

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) Bill, 2017.

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. Let us go through each aspect in detail below:

An overview of the Motor Vehicle Act, 1988

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.

Objectives of the Motor Vehicle Act, 1988

The Indian Motor Vehicle Act of 1988 was established to solve the following issues:

- Sticking to strict procedures for granting licences and calculating the validity period of such licences.
- To maintain road safety requirements, dangerous and explosive material transportation rules, and pollution control measures.
- To maintain the country's rapidly growing quantity of personal and commercial cars.
- To raise the amount of compensation available to hit-and-run cases.
- To eliminate the time limit for traffic accident victims to file a compensation claim.

Offences covered under the Motor Vehicle Act

The following are the offences covered under the original Motor Vehicle Act that includes:

- Driving without a 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 a permit if required,
- Driving without a vehicle fitness report, driving without a registration certificate or R.C,
- Operation of a vehicle by a minor,
- Allowing an unauthorised individual to operate a vehicle,
- Riding certain motor vehicles 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 other violations are considered offences under the Act.

Important Sections of the Motor Vehicle Act

The following are some of the most important provisions of the Motor Vehicle Act:

Section 3 of the Motor Vehicle Act

Section 3 of the Motor Vehicle Act deals with the necessity of driving licence, stating that-

- A person cannot drive a vehicle in public unless they have a valid and authorised driver's licence. Furthermore, they are not permitted to operate any transport vehicle other than a motor-taxi or a motor bicycle for personal use or to rent the same under any scheme unless their driving licence allows them to.
- The above-mentioned circumstances shall not apply to an individual when operating a motor vehicle in India unless prescribed by the central government

Section 4 of the Motor Vehicle Act

Section 4 of the Motor Vehicle Act deals with age limitations, stating that-

- No one under the age of 18 is permitted to operate a motor vehicle in public. However, driving a motor vehicle with an engine capacity of less than 50cc is permitted when the individual reaches the age of 16.
- No one under the age of 20 is allowed to drive a public transportation vehicle.
- No one will be awarded a learner's or permanent driving licence to operate a motor vehicle of the class for which they have applied unless they are qualified to drive.

Section 39 of the Motor Vehicle Act

Section 39 of the Motor Vehicle Act deals with the necessity for registration, which stated that-

- No person is permitted to drive a motor vehicle in a public place, and no owner of a motor vehicle shall cause or let the vehicle to be driven in a public place by another person unless it is registered and the vehicle's certificate of registration has not been suspended or cancelled.

Section 66 of the Motor Vehicle Act

Section 66 of the Motor Vehicle Act deals with the necessity for permits, which stated that-

- The owner of a transport vehicle cannot operate his vehicle in any public area unless it is authorised and covered by a valid authorization.
- Transport vehicles of the central or state government, local authorities, ambulances, fire brigade, police vehicles, hearses, and those with a registered loaded weight of not more than 3000 kg are exempted from the permission.
- Every educational institution bus requires a permit.

Section 112 of the Motor Vehicle Act

Section 112 of the Motor Vehicle Act deals with speed limitations, stating that-

- No person must drive or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed or dropping below the minimum speed specified for the vehicle under the Act.
- No one is permitted to drive at high speeds and should not exceed the maximum set speed for any motor vehicle.
- If the state government or other authorities believe that it is important to restrict the speed of motor vehicles for public safety or convenience due to the nature of the road, bridge, or other suitable location, they may do so. This restriction is only in effect for one month and no longer.

Section 113 of the Motor Vehicle Act

Section 113 of the Motor Vehicle Act deals with weight limits and limitations on use, stating that-

- The conditions for the issuance of permits by the State or Regional Transport Authorities may be prescribed by the state government. Overloaded vehicles must be prohibited or restricted in any region or route.
- It is prohibited to drive a vehicle without pneumatic tyres fitted.
- No one is permitted to operate any motor vehicle or trailer in any public place with
 - An unladen weight (i.e., not carrying a load) that exceeds the weight specified on the certificate of registration, or
 - A laden weight (i.e., carries load) that exceeds the gross weight specified on the certificate of registration.
- When a driver or any person other than the owner of a motor vehicle drives an excess weight, the court will assume that the offence was done with the knowledge or commands of the owner of the vehicle driven.

