



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

**Peer - Reviewed & Refereed Journal**

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

### **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK  
LEGAL

## **EDITORIAL** **TEAM**

### **Raju Narayana Swamy (IAS ) Indian Administrative Service** **officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) ( with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional diploma in Public Procurement from the World Bank.

### **Dr. R. K. Upadhyay**

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.





## **Senior Editor**

### **Dr. Neha Mishra**



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

### **Ms. Sumiti Ahuja**

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



### **Dr. Navtika Singh Nautiyal**

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



### **Dr. Rinu Saraswat**

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

### **Dr. Nitesh Saraswat**

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



### **Subhrajit Chanda**

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **A COMPARATIVE ANALYSIS OF THE MOTOR VEHICLES ACT, 1988 AND THE AMENDED PROVISIONS OF 2025**

AUTHORED BY - SHIVANSH GAURAV & SHEFALI SONI

## **Abstract**

The 1988 Act established a regulatory framework for licensing and registration, road safety and environmental norms, insurance, and penalties in the form of compensation for accidents and environmental constraints.

Mandatory third-party insurance was implemented, the penalties for erring behaviors like drunk driving were defined, and Motor Accident Claims Tribunals (MACTs) were set up.

2025 changes prioritize modernization, efficiency, and security. Stand-out amendments involve new ride-hailing motorbikes and electric vehicle definitions, time frames within which the case needs to be decided by an MACT set back to 12 months, and a new system of issuance of driving permits by minor holders for electric vehicles.

Offence provisions with regards to breaches of road usage are calibrated looking at how deterrence is maintained with non-violation of laws. State-specific alterations like new regimes of taxation for EVs and luxury cars in Karnataka and Maharashtra are towards better adoption and revenue. The alterations also render contract carriage provisions clear, administer processes at a faster pace, and reinforce accountability measures for delay in adjudication. These steps encourage regulatory transparency along with fostered sustainable transport as the critics direct towards the current loopholes of accident merits and driver training schemes.

The amendments work from the point of 1988 Act and implement the latest technology and judiciary interpretations and arrive at a more sensitive and safety-oriented legislative environment for India's transport industry.



## **Introduction**

The Motor Vehicles Act of 1988 has been radically amended from time to time, most significantly by the Motor Vehicles (Amendment) Act of 2019, which has reshaped the regulatory landscape of road transport in India<sup>1</sup>. This detailed analysis follows the evolutionary path of the motor vehicle act in India by comparing the original act with the contemporary provisions as they stand in 2025. The analysis detects the shift from the erstwhile predominantly regulative regime to one emphasizing road safety, technological assimilation, and more stringent enforcement measures.<sup>2</sup>

## **I. Development of Motor Vehicle Regulations in India**

### ***History of Motor Vehicle Legislation***

The Indian motor vehicle regulatory framework has its origins in the Motor Vehicles Act, 1914, the first comprehensive legislation that addressed the growing automobile industry<sup>3</sup>. This has been succeeded by the Motor Vehicles Act, 1939, which introduced a more formalized arrangement of vehicle registration and licensing, and basic safety rules<sup>4</sup>. The Motor Vehicles Act, 1988 (MV Act, 1988) came into force from the 1st of July, 1989, replacing its earlier version with a more detailed system that addressed the growing complexity of road transport.<sup>5</sup>

### **Major Drivers of Legislative Changes**

The Motor Vehicles Act of 1988, although comprehensive for the time period, subsequently came to be deemed inadequate in addressing the issues of the time<sup>6</sup>. The ever-increasing number of vehicles, the growing number of fatalities due to road accidents, the absence of safety standards, and developments in new technologies necessitated legislation<sup>7</sup>. The Motor Vehicles (Amendment) Act of 2019, enacted on August 9, 2019, and received presidential assent, was the milestone Indian transport legislation, marking far-reaching enhancements in various sectors of the regulation system.<sup>8</sup>

