ABSTRACT

The number of people who get killed or maimed in motor vehicle accidents is growing day by day. The main source of succor to such hapless people and their dependants is the compensation that they are entitled to receive under law. But right from 1956, motor accident compensation law has been in a state of flux. It was in that year that the legislature amended the Motor Vehicles Act, 1939 by inserting several new sections. Over the years, many more amendments followed and in 1988, a new Motor Vehicles Act replaced the old one. This Act studies various new rights created by the Motor Vehicles Act, 1988 for claiming compensation in case of any death or bodily injury caused in an accident arising out of the use of a motor vehicle. The entire road traffic in India, the registration of all types of vehicles plying on the roads, the regulation of the drivers, road accidents, claims made by the victims of accidents and their wards etc are all depend upon a single piece of legislation known as the Motor Vehicles Act.

The Motor Vehicles Act can be hailed as welfare legislation since it deals with comprehensively about the road accidents involving motor vehicles and also enabling the victims to claim compensation. The Motor Vehicles Act, 1988, between Section 165 and Section 176 comprehensively provides for the establishment of claims tribunals by the state governments, the procedure for applying compensation by the victims, procedure and powers of the claim tribunals in making the awards, liability of the insurance companies, enabling the state government to make rules, awarding interest on the compensation amount, providing for appeals etc. The Motor Vehicles Act, 1988 has also done away with
the provisions of limitation period of six months to file a claim application for a victim. Taking into account the difficulties of a victim or his legal heirs in procuring the documents pertaining to an accident, the limitation provision has been deleted, which is definitely a step forward in the right direction.

The main object of the present research work is to analyze the existing system of awarding compensations to the victims of motor accidents. Further, an enquiry is also made to know whether the compensation so awarded to the victims is just, fair and reasonable or not. An attempt is also made to find out the factors, which are taken in to consideration by the courts to determine the quantum of compensation. Extracts from important judgments of various High Courts and Supreme Court of India have been discussed at the appropriate place. The results of the study may provide the criteria to evaluate the legislation and judicial philosophy in the matter of awarding compensation in Motor accidents.