IF ANY PERSON ACCIDENTALLY DIES IN MOTOR ROAD ACCIDENT WHAT IS REMEDY? BY KALYANRAO PEDDIREDDI B.COM(HONS) in Company Secretary & Business Administration; L.L.B & L.L.M (Constitutional Law of India, U.S. American Constitution, Swiss Constitution, British Constitution); Former District & Sessions Judge, now lives at Hyderabad.

## If you or a loved one has been the victim of a serious personal injury accident , it is essential that you contact an experienced personal injury attorney to represent your rights. FUNDAMENTALLY, IT IS TO BE NOTED THAT NO AMOUNT OF COMPENSATION WOULD SUBSTITUNE A DECEASED PERSONWHO GIVE LOVE AND AFFECTION TO WIFE FOR LIVING AND CHILDREN FOR THEIR EDUCATION AND MARRIAGE.

## Compensatory and penal provisions under the motor vehicles act, 1988:

## The right to claim damages in case of death was recognized WHEN THE **Motor Vehicles Act**, 1939 was enacted to specifically deal with accidents arising out from Motor Vehicle. Further thereafter, [Motor Vehicles Act, 1988](http://www.vakilno1.com/bareacts/motorvehiclesact/motor-vehicles-act.html) was enacted to consolidate and amend the law relating to accidents arising out of Motor Vehicles. There has been quite a few amendments in the Act of 1988 in the year 1994, 2000 etc. to make its object and scope wider and to deal with all eventualities arising there from. Fines have also been proposed to the enhanced manifold in order to curb the menace of traffic violation leading to accidents.

### Objective of Motor Vehicles Act:The **Motor Vehicles Act, 1988** has been enacted keeping in mind the following objectives;

* To take care of the fast increasing number of both commercial vehicles and personal vehicles in the country.;Concern for road safety standards, and pollution-control measures, standards for transportation of hazardous and explosive materials; Need for effective ways of tracking down traffic offenders
* **Stricter procedures relating to grant of driving licences** and the period of validity thereof.;Administration of the Solatium Scheme by the General Insurance Corporation.;Provision for **enhanced compensation** in cases of “no fault liability” and in **hit and run motor accidents;**Provision for payment of compensation by the insurer to the extent of actual liability to the victims of motor accidents irrespective of the class of vehicles;Providing adequate compensation to victims of road accidents without going into long drawn procedure;Enhancing penalties for traffic offenders;Increase in the amount of compensation of the victims of hit and run cases.;Removal of time limit for filling of application by road accident victims for compensation.;Punishment in case of certain offences is made stringent.

#### Formula for payment of compensation to road accident victims on the basis of age / income, which is more liberal and rational etc. method of compensation or Payment of Compensation on structured formulae basis – Sec 163 A

The owner of the motor vehicle of the authorized insurer shall be liable to pay in the case of death or permanent disablement due to accident arising out of the use of motor vehicle, compensation, as indicated in the Second Schedule, to the legal heirs or the victim as the case may be. However where the person is entitled to claim compensation under section 140 and section 163A, he shall file the claim under either of the said section and not under both

Every other day there is an increase in number of vehicles on the road across India. For Example-According to Economic Survey of Delhi-‘ The total number of motor vehicles on road in Delhi as on 31st March, 2015 touched the 88.27 lakh, showing an increase of 6.4 per cent over previous year.’[1](http://delhi.gov.in/wps/wcm/connect/8a5cdc0048d90b21aab9fb7a2b587979/Highlights+of+Economic+Survey+of+Delhi+2014.pdf?MOD=AJPERES&lmod=524667566&CACHEID=8a5cdc0048d90b21aab9fb7a2b587979) With such large number Vehicles in the city one can imagine that there is large probability of occurrence of motor vehicle accidents in some form or the other. Although there has been a decrease in number of road accidents in Delhi city-Thanks to Delhi Metro which provides an alternative to commuters and thanks to strict(sometimes aggressive) implementation of traffic rules. Now if someone unfortunately meets an accident then what are the remedies available to the injured victim by the law? There is a remedy i.e. the Right to Compensation under Motor Vehicles Act, 1988.

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