
Laws related to Road Safety and Protection of Good Samaritans in India: A Critical Legal Study

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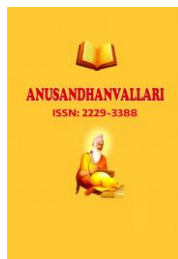
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Abstract: India is home to an alarming number of road deaths, topping 150,000 a year, which means more suffering. Due to how uninformed bystanders are of the law, they always shrink from their natural helping instinct. The Motor Vehicles (Amendment) Act 2019 incorporates Good Samaritan protections as Section 134A, will shield voluntary rescuers who are not too negligent in helping victims from civil or criminal liability, building on Supreme Court guidelines from the 2016 SaveLIFE Foundation case. Road safety laws addressed in the Motor Vehicles Act 1988 cover licensing, speed limits, helmets and seatbelts, with its 2019 amendments increasing fines. Objective of these laws is to cause ethical standards within a cultural "hit-and-run" social structure, but implementation of them remains in its infancy. Supreme Court directives, such as the 2025 orders for helmet enforcement or infrastructure audits under Section 198A, show pedestrians are not fully protected and states are still straggling to comply. Awareness among police, hospitals, emergency responders and citizens is low, with irregular enforcement undercutting the trust that onlookers place in bystanders. This is shown by national surveys identifying ongoing fears of harassment. Despite potential for saving 70,000 lives/year, fragmented state actions and inadequate training still hold us back. There is no specific road safety legislation; results from the Motor Vehicles Act have been piecemeal. Reforms include nationwide public awareness campaigns, enforcement through digitized data systems and sub-national audits of state performance consonant with SDGs.

Keywords: Good Samaritan Laws, Rights of Victims, Motor Vehicle Accidents, Guiding Principle, Supreme Court

1. Introduction

India's roads, said to be the lifeblood of economic development, are now the scene of slaughter and sorrow. With so many people and so much urbanization and vehicles, like some silent plague that ravages a nation, road accidents have become an exquisite art form. Every year claims lives more than it does in war or natural disasters combined. Yet this alarming trend is not known to most policymakers will excuse the pain—unless they have relatives killed by automobiles or unless their children learn to keep clear of cars before they learn anything else. According to recent data, India had 473,000 road accidents in 1994, killing about 100,000 people—a rise from the previous year by 2.3%. It shows we must more than ever urgently improve and strengthen our laws on road safety. However, despite significant progress being made in this area—like 2019's Motor Vehicles (Amendment) Act which aimed at overhauling an outdated archaic law called the Motor Vehicles Act 1988—its enforcement still poses problems because implementation has yet to catch up with policy. This critical legal research explores how road safety laws have developed in India, but focuses particularly on legal provisions for first responders or Good Samaritans who assist victims. It assesses our legal framework for its strengths in both prevention and motor protection, at the same time highlighting the systemic weaknesses in both enforcement and expectations that hinder its operations. It also offers guidance on how promoters of road safety can work toward negotiable goals through its examination of the laws themselves. Using legislative original text, judicial precedent, empirical research, and policy analysis, The study argues that while laws show



progress as an aspiration their capacity for transformation is hampered by institutional inertia, lack of infrastructure and a disconnect between policy intent and operational results.

Into the late Nineteenth Century, India's history of road safety regulation began to evolve from the colonial-era decrees that it had been adopted in response post-Independents demands for mobility. The Motor Vehicles Act of 1939 was the foundation statute for rules on licensing, registration, and traffic. It was later replaced by the Motor Vehicles Act, 1988, which provided more central control over vehicle standards, driver training and insurance. But as the new century dawned, road death rates soared--a backlash from inadequate or undermanned highway planning and enforcement, plus an explosion of motorized two-wheelers--and the Act's limitations became ever more apparent. Reports from the Law Commission and the Supreme Court Committee on Road Safety identified such problems as juvenile driving, drunken driving hit-and runs. The turning point came in 2016 with the Motor Vehicles (Amendment) Bill, which was only approved in the following May as the 2019 Amendment amid a public outcry over several high-profile accidents. This Amendment, effective from September 2019, introduced more than 60 changes, with a view particularly toward clinics in providing victim support. Crucially, it shifted from the punitive-reactive model to a preventive-proactive one. It is now on par with global standards such as the UN Decade of Order in Safety on the Roads (2011 —2020 [extended in 2020 to 2030]). This legislative process, however, reflects a reactive pattern: institutional change is often driven by court cases or statistically visible upticks rather than planning ahead, which creates crisis-driven policy-making loop.

