



# Law Relating to Compensation Under the Motor Vehicles Act

*M.R. Sreenath*

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The number of people who get killed or maimed in Motor-Vehicle accidents is growing day by day. The main source of succour 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 book studies various new rights created by the Motor Vehicles Act, 1988 for claiming compensation in the case of any death or bodily injury caused in an accident arising out of the use of a motor vehicle.

Over the years, the judiciary has not only been called upon time and again to interpret these statutory provisions and apply them to different fact situations, but also to lay down the legal principles for assessing compensation. The Motor Vehicles Act, 1988 does not provide any guidelines for the identification of the items of loss to be compensated; nor does it lay down any criteria for the computation of the quantum of compensation for each item of loss. The author has successfully dealt with such and other important questions.

An attempt has been made to make a comprehensive review of all aspects of Motor Accident Compensation law as per the new Act of 1988. The author has sought to present all the avowed viewpoints on a given aspect with copious references to the case-law. He has not adopted the usual section-wise commentary approach. On the contrary, he felt that a topic-wise discussion would be more appropriate for this subject.

Rules framed by various States under the Motor Vehicles Act, 1988 on accident claims have also been included in the Appendix of the book. This book would be of use not only to practicing lawyers, but also to legal scholars and legislative draftsmen.

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