



Road Accident Victims' Right to Compensation and Medical Assistance in India: Legal and Human Rights Dimensions



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ABSTRACT

In India, road traffic accidents (RTA's) are a serious public health and human rights issue, resulting in loss of life, permanent disability and social and economic deprivation of the victims and their families. Although the legal system in the field of motor accident compensation has undergone various changes due to amendments in the law and judicial decisions, problems in timely compensation, access to emergency treatment and enforcement of the law remain a hurdle in exercising the rights of the victims. This paper aims to critically analyses the legal and human rights aspects of the claim of the victims of road accidents for compensation and medical assistance in India. It examines the constitutional framework of protection of victims in the context of Article 21 of the Constitution of India, provisions of the Motor Vehicles Act, 1988 as amended in 2019 and judicial interpretations of the scope of the right to life and right to health. The study also examines the operation of Motor Accident Claims Tribunal, the policy of just compensation and the legal duties of the hospitals and public authorities to give prompt medical treatment to accident victims. The paper adopts a doctrinal and analytical research methodology, focusing on the interaction between compensation law, the right to access to justice and international human rights standards. The results show that while there are positive legal advances, there remain procedural bottlenecks, lack of awareness, inconsistencies in victim compensation and gaps in emergency healthcare infrastructure that hinder protection for victims. The paper calls for a rights-based concept that combines the aspects of compensation, medical assistance, human dignity and an overall victim-centric approach in a holistic way. It finally suggests institutional changes, better enforcement, better trauma care systems and better laws to provide adequate protection to the victims of road accidents in India.

1. Introduction

Over the past years, road traffic accidents have become one of the most pressing issues in terms of public safety and human rights in modern societies.

The growing motorization, urbanization, vehicle ownership, and poor road infrastructure have all led to a dramatic increase in road traffic injuries and deaths worldwide. Road accidents in developing

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countries such as India, have impacts not only on the physical dimensions of injuries and fatalities, but also on social welfare and health care as well as on economic productivity. As road users rely more and more on transport systems for economic and social activities, there is a growing need to make it a part of a rights-based governance framework that ensures adequate legal protection and access to justice for those affected by a road traffic collision (World Health Organization [WHO], 2023).

The protection of road accident victims no longer can only be thought of in terms of tortious liability or insurance compensation. Today, the concept of rights of accident victims is gaining growing importance in the general human rights discourse, in relation to the right to life, the right to health, the right to dignity and the right to access to effective remedies. In India, the scope of Article 21 of the Constitution has been extended to give the right to prompt action on the part of the State and healthcare institutions in the event of accidental emergencies (*Parmanand Katara v. Union of India*, 1989). Hence, questions of compensation and medical coverage have become of a legal and constitutional character.

1.1 Background of Road Accidents in India

Given the high rate of motorization, population growth, and inequitable transport development, India has one of the largest numbers of road traffic accidents and resulting deaths in the world. Although there have been legislative changes and policy interventions to address road safety, the number of fatalities and severe injuries from road accidents remains high each year. While significant attention has been given to addressing the

component of human error, reports from the government suggest that other factors such as speeding, reckless driving, poor road engineering, inadequate enforcement of traffic rules, and lack of emergency response systems continue to play a significant role in the occurrence of road accidents in the country (Ministry of Road Transport and Highways [MoRTH], 2023). These factors show the importance of a holistic legal and institutional system that can shield victims and minimize accident-related harms.

Road accidents in India are not just a statistical problem, but also a public health issue. Economically productive people are frequently killed in fatal accidents, resulting in long-term social and economic impacts on dependents and communities. Survivors often suffer from physical disabilities, mental anguish, loss of job opportunities, and reduced standard of living. These impacts impose significant burdens on families, healthcare systems, and social welfare institutions, especially when compensation systems are not timely or sufficient (WHO, 2023). As such, injuries from road traffic have become an important development concern that needs to be addressed through a coordinated legal, medical and policy response.

Low-income families are especially vulnerable to the socio-economic effects of road crashes, as the death of a key breadwinner may lead to sustained financial insecurity. Victims and their dependents may face other difficulties due to medical, rehabilitation, lost income, and litigation costs. However, in many instances, victims face procedural problems to obtain financial relief

through insurance schemes and Motor Accident Claims Tribunals. These challenges highlight the need for the efficient implementation of compensation mechanisms and the need to promote the principles of social justice and support for victims (Government of India, 2019).