Section 129 of the Motor Vehicle Act

Section 129 of the Motor Vehicle Act deals with the necessity of wearing head protection, stating that-

- While driving a motor vehicle in a public location, every driver is required to wear a helmet. Headgear is just a helmet that protects a person from causing injuries in an accident. It is securely fastened to the wearer's head using straps or other fastenings supplied on the helmet.

Section 130 of the Motor Vehicle Act

Section 130 of the Motor Vehicle Act deals with the requirement to provide a driver's licence and a registration certificate, stating that-

- A police officer in uniform may ask a driver of a motor vehicle in any public location to view his or her driving licence.
- A police officer in uniform or a motor vehicle department officer may ask a conductor of a motor vehicle in any public location to view his or her driving licence.
- The registering authority or any other official of the motor vehicle department legally authorised on this purpose should request insurance for the vehicle and the certificate of fitness referred to as per Section 56 by the owner or person in charge of the vehicle.
- If the driver of the vehicle has no certifications of all this possession are available within fifteen days of the demand, he/she shall produce photocopies, duly attested in person or by registered post to the officer who made the demand.

Section 140 of the Motor Vehicle Act

Section 140 of the Motor Vehicle Act deals with the obligation to provide compensation in specific circumstances based on the no-fault principle, stating that-

- The Act compensates the aggrieved person in the event that the vehicle defendant, himself, or the driver of any such vehicle causes death or permanent disability to the aggrieved party. When a death or permanent disability occurs as a result of a motor vehicle accident, no-fault liability is invoked.
- The amount of compensation due for a claim under this Section is as follows:
 - If the accident results in the death of a person, a fixed payment of Rs.50,000/- is payable, and
 - If the accident results in the permanent disability of any person, a fixed sum of Rs.25,000/- is payable.
- The Act makes it clear that, regardless of whether the claimant or his heir or representative committed wrongful conduct, carelessness, or default, the compensation under this Section is not subject to any burden of proof on the claimant's shoulders. This Section's compensation is controlled by no-fault liability.
- If the victim is unaffected but an accident occurs, the vehicle's owner is responsible for compensating the victim and he is also responsible for any other Act that is enforceable at the time of the incident.
- The amount can be reduced from the compensation amount under Section 163A of the Act.

Section 163A of the Motor Vehicle Act

Section 163A of the Motor Vehicle Act deals with special provisions for compensation payments based on a structured formula, stating that-

- The owner of the authorised insurer's motor vehicle is responsible for compensating the legal heirs or the victim in the event of death or permanent disability caused by an accident resulting from operating the motor vehicle.
- The claimant does not have to prove or plead that the death or permanent disability for which the claim is being filed was caused by any unlawful conduct, negligence, or failure of the vehicle owner or vehicles in question or any other person.

Section 166 of the Motor Vehicle Act

Section 166 of the Motor Vehicle Act deals with the application for compensation, stating that-

- The claimant might file a claim with the Motor Accident Claim Tribunal for compensation.
- An application for compensation arising from an accident can be made by:
 - Anyone who has been injured, or
 - The owner of the property damaged/involved in the accident,
 - A legal representative of the person who died in a road accident, or
 - An authorised agent of the injured party or
 - Legal representatives of the person who died in the accident.
- The application must be filed on behalf of or for the benefit of all of the deceased's legal representatives.

Section 177 of the Motor Vehicle Act

Section 177 of the Motor Vehicle Act deals with the punishment of offences, stating that-

- Anyone who violates the Act's rules, regulations, or notifications is subject to a penalty of Rs.100/- if the violation is committed for the first time. If the violation is for the second or subsequent time, she/he has to pay Rs.300/- as a penalty.

