

# **Critical Analysis Of Motor Vehicle Act, 1988 An Act To Consolidate And Amend The Law Relating To Motor Vehicles.**

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***Abstract:** Among all countries, India leads the chart with the highest numbers of deaths due to road traffic related accidents. Road traffic related accidents are the sixth leading cause in India, where every year more than seven million Indian suffer in traffic related accidents from deaths, serious accidents and simple injuries. Despite being a major public health issue that affects the most vulnerable as well as the most productive section of the society. The annual cost of traffic accidents in India stands at 2 percent of the GDP. This paper discusses how the governments Motor Vehicles Act 2019; an informed and multi-sectoral approach backed by strong willed commitment to increasing road safety and reducing accidents will bring substantial changes and will also study the effects of implementation of new regulations.*

***Keywords:** Road Safety, Accidents, Deaths, Motor Vehicles Act 2019*

## **I Introduction**

The Indian parliament approved the Motor Vehicle Act in 1988 which governs practically all elements of road transport vehicles. It covers all areas covered by the Act's provisions, such as traffic laws, vehicle insurance, motor vehicle registration, controlling permits, and penalties. The Act came into effect on July 1, 1989. The government of India, in discussion with state transport ministers, came up with this Motor Vehicle (Amendment) Bill to make amendments to the Motor Vehicle Act, 1988, in order to ensure that roads are safe. On April 10, 2017, the Lok Sabha passed the Motor Vehicles (Amendment) act

This Act requires all drivers to have a valid driving licence, and no vehicle may be driven unless it is registered under the Motor Vehicle Act. The purpose of the Act's preamble is to consolidate and modernise motor vehicle legislation. This Act provides all drivers and conductors to obtain a

licence. The registration certificate is valid for fifteen years from the date of registration and can be renewed for another five years.

This article gives an overview of the Motor Vehicle Act, 1988, its amendments, Supreme Court case laws, New Amendment Act and Rules, and essential parts of the Act with Motor Vehicle Act penalties.

The Motor Vehicle Act is a law relating to torts that is founded on the concept that every injury has a remedy. At this point, the idea of compensating and giving damages comes into action. The Motor Vehicle Act of 1988 has been regarded as a welfare law aiming at offering relief to those who have been harmed. There existed the Motor Vehicle Act of 1939, which combined all motor vehicle legislations, but it had to be regularly amended in order to be updated. With advancements in road transport technology and road network growth, as well as changes in passenger transport patterns, it was necessary that the Act was revised to cover all new methods relevant to motor vehicles. This Motor Vehicle Act is mainly concerned with granting relief to innocent people on the road who are frequent victims of accidents and then find themselves without a claim to the compensation that they should normally receive. All vehicle drivers must have a driving licence under this Act. This also requires the registration of a vehicle under the Act, which has a 15-year validity duration and can be renewed for another 5-year period. The Motor Vehicle Act of 1988 includes not just licencing and registration, but also other aspects of road transport vehicles.

Motor insurance is required to have at least third-party insurance in order to register and drive a car on Indian roads. However, the New Motor Vehicle Act Of 2019 proposes a Rs.2000/- fine, 3 months in jail, and community service for driving without insurance, as well as Rs.4,000/- punishment for repeated offences. Car and bike insurance policies are offered on the Bajaj markets portal and online platforms such as PhonePe, Acko, and others, and they provide customizable policy formats, coverage limits, and outstanding customer care.

Road accidents are common in newspapers and T.V. channels even after enacting Motor Vehicle Act, 1988. Therefore, amendment of 2019 came to bring some change in the scenario. This paper critically analyzes the Motor Vehicle Act, 2019 and what is its impact on the Indians and their

lives. It also discusses upon the amount of fine or penalty that is to be imposed under the law and how can the amended law help in reducing the no. of motor vehicle accidents. This paper also analyzes the safety issues involved in online taxis or cabs. The author tries to explain the positive and negative impact of this Amendment. As this law promotes digitalization in fields such as license issuance, address change, receipt issuance etc. in order to bring efficiency in the mechanism, it also is considered as a threat to autonomy of the states of the country. The paper discusses all these in detail.

