

Understanding the New Dimensions and Implications of Motor Vehicles (Amendment) Act, 2019

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ABSTRACT:

The Motor Vehicle Amendment Act 2019 is a significant piece of legislation that aims to reform and strengthen the laws governing road safety and motor vehicles in India. The Act was introduced as an amendment to the existing Motor Vehicles Act, 1988, and has been implemented with the objective of reducing road accidents, improving traffic management, and ensuring greater accountability among road users.

The Motor Vehicle Amendment Act 2019 introduces several key provisions that have far-reaching implications for motorists, passengers, and other stakeholders. One of the major highlights of the Act is the substantial increase in fines and penalties for traffic violations, such as over-speeding, drunk driving, not wearing a seatbelt or helmet, and using a mobile phone while driving. The Act also introduces stricter provisions for driving without a valid license, allowing underage driving, and dangerous driving, with higher penalties and imprisonment in certain cases.

Another significant aspect of the Motor Vehicle Amendment Act 2019 is the focus on improving road safety measures. The Act mandates the use of electronic enforcement, such as speed cameras and red-light cameras, to catch traffic violators. It also emphasizes the importance of road engineering and design, making it mandatory for road authorities to follow guidelines for road construction and maintenance. The Act also introduces provisions for protecting vulnerable road users, such as pedestrians and cyclists, and sets guidelines for their safety.

AN INTRODUCTION

The Motor Vehicles (Amendment) Bill, 2019 had been passed by the Lok Sabha on 23rd July 2019; the bill was passed by the Rajya Sabha on 31st July 2019. The *Ministry of Road Transport and Highways, Government of India* said that the amendment bill focuses on improving road safety, facilitating the citizens in their dealings with the transport departments, and improving and reinforcing rural transport as well as public transport.

The Act has been the primary legislation governing road safety scenarios in India, and the 2019 Amendment further strengthen road safety measures. As rightfully observed by the Committee on Road Safety and Traffic Management “of all the systems that people have to deal with on a day-to-day basis, road transport is the most complex and the most unsafe mode of transportation”¹. Road safety is a

1 https://morth.nic.in/sites/default/files/Click_for_the_Sundar_Committee_Report_on_Road_Safety_and_Traffic_Management.pdf

multidimensional and multispectral issue, it incorporates and needs development and efficient management in a wide range of departments such as road infrastructure, regulations for safer vehicles, provision for health and hospital services, mobility planning, child safety, and pedestrian planning in urban areas. It can also be said that for efficient road safety and management the ambits span from engineering aspects of vehicles and roads as well as efficient provision related to health and trauma services to the planning of efficient infrastructure and manpower for proper regulations and checks on the mechanism involved. The Act, 2019 seems to have a multidimensional and multi-sector approach, where the legislature has incorporated different aspects 'to create an efficient, safe and corruption-free transport system in India'.

The amended Act addresses critical elements of road safety, including Traffic laws, Vehicle Fitness, Vehicles recalls, Citizens Protection, Cashless victims assistance, enhanced e-governance capabilities, reform of the Transportation system and establishment of the Road Safety Board. However, the main focus of the Amended Act is to improve and increase road safety, the major changes brought by the Act are related to provisions and regulations regarding road safety where the penalties have been increased and a more stringent approach of the government has been incorporated.

Road accidents that result in severe injuries, including the death or maiming of innocent and naive people, have become a serious worry. Numerous accidents occur every day as a result of the worrying growth of road transport, which includes a variety of motor vehicles, including buses, lorries, three-wheelers, and two-wheelers. Most of the time, pedestrians or cyclists are the principal parties engaged in incidents brought on by motor vehicles. The law mandates such drivers and owners to provide compensation to such motor vehicle accident victims because they are legally liable for the accidents on the roadways. The tragedy is that most of these victims are unaware of their legal rights to receive compensation from motor vehicle owners and drivers who, as a result of reckless and negligent driving, are required by law to do so in order to make up for the harm done to innocent victims who, in most cases, come from weaker social groups.

The number of accidents resulting in death or permanent disability is rising daily. Such helpless individuals and their dependents mostly rely on the compensation to which they are legally entitled. But since 1956, the law governing auto accident compensation has been evolving rapidly. The legislature added numerous new parts to the Motor Vehicles Act of 1939 during that year. A new Motor Vehicles Act replaced the previous one in 1988 after numerous more revisions throughout the years. The Motor Vehicles Act of 1988 introduced several new rights for claiming compensation in the event of a death or bodily harm resulting from an accident.