Section 179 of the Motor Vehicle Act

Section 179 of the Motor Vehicle Act deals with disobedience of orders, obstruction and refusal of information, stating that-

- If no other penalty is provided for the offence,
 - Any person who willfully disobeys any laws directed by any person or authority under this Act or

- Any person who obstructs or discharges any functions or is empowered to discharge any laws directed by a person or authority under this Act shall be punished with a fine that may extend to five hundred rupees.
- If no other penalty is provided for the offence,
 - Any person who is required or under this Act to supply any information wilfully withholds such information, or
 - Any person who gives information that he knows to be false or does not believe to be true shall be punished with imprisonment up to one month or a fine of Rs.500, or both.

Section 181 of the Motor Vehicle Act

Section 181 of the Motor Vehicle Act deals with driving a vehicle under the requirement for a driving licence and the age restriction related to driving a motor vehicle, stating that-

- Any person who drives a motor vehicle without a licence prescribed under Section 3 of the act, or
 - Any person who drives a motor vehicle while under the age restriction prescribed under Section 4 of the Act.
- The above-mentioned conditions are punishable by imprisonment for a maximum of three months or a fine of Rs.1,000/-, or both.

Section 184 of the Motor Vehicle Act

Section 184 of the Motor Vehicle Act deals with driving dangerously, stating that-

- Any person who drives a motor vehicle at a dangerous speed or in a dangerous manner to the public, taking into account all circumstances of the case, including the nature, condition, and use of the place where the vehicle is driven and the amount of traffic that actually exists at the time,
- If the above-mentioned offence happens, then the person shall be punished for the first offence with imprisonment for six months or a fine of one thousand rupees, and for the second or subsequent offence if committed within three years of the previous offence with the imprisonment of 2 years or fine of 2000 rupees or both.

Section 185 of the Motor Vehicle Act

Section 185 of the Motor Vehicle Act deals with drunk and driving or a person who is under influence of drugs, stating that-

- Any person who is driving or attempting to drive a motor vehicle-
 - Any person who has consumed alcohol in excess of 30 milligrams per 100 millilitres of blood as determined by a breath analyzer test, or

- Any person who is under the influence of a substance to the point of being unable to exercise adequate control over the vehicle.
- For the first offence, a person who is inebriated or under the influence of narcotics is penalised by imprisonment for a term of up to 6 months or a fine of up to 2000 rupees or both.
- If the offence is committed for the second or subsequent time, the individual is sentenced to two years in jail or a fine of 3000 rupees, or both, if the offence is committed within three years of the prior identical offence.

Motor Vehicle Act : amendments

The Motor Vehicle Act has undergone various amendments. They are as follows:

Motor Vehicle Amendment Bill, 2019

In July 2019, the Indian parliament enacted the Motor Vehicle Amendment Bill. The amended Motor Vehicle Act, which went into effect in September of that year, included increases in a number of fines for traffic violations, provisions for automobile manufacturers to recall defective parts, and making vehicle owners criminally responsible for infractions committed by minor drivers. The New Act has increased the punishments for a variety of offences in order to stop drivers from acting badly on the road and improve overall road safety across the country.

Some important proposals in the Motor Vehicle (Amendment) Bill

1. The Bill makes Aadhar necessary for obtaining a driving licence and registering a vehicle.
2. For deaths such as hit-and-run accidents, the government would compensate the victim's family with Rs 2 lakh or more. Currently, the sum is only Rs.25,000.
3. In the case of juvenile traffic offences, the guardians or owners of the vehicle would be held liable unless they could establish the offence was done without their consent or they attempted to avoid it.
4. The minimum penalties for drunken driving has been raised from Rs.2,000 to Rs.10,000.
5. The Bill requires automated vehicle fitness testing.
6. The Bill enables the central government to legislate vehicle recalls if a problem in the vehicle threatens the environment, the driver, or other passengers on the road.
7. The law establishes a National Road Safety Board, which would be appointed by the central government by notification. The Board will advise the central and state governments on all elements of road safety and traffic management, including motor vehicle standards, vehicle registration and licensing, road safety requirements, and the promotion of innovative vehicle technology.
8. The Bill proposes a cashless treatment scheme for traffic accident victims during the golden hour.