### **General Traffic Rules and Safety Regulations**

India's traffic rules now work to ensure road safety and conservation of traffic flow.<sup>9</sup> Drivers should adhere to all traffic signs—red means halt, yellow cautions, and green means move ahead<sup>10</sup>. Following road signs such as speed limits, no entry, pedestrian signals, and one-way signs is also necessary<sup>11</sup>. Speed limits depend on the area—city roads, highways, and residential zones each have their own limits<sup>12</sup>. Violating the speed regulations can attract fines, suspension



of the driving license, or imprisonment<sup>13</sup>. The left lane should be avoided; pass on the right when safe<sup>14</sup>. Drinking and driving is a criminal act, with a tolerable blood alcohol level of 0.03%.<sup>15</sup> Seat belts for all passengers in a car and wearing of the helmet by two-wheeler users are mandatory<sup>16</sup>. Mobiles can be used while driving only via hands-free kits<sup>17</sup>. Parking has to be carried out in certain sections in order to avoid fines or the towing away of the vehicle<sup>18</sup>. School buses must adhere to certain standards such as adhering to limits in speed and using the signage so that they provide proper protection to the children.<sup>19</sup> Vehicle registration with the RTO and the holding of valid insurance, including third-party risk cover, are mandatory<sup>20</sup>. Penalties and punishment for violation of traffic rules vary from State to State and based on the nature of the offense and can include heavy penalties, suspension of the driving license, or imprisonment<sup>21</sup>. Pedestrians must abide by traffic signals, cross the road at zebra crossings, and avoid using mobile phones to cross the road.<sup>22</sup>

## **II. Comparative Analysis: Definitional Changes and Conceptual Extensions**

### **Terminology Modernization**

The Motor Vehicles (Amendment) Act of 2019 brought extensive linguistic changes, in keeping with evolving social values and inclusivity. One of the most important reforms implemented by the new law is replacing the term "invalid carriage" with "adapted vehicle." The 1988 law previously defined the invalid carriage as a carriage specifically designed to transport an individual who has a physical disability<sup>23</sup>. The revised definition of the term as "adapted vehicle," however, broadens it to the specially designed or modified vehicle under Section 52(2) to be used by such persons. This introduces more inclusive and respect-based terminology for differently-abled individuals.

### **New Legal Concepts Adopted**

Various new concepts were introduced in the amended Act, aligning law with modern legal and technological developments

**Aggregator:** A digital intermediary or transportation marketplace interface that bridges the gap between drivers and travelers in a platform-based environment<sup>24</sup>. This recognises and authenticates services like Ola and Uber and subjects them to the law.

**Golden Hour:** Refers to the critical one-hour window following a traumatic injury wherein

timely intervention of medical treatment saves lives<sup>25</sup>. This highlights the importance of pre-hospital emergency response in road safety policy.

**Community Service:** Offered as a form of alternative sentencing, defined as unpaid work placed on the criminals<sup>262728</sup>. It is an indication of a shift from punitive approaches to rehabilitative justice.

**Test Agency:** Defined as the body commissioned with undertaking business vehicle tests under Section 110B. This is the codification of the institutional setup for verification of vehicle conformity with safety and environmental requirements.

### **Promotion of Innovation and Research**

An innovational provision under Section 2B gives the Central Government a choice to exempt certain mechanically propelled vehicles from the Act provisions in order to promote innovation and research. This provision assists innovation in vehicular engineering, electric vehicle mobility, and autonomous technology and provides regulatory flexibility for developmental and test purposes. This provision delivers a balance between regulation necessary and incentive to development of such technologies in the transportation sector.

## **III. Comparative Analysis: Licensing and Registration Reforms**

### **Licensing Process Reforms**

The initial Motor Vehicles Act, 1988, maintained a territorial restriction under which the applicants were permitted to apply for driving licences at licensing offices within the jurisdiction of the place of their residential area.<sup>29</sup> The amendments have relaxed the requirement and permitted the applicants to apply for licences at any licensing office within the same state.<sup>30</sup>

Also, the new provisions render it compulsory for failed driving test candidates to attend a remedial driver training course before reapplying, something not specified in the initial Act<sup>31</sup>. This focus on driver education is a step towards the direction of viewing driver competence as being of paramount concern in road safety.<sup>32</sup>

### **Electronic licensing and documentation**

The amending Acts empower licensing authorities to grant learner's licenses electronically and verify electronically the identity of applicants<sup>33</sup>. Digitalization was missing in the very initial Act and is one of the key improvements of the administrative procedures.<sup>34</sup>

### **National Registers and Databases**

Section 25A mandates the establishment of a National Register of Driving Licenses and Section 62B calls for the establishment of a National Register of Motor Vehicles.<sup>35</sup> The centralized online databases represent a paradigm shift from the decentralized hard-copy format of the original Act to more allow the monitoring, enforcement, and policy-making processes.<sup>36</sup>

### **Changes in Registration Process**

The amendments introduced significant changes to the vehicle registration.

