

Jurisprudential Evolution of Restorative Justice: Assessing the Legal Framework and Judicial response to Road Accident Victims in India

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ABSTRACT:

In India, the legal framework for victims of traffic accidents has changed from a purely retributive, adversarial system to a restorative model that places an emphasis on "just compensation," rehabilitation, and prompt, cashless medical care. Motivated by the Supreme Court's interpretation of the Motor Vehicles (Amendment) Act, 2019 and Article 21 (right to life), the jurisprudence now places more emphasis on making amends for victims' injuries than only penalizing the criminal. Motor accident law in India is often viewed as a technical framework governed by statutory provisions under the Motor Vehicles Act and insurance regulations. In reality, it operates as a complex and evolving legal landscape shaped by the interaction of victim rights, driver and owner liabilities, insurance obligations, and judicial interpretation. This work seeks to bridge the gap between legal provisions and real-world application by offering a structured, practical, and strategy-oriented analysis of key issues arising from road accidents. This proactive strategy has transformed victim compensation from a discretionary, conviction-based measure into a state responsibility through mandated schemes under Section 357A of the Code of Criminal Procedure (CrPC), 1973 (currently Section 396 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023).

The Indian judiciary has taken a proactive approach to ensure "just compensation" and reduce trauma for victims. The contemporary judicial trend, however, remains focused on strengthening these provisions, reinforcing state accountability, and placing the victim at the heart of the justice system. Courts are moving away from purely fault-based, arithmetic calculations toward recognizing functional disability and future income potential, even for non-earning victims. In conclusion, the research paper highlights the need for a holistic and equitable legal framework that not only deters negligent behavior but also ensures just compensation for victims.

Keywords: *Accident, Compensation, Indian Judiciary, Justice, Legal framework, Motor Vehicles, Restorative, victim.*

1. INTRODUCTION

The idea of compensating victims is deeply rooted in human civilization and has never been a completely new or modern invention. Rather, it has evolved gradually across different societies, shaped by changing notions of justice, responsibility, and social welfare. In its earliest forms, compensation was closely tied to moral accountability and community harmony. Ancient legal systems such as the Code of Hammurabi and

the practices of Greek city-states reflected a rudimentary yet significant understanding that harm caused to an individual must be remedied, either through restitution or penalty. Similarly, in ancient India, texts like the Manu Smriti reveal a surprisingly developed approach, where compensation was linked not only to fault but also to the idea of social responsibility. The provisions requiring the wrongdoer to bear medical expenses or compensate for damage to property indicate an early recognition of victim-centric justice. Even more progressive was the notion that where the offender could not compensate, society bore a collective responsibility an idea that resonates strongly with modern welfare-based compensation schemes.

As societies evolved, the approach to compensation also changed. In ancient and medieval periods, practices like blood feuds slowly gave way to more organized legal systems where compensation became a structured remedy rather than personal revenge. Over time, especially in modern legal systems of countries like New Zealand, United Kingdom, and United States, compensation shifted from a private matter to a responsibility supported by the state, focusing more on the welfare and rehabilitation of victims.

2. CONCEPTUAL AND JURISPRUDENTIAL FRAMEWORK

2.1 Meaning and Definition of Victim

The concept of "victim" comes from the Latin word "victima", which, according to its etymological origin, was used to designate creature (a human being, a bird, or an animal) sacrificed to the gods. A victim means a person who suffers injury or loss in body, mind, reputation or property.¹**According to Cambridge English Dictionary** Victim means someone or something that has been hurt, damaged, or killed or has suffered, either because of the actions of someone or something else, or because of illness or chance."²**According to Oxford Law Dictionary** Victim means a person who is actually and directly affected by an act or omission that is incompatible with the European Convention on Human Rights, or a person who is at risk of being directly affected.³Thus, according to various dictionaries the term 'victim' comprises a person who is injured or killed by some external agent, whether by commission or omission of an act.

