

LAWFOYER INTERNATIONAL
JOURNAL OF DOCTRINAL LEGAL
RESEARCH

(ISSN: 2583-7753)

Volume 2 | Issue 2

2024

© 2024 *LawFoyer International Journal of Doctrinal Legal Research*

Follow this and additional research works at: www.lijdlr.com
Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of **any suggestions or complaints**, kindly contact info.lijdlr@gmail.com

To submit your Manuscript for Publication in the **LawFoyer International Journal of Doctrinal Legal Research**, To submit your Manuscript [Click here](#)

UNSEEN HAZARDS: ANALYSING THE IMPACT OF NEGLIGENCE IN ACCIDENT CAUSATION

Arsh Singh¹

I. ABSTRACT

Negligence plays a big role in causing accidents, especially when it comes to driving. In this research paper, we're going to dig into how negligence affects accident causation and the laws that deal with this issue in different places. First up, we're going to look at the relevant parts of the Indian Penal Code (IPC) that deal with accidents caused by negligence. We'll dive into sections like Section 304A (which covers causing death by negligence), Section 336 (dealing with acts that put others' lives at risk), and Section 279 (all about reckless driving on public roads). We'll break it all down and explain what the law says about these negligence-related offenses. But we're not stopping there. We'll also take a good look at the Motor Vehicles Act, 1988 (MVA). This act lays out a bunch of rules for how motor vehicles should be operated. We'll explore the important bits, like the duty of care, liability for negligence, the presumption of negligence, contributory negligence, and vicarious liability. These rules show how the law tackles the problem of negligence when it comes to causing accidents.

II. KEYWORDS

Compensation, Negligence, Accidents, Injury, Breach

III. INTRODUCTION

Negligence is a major cause of car accidents. Drivers who fail to exercise reasonable care are held legally responsible for crashes leading to serious injuries or damages or which sometimes can also lead to loss of life. In recent times there has been upcoming surges in car accidents cases in India in which the most resultant factor behind all these accidents is negligence. Negligence is breach of duty caused by omission to do

¹ University of petroleum and energy studies

something which reasonable man guided by those consideration which ordinarily regulate conduct of human affair would do or basically performing an act which a prudent man would not do.² There is a need to bring strict laws to reduce such cases so that families don't loose their loved one resulting in less number of accidental cases by negligence contributing to a better life. The Hon'ble Supreme court in *Kishan Gopal & Anr vs Lala & Ors*³ where appellants were parents of the deceased who died in a road accident due to rash and negligent driving held that compensation is to be received to the appellants on ground of driver's negligence which resulted in fatal accident of their 10 year old son. This research paper aims to analyse the main reasons for the upcoming surge in accidental cases and will focus on the ways through which we can tackle and reduce such number of cases thus to avoid them.

IV. RESEARCH OBJECTIVES

- To examine the legal principles that surround the concept of negligence in the context of vehicle accidents and to analyse the key factors which constitute negligence leading to car accidents
- To assess the effectiveness of existing legal reforms on negligent driving and to propose new legal reforms and policies to increase road safety and reduce such cases.
- To examine the role of traffic regulations, law enforcement and driver education in mitigating negligence based incidents and To assess compensation for victims of negligence-induced accidents.

V. RESEARCH QUESTIONS

- What are the legal principles evolving around negligence with regard to motor vehicle?
- What are the main causes of negligence which are leading to an accident?
- What is relevancy of law with regard to negligence impact on road accidents and what all new policies can be framed to decline such cases?

² R.K. Bangia, *Law of Torts* 224 (Allahabad Law Agency, Allahabad, 26th edn., 2021).

³ *Kishan Gopal v. Lala*, 2013 AIR SCW 5037

- What the concerned authorities are doing to avoid it and how much compensation is the victims who are injured in such accident are getting?

VI. RESEARCH HYPOTHESES

- There has been a tremendous increase in accidental cases held by negligence
- The current laws related to accidents by negligence are ineffective to control the accidents.
- If strict laws would be brought in future with high penalties and increase in punishment for such cases then these accidents would reduce.
- Rash Driving and speeding are main key factors which constitute car accidents.