## **II Literature Review**

In the course of this research paper, we have primarily relied upon the motor vehicles amendment act 2019 to analyse its features and the issues related with different aspects of its implementation. Furthermore, we have also referred to various blogs, commentaries, articles and few judgments of the supreme court of India where it has emphasized upon the importance of this amendment. In addition to this, we have also made reference to some of the leading reports which have been published by the recognized foundations. With the help of these reports, we have analysed the data to conclude about the overall effect on people after the implementation of this new motor vehicle.

We will try to in-trigate an empirical study does on the basis of study done by use of survey and other collection and analysis of primary data based on direct observation or experiences in the survey.

### **2.1 Research Objective**

1. To Understand the Aim and Objectives of The Motor Vehicle Amendment Act 2019.
2. To Understand the Importance of This Amendment.
3. To Objectively Understand the Concept of Good Samaritans.
4. To Understand and Analyse the Empirical Data from Reports on The Road Accident Victims.
5. To Address the Issues and Features of The Motor Vehicle Amendment Act 2019.
6. To Understand Whether This Act Addresses Then Changes in Society and Does It Keep Pace with It.

7. To Understand Whether the New Policies of Vehicle Scrappage and Road Safety Under This Act Keep Consonance with Constitution.
8. To Understand the perception in the eyes of people regarding this law.

### **III Methodology Research Questions**

#### **PART-I- NEW POLICIES UNDER THE ACT -NAM DEV SINGH**

1. Has the amendment to motor vehicle act 1988 achieved its provision of encouraging people to act as good Samaritans?
2. Has this amendment to motor vehicle act 1988 as contended by some states, curtailed the liberty of implementing their road and safety regulations to some extent?

#### **PART- II- CRIME & PUNISHMENT UNDER THE ACT – MALA ABHISHEK**

3. Whether the implementation of stricter law and heavy fines has any deterrent effect on people and have it reduced the number of road accidents per year?
4. What is the quantum of liability of drivers in event of accidents with taxi aggregators as party?

process includes a number of activities to be performed. These are arranged in proper sequence of timing for conducting research. One activity after another is performed to complete the research work. Research methodology includes the following steps

The topic for the research study is investment awareness and the nature of the topic is Theoretical and descriptive. So the conduct the research study the type of research suitable is descriptive research only. For the study purpose both primary and secondary data are used. The primary data collected from college students. The secondary data collected from the research

papers from various countries and especially India. The primary and secondary data have been collected to cover every aspect of the study. These data used in combination as per need of the study. These data having different merits and demerits and have serves our purpose of the research study. These are explained below

**Statement of Research Proble**The topic for the research study is investment awareness and the nature of the topic is Theoretical and descriptive. So the conduct the research study the type of research suitable is descriptive research only. For the study purpose both primary and secondary data are used. The primary data collected from college students. The secondary data collected from the research papers from various countries and especially India. The primary and secondary data have been collected to cover every aspect of the study. These data used in combination as per need of the study. These data having different merits and demerits and have serves our purpose of the research study.

There has been a lot of discussion about features and some issues (drawbacks) of the motor vehicle amendment act 2019. Despite of an earlier present motor vehicle act 1988, the parliament introduced this amendment act but this act has some new features to ensure the safety of the people while driving and assisting help to the victims of the road accident through good Samaritans. Then, policies to support the efforts to conserve environment and road safety and others. It is in this context that we shall present this paper to take forward the positive effects of this amendment with its some limitations .

1. United India Insurance Co. Ltd. v. Sunil Kumar and Anr., (2017)

The Supreme Court has held that an insurer cannot file a negligence claim. It is one of the most recent Supreme Court cases on the Motor Vehicle Act, with the main issue being the extent of Section 163A of the 1988 Act. This Act contains special provisions for the payment of compensation based on a structured formula. The following are the case's facts, issues and judgment. The following are the facts, issues, and judgment of this case.

