



# The Indian Journal for Research in Law and Management

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## ROAD SAFETY LAWS IN INDIA: STRONG ON PAPER, WEAK IN ENFORCEMENT?

~*Rudra Vinod Ramchandani*

### INTRODUCTION

Indian roads are often comparable to battlefields, war zones, or even pandemics, with 172,890 Indians dying every year.<sup>1</sup> India is a country where teenagers ride motor vehicles and the only thing many people find wrong with it is that the child is not wearing a helmet. Civic sense may be one of the country's biggest weaknesses. India already has strong and sufficient legislative laws, such as the Motor Vehicles Act, 1988, which works with the Central Motor Vehicles Rules, 1989.<sup>2</sup> Laws exist to monitor, regulate, and benefit society, but what can those laws do when citizens are not even aware of their purpose?

### LEGISLATIVE REFORM

With the continuous increase in road deaths and the rising conflicts on roads, lawmakers clearly felt that the existing law was not enough, which is why the Act was amended in 2019 through the Motor Vehicles (Amendment) Act, 2019.<sup>3</sup> This brought drastic changes. Fines were increased heavily, penalties became harsher, and the law was drafted to help society in cases where one person helps another. The Good Samaritan framework was meant to ensure that bystanders could assist accident victims without being treated as suspects.<sup>4</sup> Still, the real issue in India has never been the absence of law. It has been enforcement.

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<sup>1</sup> Ministry of Road Transp. & Highways, Gov't of India, *Road Accidents in India 2023* (2025).

<sup>2</sup> Motor Vehicles Act, No. 59 of 1988, India Code (1988); Central Motor Vehicles Rules, 1989.

<sup>3</sup> Motor Vehicles (Amendment) Act, No. 32 of 2019, India Code (2019).

<sup>4</sup> *Save Life Found. v. Union of India*, W.P. (C) No. 235 of 2012 (India).

## **SAFEGUARDS IN THE SYSTEM**

The government did try to build safeguards into the system. The Amendment established stricter and serious liability for juvenile driving, a National Road Safety Board, and the Motor Vehicle Accident Fund.<sup>5</sup> But even with these legal tools, India continues to witness the same patterns on the road: vehicles jumping signals, old vehicles running without proper permits, and violations going unchecked unless a genuine authority steps in. To put it simply, India and Indians often look law-abiding until someone is actually caught.

## **CRIMINAL PROVISIONS AND ROAD DEATH TRENDS**

This failure continues despite criminal provisions under the Bharatiya Nyaya Sanhita, 2023, along with punishments that may follow for offences such as drunken driving, speeding, and underage driving, including liability and demerits that can extend to parents or guardians.<sup>6</sup> However, the *India Status Report on Road Safety 2024* made it clear that most Indian states will not meet the United Nations target of halving road deaths by 2030.<sup>7</sup>

## **DATA AND INFRASTRUCTURE DEFICIT**

A major failure in this system is the technological and infrastructural side of enforcement. The government has mandated adequate infrastructure, but on ground it is often missing, malfunctioning, or visible only when a high-profile incident occurs. In the current scenario very little reliable data is collected and even less is properly processed. While most countries maintain a comprehensive national crash-level database that records accident-prone areas, causes, vehicle types, victim profiles, and locations. India, in comparison, still depends heavily on data registered at police stations after accidents are reported, and even government health strategies have had to rely on external estimates rather than government having its own verified data.<sup>8</sup>

## **REACTIVE GOVERNANCE**

The system is aware of its own inconsistencies, yet little changes. Without proper implementation, India remains a country of reactive policies rather than preventive ones.

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<sup>5</sup> Motor Vehicles (Amendment) Act, No. 32 of 2019, India Code (2019).

<sup>6</sup> Bharatiya Nyaya Sanhita, No. 45 of 2023.

<sup>7</sup> Transp. Research & Injury Prevention Ctr., IIT Delhi, *India Status Report on Road Safety 2024* (2024).

<sup>8</sup> Ministry of Health & Family Welfare, Gov't of India, *National Strategy for Prevention of Unintentional Injury* (2024).

Another failure is institutional capacity. Traffic supervision and regulation do not meet any serious standards. In some cities, police presence is visible, but often more for target completion than for real regulation. In 2023, speeding accounted for 68.1% of total road fatalities, and two-wheeler riders accounted for 44.8% of all deaths.<sup>9</sup> That is not a minor enforcement gap; it is a structural one.

## COMPARATIVE PERSPECTIVE

The comparative picture makes the problem even clearer. Countries such as Sweden, Australia, United Kingdom, and Japan are not merely trying to reduce accidents they are trying to prevent them through systemic design. Sweden's "Vision Zero" strategy treats every road death as a system failure, not just an individual's mistake. The United Kingdom uses independent crash investigation mechanisms. Australia has large-scale random breath testing and demerit systems. Japan enforces stricter vehicle inspection and compliance standards. While India treats road safety mostly as a matter of punishing the driver after the damage is already done. The point is not that foreign models should be imported altogether, but that accidents are often systems-design failures, not only individual errors.

## JUDICIAL INTERVENTION

The judiciary has tried to bridge some of these gaps, but it has its limits. *S. Rajasekaran v. Union of India* remains one of the strongest examples of judicial concern for road safety, and *Save Life Found. v. Union of India* gave shape to the Good Samaritan law.<sup>10</sup> Courts can issue directions, but they cannot administer continuous compliance across all states.

## POLITICAL ECONOMY AND FEDERAL WEAKNESS

There is also a deeper political economy problem. India's commercial transport sector is economically significant and politically influential. Because road safety and traffic enforcement fall within a concurrent framework, state governments have also diluted parts of the central law to appease local pressure and avoid backlash, weakening the effect of Parliament's reform. Undermining the federal features of our country.<sup>11</sup> The rapid dilution of enhanced penalties after the 2019 Amendment suggests that resistance did not come only from

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<sup>9</sup> Ministry of Road Transp. & Highways, Gov't of India, *supra* note 1.

<sup>10</sup> *S. Rajasekaran v. Union of India*, (2014) 6 S.C.C. 36 (India); *Save Life Found. v. Union of India*, W.P. (C) No. 235 of 2012 (India).

<sup>11</sup> INDIA CONST. sched. VII, list III, entry 35.

public discomfort with higher fines, but also from pressure exerted by regulated actors themselves.

## **COMMERCIAL VEHICLES AND COMPLIANCE**

Commercial vehicles are represented disproportionately in fatal accident data, along with overloading, licensing, and vehicle fitness norms and compliance remaining inconsistent or often absent entirely. It is common to see vehicles that should not legally be on certain routes or bridges moving through them freely. When regulated entities have sufficient political leverage to influence enforcement, legal compliance becomes negotiable.

## **CONCLUSION**

India does not lack road safety laws. It lacks enforcement, reliable data systems, and sustained political commitment. Strong legal tools exist such as stronger penalties, constitutional recognition under Article 21, and an extensive and detailed statutory framework.<sup>12</sup> What is absent is the administrative machinery capacity competent of converting legal text into road-level compliance.

The answer to all this is not simply harsher legislation. It is institutional reform. What India really needs is a working centralised crash investigation framework, reliable national data systems, stronger enforcement capacity, and a genuine political willingness to treat road deaths as a constitutional emergency rather than a routine statistic. When 172,890 people die on Indian roads in a single year, the failure cannot be explained by the absence of law. The law is already present. The real failure lies in the widening gap between legal promise and lived reality. On India's roads, that gap continues to cost lives every three minutes.

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<sup>12</sup> *S. Rajasekaran*, (2014) 6 S.C.C. 36.