VII. RESEARCH METHODOLOGY

This paper utilizes a strictly doctrinal research approach. Doctrinal research, known as library-based research, primarily involves the study and analysis of legal statutes, case law, and academic writings. This method is ideal for exploring the theoretical and conceptual dimensions of law. It systematically presents legal doctrines and principles. In doctrinal research, primary sources include statutory materials, judicial decisions, and authoritative literature. Secondary sources like commentaries, articles, and legal summaries are also essential. The research process entails identifying, gathering, and critically evaluating these sources. The goal is to form logical conclusions and provide insights on the legal questions being studied. This paper aims to deliver a thorough and unified view of the legal structure relevant to the topic addressed.

VIII. LITERATURE REVIEW

The paper draws upon key provisions of the Indian penal code and the Motor vehicle act, specifically covering provisions on offenses which are on driving negligently including those which cover endangering life of other due to negligence. It refer to various articles by renowned author raj Sehgal and cover articles from nolo, ipleaders etc including a famous book covering negligence namely RK BANGIA. to explain deep analysis of negligence and its impact. The paper analyzes in depth several

landmark Supreme Court judgments and precedents. These include *Kishan Gopal v. Lala*, 2013 AIR SCW 503 and *National Insurance Company Limited v. Pranay Sethi*, (2017) 16 SCC 680. The paper seeks to analyze the nuances of the law on this subject by examining statutory provisions alongside authoritative judicial pronouncements.

IX. MEANING AND DEFINITION OF CAR ACCIDENTS CAUSED BY NEGLIGENCE

Accident caused by negligence occurs when a driver fails to exercise level of reasonable care that a prudent man exercises which lead to an accident and result in harm to another party. Main reasons for accident in our country include over speeding or drinking alcohol, not following traffic rules or reckless driving. To prove that a car accident was caused by negligence there needs to be certain essentials which need to be fulfilled-

- **Duty of Care:** One person must have a duty of care towards another person. We observe that in context of driving, drivers have a duty to drive their vehicles safely and responsibly to avoid harm to others and to make sure that they don't over speed or don't drink and drive so that their passengers do not face any trouble.
- **Breach of duty-** It also needs to be proved that defendant has breached this duty by failing to act as a reasonably prudent person involving any action or inaction that deviates from the care expected from a reasonable prudent man. In cases involving accidents by negligence law compares the conduct of driver with that of prudent man. If we observe that his conduct is not in the way the conduct of a reasonable man should have then it is found to be a breach of that duty for which negligence is constituted and he/ she is held liable.
- **Damages:** For proving negligence on part of plaintiff it needs to be proved that the duty which is breached by the defendant has caused damages to the plaintiff due to which he suffered actual harm due to the accident which can include physical injuries other quantifiable losses. Usually in car accidents victims are entitled to compensation for injuries, lost wages or vehicle damage.

It is pertinent to note that it is necessary to prove in accident cases that the actual harm which is suffered by the plaintiff was caused by negligence driving of the defendant itself and not because of any prior injury or any other event.

If all these essentials are fulfilled there would be negligence and plaintiff will be entitled for the damages.⁴

X. HOW AN ACCIDENT IS DIFFERENT FROM AN ACCIDENT CAUSED BY NEGLIGENCE.

An accident is an unfortunate event which result in losses due to reason which were not foreseeable. Examples of such may be Act of god or natural disasters. However negligence is where when a person or entity acts in a careless manner. To make it easy it could be said as an event o which could have reasonably been foreseen or is caused because the person did not acted in a way in a prudent man acted because of which other person to whom he has a duty of care suffered loss. Some Examples of negligence cover-

- Drinking and driving
- Over-speeding
- Talking on phone while driving
- Not following traffic rules⁵

XI. BASIS FOR AWARD OF COMPENSATION IN MOTOR VEHICLE ACCIDENT CASES

Under Motor Vehicles Act of 1988, someone who is either injured or killed in a car accident or is the owner of the property, his/ her estate can claim damages in which time of filling for compensation after the occurrence of the accident is not an essence. However filling for compensation after a long time may cause tribunal to have

⁴ "Car Accidents Caused by Driver Negligence," *www.nolo.com* available at: <https://www.nolo.com/legal-encyclopedia/car-accidents-caused-by-negligence-29537.html> (last visited June 27, 2024).