2. Key Provisions of the Motor Vehicles Act, 1988, and the 2019 Amendment for Road Safety

The 2019 Amendments are mainly aimed at enhancing of road safety aspects such as prevention and regulation. In the new Section 177A, contractors caught not abiding by the proper road building standards are looking at a maximum fine of Rs 1 lakh. This deals with such "engineering defects" as account for some 30- 40% of road accidents – like potholes and broken road signs. A sharp change in traffic violation penalties: Now driving drunk can land you anywhere between Rs 10,000 and Rs 15,000 down; up to two years in the state gulette (formerly Rs 2,000 -4,000). Speeding fines made it from Rs 400 to as high as Rs 1,000 or even 2,000 per instance, while driving without a license is hit Rs 5,000--up from Rs 500. The Act calls for automated fitness tests on vehicles (section 56 of the Act).This eliminates the manual inspections that have become so corrupt and introduces aggregator (branch) liability for car services under section 93 (c) (i), meaning that platforms like Uber are responsible for driver reliability as well. Juvenile offenses are treated very seriously by the Act: the guardian of any under-18s causing accidents will be liable to a fine of no more than Rs 25,000, and perhaps up to three years in prison (section 199A). Furthermore, the establishment of a National Road Safety Board (section 215B) deals with standards, education and information maintenance and the Motor Vehicles Accident Fund (section 164B) makes sure that victims have compulsory insurance coverage available in that vital first hour of accident damage. These are measures targeting practically the '4Es' of road safety: Engineering, Enforcement, Education and Emergency Care. After fines reach a certain level, nevertheless, the penal act's linkage presumes rational actor behavior. Yet this may be too simplistic in light of insights from behavioral economics on high fines: depending on enforcement that is nevermore likely now amid Indian traffic police end threats and universal bribery.

3. Legal Framework for Protecting Good Samaritans: Section 134A and Related Guidelines

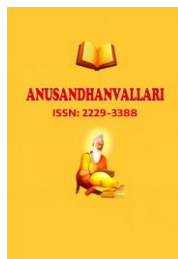
In the 2019 Amendment, a key innovation was that Good Samaritans are protected by law.This appeared in the text of Articl 134A which provides immunity to voluntary helpers, such as those who use CPR but accidentally cause harm to rescue victims and are therefore not to blame for anything at all.This clause was prompted by a Supreme Court order of 2016 in the case SaveLIFE Foundation No 13979/2015 wherein upon hearing a PIL and instructing police and hospitals on bystanders' treatment one way or another-The liability of law often inhibited bystanders from intervening: judicial surveys suggest 74% such people refrained due to police harassmentor

being forced by hospitals to file an FIR ("First Information Report"). Those who give resuscitative aid in good faith, who do so voluntarily and without hope of reward, will be held unobjectionable witness not required to repeat their statements in court. Hospitals may not require victims to provide identity before either treatment or recovery charges from the Accident Fund. The Ministry of Road Transport and Highways (MoRTH) issued Standard Operating Procedures (SOPs) in 2016 that would reward Samaritans with sums up to Rs 5,000 at their discretion. This is a pattern of reform that draws on international models from the U.S., where Good Samaritan laws vary greatly by state but generally protect non-professionals from negligence suits. In India such laws combat the cultural "bystander effect", where diffusion of responsibility and fear make inaction instead of rescue more probable - with savings in lives! 50% Ojai. As a result, it is crucial for the success of this stand: that the world turns its course from passive victim-blamers to people.