1. In new cars, dealer-based registration has been rendered mandatory when the dealer is situated in the same state.<sup>37</sup>
2. The period of validity of registration certificates, which was earlier fixed at 15 years for non-transport vehicles and 5 years for renewal, has been made variable, and the Central Government has been given the power to specify varying periods of validity for varying types of vehicles.<sup>38</sup>
3. Transport and non-transport vehicles have been distinguished no further in the renewal of registration.<sup>39</sup>

## **IV. Comparative Study of Vehicle Standards and Safety**

The 2019 amendments to the Motor Vehicles Act have introduced crucial safety and regulatory provisions, bridging long-existing loopholes in the 1988 original<sup>40</sup>. Certain of the path-breaking inclusions such as the vehicle recall system, type-approval certification, child safety measures, and increased penalty frameworks point towards increased compliance, consumer protection, and improved-road safety.<sup>41</sup>

### **Vehicle Recall Process**

Section 110A is the most prominent addition, which introduces a formal vehicle recall system.<sup>42</sup> This provision empowers the Central Government to order the recall of motor vehicles in the event of defects that might pose risks to road users or the environment.<sup>43</sup> The provision, absent in the original Act, places explicit conditions on the manufacturer, including



Refunding the purchasers for the full value of the recalled vehicle<sup>44</sup> Replacement of the defective vehicle with a compliant one or its repair<sup>45</sup> Payment of the stipulated fines and associated dues<sup>46</sup>

This helps to hold firms accountable for design and production faults, thereby enhancing consumer protection and corporate responsibility.<sup>47</sup>

### **Type-Approval Certification**

Another big contribution is in the form of Section 110B, introducing mandatory type-approval certification scheme. No motor vehicle will be able to get sold, delivered, or used on the public roads without obtaining such certification under this provision<sup>48</sup>. This makes the regime of controlling quality so strict compared to the initial act where such pre-market control devices were not so mandated.

### **Child Safety Provisions**

The amendments also deal with the issue of protecting children, which was omitted in the initial law. Specific provisions made include

1. Compulsory use of child restraint systems by children under the age of 14
2. Special provisions for children under four years of age when traveling on motorcycles
3. Fines incurred for driving without securing child passengers in the appropriate safety belts or restraint systems

These additions address the weakness of the children and bring Indian laws in line with international best practices in road safety.

### **Protective Headgear Requirements**

Section 129, dealing with helmets, has been extensively rewritten. While the earlier provision required a helmet with an exception for Sikhs on grounds of religion, the new section more precisely defines "protective headgear."<sup>49</sup> It makes clear that it deals with helmets which "could reasonably be expected to protect" and which "are securely fastened to the head." The religious exception of Sikhs who wear turbans still holds. This clarity allows for stricter enforcement and compliance without compromising cultural sensitivity.<sup>50</sup>

## **V. Comparative Analysis: Penalties and Enforcement**

<b>Offences</b>	<b>Section</b>	<b>Penalty</b>
<b>Vehicle without RC</b>	S. 39 r/w S. 192	INR 2K
<b>Permitting the vehicle to a person who does not possess a valid license</b>	S. 5 r/w S. 180	INR 1K (or imprisonment of 3 months)
<b>Not carrying proper Documents.</b>	S. 130(3) r/w S. 177	INR 100
<b>Driving without a valid permit</b>	S. 130 r/w S. 177	Up to INR 5K
<b>Driving without Valid fitness</b>	S. 130 r/w S. 177	Up to INR 5K
<b>Offences</b>	<b>Section</b>	<b>Penalty</b>
<b>Vehicle without RC</b>	S. 39 r/w S. 192	INR 2K
<b>Permitting the vehicle to a person who does not possess a valid license</b>	S. 5 r/w S. 180	INR 1K (or imprisonment of 3 months)
<b>Offences</b>	<b>Old Penalty</b>	<b>New Penalty</b>
<b>Infringing Road Rules</b>	-	INR 500 - INR 1K
<b>Disobeying the authorities</b>	INR 500	INR 2K
<b>Driving without license</b>	INR 500	INR 5K
<b>Overspeeding</b>	INR 400	Up to INR 4K 6 months to 1 year of imprisonment with a fine up to INR 5K
<b>Rash Driving</b>	-	

Up to 2 years imprisonment and a fine of up to INR 15K

**Drinking and driving** INR 2K

INR 1K along with the suspension of license for 3 months

**Helmet rule violation** INR 100

INR 25K along with the imprisonment of 3 years of the guardian

**Offences by children** -

### **Enhanced Penalty Structure**

A visible and impactful aspect of the amendments is the **substantial increase in penalties** across a wide range of offenses. Compared to the original Act, the revised penalties are significantly higher, aiming to deter violations and promote safer behavior on roads. For instance, fines for overspeeding, drunk driving, riding without a helmet, and other infractions have been sharply increased. This enhanced penalty regime reflects a shift toward stricter enforcement and a zero-tolerance approach to traffic violations.<sup>51</sup> The following table illustrates some key comparative changes:

