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THE LAW LEFT BEHIND: REVIEWING SECTION 4 AND THE GREATER CONCERN.

-Raag Singh

(I) INTRODUCTION

Getting a license marks a great milestone for the average Indian and getting a bike means a youthful dream come true for many. It signifies something different to everyone. For the youth and the next newly added members of the larger society budding into adulthood, it means getting freedom, a method to travel more, enjoy with friends, and live your youthful days to the maximum, and for the parents it means getting a helping hand and a somber reminder that children grow up too fast. Driving might be a source of joy for the youth but it remains an even greater responsibility considering the application of laws and road safety and increasing road accidents and violations are something which needed to be duly drilled at a young age for responsible driving and to make sure the next generation doesn't violate road safety laws of the country.

(II) WHAT THE LAW SAYS

As the people speed through, it is necessary for the law to do so as well to improve road safety and wellbeing. Such is an issue within the Motor Vehicle Act 1988, within section 4 which states about the age limit related to driving of motor vehicles. Sub-section (1) says:

“No person under the age of eighteen years shall drive a motor vehicle in any public place:

Provided that [a motor cycle with engine capacity not exceeding 50cc] out gear may be driven in a public place by a person after attaining the age of sixteen years.”¹

This section regulates the age for driving but there is a blatant loophole which is the exception to driving 50cc vehicles after attaining the age of 16 years. In present times of vehicles sporting 500cc engines in case of bikes, and even the most famous moped of India, the Honda Activa sporting an 110cc engine, this is not a merely outdated classification but a signal to review laws related to road safety and understand the current dynamics as well.

(III) EVOLUTION AND ISSUES

The reason of this obsolete classification is that the technology outpaced the legal provisions of MVA 1988. When this law was implemented, India ran on the mopeds which had two stroke engines of 50cc, such as the Kinetic Luna, or the Suvega Super which were prevalent, showing a compliance with law and the existence of options for the Indian market, but side by side was the existence of vehicles such as the Yamaha RX100, Hero Honda CD 100, many of which came during 1980 as a result of Japanese partnership. These vehicles provided better fuel economy, better power, and better mileage which made the people choose them instead of the 50cc mopeds as the Indian family could only afford one vehicle and spending it on a better one seemed common sense. The signing of the Kyoto Agreement in 1997 led to government regulations for pollution which was reflected in the growth of four stroked engines during the period of 2000 to 2010, which led to the decline of the 50cc segment².

The decline of the 50cc class made the law inapplicable by itself and this problem is still reflected in the case of now prevalent electric scooters which don't use Internal Combustion Engines but Electric motors, and their power is measured in kW (kilowatts) instead of cc (cubic centimeters) as is in the case of petrol bikes. This is a major discrepancy in defining the limit on the capacity of a vehicle under Section 4 since cc measures vehicle displacement and kW measures motor power. These two terms are not similar and cannot be used interchangeably. This raises an important question, regarding how regulations interact with such technical loopholes

¹ Motor Vehicles Act, No.59 of 1988.

² Paolo Aversa, the Evolution of the Two-Wheeler Industry: A Comparative Study of Italy, Japan, and India, WIPO Econ. Rsch. Working Paper Series No. 83 (2024).

(IV) A SMALL CHANGE

Regarding the question, the government has made some changes, considering the Ministry of Road Transport and Highways took note of this and made an amendment in the CMVR (Central Motor Vehicle Rules) 2021, where various categories for the vehicles were distinguished and the light vehicle category coming under category L1 was described as:

“Category L1 means a motor cycle without gear or a light two wheeled powered vehicle with maximum speed 70 kilometers per hour and engine capacity not exceeding 50cc if fitted with a thermic engine or motor power not exceeding 4.0 kilowatts if fitted with electric motor.”³

The regulatory framework did include electric propulsion, showing an attention to change in modern times, but the larger issue still remains and the bare text under the MVA still says the same line, measuring safety using numbers rather than reality. The issue is not about the market bringing innovation in engines enough to make a law obsolete in present era, but a critical questioning of the section on the grounds of age, whether juveniles should be allowed to ride bikes, within a certain capacity limit, after a certain age, under a certain exception or should road safety and driving licenses be reviewed under different standards?

(V) CONCERN AND CONCLUSION

In India it is not uncommon to see youngsters as young as 12 years old to learn how to drive and to see even the parents proudly stating it to others as an achievement! According to a MoRTH report on 2023, 11,890 road accidents of minors occurred in a single time span from 2023 to 2024, almost 16 crashes per day. With such grim numbers the government needs to review that; is the engine displacement or motor power, a guarantee for safety on the road, or should other factors such as safety features of the two wheelers, quality of brakes, speeding capacity, the training of the particular youth amongst other be taken into account?

This is not an indigenous issue; other countries have been faced and overcame the same problem. Japan's 2025 reform of its moped category permitted certain two-wheelers of up to 125cc to remain within the low-powered licensing category where their maximum output is restricted to 4.0 kW. European regulatory frameworks similarly combine parameters such as engine capacity, power and maximum speed in differentiating categories of two-wheelers.

³ Central Motor Vehicles (Sixth Amendment) Rules, 2021, G.S.R. 240(E), r. 2(c) (Mar. 31, 2021).

These approaches suggest that the objective of the law need not be tied permanently to a particular engine size. India itself has reformed this issue by the CMVR 2021, but the MVA, says the same age exception. India needs to have a unified set of rules which are universally applicable, as well as to adopt technology neutral parameters such as maximum power, design speed and other parameters, in order to keep up with the changing times.