9. The 2016 Bill removed the liability limit for third-party insurance, which was set at Rs.10 lakhs for death and Rs.5 lakhs for grievous injury.

Motor Vehicle Amendment, 2020

The Motor Vehicle Act of 1989 has undergone several significant amendments that took effect on October 1, 2020. According to the Amendment, drivers can store a softcopy of their driver's licence and other papers in their vehicle instead of carrying real paperwork. The Amendment is for the millions of people who use the roadways on a daily basis. These changes were implemented by the ministry of road transport and roads to ensure that traffic regulations are followed, that digitalization is promoted, and that drivers are not harassed by police officers.

Some changes have been made to the traffic rules under the Amendment, 2020

- Individuals can now save documents on their mobile devices under the New Amendment. These will save them from carrying an unnecessary burden in the form of physical documents. If a police officer requests a driver's licence or other similar documents, the person can now give their soft copy.
- Since there will be no physical inspection of vehicle documents. If a traffic officer has to cancel a driver's licence, they can do so through the site, which will be updated on a regular basis.
- The driver's behaviour will be watched, and the police officer's identity will be updated on the site, according to the official announcement. The information on the site would be updated every time a driver or vehicle was examined.
- On the government's Digi-locker or m-parivahan, driver's licences and other papers such as registration certificates can be kept online.
- By ensuring that the driver's focus is maintained while driving, any portable communications devices like cell phones can be utilised for route navigation.
- The Motor Vehicle Act of 1989 imposes fines for persons who break traffic laws. This will prevent the vehicle from doing repeated checks, reducing traffic congestion on the road. Those discovered disobeying traffic laws will receive an e-challan via the government's digital site.
- After the driver's licence is cancelled, the offender must report to the digital portal.

Latest Supreme Court judgements on the Motor Vehicle Act

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.

Facts of the case

- The respondent, in this case, has filed a claim petition under Section 163A of the Motor Vehicle Act, 1988, seeking compensation for injuries he incurred in a traffic accident on November 20, 2006.
- After recording the evidence and hearing the parties, the tribunal issued a judgement dated August 16, 2011, awarding an amount of Rs. 3,50,000/- plus interest at a rate of 7% per annum.
- This outraged the insurance company, which filed an appeal based on the insurance firm's failure to comply with Section 170 of the Motor Vehicle Act, 1988. The appeal was then to be heard by the Supreme Court.

Issues involved

In a claim procedure under Section 163A of the Motor Vehicle Act, the question arises as to whether the insurer has the authority to present a defense/plea of negligence.

Judgement 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 defence 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.

Important points to note from this case

- Compensation under Section 163A of the MV Act is in the nature of a final award, and adjudication is made without the need for proof of negligence on the part of the driver or owner of the vehicles involved in the accident.
- Section 163A (2) expressly states that the claimant is not necessary to prove fault. However, the abovementioned clause does not expressly rule out the possibility of an insurer's defence based on the claimant's carelessness. However, allowing an insurer to use such a defence 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 licence can operate a transport vehicle without an endorsement. The following are the facts, issues and judgment of this case.

Facts of the case

- The various vehicle categories for which licences were issued in this case were light motor vehicles, medium goods vehicles, medium passenger motor vehicles, heavy goods vehicles, and heavy passenger motor vehicles.
- To make the process of acquiring a driver's licence easier, categories such as the one described above were removed. The transport vehicle was added as a new category. On November 14, 1994, the Motor Vehicle Act of 1989 was amended.
- Form no. 4 of the 1989 regulations, which was used to submit a licence application, continued to list four separate categories. Form no. 4 was only changed on March 28, 2001, when it was amended to include the word "transport vehicle" and became compliant with the 1994 Amendment to the Motor Vehicle Act 1989.

Issues involved

The question is whether a driver with a light motor vehicle licence who is also driving a transport vehicle of the same class has to get an endorsement to drive a transport vehicle.