The M V Act, which addresses road accidents involving numerous vehicles in detail and allows the victims to file claims for compensation, can be lauded as welfare legislation. Between sections 165 and 176 of the M.V. Act of 1988, comprehensive provisions are made for the creation of claim tribunals by state governments, the process by which victims can request compensation, the process and authority used by the claim tribunals to make awards, the responsibility of insurance companies, the ability of the state government to make rules, the awarding of interest on the compensation amount, the provision for appeals, etc. The Act of 1988 also eliminated the requirements for a victim's claim application to be submitted within six months of the incident. Taking into account the difficulties of a victim or his legal heirs in procuring the documents about to an accident, the limitation provision has been deleted, which is definitely a step forward in the right direction.

BACKGROUND OF THE STUDY

The problem in the context of India, every day approximately more than three hundred people including children die on Indian roads, lakhs of people were killed in road accidents in the last decade, and many people were seriously injured and disabled in the last decade, where fifty per cent of road crash deaths could be avoided with the facility of rapid assistance and a cost of the huge amount is incurred by the Indian government every year due to road crashes. “The Sundar Committee on Road Safety and Traffic Management has observed the total number of deaths in the year 2015 to be 1, 54,600; No. of serious injuries to be 3,09,200 and No. of minor injuries to be 10,82,000.”² Another report by the World Health Organization on road safety stated that the highest number of accidents occurred on Indian Roads worldwide, even China having the large population than India, also is behind India in this regard. In an article by the Times of India, out of many different causes of fatalities in road accidents, over-speeding is the leading killer on Indian roads.

The “third Global Ministerial Conference on Road Safety” was held in Stockholm, Sweden on 19 and 20 February 2020. At this conference, all the participants including India reaffirmed their strong commitment to achieving the goals of decrease road accident-related deaths by at least fifty percent by 2030.

OBJECTIVE

Road traffic has increased with every step towards greater urbanisation. Nowadays, practically every city and town has at least one motor car per household. The likelihood of accidents increases with the amount of traffic on the roadways. This likelihood is consistent with the facts. The frequency of traffic collisions is increasing. There are several causes for this, including careless and hasty driving, disobeying traffic laws, the lack of an effective system for enforcing traffic laws, an ineffective traffic police force, etc. The Motor Vehicles Act’s recent Amendments were done keeping in view these factors.

The (Amendment) Act, 2019 majorly aims at ensuring road safety, compensation for the victims of accidents, third-party insurance, and the health of the vehicles.

SALIENT FEATURE OF THE AMENDMENT

“The important features of the Motor Vehicles (Amendment) Act, 2019 are mentioned below:

➤ ROAD AND ENVIRONMENTAL HEALTH

In case the vehicles are not fit to be used on roads as they cause environmental damage and hence harm the health of others, they have to be returned to the manufacturers of the respective vehicles. The manufacturers through this amendment are directed to take back these vehicles and have the choice to either reimburse or replace the defective vehicle with one of a similar make.

➤ ROAD SAFETY

This Amendment dynamically propagates the increase in the penalty for traffic rule offenders. This is done in the hope that this increased fine would force the drivers to be more alert and careful on the roads. This amendment provides more stringent rules for offences like driving without wearing a seat belt, juvenile driving, drunken driving, over-speeding, overloading and driving without a license. Harsh punishment for those who ride bikes without helmets is also made in this Amendment.

² https://morth.nic.in/sites/default/files/Click_for_the_Sundar_Committee_Report_on_Road_Safety_and_Traffic_Management.pdf

➤ **FITNESS OF VEHICLES**

This Amendment has some provisions which mandate the automated testing of vehicles for doing a fitness check. This would help improve road safety by removing from the traffic unfit vehicles. This Amendment makes specific provisions for those who deliberately violate environmental and safety regulations. This Amendment promoted certification of automobiles after they were successfully tested. The regulation of this process of certification was also proposed via this Act. In addition to this, the Amendment of 2019 aims at setting testing standards and bringing the agencies issuing automotive approvals under the Motor Vehicles Act.

➤ **NATIONAL ROAD SAFETY BOARD**

Another major feature of this Act is the provision for setting up a National Road Safety Board under the central government. This board is supposed to advise governments of all the states in addition to the central government on matters of traffic management and road safety.