⁵"Key Differences Between Accident and Negligence" *Yepremyan Law Firm*, 2023 available at: <https://www.vylawfirm.com/accident-vs-negligence-key-differences-to-understand/> (last visited June 27, 2024).

reservations so it is advisable to file quickly after occurrence of the accident. If the decision of tribunal is not in our favour, within 90 days of the judgement we can file an appeal with a valid reason. Appeal will not be entertained if amount in conflict is less than 10,000. Courts grant compensation where-

- When a third party's property is destroyed as a result of the accident
- When such accidents occur as a consequence of driving a car

The hon'ble supreme court laid guidelines in *National Insurance Company Limited v. Pranay Sethi* ⁶for estimating amount of compensation awarded by offender to victims of accident who were self employed having regular wages. The court believes that compensation awarded should be fair and reasonable and in interest of justice, equity and good conscience. Compensation to victim for accidents are covered from section 165 to 171 of motor vehicle act 1988.

Compensation awarded is circumstantial and differs from case to case.

In *Sarla Verma v. Delhi Transport Corporation* ⁷it was observed that :-

- 50% of the deceased's yearly salary would be added if he was between the ages of 40 and 50 and held a stable job.
- The deceased would not be included if they had been older than fifty.
- The deceased person's income had to be taken into account if he was self-employed or had a set wage at the time of his passing.⁸

The court found out lack of uniformity when claim tribunals practices different methods to evaluate compensation and believed desirable to implement" principle of standardization," in Pranay Sethi's case to assess the foreseeable prospects of victims killed in car accidents..

One who files claim for compensation petition must prove that respondent was negligent.

The Supreme Court came up with a definition of "rashness" as "doing something risky or reckless, knowing that it could be dangerous and cause serious harm." It's

⁶ *National Insurance Company Limited v. Pranay Sethi*, (2017) 16 SCC 680

⁷ *Sarla Verma v. Delhi Transport Corporation*, AIR SCW 4992

⁸ "Basis for Award of Compensation in Motor Vehicle Accident Cases," available at:

<https://www.linkedin.com/pulse/basis-award-compensation-motor-vehicle-accident-cases-kalaskar-1f> (last visited June 30, 2024).

considered a crime when someone behaves this way without caring or understanding the consequences. The Supreme Court also defined 'negligence' as "failing to do something in a reasonable and responsible manner, considering what is typically expected in similar situations, or doing something that a reasonable and cautious person would not do."

A. When both the accused and the offender are at fault

In some cases where there is negligence on both parts then 2 options arises

- **Contributory Negligence**

In contributory negligence the plaintiff along with the offender contribute to the accident. It constitute negligence not only on the part of the driver but the victim too. Thus if the plaintiff has equally contributed to the happening of the accident then his compensation would be reduced to half i.e his compensation will be reduced in proportion to his negligence. The hon'ble Supreme court in *T.O. Anthony v. Karvarnan & Ors*⁹ held that in case of contributory negligence the injured need not to prove the extent of responsibility of each wrongdoer separately.

It is only in cases of contributory negligence that injured also contributed to the accident and is himself negligent It is only in the case of contributory **negligence** that the injured himself has contributed by his **negligence** in the accident due to which the damages which become recoverable by him gets reduced in proportion to his contributory negligence.

- **Composite Negligence**

In this type of negligence the accident occurs because of here 2 or more parties are at fault in which victim is excluded and thus not at fault. Therefore, in cases where many parties are engaged in an accident and seek reimbursement from a third party, the decision about compensation will be made based on the combined negligence of the drivers of those cars.¹⁰

⁹ *T.O. Anthony v. Karvarnan*, (2008) 3 SCC 748

¹⁰ Diganth Raj Sehgal, "Road Accident Claim Compensation" *iPleaders*, 2019 available at: <https://blog.ipleaders.in/road-accident-claim-compensation/> (last visited June 30, 2024).

XII. WHAT MEASURES LAW AUTHORITIES AND ENFORCEMENT AGENCIES ARE PRACTICING TO MITIGATE NEGLIGENCE BASED ACCIDENTS?

Law enforcement agencies and traffic authorities play an important role in reducing and handling accidents. They govern how road transports and vehicles should act with each other on road maintaining a proper discipline of driving vehicle to ensure safety and reduce such cases. Government believes that proper following of the traffic laws can lead to significant reduction and severity in accident cases which are on the peak in today's times.