**Judgment of the case**

The court decided that in a case under Section 163A of the Motor Vehicles Act, 1988, the insurance cannot offer any negligence defense on behalf of the victim, and Section 163A (2) of

the Motor Vehicles Act, 1988 makes this plan. Hence, the owner/insurance company will be held liable for compensation.

- allowing an insurer to use such a defense while considering such circumstances would be contrary to the legislative intent of Section 163A of the Act.
2. Mukund Dewangan v. Oriental Insurance Company Limited, (2017)

According to the Supreme Court, a driver with a light motor vehicle license can operate a transport vehicle without an endorsement. The following are the facts, issues and judgment of this case.

The Supreme Court of India held that if a driver has a light motor vehicle license and is driving a transport vehicle of the same type, no further endorsement is necessary.

The Motor Vehicle Act regulates practically every aspect of road transport vehicles. The legislation requires all drivers to have a valid driver's license, and no vehicle can be operated unless it is registered under the MV Act. In addition, the driver must also be a major and not under the age of 18 years.

The MV Act penalises for the following offences:

1. Under Section 3 read with Section 181 of the Motor Vehicle Act, a person who drives his vehicle without a valid licence commits an offence.
2. A person who allows his vehicle to be driven by someone who does not have a valid driver's licence is violating the Motor Vehicle act.
3. A breach of Section 130(3) read with Section 177 of the Motor Vehicle Act occurs when a person does not have all of their required documents.
4. Section 130 read with Section 177 of the Motor Vehicle Act makes it illegal for a person to drive his vehicle without appropriate insurance.
5. Under Section 3 read with Section 181 of the Motor Vehicle Act, a person who drives his vehicle without a valid licence commits an offence.
6. A person who allows his vehicle to be driven by someone who does not have a valid driver's licence is violating the Motor Vehicle Act's Section 5 read with Section 180.
7. A breach of Section 130(3) read with Section 177 of the Motor Vehicle Act occurs when a person does not have all of their required paperwork.

8. Section 130 read with Section 177 of the Motor Vehicle Act makes it illegal for a person to drive his vehicle without appropriate insurance.
9. It is unlawful for a person to drive a vehicle without a valid permit as per Section 130(3) read with Section 177 of the Motor Vehicle Act.
10. Driving a vehicle without a valid fitness certificate is a violation of Section 130 read with Section 177 of the Motor Vehicle Act.
11. A person who does not have a valid R.C. for his vehicle is violating the Motor Vehicle Act's read .
12. When a juvenile operates a vehicle, it is a violation of Section 4 and Section 181 of the Motor Vehicle Act.
13. Allowing an unauthorised individual to drive is a violation of the Motor Vehicle Act's Section 5 read with Section 180.
14. Riding without a helmet is punishable under Section 129 read along with Section 177 of the Motor Vehicle Act.
15. Driving a vehicle while not wearing a seat belt is a violation of the Central Motor Vehicle Rules, as well as read with Section 177 of the Motor Vehicle Act.
16. Overspeeding and rash driving are both punishable offences under Section 184 of the Motor Vehicle Act.
17. Section 112-183 of the Motor Vehicle Act makes it unlawful to drive in a hurried or unsafe manner.

#### **IV Conclusion**

The Motor Vehicle Act ensures the safety of all citizens in the country. to defend oneself from harm and avoid traffic jams. This legislation directs the whole country of India to follow the laws, and if they do not, fines are imposed. This MV Act protects not only vehicle owners and drivers, but also the people who utilise the roads on a regular basis across the country. Citizens are expected to follow the laws that have been established for their own and other people's benefit. This Act also assures uniformity across the country in order to prevent traffic jams and accidents. If an unavoidable event causes an accident that leads to death, permanent disability, or minor harm, the victim and their family are eligible to seek compensation from the offenders or

drivers of the vehicle that caused the accident. Thus, the article concludes that all people must follow the Act's laws and restrictions in order to make India a better place to live on it.

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