Apart from these dictionary meanings there are some legal instruments (native and foreign) which define the term 'Victim' as follows: **Under the revised (2015) Code of Practice for Victims of Crime (Victims' Code) of United Kingdom**, a "Victim" is defined as: "(i) A natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; (ii) A close relative of a person whose death was directly caused by a criminal offence. "Close relative" is defined as the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members, including guardians and careers, may be considered close relatives at the discretion of the service provider. Businesses are not included within the definition of victim."⁴**Bharatiya Nagarik**

¹Kit R. Christensen, *Revenge and Social Conflict*, 52 Cambridge University Press, New York, 2016.

² Available at <https://dictionary.cambridge.org/dictionary/english/victim>, accessed on 1/4/2026.

³ Elizabeth A. Martin (ed.), *Oxford Law Dictionary*, 526 (Oxford University Press, New York, 2003).

⁴ Available at <https://www.cps.gov.uk/legal-guidance/victim-personal-statements>, accessed on 05/4/2026.

Suraksha Sanhita, 2023: "victim" means a person who has suffered any loss or injury caused by reason of the act or omission of the accused person and includes the guardian or legal heir of such victim.⁵

Thus, a victim is anyone who suffers harm because of a crime whether that harm is physical, mental, emotional, or financial. The meaning is quite broad, as it includes not just individuals but also groups, organizations, and even the family members or dependents of the person affected.

2.2 Meaning and Definition of Compensation

The word "Compensation" is derived from the Latin word '*compensare*' meaning, 'weigh together' or 'balance'. The Compensation is a financial assistant paid by the government, or by another party unrelated to the offender, to the victims of crime. The amount of money paid typically reflects the nature and extent of the injury suffered by the victim. **According to Oxford Dictionary of Law**, 'compensation' means "monetary payment of compensation for loss or damage. When someone has committed a criminal offence that cause personal injury, loss or damage, and has been convicted for this offence it was taken into account when sentencing for another offence, the court may make compensation order requiring the offender to pay compensation to the person suffering the loss (with interest if need be)".⁶ According to **Cambridge Dictionary**, Compensation means, money that is paid to someone in exchange for something that is lost or damaged or for some problem.⁷ According to **Indian Judiciary** 'compensation' is anything given to make things equivalent, a thing given to make amends for loss, recompense, remuneration or pay.⁸

Thus, Victim and Compensation in combination refers to payment or reparations made to a crime victim. Victims of violent crime may suffer financial stress that is hurtful like their physical injuries and emotional trauma. Victim compensation works as a monetary restitution by governmental entities to people injured.

2.3 Concept of Road Accident and Road Traffic Accident

An Accident is said to be "*a worsening global disaster destroying lives and livelihoods, hindering growth and making billions in larger susceptibility*".⁹ The term **Accident** refers to an unfortunate incident that occurs unexpectedly and unintentionally, usually resulting in damage or injury. There is no definition of the word "accident" given in the Motor Vehicle Act, 1988, however an attempt was made in **Jyoti Ademma v. Plant Engineer Nellore**,¹⁰ wherein it was hold that accident means any untoward mishap which is not expected or designed. In **Alka Shukla v. LIC of India**¹¹ it was held by a bench of three judges that accident postulates mishap or an untoward incident or happening which is unexpected or unforeseen. In making

⁵Bharatiya Nagarik Suraksha Sanhita, 2023, s.2(y).

⁶ Supra note 3 at 98.

⁷Cambridge Advanced Learner's Dictionary, 2nd edn., (Cambridge University Press, 2006), Available at: <http://dictionary.cambridge.org/dictionary/english/compensation> accessed on April 19, 2026.

⁸ State of Gujarat v. Shantilal, AIR 1969 SC 634.

⁹ The International Federation of Red Cross and Red Crescent Societies (IFRC), "Resilience: saving lives today, investing for tomorrow" (IFRC, 2016).

¹⁰ AIR 2006 2830.

¹¹ 2019 ACJ 2179 SC.

above observations reliance was placed upon the case of **Union of India v. Sunil Kumar 1984**.¹² It is thus clear that in popular or ordinary sense an accident means mishap or untoward happening or an occurrence which is unnatural and unforeseen or unexpected.