➤ **COMPENSATION FOR VICTIMS OF ROAD ACCIDENTS**

In the Motor Vehicles (Amendment) Act, 2019 Provisions have been made for cashless treatment of victims of road accidents, during the golden hour. Golden hour is the time period up to one hour from the time of the accident. This is the time period in which the chances of survival are maximum if proper treatment is given to the injured person. An effort to make this whole process cashless is also made by this Act.

➤ **PROTECTION OF GOOD SAMARITAN**

This Act defines a Samaritan as a person who stands up for helping out a road accident victim immediately after such a mishappening takes place. It is often seen that these generous people are the ones who end up being the victim of harassment for their acts of kindness. This Amendment provides for these people too. It ensures that they are not harmed in any manner whatsoever. It also protects them from any kind of civil or criminal proceedings, even in cases where they negligently cause the death of the victim.

➤ **COMPULSORY INSURANCE**

This Act instructs the union government to establish a Motor Vehicles Accident Fund providing compulsory insurance to all drivers of India.

➤ **TAXI AGGREGATORS**

There have been many amendments to the Motor Vehicles Act, but the Motor Vehicles (Amendment) Act, 2019 amended Section 93 of the Motor Vehicles Act, 1988 and brought the provision for cab aggregators such as Ola and Uber under it as a digital intermediary, which is defined under Section 93 of the Motor Vehicles (Amendment) Act, 2019. So, Motor Vehicles (Amendment) Act, 2019 adds aggregators as a third category, who have to abide by the rules of the Information Technology Act, 2000 after canvassers and agents. The main idea behind including cab aggregators under this act is to lower the risk with respect to the safety of the passengers, and pedestrians as the cab drivers use handheld devices to navigate the destination and get customers online.

➤ **NATIONAL TRANSPORTATION POLICY**

This Act promotes the idea of the formation of a National Transportation Policy. This is to be made by the Central government in collaboration with the governments of all the states. This policy would structure a framework for road transport. In addition to this, priorities for the transport system would be specified.

➤ **TRAINING OF DRIVERS**

This Amendment strengthens the process of driving training. This would lead to a faster issuance of licenses. This Amendment comes in the wake of a shortage of commercial drivers in the country. It propagates the opening up of more driver training institutes for ensuring the production of better commercial drivers in India.

➤ **NATIONAL REGISTER FOR DRIVING LICENCE AND VEHICLE REGISTRATION**

This Amendment puts forth harmonisation and integration of issuance of driving license with vehicle registration. This would be done by the creation of a National Register for Driving Licenses and National Register for Vehicles with the online portals of ‘Sarathi’ and ‘Vahan’. This process would ensure the creation of a uniform system of licences and vehicle registration throughout the country.

➤ **ONLINE DRIVING LICENCES**

The Motor Vehicles (Amendment) Act, 2019 makes a provision for online issuance of learner’s license, mandating an online identity verification. This would improve efficiency and limit to a large extent issuance of fake licenses. In addition to increasing transparency, this Act also provides commercial licenses to be valid for up to a period of five years instead of three years. There would now be driver training schools for the production of better drivers on roads.

➤ **MOTOR VEHICLES ACCIDENT FUND**

The Motor Vehicles (Amendment) Act, 2019 requires the central government of India to constitute a Motor Vehicle Accident Fund which will be used to provide a uniform compulsory insurance cover to all drivers on-road by the central government. This fund would be set up to compensate victims of road accidents and their legal heirs in case of their death. Earlier the provisions regarding the fund were not there in the motor vehicles act, 1988 It was included in the Act by the amendment.

➤ **BETTER INSURANCE FACILITIES**

This Act states that there exists no cap on liability for insurers. In fact, drivers and attendants are now to be included in third-party insurance. There would now be up to ten times increase in compensation by insurance companies. Provisions have been made to ensure that if the victim’s family agrees to compensation of five lakhs, the family gets it within a month. The process of claiming compensation has

also been simplified. The minimum compensation for hit and run cases and cases where grievous injury is caused has also been increased.”³

KEY PROVISION OF THE AMENDED ACT, 2019 AND ITS COMPARISON TO MOTOR VEHICLES ACT, 1988.

➤ Safety of pedestrians and Non-Motorized Transport:

Motor Vehicles Act, 1988: There were no specific provisions related to the safety of pedestrians and non-motorized road users in the 1988, Act.