- **Avoiding Crashes**

Most, traffic laws have one main goal: stop accidents from happening. Take speed limits for instance, they are there so cars don't drive so fast that they can't be controlled. There are also laws against drunk driving texting while driving, and rules that insist on wearing seat belts. These all work to decrease the chance of crashes.

- **Order and Sureness**

Traffic laws also give our roads an expected order. They do this through rules like who has the right of way, traffic lights staying in your lane, and stopping at crosswalks for people walking. These create behaviour that is easy to predict. When everyone on the road knows these rules and sticks to them, there is a lot less chance of things going wrong.

- **Learning and Practice**

Driver's education programs and licensing tests teach drivers about traffic laws. These lessons help drivers understand how to act on the road. They learn about road signs, what to do in an emergency, and what happens when they break the rules. This knowledge helps make drivers more careful and informed.

- **Taking Care of Things After a Crash**

Traffic laws tell drivers what to do after a crash. For example, the law says that drivers have to stay at the scene of the accident. This rule makes sure that injured people get help and keeps evidence safe for investigations. The law also says that drivers must

tell the police about the accident. This helps keep the police records correct and guides the next steps of action.

- **Rules and Keeping People in Line**

Moreover, making sure people follow traffic laws stops careless actions in the streets. Things like fines losing your driving privileges, or even going to jail discourage wild driving. Enforcing these laws with a firm hand drives home how serious they are. This helps people stick to the rules and makes the roads safer.¹¹

XIII. VARIOUS TYPES OF NEGLIGENCE OBSERVED DURING ACCIDENT

A. Talking on the Phone or Texting While Driving

Usage of smartphone has been observed as the one of the most biggest factor contributing to accidents. Smartphones are considered to be limb of our body without which people are not able to live in. Talking, texting, or even reading an email on your phone while operating a vehicle is dangerous and reckless and can lead to loss of your life. Increasing reliance on smartphones has led to a growing number of incidents where drivers take their eyes off the road, causing potentially devastating head-on collisions.

In these situations, the consequences can be life-changing, leading to significant personal injuries not only to oneself but also to other drivers or pedestrians involved in the accident. Reducing distraction and focusing on the road can help prevent these tragic accidents.. A study conducted by the National Institutes of Health (NIH) found that drivers who engage in distracting behaviours, including talking on a cell phone, are more likely to be involved in car crashes and near-crashes.

The National Highway Traffic Safety Administration highlight texting as alarming distraction. It increase the chances of being in a crash due to focus on the other thing.

¹¹ Dr Charles Ogutu, "The importance of Traffic_Laws and Regulations in managing road carnage following accidents - CRISIS INTEL" *available at*: <https://crisisintel.com/the-importance-of-traffic-laws-and-regulations-in-managing-road-carnage-following-accidents/> (last visited June 30, 2024).

a text takes your eyes off the road for about 5 seconds, which is like driving the length of an entire football field with your eyes closed.¹²

B. Drunken Driving

Drinking and driving record approximately one person life in every 50 minute which result in loss of ten thousand lives per year. Doing such an act can endanger lives of other on the road and cause serious accidents which have increased a lot in countries like India. Alcohol leaves an impact on brain which impair thinking and affects the function, reasoning and muscle coordination which are required to drive a vehicle which otherwise if not followed then can lead to an accident. *In State Tr.P.S.Lodhi Colony vs Sanjeev Nanda*¹³, accused was involved in car accident which caused death of 6 individual due negligent driving. It was found that his blood contained 0.115 per cent of alcohol at time of driving which resulted in the accident. The court highlighted the menace of drunken driving in society and its grave consequences, leading to accidents and loss of lives and held him liable and the accused was held entitle to compensate.

C. Ignoring Vehicle Maintenance

It is important to keep our car operational and safe so that it works properly while taking it on road and does not cause any mischief. When an accident has occurred because of bad condition of the vehicle, the owner is legally responsible for all of the injuries and the accident that may occur.

D. Overloading

Overloaded vehicles, those with improperly secured loads and vehicles with loads protruding beyond their body structure pose a serious hazards to themselves as well as other road users. Overloaded trucks can be the cause of accidents on account of various effects of the excess load which include bursting of tyres due to excess weight,

¹² "Why Cellphone Use Can Cause Devastating Head-On Crashes - The Accident Network Law Group," <https://accidentnetwork.com/>, 2024 available at: <https://accidentnetwork.com/why-cellphone-use-can-cause-devastating-head-on-crashes/> (last visited June 30, 2024).