### **Traffic Challans and Digital Enforcement**

Challan means a formal notice to a driver who violates traffic laws, telling them to pay a fine as per the Motor Vehicles Act, 1988. With the arrival of electronic government, India moved towards an electronic challan or e-challan system. This computer-printed receipt is utilized by the traffic police to record offences and charges more effectively<sup>52</sup>. The e-challan system increases transparency, simplifies the upkeep of records, and reduces paperwork, thereby simplifying the process of enforcing traffic law and compliance for both the authorities and the users of the road.

Section 136A, which is new to the revised Act, requires electronic surveillance and enforcement of road safety through tools such as speed cameras, CCTV, speed guns, and body-worn cameras. Such a technology-enabled method of enforcement represents a paradigm shift from the manual enforcement provisions presumed in the original Act.



### **Increased Accountability of Certain Stakeholders**

*The amendments introduce increased accountability to various stakeholders:*

1. Juvenile Offenders and Guardians: Section 199A defines the specific punishment for guardians of juvenile offenders and prohibits juveniles committing offenses from applying for licences up to the age of 25.
2. Manufacturers: Heavy punishment for manufacturers who sell vehicles violating safety standards, including one year of imprisonment and ₹100 crore of fine
3. Contractors and Road Authority: Section 198A holds the road contractors and authorities responsible for accidents due to substandard construction work<sup>53</sup>

### **Rules and myths that are lesser known**

India's majority of traffic rules are still lesser known but attract penalties. For example, blocking pedestrian paths while parking, failure to have a first-aid kit (a requirement in Chennai and Kolkata), or smoking inside a motor vehicle are all offenses punishable. TVs installed near back seats in Mumbai are banned, and giving rides to strangers for them to take along the journey become one of the offenses as well. Non-wearing of pollution control certificate will attract a fine of ₹10,000, and losing a silencer will attract a fine of ₹500–1500. There are a number of myths as well, including the belief of not obeying traffic lights after 10 PM, overtaking on the left side being permissible, or drinking alcohol after having food. None of them hold true in Indian traffic law, and following such myths could prove to be grave offenses.

## **VI. Comparative Analysis: Insurance and Accident Compensation**

The Motor Vehicles Act 2019 introduced revolutionary changes in India's road safety and victim support system, above all through a simplified, victim-centric approach to the insurance system. The reforms seek to bridge the hitherto gaps in compensation, emergency medical care, and legal protection to witnesses, and shift the focus away from post-crash legal procedures to timely support and life-saving measures.

### **Streamlined Insurance Framework**

One of the significant advancements is the standardization of compensation under Section 164. In the past, compensating accident victims on the road used to be based on establishing the fault or negligence of the guilty party and tended to be time-consuming and dispute-prone. The new

law replaces it with predetermined no-fault compensation of ₹5 lakh on death and ₹2.5 lakh for serious injury. This offers timely and predictable financial relief to the victims or the family of the victim, irrespective of whether the accident occurred due to any particular issue or not.<sup>54</sup>

Besides expediting the process, Section 149 also mandates insurance companies to depute special officers to settle accident claims. These officers are required to settle the claim within 30 days of hearing about the accident. In the event that the claimant agrees, the settlement is entered into by the Claims Tribunal, and the payment is to be made by the insurer within a further 30 days. This systematic timeline reduces bureaucratic hurdles and hastens the payment, addressing the widespread grievance regarding the earlier slow and uneven claim settlement process.

### **Motor Vehicle Accident Fund and Golden Hour Treatment**

One of the finest aspects of the law is the establishment of the Motor Vehicle Accident Fund under Section 164B. This will be a state-funded pool to provide basic protection to all road users, including unidentified and uninsured road users. Importantly, it also covers emergency medical care, particularly the critical golden hour—the first hour after an accident when life and death can be decided by quick medical attention.<sup>55</sup>

Section 162A, the historic amendment, requires insurance companies to offer cashless treatment during the golden hour, so that the accident victims receive medical assistance immediately without any delay due to payment. The Supreme Court has emphasized the need for an extremely active government machinery to implement the provision, keeping in view the fact that most lives are lost in delay in providing or receiving assistance. By placing urgent care in the limelight and supporting it with financial aid from the Accident Fund, the legislation goes beyond simple monetary compensation to an active, life-saving policy.<sup>56</sup>

### **Legal Safeguard for Good Samaritans**

Another major reform is the protection of Good Samaritans under Section 134A. The revised act now provides comprehensive legal protection to those who act voluntarily to assist accident victims. Good Samaritans are shielded from criminal and also from any civil liability in case the victim otherwise suffers further harm from the assistance they provided<sup>57</sup>. They are not required to disclose their identities and remain on the scene or at the hospital after they have provided the assistance. In addition, the authorities ought to treat them with respect and not

harass or intimidate them.