Motor Vehicles (Amendment) Act, 2019: Amendment of S-138 of the 1988, Act, with insertion of new subsection (1A), which empowers the state government with the authority to regulate the activities of pedestrians and non-motorized road users on public roads.

➤ Children’s Safety During Commute:

The Act, 1988: There were no provisions related to the safety of children during commutes in the 1988 Act.

The (Amendment) Act, 2019: In the amended act, three specific provisions have been incorporated/amended for the safety of children during commutes, they are: Sec. 194B: With this new insertion, a duty has been imposed by the government on the adults making them accountable for securing children with a safety belt and making the use of safety belts for children mandatory as well. Further, this section imposes a penalty of 1000 Rs to the adult for the non-security of the child by a seat belt. Sec. 129: Amendment to this section of wearing protective headgear makes it compulsory that every child above 4 years of being carried on a motorcycle must wear a helmet. Sec. 137(2) (aa): with this new insertion, the central government has the power to provide for setting standards of protective gear for children below the age of four years riding under section 129 from time to time.

➤ Recalling of Vehicles:

M.V. Act, 1988: There were no provisions related to the recall of vehicles on the ground of they being old or harmful to the environment or when they fail to meet safety standards in the 1988 Act.

M.V. (Amendment) Act, 2019: In the 2019, Act with the insertion of new provisions of Sec. 110A and 110B, which provide the central government with the power to recall vehicles which do not meet the safety or environmental standards set by the government and also provide for the incorporation of testing agencies for issuance of approval certificates regarding the condition of the vehicles.

➤ Stringent Punishment for Faulty Road Designs, Engineering and Maintenance:

Act, 1988: There were no provisions related to faulty road designs, engineering and maintenance, which could hold the contractors and civil agencies responsible for their faulty or improper design or management in the 1988 Act.

³ <https://blog.ipleaders.in/overview-motor-vehicles-amendment-act-2019>

The Amendment Act, 2019: The 2019 Act incorporated a new provision Sec. 198A which imposes liability and holds the road contractors, consultants, engineers, and civil agencies accountable for faulty road designs, construction and improper maintenance which will attract a fine of up to Rs. One lakh, imposing liability on the agent and holding the agent personally liable.

➤ **Electronic Monitoring and Enforcement of Road Safety:**

Motor Vehicles Act, 1988: The 1988, Act left the enforcement of electronic enforcement and monitoring to the state and it differed from state to state.

Motor Vehicles (Amendment) Act, 2019: The 2019, Act incorporated a new subsection 136A which empowers the central government and makes the central government liable for the establishment of rules for electronic monitoring and enforcement of road safety norms and regulations and makes its enforcement obligatory for the state.

➤ **Offences by Juveniles:**

The Act, 1988: The 1988, Act has no specific provisions for juvenile offenders, however, the 1988, Act provided that any unauthorized person who drives a vehicle will attract a penalty of Rs. 1000/- and/ or imprisonment of up to three months.

Motor Vehicles (Amendment) Act, 2019: The amended act has incorporated a new section being Sec. 199A which imposes liability on the adult/ guardian or owner of the vehicle and makes them accountable for offences committed by juveniles. This section provides a penalty of Rs 25000/- and/ or imprisonment of up to three years for the adult/ owner/ guardian and the juvenile will be tried under the Juvenile Justice Act. In addition, the registration of the vehicle will also be cancelled.

➤ **Dangerous Driving:**

Motor Vehicles Act, 1988: Section 184 of the 1988, Act defines dangerous driving as driving a vehicle at a speed or manner which is dangerous to the public and imposes a penalty of Rs 1000/- or/and imprisonment of up to two years. In the 1988 Act, the scope of dangerous driving is very narrow.

Motor Vehicles (Amendment) Act, 2019: The 2019, Act has amended the Sec. 184 and have widened the scope of dangerous driving, the new section also incorporates acts which are considered dangerous to the public such as jumping red light, violating traffic signs, using handheld communication devices, driving on the wrong side or opposites side of traffic, or overtaking in a dangerous manner. The penalty has also been increased; the new penalty is a fine of Rs. 2000/- up to Rs. 10,000/- and/ or imprisonment of a minimum of six months or up to one year.

➤ **National Road Safety Board:**

Motor Vehicles Act, 1988: There were no provisions related to the constitution of the national body for road safety in the 1988 Act.