Road Traffic Accident has been defined as an accident which occurred or originated on a way or street open to public traffic; resulted in one or more people being killed or injured, and at least one moving vehicle was involved. These accidents therefore include collisions between vehicles, between vehicles and pedestrians and between vehicles and animals or fixed obstacles. Single vehicle accidents in which one vehicle alone (and no other road user) was involved are included. Multi-vehicle collisions are counted only as one accident provided that the successive collisions happened at very short intervals.¹³ Any person who was not killed but sustained one or more serious or slight injuries as a result of the accident has been defined as an *injured person*.¹⁴

3. JURISPRUDENTIAL ASPECT OF EVOLUTION OF VICTIM COMPENSATION

The concept of victim compensation in India has evolved through a long historical process started its journey from Vedic period developing in medieval period to independence and post-independence period while rooted in the principles of justice, social harmony, and restitution. In the Vedic period, particularly during the Samhita, Upanishad, and Dharma Shashtra era, compensation was recognized as an important remedy for wrongs, where texts like the Manu Smriti provided for monetary payments in cases of bodily injury, property damage, or loss, often based on fault or social responsibility, and sometimes even borne by the offender's family or community. In the medieval period, although the administration of justice gradually shifted to the State, compensation remained a significant remedy, with the sovereign or offender being responsible for making good the loss caused to victims, reflecting a blend of Hindu, Islamic, and customary laws.

The historical development of legal system in India could be traced from Samhita period.¹⁵ It is possible to trace the evolution of the ideas of culpability and compensation both theoretically and historically. In the past, Hammurabi's code had the idea of compensation and culpability in a primitive sense, but it also existed in a development meaning in city-states of ancient Greece. In India, the idea of compensation was also not new and existed in a more sophisticated form than it does now. Manu in Chapter VIII, verse 287¹⁶ clearly says that: "If limb is injured, a wound is caused or blood flows, the assailant shall be made to pay the expense of the cure or the whole. He further in verse 288 says that: He who damages the goods of another,

¹² ACJ 719 SC.

¹³ The United Nations Economic Commission for Europe (UNECE), report on Statistics of Road Traffic Accidents in Europe and North America, 2021, Available at file:///C:/Users/acer/Downloads/HEALTH_STAT_12_Injuries%20in%20road%20traffic%20accidents.pdf, Accessed on 1.05.2026.

¹⁴ *Ibid*

¹⁵ From 1600 B.C to 1300 B.C

¹⁶ Manu Smirti, Chapter-VIII, 82, Verse 287.

be it intentionally or unintentionally, shall give to the owner a kind of fine equal to damage”¹⁷ During the period of Upanishads and Dharmasastras¹⁸ only a real beginning of civil and criminal law as two distinct branches can be found. A great deal was left to be adjudged by usages, precedents and custom.¹⁹ Judges were to consider fault of the parties in dealing various wrongful acts.

During the Manu Smriti period²⁰ compensation was provided either on the principle of fault or social assistance. In a case, if the wrongdoer was not in a position to pay the damages, a system of social assistance by which the users of the vehicle were required to make good the loss caused to the injured. The judges were required to measure compensation by finding the truth by inference²¹. In the modern period, the concept has been significantly expanded and constitutionalized, with courts recognizing compensation as a tool for enforcing fundamental rights and human dignity, particularly in cases of human rights violations, industrial disasters, and state negligence, as emphasized by the Justice V.S. Malimath Committee Report and judicial precedents. This evolution is clearly reflected in road accident compensation, where the Motor Vehicles Act, 1988 provides a structured statutory mechanism for compensating victims of road accidents through provisions for no-fault liability, insurance-based compensation, and claims before Motor Accident Claims Tribunals (MACT), thereby ensuring medical, rehabilitative, and financial support to victims or their dependents. Thus, India’s approach demonstrates a continuous transition from ancient restitution-based justice to a modern, victim-centric legal framework integrating civil, criminal, and statutory remedies.

4. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK IN INDIA

In India, road accident victim compensation evolved from fault-based remedies under tort law and the Fatal Accidents Act, 1855 to a structured welfare-oriented system under the Motor Vehicles Act, 1939 and the Motor Vehicles Act, 1988. Guided by Article 21 of the Constitution, the law introduced Motor Accident Claims Tribunals, compulsory insurance, and no-fault liability to ensure quicker relief for victims. The Motor Vehicles (Amendment) Act, 2019 further strengthened this victim-centric approach through enhanced compensation and the creation of the Motor Vehicle Accident Fund.

4.1 Constitutional Perspective

The Constitution of India is the supreme law of the land. A constitution is not to be construed as a mere law, but as the machinery by which laws are made.²² It is a main document, and all other acts follow the objects issued by the constitution. Any Act which is against the provisions of the constitution shall be declared void. Constitution does not directly mention any provision regarding motor vehicles but impliedly it contains many articles which are somehow connected with the motor vehicles. In India, the legislative framework

¹⁷ Singh, Sanjay Kumar. “Road traffic accidents in India: issues and challenges.” *Transportation research procedural* 25 (2017): 4708-4719.

¹⁸ 1200 B.C to 600 B.C.

¹⁹ Kane, P V *History of Dharmashastra* vols. 2 & 3 (1941).

²⁰ From 600 B.C to 320 A.D

²¹ *Supra* Note 19.

²² P.M. Bakshi, *The Constitution of India* 1 (Universal Law Publishing Co. Ltd., New Delhi, 10th edn., 2010).

relating to road accident victim compensation is rooted in the constitutional mandate, particularly Article 21, which guarantees the Right to Life and has been judicially expanded to include the right to safety and just compensation, enforced through the writ jurisdiction of constitutional courts.

4.2 The Motor Vehicles Act, 1988

The Motor Vehicles Act, 1988 was enacted as a comprehensive response to the rapidly growing number of vehicles and the increasing complexity of road transport in India, with a clear focus on safety, regulation, and victim protection. The Act aims to simplify procedures and liberalize policies in the transport sector while ensuring stricter control through improved licensing systems, updated vehicle definitions, fitness standards, and anti-pollution measures. It introduces provisions for compulsory third-party insurance and ensures that victims receive compensation without undergoing lengthy legal battles. The concept of no-fault liability under Chapter X (Sections 140–144) allows victims or their families to receive immediate relief without proving negligence, especially in cases of death or serious injury. Chapter XI (Sections 145–164) strengthens this protection by mandating insurance coverage, while Chapter XII (Sections 165–210) establishes Motor Accident Claims Tribunals (MACTs) to provide a faster and more accessible forum for justice. The Act also increases compensation in hit-and-run cases, introduces structured formulas based on age and income, removes procedural hurdles, and imposes stricter penalties for violations, including the use of unsafe vehicle components. The Act reflects a balanced and compassionate approach not only regulates the fast-growing transport sector but also ensures that victims of road accidents are treated with fairness, dignity, and timely support.

4.2.1. Role of Motor Accident Claims Tribunals (MACT)

A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals for such area as may be specified in the notification for the purpose of adjudicating upon the claims for compensation in respect of accidents involving the death of, or bodily injury to, the persons, arising out of the use of motor vehicles, or damages to any property of a third party so arising, or both.²³

As per Section 165(1) of Amendment Act, 2019, the Claims Tribunal is constituted for the purpose of adjudication of the claims for compensation in matter of accidents arising out of the use of motor vehicles and involving the death of, bodily injury to persons or damage to any property of third person so arising or in both kind of cases mentioned above.²⁴

(I) Accident arises out of the use of Motor Vehicles:

The first condition for adjudication by the Claims Tribunal is the involvement of motor vehicle in accident. It means Claims Tribunal can deal with the case for compensation only in case of accident arising from the use of motor vehicle. The tribunal has no jurisdiction to enforce any such claims against any other person or

²³ The Motor Vehicles (Amendment) Act, 2019.s. 165(1).