Such codification is expected to address an important social concern of public reluctance to help victims of accidents because of fear of legal recourse. By obtaining legal protection for onlookers, the law inspires a sense of sympathy and readiness to act, which is imperative in reducing the number of deaths due to road accidents.<sup>58</sup>

## **VII. Comparative Analysis: Transportation Policy and Infrastructure**

Most significant articles of the new Motor Vehicles Act signpost a revolutionary departure from the sole regulation-based strategy to an entire, policy-oriented vision for transport in India.

### **Policies of National Transportation**

**Section 66A, the new addition, calls for the establishment of a National Transportation Policy.<sup>59</sup>**

This policy will construct the disciplined framework for national transportation of goods and individuals. Compared to the previous Act, in which there was a predominant drive of regulation, this provision introduces planning elements of a strategic nature, which includes promotion of multi-modal transport, defining transport priorities, balancing public and private sector areas of operation, and coordination of transport planning with land-use development.

Accountability and Road Infrastructure Guidelines Section 198A closes a critical safety loop by shifting the onus of poor design, construction, and maintenance of roadways. With the knowledge that poor infrastructure results in road accidents, authorities and contractors will be liable should they cause disasters through poor construction. This is a significant advancement, as the former law did not contain any such language directed towards accidents involving faulty infrastructure.<sup>60</sup>

### **Special transport plans**

Sections 67 and 88A allow the Central and State Governments to prepare tailored transport schemes. They provide for all-India, multimodal, inter-state schemes for addressing existing transportation challenges like last-mile connectivity, rural connectivity, urban traffic jams, and mobility improvement in general.<sup>61</sup> This reflects a shift towards context-specific and more flexible mobility solutions compared to the blanket regulation philosophy of the earlier Act.<sup>62</sup>



Overall, the enhancements posit a more unified and progressive vision for India's transport system through the integration of policy, planning, infrastructure obligation, and creative scheme design into the law.<sup>63</sup>

### **VIII. Assessment of the Change in the Provisions**

The 2019 Motor Vehicles Act amendments introduced a broad set of changes for enhancing road safety, contemporary administration, and incorporating technology in the management of transport. The interventions address systemic frailties in four key areas<sup>64</sup>

Road Safety Driver-linked reforms encompass hefty fines for offenses (e.g., ₹10,000 for drunk driving) and obligatory remedial training.

*Digitalization of license with machine-based testing has hindered forgery.*

Vehicle safety has been improved through penalties of ₹100 crore on manufacturer excesses over safety standards and the statutory obligation to recall defective autos. Accountability in infrastructure has been introduced—contractors are penalized for disregarding design standards, and courts now factor in road conditions when determining liability for accidents.<sup>65</sup> Post-accident treatment has been given priority with the golden hour mandate, such as cashless emergency treatment and protection from penalty for Good Samaritans.<sup>66</sup> Administrative modernization Licensing and vehicle registration procedures have been online through channels such as DigiLocker and mParivahan.<sup>67</sup> Replication has been prevented by a manual-free National Register of Driving Licenses. Electronic surveillance in the form of camera-based traffic monitoring and speed cameras monitors traffic rules, reducing the level of manual policing.

Economic Impact Increased penalties (i.e., ₹1,000 for not wearing a helmet) act as deterrents. The manufacturers have stringent responsibility for defective autos, adding cost of compliance while ensuring safety. The insurance companies benefit from fixed indemnities (₹5 lakh on accidental deaths) and better settlements of claims, reducing litigation. The road builders have pecuniary responsibility for poor construction, providing incentive for better building.

### **Technological Integration**

The ride-hailing services are governed as digital intermediaries. Automated challans take the

function of manual checks. Controlled testing of new technology like self-driving autos are permitted under the Act. Overall, the adjustments move the emphasis from punitive action to preventive enforcement. By combining digital tools, clarity in legislation, and public welfare measures, the law will save up to 50,000 deaths every year and improve India's road transport system.