4. Critical Analysis: Strengths, Implementation Challenges, and Systemic Gaps

However, seen from the perspective of a critical eye, the design and operation of the legal framework still leave much to be desired. Enforcing the law is still the biggest challenge. While penalties rise, compliance lags behind because proper supervision and deterrent systems have not been established. Only 15% of India's roads have CCTV coverage, and e-challans, introduced under the Act, face technical glitches and evasion. A study released in 2023 by the SaveLIFE Foundation found that 60% of offences go unsanctioned, undermining enforcement efforts. Federalism adds a further layer of complexity to the mess: road safety is a concurrent subject but its adoption by states varies—Tamil Nadu's strict helmet laws in sharp contrast to Uttar Pradesh's easygoing implementation add up to interstate discrepancies in accident rates. Also, the Act completely ignores one group of road users: pedestrians and cyclists, whose 40% death toll receives only cursory mention beyond vague threats of rights-of-way (Central Motor Vehicles Rules, 1989). From the feminist and disability viewpoints too, there are critical flaws in the law. Provisions pay no attention to gender; increased use of public transport increases female transport accident risks and transport for the disabled is almost non-existent. Economically this is a poor piece of legislation: the heavy fines place disproportionately high burdens on the poor, while those who have power still seem free to break rules.

The picture is not wholly disappointing, empirically speaking, when it comes to Good Samaritan protections. Samaritans' harassment trend seemed to have abated slightly in 2017: A 2024 NCBI study reported that only 25% of medical professionals and law enforcers were aware of the law; yet 40% still experience harassment. The Law Commission's 201st Report (2006) raised this problem, but after 2019?? implementation has been lethargic: no unified surveillance and rewards for reports unusual. When analyzed quantitatively in 2023, the law was shown to have decreased bystander hesitation by 20%. Culturally, getting involved was seen as 'bad karma' which still persists. Judicially, *Pt. Parmanand Katara v. Union of India* (1989) recognized the right to emergency care but implementation is sporadic and hospitals often break SOPs, hence PILs. In contrast, China's 2017 Good Samaritan law includes rewards for rescuers, a feature missing from India's legislation. This could pave the way for more active involvement. Crucially, the Indian clause 'good faith' is ambiguous and will have problems of interpretation; and the legislation excludes professionals, so a country already short of doctors will be even worse off in future. Indeed, from a larger perspective, the legislation which neoliberal undertones pervade: Dispatching enforcers through aggregators and automated centers costs all levels of society more money, especially as rural areas lack access. Department of Transport data shows deaths climbed on National Highways in the first half of 2025 as cars sped and maintenance remained low - issues this law attempts to tackle on paper but not in practice. The Supreme Court Committee on Road Safety was set up in 2014 to fix this, preaching directives; but in enforcement, resources are lacking and states cited no money class. A socio-legal study in Gujarat found that enforcement was influenced by class and caste: Those with power or wealth escaped punishment when they broke the law, maintaining injustice. Moreover, the technology push in the Act think



electronic monitoring is out of step with digital divides, where fully 60% of people do not own a smart phone for something like VAHAN.

5. Conclusion

Even though the 2019 Amendment to the Road Safety Laws of India represents progress towards safe mobility and a Good Samaritan method, this critical study reveals a paradox. Incident to the advanced predictions on future trends and all degree of accidents already longer at 2012, however crucial it is to carry out this recalibration is clear. India's roads can be changed from death traps to life lines when it turns them into pathways for saving life. Is there any reason not to assume any such endeavour an enterprise embodying the spirit of Article 21 the Constitution, a human right which now lies prostrate? But if we do nothing there's every chance we'd only enshrine that history over again: where laws are plentiful yet no human beings remain.

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