¹³ *State Tr.P.S.Lodhi Colony v. Sanjeev Nanda*, 2012 Cri LJ 3762 (SC)

wearing out of brakes due to excessive friction, road collapse due to extra weight, overturning/ roll-over of the vehicle due to shifting of the centre of gravity and increase/ decrease of speed/ momentum while going downhill/ uphill due to the excessive load. 7.9% of the total accidents, 9.5% of deaths and 8.2% of injuries in 2019 were attributable to overloaded vehicles.

E. Over Speeding [Violation Of Traffic Rules]

Over speeding remains the major cause of road accidents in the country with almost 71% (3,19,028) accidents occurring due to high speeds and resulting in the death of 1,01,723 (67.3% of total deaths) persons while causing injuries to another 3,26,850 (72.4% of total injuries) individuals. Lane indiscipline was the next major human factor accounting for 5.4% (27,431) of road accidents, 6.1% (9,201) of total deaths and 5.5% (24,628) of total injuries.

Balance violations like drunk driving, jumping of traffic signal and use of mobile phones together accounted for 6% of total accidents and 8% of total deaths although these factors have highlighted the need for stricter enforcement measures.

One of the recently famous case we see here is the “ PUNE PORCHE CASE” the minor accused had thrown a party for 12 of his friends to celebrate his Class 12 results. They had gone to Cosie in upscale Mundhwa and Blak Club at Marriott Suites at Koregaon Park annexe, where they consumed alcohol between 9.30 pm on Saturday and 1 am on Sunday. The police said the teenager was driving his unregistered silver-grey Porsche Taycan at 160 kmph when it hit a motorcycle from behind near a pub, that killed 24-year-olds Ashwini Koshta and Aneesh Awadhia from Madhya Pradesh. Since the child was minor the guardians were held to be liable.¹⁴

XIV. NEW POLICY RECOMMENDATIONS

1. Strengthening Graduated Driver Licensing (GDL) Programs

Proposal:

¹⁴ “What Were The Rules That Were Broken In Pune Porsche Car Crash? What Is The Punishment For Drink-Driving?,” *News18*, 2024 available at: <https://www.news18.com/explainers/why-teen-in-pune-porsche-car-crash-that-killed-2-was-let-off-what-are-drink-driving-laws-in-india-8898907.html> (last visited June 30, 2024).

Implement a more rigorous Graduated Driver Licensing (GDL) system with clear, mandatory stages and extended periods for each stage. Include requirements for supervised driving hours and completion of advanced driving courses before progressing to the next stage. **Justification:** A comprehensive GDL system ensures that young drivers acquire sufficient experience and skills under less risky conditions before obtaining full driving privileges .

2. Enhancing Driver Education and Training Programs

Proposal:

Incorporate advanced driving simulators and hazard perception tests into driver training curricula. Mandate regular refresher courses for young drivers during the initial years of licensure.

Justification: Improved training and education can better prepare young drivers for real-world driving conditions and enhance their hazard recognition skills.

3. Increased Penalties and Enforcement for Traffic Violations

Proposal:

Further increase fines and introduce demerit point systems for specific violations commonly committed by young drivers, such as speeding, drunk driving, and use of mobile phones while driving.

Justification: Higher penalties and consistent enforcement can act as strong deterrents against reckless driving behaviours.

4. Strengthening Legal Framework for Post-Accident Support

Proposal:

Establish a robust system for immediate medical and legal support for accident victims and Good Samaritans. Create a national database to track and analyse road accidents involving young drivers, aiding in targeted policy interventions.

Justification: Providing prompt support and maintaining detailed accident records can improve emergency response and policy formulation.

5. Promoting Use of Safety Technologies in Vehicles

Proposal:

Mandate the inclusion of advanced safety features such as electronic stability control, automatic emergency braking, and lane departure warning systems in vehicles. Provide incentives for young drivers to purchase vehicles equipped with advanced safety technologies.

Justification: Advanced safety technologies can help prevent accidents and protect young drivers from severe injuries.

