Need for effective ways of tracking down traffic offenders.
- Rationalization of certain definitions with additions of certain new definition of new type of vehicles.

### **Offences under Motor Vehicle Act**

The following are the offenses under Motor Vehicle Act that includes:

- Driving without licence
- Allowing someone without a licence to operate a vehicle owned by the vehicle owner.
- Failing to possess all of the relevant documentation required to operate a motor vehicle on Indian roads.
- Driving without permit if required.
- Driving without a vehicle fitness report, driving without registration certificate or R.C.
- Operation of a vehicle by a minor.
- Allowing an unauthorized individual to operate a vehicle.
- Riding certain motor vehicle without a helmet.
- Driving without fastening the driver's seat belt.
- Exceeding the speed limit and rash driving
- Risky driving
- Driving against the flow of traffic in a one-way lane, and consider offences under the act.

### **Quotes, Maxims, and Juristic Opinion**

- **Legal Maxim: Salus Populi Suprema Lex Esto-** “Let the welfare of the people be the supreme law.” This maxim is used to underscore that road safety laws must prioritize public welfare over individual convenience. The maxim justifies the state's imposition of stringent traffic regulation and penalties for collective safety.

- **“Ubi jus ibi remedium”- Where there is a right there is a remedy.** This maxim supports the inclusion of compensation mechanisms in the Motor Vehicle Act, particularly for accident victims. It affirms that legal remedies must be available wherever rights are violated.
- **Quote by Justice Radhakrishnan: “Each life lost on the road is a reflection of our collective apathy.”** This used to emphasize the ethical and judicial urgency behind implementing road safety reforms. It aligns with the Act’s rehabilitative and deterrent framework post-2019.
- **Lord Denning- “Law is not an end in itself, but a mean to achieve justice in society.”** It highlights the functional purpose of the Motor Vehicle Act- to protect lives, uphold rights, and ensure accountability- not merely to codify penalties or processes.
- **Doctrine of Public Trust**  
Invoked to assert that the state has a fiduciary responsibility to manage roads and traffic systems in the best interest of the public. The Motor Vehicle Act operationalizes this principle through licensing, safety protocols, and enforcement duties.
- **Polluter Pays Principle**  
Referenced in the context of vehicular pollution control and emission norms. This principle justifies the imposition of penalties, restrictions on old vehicles, and environmental road safety measures under the act.

### Case Laws

- **S. Rajaseekaran vs. Union of India:** In this case Supreme Court held that States are duty-bound to implement the National Road Safety Policy and comply with direction under the MV Act.
- **National Insurance Co. Ltd. Vs. Pranay Sethi:** In this case laid down definitive rules for calculating compensation under section 166 of the act. Fixed the standard of 0% future prospects in the case of deceased persons below 40 years with permanent jobs. This judgement overruled contradictory earlier cases and brought uniformity.
- **Kaushnuma Begum vs. New India Assurance Co. Ltd:** In this case court held in cases of motor accidents, the principle of strict liability applies and clarified the compensation under section 140 and 163A of the act (no-fault liability).
- **Key Quote:** “Negligence is not required to be proved under section 140 of the act.”
- **Rajesh Tyagi vs. Jaibir Singh:** In this case court mandated digitisation of MACT claims, use of structural formats, and set guidelines for faster settlements.
- **Bimla Devi vs. Himachal Road Transport Corporation:** In this case court held that in accident cases involving public transport, presumption of negligence may be drawn in the absence of contrary evidence.

### Challenges in Implementation

- **Federal Structure Conflict:** Motor Vehicles fall under the concurrent list. Implementation often suffers due to centre-state coordination issue.
- **Corruption and Red Tape:** Despite digitization, RTOs remain prone to corruption in issuing licenses and permits.
- **Lack of Infrastructure:** Poor Road engineering, lack of signage, absence of pedestrian facilities contributes to over 1.5 lakh deaths annually.

- **Low Public Awareness:** A large segment of driver remains unaware of new amendments, leading to poor compliance.
- **Backlog in MACTs:** Motor accident claims cases are stuck for years, delaying justice to victims.

### **Way Forward**

- Creation of a Unified National Road Safety Authority
- Stronger Enforcement Mechanisms
- Awareness Campaigns
- MACT Reforms
- Infrastructure Overhaul

### **Conclusion**

The Motor Vehicle Act is more than a statutory framework- it is a lifeline that governs the safety, structure, and conduct of India's vast road network. The 2019 amendments mark a significant leap towards accountability, modernization, and victim-centric justice. Yet, laws on paper must translate into laws in action. For India to truly harness the benefits of its legal reforms, a robust blend of policy, awareness, infrastructure, and technology must converge. Ultimately, as the ancient Indian saying goes, "**Yatra Naryastu Pujante, Ramante Tatra Devata**"-where safety and respect prevail, there lies the abode of the divine. Ensuring the sanctity of life on roads is not merely a legislative function, but a societal duty.