## **IX. Future Recommendations**

The amended Motor Vehicles Act is a giant step in the regulation of transport in India. To its full realization, however, comes the need for focused implementation and creative revamps. The methods of improvement and directions of the future listed below are crucial to the success of the Act in raising road safety, administrative efficiency, and transport standards.

### **Implementation improvement strategies**

#### **Phased Rollout:**

A phased approach to the process of implementation is necessary. The segments likely to reduce accidents—i.e., the regulations on driver conduct, vehicle safety, and emergency treatment—have to be given priority. This allows for the initial impact and gives stakeholders time to fit in more advanced policies. **Public Awareness Campaigns:** Effective public awareness and compliance need to be reached through truthful communication. New punishments, safety standards, and digital processes need to be disseminated to the public via mass media, regional languages, and internet platforms. **Capacity Development:** The enforcement officials must be provided with training on the new legal provisions and the new technologies like e-monitoring systems, digital filing, and challan systems with auto-filing. **Institutional capacity building** for effective enforcement is also required. **Technology Infrastructure:** Secure digital frameworks are responsible for the success of the Act. Investments should finance national driving license and vehicle data registers, e-governance portals, and enforcement tools based on CCTV.

## **X. Conclusion**

The comparative study of the Motor Vehicles Act, 1988, and the amended provisions reflects a paradigm shift in the regulatory philosophy from a primarily compliance-based regime to a multi-dimensional regime consisting of safety enhancement, technology assimilation, administrative reform, and responsibility of the stakeholders. The amendments exclude

significant loopholes in the previous statute, primarily in relation to contemporary technology, road safety standards, rehabilitation after accidents, and infrastructure standards. The reformed penalty system does not only have inflation, but has also reassessed the concept of deterrent, with added measures for electronic surveillance, national registers, and simplified procedure showing the modernization of enforcement and administration. The inclusion of such principles as the "golden hour," Good Samaritan cover, and cashless treatment under the new law suggests a more victim-centric approach than before. Perhaps most fundamentally, the revisions also show a knowledge that road safety encompasses more than the actions of the driver, including vehicle standards, roadway standards, emergency services and post-accident care. This holistic vision of road safety is the single most significant departure from the more narrow, regulation-centred focus of the original Act.

### **Further Reform Considerations**

**Autonomous Vehicles Law:** According to the current provision of innovation, there should be a specific legislation for the autonomous vehicle. This should include safety regulations, liability concerns, and operating specifications. **Integration of Environmental Standards:** Reforms in the future should connect standards for vehicles to national environmental aspirations to enhance environmental mobility and curtail pollution. **Urban movement Integration:** By having a more coordinated system of private and public transport systems, especially in urban areas, congestion would be reduced and effective multi-modal movement ensured.

**Data Privacy Safeguards:** As national databases and digital monitoring advance, protection of the individual data of citizens has vital applicability. Future reform must include stringent measures to prevent misuse or third-party access to the data. **prerequisites Alignment:** Additional efforts need to be directed towards aligning India's clean fuel emission and safety standards with global norms to enhance the quality of the country's transport vehicles, cross-border compatibility, and global competitiveness. **Cross-Border Transportation:** Provisions needed to allow the free flow of vehicles and commodities across neighboring countries to enhance regional trade and connectivity. **Global Safety Initiatives:** India must be actively involved in global road safety forums, learning best practices and drawing lessons from international experience to prevent accidents and respond to them in a timely manner.



## **Technology Roadmap**

**Blockchain for Motor Vehicles Registration:** Blockchain technology could make vehicle registration and change of ownership of vehicles more secure and less fraud-prone.

**AI-based Enforcement:** Artificial Intelligence is the key to effective, impartial traffic enforcement in real time by assisting in the identification of crimes and patterns effectively.

**Integrated Emergency Response Systems:** Technology-enabled systems that detect accidents and automatically inform emergency services would significantly reduce the time taken to receive relief during the first hour of the incident.

**Intelligent Infrastructure Integration:** The future of infrastructure should include the capability of interacting with cars—traffic signals, signs, and navigation software—to facilitate smart transportation systems. With these lines of direction and action, the new Motor Vehicles Act can shape itself into an active, worldwide-oriented system of saving road users and updating India's transport networks.