²⁴ *Ibid*

authority except the owner, the driver and the insurer of the motor vehicle involved in the accident.

The Motor Vehicle according to the Act means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding twenty five cubic centimetres.²⁵ So as per this section if the vehicle is not mechanically propelled vehicle, then the Claims Tribunal has no jurisdiction to entertain the claim.

(II) Use of Motor Vehicles in Public or Private Place:

According to the Act, there is no condition that accident should occur in a public place. It means place does not matter in case of adjudication by the Claims Tribunal. The Claims Tribunal can file a compensation claim even the accident occurred on the private land. It was clearly mentioned in the case of Madarsab Sahebala v. Nagappa Vittappa.²⁶ In this case the boy was sleeping in the fields, and he was run over by a truck and killed now. As the accident occurs in private place even then the tribunal had jurisdiction to deal with the case and the owner held liable to pay compensation even for an accident in private place.

(III) Accident Involving Death, Injury to Person or Property:

To adjudicate upon the motor vehicles matter, two points are necessary to prove upon the claims for compensation in respect of accidents. These two points are mentioned below:

- i) Death of or bodily injury to persons,
- ii) Damage to any property of a third party, or both.

It makes clear that before the adjudication the Claims Tribunal must confirmed the facts that whether there is involvement of any motor vehicle, and such involved vehicle should cause death or bodily injury or some kind of damage to property.

5. JUDICIAL APPROACH TOWARDS ROAD ACCIDENT COMPENSATION

The evolution of victim compensation in road accident cases in India reflects a dynamic interplay between legislative frameworks and judicial innovation. While the Legislature has created frameworks through general and specific laws, particularly the Motor Vehicles Act, 1988, it is the Judiciary that has given real meaning to these provisions through interpretations. Courts have stepped in time and again to ensure that victims are not denied justice simply because the law is silent, inadequate, or too technical.

Judicial Precedents and Interpretations have been critical in upholding the realm of compensation in

²⁵ The Motor Vehicles (Amendment) Act, 2019. s. 2(28).

²⁶ AIR 1981 (Kant.) 117.

violation of rights relating to life and liberty. In the case of **Khatri and Others v. State of Bihar & Ors**²⁷ for the first time, the question was raised regarding granting monetary compensation through a writ petition before the Supreme Court in which Bhagwati, J. observed for the state to consider devising remedies for the violation of the most precious right to life and personal liberty. This move was inclined toward the principle of “injury sine damno” in tort law signifies that compensation will be granted if a person may have suffered a legal injury or wrong even if no actual damage or loss has been incurred. Indian Supreme Court affirmed this in the case of **Bhim Singh v. State of J & K And Ors.**,²⁸ in which the court not only accepted a writ petition but also granted compensation of Rs. 50,000 to be paid by the state.

In **State of Gujrat v. Hon’ble High Court of Gujrat**²⁹ the Court emphasized that the justice system must not ignore the victim. It said that when a crime happens, the victim and their family are the ones who suffer the most especially in cases of death or serious injury where livelihood is affected. The Court made it clear that victims deserve support, protection of their rights, and some form of compensation. If the legal system only focuses on punishing the offender and forgets the victim, justice becomes incomplete. A victim should never be treated as a “forgotten person” in the system. At the same time, the Court recognized that not every loss can truly be restored. Things like loss of dignity, emotional pain, or reputation cannot be fully compensated. However, giving monetary compensation can at least provide some relief and help the victim or their family cope with the situation.

- **Himachal Road Transport Corporation v. Himi Devi and Others** ³⁰

In this case, plaintiff filed a claim for damages. A bus was carrying a large group of people. The bus was driven quite close to the side of the road, where it eventually crashed into the Khud. Up to nine people—including the driver—were murdered, while several more were hurt. It was a condemned bus in question. The bus had to be pushed a short distance to get going because of its excessive load. The adage “res ipsa loquitur” was utilized in this situation. The buses shouldn't go off the road and drop into khuds. If they do, the appellant will have a heavy burden of evidence to demonstrate that all reasonable safeguards were taken and that no negligence occurred. The accused were held responsible.

