

PREFACE

The Motor Vehicle Act, 1988 is a Central Legislation, applicable throughout India including the State of Jammu and Kashmir since July 1989. The rules under the Act have, however, been framed by the State, known as Jammu and Kashmir Motor Vehicle Rules, 1991.

The Act is enacted by the Parliament in the thirteenth year of Republic of India, received the assent of the President on 14th Oct, 1988 and came into force on First day of July, 1989. This Act extends to whole of India including State of Jammu and Kashmir. This Act was further amended by M.V. (Amendment) Acts (54 of 1994), (27 of 2000) and (39 of 2001).

The first enactment relating to Motor Vehicles in India was enacted in 1914, which was latter on replaced by Motor Vehicle Act, 1939. This Act was amended several times, but despite of that it was felt necessary that in view of the changes in the technology, pattern of passengers and freight movements, development of road network in the country, to have a comprehensive legislation. So, various committees were formed which apart from the law Commission, gone through the various aspects of road transport. Thus a working group was, constituted in 1984 to review all the provisions of the Act of 1939. This Group considered the suggestions made by various bodies/institutions and made recommendations, which were circulated among the States for their comments. The recommendations of the Working Group and the comments of the States were discussed at a Special meeting of Transport Ministers of all States and Union Territories. Based on the conclusions reached in the meeting and suggestions made by the Hon'ble Supreme Court of India in a case as reported in AIR 1987 SC page 2158, Motor Vehicle Bill was introduced in the Parliament to replace the Motor Vehicle Act, 1939.

The Supreme Court in *M.K. Kunihi Mohammed v. P.A. Ahmed Kutty*, (1987) 4 SCC. 284: AIR 1987 SC 2158, made certain suggestions to raise the limit of compensation payable as a result of motor accidents in respect of death and permanent disablement in the event of there being no proof of fault on the part of the person not involved

in the accident and also in hit and run cases to remove certain disparities in the liability of insurer to pay compensation depending upon the class or type of vehicles involved in the accident. These suggestions were incorporated in the Bill.

In this book an attempt has been made to incorporate relevant provisions (with extract) of the Motor Vehicle Act and the rules framed thereunder with a schedule to indicate penal sections of the Act, contents of the sections as well as rules provided for each offence and the persons who are liable for the said violations.

This handy book will indeed serve the purpose of a ready recknor, which will be helpful for Traffic Police Officers, Motor Vehicle Inspectors and the Traffic Mobile Magistrates in particular and the others dealing with law in general.

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