## **Bibliography**

### **Statutes and Government Documents**

1. Motor Vehicles Act, No. 59 of 1988, Acts of Parliament, 1988 (India).
2. Motor Vehicles (Amendment) Act, No. 32 of 2019, Acts of Parliament, 2019 (India).
3. Draft Motor Vehicles (Amendment) Bill, 2025 (India) (on file with Ministry of Road Transport & Highways).
4. Ministry of Road Transport & Highways, Government of India, Annual Report 2022–23 (2023).
5. Ministry of Road Transport & Highways, Notification on Golden Hour Policy Implementation, No. RT-11036/14/2022-MVL.
6. Central Motor Vehicles Rules, 1989, G.S.R. 590(E) (India).
7. The Road Transport and Safety Bill, 2015 (India) (Draft).
8. Motor Vehicles (Driving) Regulations, 2017, G.S.R. 634(E) (India).

### **Case Law**

9. Mohinder Singh v. State of Haryana, (2020) 3 SCC 654.
10. Rajbir v. National Insurance Co., (2022) 4 SCC 159.
11. Amit Kumar v. Union of India, (2019) 10 SCC 761.
12. State of Maharashtra v. Bhalchandra D. Gokhale, AIR 2021 SC 1010.

13. General Insurance Council v. Union of India, W.P. (C) No. 458/2018 (Del. HC).

### **Books and Commentaries**

14. Avtar Singh, Law of Carriage and Motor Vehicles (6th ed. 2021).  
15. B.L. Babel, Law Relating to Motor Vehicles in India (5th ed. 2020).  
16. V.P. Sarathi, Elements of Motor Vehicle Accident Law in India (LexisNexis 2021).  
17. Gaurav Gupta, Motor Vehicles Act with Comparative Commentary on Amendments (Thomson Reuters, 2023).  
18. M.C. Mehanathan, Law on Motor Accident Claims and Compensation (3rd ed. 2022).

### **Journal Articles and Research Papers**

19. R. Sharma, "Critical Appraisal of the Motor Vehicles (Amendment) Act, 2019," (2020) 5(2) NUALS L.J. 132.  
20. A. Khanna, "E-Challans and Enforcement Under the Motor Vehicles Act: Legal and Technological Perspectives," (2021) 7 SCC J. 211.  
21. D. Ghosh, "Comparative Legal Study on Road Safety Regulations in India and UK," (2022) 14 GNLU L. Rev. 87.  
22. T. Sinha, "Golden Hour in Motor Accident Law: Policy or Practice?," (2023) 12 NLS Bus. L. Rev. 95.  
23. P. Trivedi, "Reform in Road Transport Law through the 2019 Amendment," (2020) 45(3) Indian Bar Rev. 156.

### **Reports and White Papers**

24. NITI Aayog, Road Safety in India: Challenges and Opportunities (2022).  
25. World Health Organization, Global Status Report on Road Safety 2023.  
26. Supreme Court Committee on Road Safety, Progress Report on Implementation of Road Safety Measures (2023).  
27. International Road Assessment Programme (iRAP), India Road Safety Assessment Report (2021).  
28. Law Commission of India, 266th Report on Motor Vehicle Accident Compensation (2017).

### **Online Sources and Tools**

29. Government of India, mParivahan Portal, <https://parivahan.gov.in> (last visited Apr. 30,

2025).

30. Ministry of Road Transport & Highways, Digital Initiatives and Road Safety Measures, <https://morth.nic.in> (last visited Apr. 30, 2025).

31. DigiLocker, Official Platform for Digital Driving Licenses, <https://digilocker.gov.in> (last visited Apr. 30, 2025).

32. Press Information Bureau, "Govt Approves Compensation Reforms Under MV Act," <https://pib.gov.in> (Aug. 23, 2023).

<sup>1</sup> Motor Vehicles Act, 1988 (Act No. 59 of 1988).

<sup>2</sup> Singh, Avtar. "Law of Motor Vehicles", 12th ed., Eastern Book Company, 2021.

<sup>3</sup> Motor Vehicles Act, 1914.

<sup>4</sup> Motor Vehicles Act, 1939 (Act No. 4 of 1939).

<sup>5</sup> Bare Act - Motor Vehicles Act, 1988, Government of India Publication, 2023 Edition.

<sup>6</sup> Report of the Committee on Road Safety and Traffic Management, Ministry of Road Transport and Highways, 2014.

<sup>7</sup> Ministry of Road Transport and Highways, India - Annual Report 2018-19.

<sup>8</sup> Id 4

<sup>9</sup> National Road Safety Policy, Government of India, 2010.

<sup>10</sup> Section 112, Motor Vehicles Act, 1988.

<sup>11</sup> Indian Road Congress Guidelines for Traffic Control Devices, 2017

<sup>12</sup> Section 183, Motor Vehicles Act, 1988.

<sup>13</sup> Rule 9, Central Motor Vehicles Rules, 1989.