Motor Vehicles (Amendment) Act, 2019: The amended act has incorporated new section 215D and provides provisions for the incorporation and establishment of the National Road Safety Board. The board

will have a duty of rendering advice and changes to the central as well as state government related to different aspects of the Motor Vehicle Act, such as aspects of road safety and traffic management, standards of road designs, vehicle maintenance, road and infrastructure maintenance, sustainable utilization of public transport, the safety of pedestrians and non-motorized vehicles as well as setting standards for road construction and motor vehicles.

➤ **Penalty Multiplier:**

Motor Vehicles Act, 1988: There were no provisions in place for the state government to multiply any penalties in the 1988, Act.

Motor Vehicles (Amendment) Act, 2019: The amended act has inserted two sections Sec. 210A and 210B are related to fine or penalty multipliers. Sec. 210A empowers the state government to multiply the penalties as they think fit, the multiplier cannot be less than one and more than 10 X. Sec. 210B imposes a penalty on the enforcing authorities for committing an offence under the act, the section also doubles the penalty for the enforcing authorities for offences mentioned under the Act.

➤ **Compensation in Hit and Run Cases:**

Motor Vehicles Act, 1988: Section 161 of the 1988 Act provides for special provisions as compensation in the case of hit-and-run motor accidents. The compensation provided in the section for grievous hurt was Rs. 12500/- and for the case which resulted in death was Rs. 25000/-.

Motor Vehicles (Amendment) Act, 2019: Section 161 has been amended by the 2019, Act and has increased the compensation for grievous hurt to Rs. 50,000/- and for cases which resulted in death to Rs. 2, 00,00/- or even higher as per the facts of the case and factors.

IMPORTANCE OF THE AMENDMENT ACT, 2019

“In 2017, as per data by the Ministry of Road Transport and Highways, there had occurred 4.64 lakh accidents that claimed the lives of 1.47 lakh people”⁴. In more than one-third of all traffic incidents, two-wheelers were involved. People may start to respect the regulations as all States gradually implement the provisions of the Act, which include stiffer penalties and jail time for drunk driving, driving without a licence or insurance, and juvenile offences. As a result, there may be a decrease in traffic accidents. According to information from the biggest online insurance aggregator, there has been a rush among drivers to renew their expired insurance policies in the first week following the actual implementation of this Act. In order for the injured parties in a traffic accident to get compensation, it is critical to have valid car insurance.

However, note that given that it is only a model Act, State governments are free to make their own laws and rules. Success depends on how far states enforce the provisions of the Act.

4 <https://morth.nic.in/sites/default/files/Annual-Report-2017-18.pdf>

Parameter	2019	2020	% Change
Number of Accidents	4,49,002	3,66,138	-18.5
Number of Persons killed	1,51,113	1,31,714	-12.8
Number of Injury	4,51,361	3,48,279	-22.8
Accident Severity (Persons killed per 100 accidents)	33.7	36.0	

Table 1.1: Major Parameters of Road Accidents- 2020 vis-à-vis 2019

“This data in tabular form is taken from the report ‘Road accident in India 2020’ published by the Ministry of Road Transport and Highways, Government of India.”⁵

CONCLUSION

the Motor Vehicle Amendment Act 2019 is a comprehensive piece of legislation that seeks to enhance road safety, improve traffic management, and increase accountability among road users in India. The Act introduces stricter penalties for traffic violations, focuses on road safety measures, and streamlines the process of obtaining licenses and registering vehicles. It is expected that the implementation of this Act will have a positive impact on road safety and lead to a reduction in road accidents and fatalities in the long run.

According to the study, there is no question that the Motor Vehicle (Amendment) Act, 2019 has benefited the inhabitants of the country. Through the development and provision of safer motor transport, the modified legislation has made progress towards prioritising human lives. The Act also includes provisions for creating, enhancing, and maintaining road infrastructure and networks for better, more sustainable public transportation. In addition to providing for the digital transformation of the system relating to motor vehicles for convenient online access to public services, the Act has been updated to include a number of rules for regulating pollutants generated by cars and other environmental problems.

The Motor Vehicles (Amendment) Bill, 2019, which had already been approved by the Lok Sabha on July 23, 2019 with three government modifications, was passed by the Rajya Sabha on July 31, 2019. The MORTH Minister stated that the amendment bill focuses on enhancing road safety, making it easier for residents to interact with the transport authorities, and enhancing and strengthening both public transport and rural transport.

⁵ <https://morth.nic.in/sites/default/files/MoRTH%20Annual%20Report%20for%20the%20Year%202022-23%20in%20English.pdf>