6. **Installing CCTV camera:** in every 100 metre can enhance road safety and reduce accidents. It will help in capturing violations and will act as a deterrent against traffic violations and will ensure road safety. It will help in law enforcing traffic laws by capturing violations and real based accidents.

7. Implementing mandatory LED lights in every vehicle can significantly reduce road accident cases as it will enhance visibility with brighter and clear illumination which will improve visibility and focus on roads. As they are more energy efficient thus they consume less power from vehicle battery which ensures consistent performance and longer lifespan.

XV. LEGAL STANDARDS RELATED ACCIDENTS CAUSED BY NEGLIGENCE UNDER INDIAN PENAL CODE AND MOTOR VEHICLE ACT.

A. Indian Penal Code 1860

- **Section 279:** It discusses the legal consequences and liabilities associated with rash driving by drivers. It underscores the legal duty of care owed by drivers to other road users and pedestrians, highlighting the importance of adhering to traffic rules and regulations to prevent accidents.¹⁵
- **Section 304A:** It provides a legal framework for assessing criminal liability in cases where death occurs due to negligent driving. It also

¹⁵ Indian Penal Code 1860 (45 of 1860), s. 279

helps in evaluating the severity of consequences for breaches of the duty of care by drivers.¹⁶

- **Section 336** -This section criminalizes any act that endangers the life or personal safety of others, done with knowledge or negligence. The punishment is imprisonment of up to 3 months, a fine of up to ₹250, or both.¹⁷
- **Section 337** -This section imposes punishment for causing hurt to any person by doing any rash or negligent act. The punishment is imprisonment of up to 6 months, a fine of up to ₹500, or both.¹⁸

B. MOTOR VEHICLE ACT 1988

- **Section 185:** It addresses the prohibition of driving under the influence of alcohol or drugs. This section is critical for evaluating the behaviour and responsibilities of young drivers related to impaired driving. It outlines legal standards regarding alcohol consumption and driving, highlighting the stringent measures in place to prevent accidents and ensure road safety.¹⁹
- **Section 112:** It deals with the licensing of drivers, specifying the requirements and procedures for obtaining a driver's license helps in understanding the regulatory measures in place to ensure that young drivers acquire the necessary skills and knowledge before obtaining full driving privileges. It also provides insights into the responsibilities imposed on young drivers as they progress through the licensing stages. For young drivers, this section is crucial as it establishes the legal framework for their eligibility to drive, including the minimum age requirements and the process of obtaining a learner's license and subsequent stages.²⁰
- **Section 128: Power of Officers to Impound Documents**
Empowers officers to impound licenses of young drivers involved in offenses,

¹⁶ Indian Penal Code 1860 (45 of 1860), s. 304

¹⁷ Indian Penal Code 1860 (45 of 1860), s. 336

¹⁸ Indian Penal Code 1860 (45 of 1860), s. 337

¹⁹ The Motor Vehicle Act 1988 (59 of 18888), s. 185

²⁰ The Motor Vehicle Act 1988 (59 of 18888), s. 112

ensuring compliance with traffic rules and promoting responsible driving behaviour.²¹

- **Section 161:** Duty to Produce License and Certificate of Registration Imposes a duty on young drivers to produce their license and vehicle registration documents when required by authorized officers, facilitating enforcement of road safety regulations.²²
- **Section 213:** Duty of Driver in Case of Accident and Injury to a Person Mandates young drivers involved in accidents to provide necessary assistance to injured persons, highlighting their legal duty of care towards accident victims and ensuring prompt medical aid.²³
- **Section 118:** This section mandates young drivers to present their driver's license and vehicle registration documents upon request by authorized officers. It facilitates effective enforcement of licensing regulations and ensures that drivers meet legal qualifications, promoting accountability and adherence to road safety standards.²⁴

XVI. CONCLUSION

The findings of this research paper really drive home the fact that negligence plays a huge role in causing accidents, especially when it comes to motor vehicle operations. After analysing the legal provisions in different jurisdictions, like the Indian Penal Code and the Motor Vehicles Act of 1988, it's clear that there's a comprehensive framework in place to deal with negligence and its consequences. The study has shown that negligence can take many forms, such as not properly maintaining vehicles, ignoring traffic rules, and driving recklessly or while distracted.