<sup>14</sup> Indian Road Safety Campaign, 2022.

<sup>15</sup> Section 185, Motor Vehicles Act, 1988.

<sup>16</sup> Ibid, Section 194B.

<sup>17</sup> Ibid, Section 184.

<sup>18</sup> Rule 15, Central Motor Vehicles Rules, 1989.

<sup>19</sup> Guidelines for Safe School Bus Operations, Ministry of Road Transport and Highways, 2016.

<sup>20</sup> Sections 39 and 146, Motor Vehicles Act, 1988.

<sup>21</sup> Id. § (200).

<sup>22</sup> Indian Road Safety Campaign, Pedestrian Safety Guidelines, 2023.

<sup>23</sup> The Motor Vehicles Act, 1988, § 2(1A), inserted by The Motor Vehicles (Amendment) Act, 2019, No. 32, Acts of Parliament, 2019 (India).

<sup>24</sup> Id. § 2(1A).

<sup>25</sup> Id. § 2(12A).

<sup>26</sup> Id. §§ 201(2A), 202(2A).

<sup>27</sup> Id. § 110B.

<sup>28</sup> Id. § 2B.

<sup>29</sup> Ibid 1, Section 9.

<sup>30</sup> Motor Vehicles (Amendment) Act, 2019, Section 9.

<sup>31</sup> Ibid 31, Section 8(6).

<sup>32</sup> Ministry of Road Transport and Highways, "Explanatory Notes on MV Amendment Act, 2019

<sup>33</sup> Motor Vehicles (Amendment) Act, 2019, Section 8(5A)

<sup>34</sup> Ministry of Road Transport and Highways, "Digital Initiatives under Motor Vehicles Act, 2019."

<sup>35</sup> Motor Vehicles (Amendment) Act, 2019, Section 25A and 62B.

<sup>36</sup> Transport Ministry Notification, 2020.

<sup>37</sup> Id 33, Section 41(7).

<sup>38</sup> Ministry of Road Transport and Highways, Annual Report 2020-21.

<sup>39</sup> Ibid 35, Section 129A and 137A.

<sup>40</sup> Id.

<sup>41</sup> Motor Vehicles (Amendment) Act, 2019, Section 41(7).

<sup>42</sup> Niti Aayog Report on Road Safety, 2020.

<sup>43</sup> Id.

<sup>44</sup> Id at 5.

<sup>45</sup> Motor Vehicles (Amendment) Act, 2019, Section 110A(2)(b)

<sup>46</sup> Gazette Notification, Motor Vehicles (Amendment) Act, 2019.

<sup>47</sup> Motor Vehicles (Amendment) Act, 2019, Section 110A.

<sup>48</sup> Id at 6, Section 129

<sup>49</sup> WHO Global Status Report on Road Safety, 2018.

<sup>50</sup> Motor Vehicles (Amendment) Act, 2019, Section 129(1). <sup>51</sup> Motor Vehicles Act, 1988, No. 59, Acts of Parliament, 1988 (India).

<sup>52</sup> Motor Vehicles (Amendment) Act, 2019, No. 32, Acts of Parliament, 2019 (India).

<sup>53</sup> Ibid at 4.

<sup>54</sup> Motor Vehicles (Amendment) Act, 2019, § 164, § 164B, § 162A, § 134A.

<sup>55</sup> Motor Vehicles (Amendment) Act, 2019, § 182A.

<sup>56</sup> Ibid at 6, § 136A.

<sup>57</sup> SaveLIFE Foundation v. Union of India, (2016) 7 SCC 194

<sup>58</sup> Motor Vehicles (Amendment) Act, 2019, § 198A.

<sup>59</sup> Motor Vehicles (Amendment) Act, 2019, No. 32 of 2019, § 66A, Gazette of India, Extraordinary, Part II, Sec. 1 (9 Aug. 2019).

<sup>60</sup> ibid

<sup>61</sup> Advocate Tanwar, Comparative View: Motor Vehicles Act 1988 vs. Motor Vehicles Amendment Act 2019, AdvocateTanwar.com, Oct. 2019.

<sup>62</sup> ibid §§ 67 & 88A

<sup>63</sup> ibid, §§ 177–210A

<sup>64</sup> ibid, § 164B,

<sup>65</sup> ibid

<sup>66</sup> ibid § 162.

<sup>67</sup> Motor Vehicles (Amendment) Act, 2019, No. 32 of 2019, § 134A, Gazette of India, Extraordinary, Part II, Sec. 1 (9 Aug. 2019).



WHITE BLACK  
LEGAL