- **United India Insurance Co. Ltd. v. Kantabai**³¹

In this case, the dispute was mainly about whether an insurance company can avoid paying compensation by arguing that the vehicle was being driven in violation of policy conditions. The accident had resulted in death/injury, and the victims approached the Tribunal for compensation. The insurance company (United India Insurance Company Limited) tried to escape liability by claiming that there was a breach of policy conditions, such as the driver not having proper authorization or licence. The Court, however, took a victim-

²⁷(1981) SCC (1) 627.

²⁸(1985) 4 SCC 677.

²⁹AIR 1998 SC 3164

³⁰1981 A.C.J. 365, (H.P).

³¹1991 ACJ 22 (BOM.).

oriented approach. It explained that motor accident laws are meant to protect innocent third parties, and they should not suffer because of disputes between the insurer and the vehicle owner. Even if there was some breach of policy conditions, the insurance company cannot completely deny compensation to the victim. The Court directed that the insurance company must first pay compensation to the claimants (victims) and then, if there was indeed a violation of policy terms, it can recover that amount from the vehicle owner.

- **Reshma Kumari v. Madan Mohan³²,**

The Supreme Court in this case reiterated that the compensation awarded under the Motor Vehicle Act, 1988 should be just and identified the factors which should be kept in mind while determining the amount of compensation including education of the dependents and the nature of job. In the wake of changed societal conditions and global scenario, future prospects may have to be taken into consideration not only having regard to the status of the employee, his educational qualification; his past performance but also other relevant factors, namely - the higher salaries and perks which are being offered by the private companies these days.

- **Rajesh Kumar v. Rajbir Singh,³³**

This case dealt with the issue of compensation for the death of a pedestrian in a road accident. The court held that the claimants were entitled to compensation, and the amount should be determined based on the age, income, and status of the deceased.

- **Jai Prakash v. National Insurance Company Limited³⁴**

Hon`ble Supreme Court of India in this case observed that “the Insurance companies may consider offering an annuity instead of lump sum compensation. They may prepare an annuity scheme with the involvement of Life Insurance Corporation of India or its own actuaries, under which they can pay a monthly annuity to the widow (for life) and to minor children (till they attain majority) and in addition a lump sum at the end of 20 or 25 years to the widow. The benefit of such annuity scheme may also be extended to victims who are permanently disabled in accidents. Once such schemes are in place, the victims and the Tribunal will have some choice in the manner of payment of compensation.” The Supreme Court also given certain suggestions for Legislative/ Executive Intervention in this case while proposing two changes in the provisions as (i) Define `third party' - to cover any accident victim (that is any third party, other than the owner) and increasing the payments, if necessary.(ii) Increase the quantum of compensation payable under Section 161 of the Act in case of hit and run motor accidents.

³²(2009) 13 SCC 422

³³ 2019 SCC, Del 10547.

³⁴(2010) 2 SCC 607.

- **Hitesh Nagjibhai Patel vs. Bababhai Nagjibhai Rabari³⁵**

The case involved an eight-year-old boy who was left with a 90% permanent disability after an accident. The lower courts had given him just ₹8.65 lakhs. The Supreme Court's ratio decidendi was a game-changer. It ruled that a minor child with a permanent disability cannot be treated as a 'non-earning' person. The Court said that to calculate the loss of his future income, one must use, at the very least, the minimum wage for a skilled workman in that state. And crucially, the Court added that the standard 40% for future prospects must be applied to this notional income. Based on this, the Supreme Court recalculated the compensation and increased it to a staggering ₹35.9 lakhs. This ruling sends a clear message: a child's future potential has real value. The Court also put the responsibility on the insurance company to provide the tribunal with the correct minimum wage data in such cases.