These careless behaviours not only put the driver and passengers at risk, but also pose a serious danger to other people on the road, like pedestrians and other drivers. The legal provisions we looked at in this paper stress the importance of establishing a clear

²¹ The Motor Vehicle Act 1988 (59 of 18888), s. 128

²² The Motor Vehicle Act 1988 (59 of 18888), s. 161

²³ The Motor Vehicle Act 1988 (59 of 18888), s. 213

²⁴ The Motor Vehicle Act 1988 (59 of 18888), s. 118

duty of care for vehicle operators and owners, and also of imposing penalties and punishments for negligent behaviour. The Motor Vehicles Act of 1988 even has a presumption of negligence, which helps address the challenge of proving fault in accident cases and makes it easier to hold negligent parties accountable. We also found that contributory negligence and vicarious liability play a big role in shaping how accidents are dealt with legally.

These concepts recognize that accidents are often caused by multiple factors and ensure that all relevant parties are held responsible for their actions or lack thereof. This leads to a more comprehensive approach to preventing accidents and assigning liability. The findings of this study also highlight how important it is to have effective compensation and insurance systems in place, as outlined in the Motor Vehicles Act of 1988. My all hypothesis has proved to be true. These provisions aim to provide financial support to victims of motor vehicle accidents, which helps mitigate the social and economic consequences that often come with such incidents.

To sum it up, this research paper clearly shows just how crucial negligence is in causing accidents, especially in the realm of motor vehicle operations. By closely examining the legal framework surrounding these issues, we've realized the need for a holistic approach to prevent accidents and assign liability, one that takes into account the interests of everyone involved and promotes a safer transportation environment.

Moving forward, this research suggests that we need to keep working on improving driver education, raising vehicle safety standards, and enforcing traffic regulations more effectively. It's also important to continually monitor and evaluate the effectiveness of the existing legal provisions, while incorporating new technological advancements, to further reduce accidents caused by negligence and create a more secure and responsible transportation system.

XVII. REFERENCES

Books Referred

- R.K. Bangia, *Law of Torts* 224 (Allahabad Law Agency, Allahabad, 26th edn., 2021).

Online Articles / Sources Referred

- ¹ “What Were The Rules That Were Broken In Pune Porsche Car Crash? What Is The Punishment For Drink-Driving?,” *News18*, 2024available at: <https://www.news18.com/explainers/why-teen-in-pune-porsche-car-crash-that-killed-2-was-let-off-what-are-drink-driving-laws-in-india-8898907.html> (last visited June 30, 2024).
- “Why Cellphone Use Can Cause Devastating Head-On Crashes - The Accident Network Law Group,” <https://accidentnetwork.com/>, 2024available at: <https://accidentnetwork.com/why-cellphone-use-can-cause-devastating-head-on-crashes/> (last visited June 30, 2024).
- Dr Charles Ogutu, “The importance of Traffic Laws and Regulations in managing road carnage following accidents – CRISIS INTEL”available at: <https://crisisintel.com/the-importance-of-traffic-laws-and-regulations-in-managing-road-carnage-following-accidents/> (last visited June 30, 2024).
- Diganth Raj Sehgal, “Road Accident Claim Compensation” *iPleaders*, 2019available at: <https://blog.iplayers.in/road-accident-claim-compensation/> (last visited June 30, 2024).

Cases Referred

- *Kishan Gopal v. Lala*, 2013 AIR SCW 5037
- *National Insurance Company Limited v. Pranay Sethi*, (2017) 16 SCC 680
- *Sarla Verma v. Delhi Transport Corporation*, AIR SCW 4992
- *State Tr. P .S .Lodhi Colony v. Sanjeev Nanda*, 2012 Cri LJ 3762 (SC)

Statutes Referred

- Indian Penal Code 1860 (45 of 1860), s. 279
- Indian Penal Code 1860 (45 of 1860), s. 304
- Indian Penal Code 1860 (45 of 1860), s. 336
- Indian Penal Code 1860 (45 of 1860), s. 337
- The Motor Vehicle Act 1988 (59 of 18888), s. 185
- The Motor Vehicle Act 1988 (59 of 18888), s. 112
- The Motor Vehicle Act 1988 (59 of 18888), s. 128
- The Motor Vehicle Act 1988 (59 of 18888), s. 161
- The Motor Vehicle Act 1988 (59 of 18888), s. 213
- The Motor Vehicle Act 1988 (59 of 18888), s. 118