Judgement of the case

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

New Motor Vehicle Act, 2019 penalties

The following are the penalties under New Motor Vehicle Act, 2019:

S.no	Violation	New penalty from September 2019
1.	Driving/ Riding without licence	₹5,000 and/or community service.
2.	Driving/Riding under the influence of an intoxicating substance	₹10,000 and/or 6 months prison ₹15,000 and /or 2 years jail for the repetitive violation.
3.	Overspeeding	Light motor vehicle: ₹1,000- ₹2000MPV/HPV: ₹2,000-₹4,000 (+licence seizure).
4.	Driving without a seat belt	₹1,000 and/or community service.
5.	Driving/Riding without insurance	₹2,000 and/or 3-months prison, community service ₹4,000 for a subsequent offence.
6.	Violating road regulations	₹500- ₹1000

7.	Dangerous driving/riding and jumping red light	₹1,000- ₹5,000 and/or 6-months to 1 year in prison, licence seizure.
8.	Driving/Riding while on the mobile (handheld)	₹5,000
9.	Speeding, Racing	₹5,000 and/or 3-months prison, community service ₹10,000 for subsequent violation and up to 1 year in prison, community service.
10.	Not giving way to emergency vehicles like ambulances, fire engines, etc.	₹10,000 and/or community service.
11.	Riding without Helmet (rider and pillion rider)	₹1000, and or licence disqualification, community service for 3-months.
12.	Overloading Two-Wheelers	₹2,000 and licence disqualification and/or 3-months of community service.
13.	Juvenile Offences	₹25,000 with 3-years prison, cancellation of registration for 1-year, juvenile ineligible for licence until 25 years of age.
14.	Driving/Riding despite disqualification	₹10,000, and/or community service.
15.	Overboarding Passengers	₹200 for every extra passenger and/or community service.
16.	Driving/Riding without ticket	₹500
17.	Offence committed by enforcing authorities such as offering bribes	Twice the penalty (varies according to traffic rules violated).
18.	Unauthorized use of vehicles without licence	₹1,000- ₹5,000
19.	Disobedience of orders of the authorities	₹2,000
20.	Vehicles without permit	₹10,000 and/or up-to 6-months prison, community service.

21.	Oversized Vehicles	₹5,000 to ₹10,000 and/or community service.
22.	Overloading	₹20,000 + ₹2,000 for every extra tonne and/or community service.
23.	Driving/Riding without licence (for aggregators)	₹25,000 to ₹1,00,000
24.	Driving/Riding without registration	₹5,000 ₹10,000 for a subsequent offence.
25.	Using horn in silent zone	₹2,000 ₹4,000 for a subsequent offence.

Central Motor Vehicle Rules, 1989

The Ministry of Road, Transport, Highways, and Shipping published the Central Motor Vehicle Rules in 1989, which govern vehicle-related activities such as driver licensing, traffic inspections, production and maintenance of motor vehicles, as well as licensing of automotive components and entire vehicles.

Rule 3 of Central Motor Vehicle Rules, 1989 in India,

- This rule does not apply to a person who is getting lessons or gaining experience in driving while presenting himself in a test of competence to drive if the following conditions are met:
 - Any person who is the holder of an effective learner's licence granted to him in form 3 to drive the vehicle; any person who is accompanied by an instructor holding an effective driving licence to drive the vehicle and such teacher is seated in such a position to control or stop the vehicle;
 - The letter 'L' is painted in red on a white background on the front and rear of the vehicle, or on a plate or card affixed.

Central Motor Vehicles (Second Amendment) Rules, 2022

On February 15, 2022, the Ministry of Road Transport and Highways released the Central Motor Vehicles (Second Amendment) Rules, 2022 to amend the Central Motor Vehicles Rules, 1989. This took effect on February 15, 2022.

- The following changes have been made to Rule 138, which specifies "Signals and additional safety measures for motor vehicles," with the addition of sub-clause (7):
 - "After one year from the date of publication of the Central Motor Vehicles (Second Amendment) Rules, 2022, the driver of a motorcycle should also

ensure the following safety measures while carrying a child between the ages of nine months and four years as a rider, namely:

- (i) For children under the age of four years, a safety harness shall be used to attach the child to the driver of the motorcycle.”

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.