6. CONCLUSION AND SUGGESTIONS

Through a series of landmark judgments, the courts have expanded the scope of compensation to include not only economic losses but also emotional and psychological suffering. The establishment of MACTs, coupled with judicial oversight, has provided a robust mechanism for the adjudication of compensation claims. However, challenges such as delays in case disposal and the adequacy of compensation awards remain, and the judiciary must continue to address these issues to ensure that road accident victims receive timely and just compensation. Victim compensation in modern legal systems reflects the ongoing struggle to balance the rights of victims with the need for a fair and just legal process. While ancient systems allowed victims to directly seek justice through blood feuds or monetary payments, today's legal systems have moved away from such practices, recognizing that private vengeance often leads to further violence and instability. In modern times, the concept of victim compensation has evolved into a sophisticated framework of state-supported compensation this marks a significant departure from the punitive justice models of earlier centuries and reflects a growing recognition of the importance of victim-centred justice. The concept of victim compensation is not just a historical relic but a dynamic legal principle that continues to evolve. From its early origins in primitive societies, where victims sought personal revenge and reparation, to its codification in ancient legal systems like the Code of Hammurabi, to the modern era of state-supported compensation schemes, the principle of compensating victims for their losses has remained an essential part of justice. Today, many legal systems around the world strive to balance the need for societal protection with the need to ensure that victims are adequately compensated for their suffering. There is no denying that laws shielding road accident victims in India, many of which were strengthened post the 2019 amendment to the Motor Vehicles Act, have improved. On paper, the laws sound more sympathetic and victim-centered. There's a defined set of rights, from immediate medical care within the "Golden Hour" to a compensation system that attempts to be both fast and fair. The courts have also done their share, establishing better rules for just exactly what "just compensation" is.

³⁵ 2025 SCC OnLine SC 1123.

6.1 SUGGESTIONS:

6.1.1. Establishment of Motor Accident Mediation Authority: The Motor Vehicle Amendment Act, 2019 mandates a Motor Vehicle Accident Fund to be set up by the Central Government (Section 164B) for giving interim compensation to victims of road crashes under Section 164A. The Central Government can also establish a Motor Accidents Mediation Authority (MAMA) in every district to provide fixed interim compensation as direct credit to Aadhaar linked bank accounts. MAMA can also take over pre-litigation procedures from MACT. The Union Govt must fix an amount that can be transferred immediately as interim compensation pending adjudication of the compensation claim.

6.1.2. Setting Clear Roles and Responsibilities for District Road Safety Committees: All State Governments have created a District Road Safety Committee under Section 215(3) of the Motor Vehicles Act, 1988. This was done in 2018 under the instructions of the Supreme Court Committee on Road Safety under Writ Petition (Civil) No. 295 of 2012. However, the roles and responsibilities of the District Road Safety Committee is not standardized. Their roles and responsibilities should be measurable, reportable and verifiable. The Action Taken Reports should be submitted digitally to the State and the Central Government.

6.1.3. Sensitization and Training of Police on rights of Road Crash Victims and other Road Users: Police Officials at the level of Investigation Officer and above should be trained and sensitized on the rights of bystanders, road crash victims and their family members. The police should not entangle road users in procedural hassles. Police should be trained to support road crash victims and their families. Since police is one of the key stakeholders in terms of enforcing rules under Motor Vehicle Amendment Act, 2019, good practices of certain States can be standardised across the country and made a norm.

6.1.4. Enactment and Implementation of Child Road Safety provisions in Motor Vehicle Amendment Act, 2019: Motor Vehicle Amendment Act, 2019 has provisions for mandating the use of Child Helmets, Child Restraints and also penalizes juvenile driving. These sections should be notified by the Central Government under the Central Motor Vehicle Rules, and the State Governments should ensure that effective implementation. The Enforcement agencies should also ensure enforcement of child safety provisions.

6.1.5. Educational Institute based Support System: Children and adolescents who are impacted by a road crash directly or indirectly should be provided support from the State. Since the main institutions of interaction for them are schools, the education department can ensure access to qualified child therapists. Since road crashes impact nutritional intake of household members, the State Government can also create a better mechanism to monitor their calorie intake and ensure they get adequate nutrition through the School Mid-Day Meal Scheme.

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