Human rights issues also emerge from the effects of road traffic accidents, in terms of the State's responsibility to safeguard life and ensure access to health services. Failure to provide prompt medical care may worsen injuries and lead to higher death rates, especially during the “golden hour” after an accident. With this in mind, the Indian judiciary has reiterated several times that saving human life is above all procedural and administrative aspects. In this context, the rights of the victims of road accidents to receive timely medical help and fair compensation must be seen as an integral part of the constitutional commitment to human dignity, equality and social justice (*Parmanand Katara v. Union of India*, 1989; Constitution of India, art. 21).

1.2 Research Problem

While there have been substantial legislative changes and judicial measures to safeguard road accident victims, their rights to receive compensation and medical support continue to be marred by practical problems. India has put in place a legal structure under the Motor Vehicles Act, 1988 (as amended in 2019) for providing financial relief and easy access to justice to accident victims. But administrative inefficiencies, procedural complexity and differential implementation between jurisdictions often negatively impact the effectiveness of these mechanisms. As a result, significant difficulties were faced by many victims

and their families in accessing prompt relief after road crashes (Government of India, 2019; Ministry of Road Transport and Highways [MoRTH], 2023). One of the biggest issues is that compensation for accident victims is always slow to be paid. While Motor Accident Claims Tribunals (MACTs) have been created to offer expedient and specialised adjudication of compensation claims, the lengthy process of litigation, the need for evidence, disagreement with insurers and case overloads often mean that compensation claims are delayed. When this happens victims and their dependents are frequently denied financial support during their recovery, while they are ill and unable to work. The disconnect between what people are entitled and what they get as compensation is a cause for concern on justice access and effectiveness of the compensation regime (*National Insurance Co. Ltd. v. Pranay Sethi*, 2017; Law Commission of India, 1980).

Lack of access to emergency health care after road crash is another important concern. Quick medical treatment following an accident and injury can frequently mean the difference between life or death and the severity of the injuries. In many parts of India, however, the accident victims still face problems like inadequate trauma care facilities, inadequately-trained medical staff, delays in moving the injured, and hesitation among medical staff to begin treatment because of fear of legal formalities or payment requirements. This is especially difficult in rural and less-served areas where health care infrastructure is still scarce. The lack of these contributes to breach of the constitutional concept of “right to life” and “right to

health” and impacts the life expectancy and recovery of accident victims (Parmanand Katara v. Union of India, 1989; World Health Organization [WHO], 2023).

Victims' right is further hindered by institutional and procedural obstacles. Victims may have to deal with various agencies such as police, insurance companies, hospitals and adjudicatory agencies in the compensation process. It is not uncommon for these institutions to be poorly coordinated, resulting in delays in the documentation, verification and claim processing. Furthermore, the legal awareness of many victims, financial restrictions and lack of legal aid services prevents many victims, especially those coming from marginalized socio-economic groups, from properly claiming. These systemic barriers result in inequities in access to relief and compromise the protective aims of compensation and medical assistance provisions (Government of India 2019; United Nations 1966).

The research problem thus is the gap between the normative legal framework and practical application. Indian constitutional jurisprudence and the statutory provisions have recognised the need for compensation and emergency medical care as an integral part of protection of victims, but there are still large gaps in the effective and timely delivery of the same. This disconnection gives rise to legal and human rights issues regarding accountability of the State, effectiveness of institutions and the effectiveness of existing mechanisms to protect the dignity, health and welfare of the victims of road accidents. To fix these problems, it is crucial to create a victim-centric framework that is consistent with legal protection and constitutional values, as

well as international human rights standards (Constitution of India, art. 21; WHO, 2023).

1.3 Research Questions

The rise in road accidents in India has opened up a vast debate on legal and policy issues related to the rights of the accident victims and the responsibilities of the State. Statutory avenues for compensation and emergency medical care have also been enhanced by legislative changes and judicial interpretation, but there is still some uncertainty as to what type and extent of protection these offer. Therefore, understanding the legal and human rights aspects of accident victim protection is crucial to evaluate if current laws provide sufficient protection to the interests of the accident victims and their families (Government of India, 2019; Ministry of Road Transport and Highways [MoRTH], 2023).

The first research question focuses on whether the compensation for the victims of road accidents is primarily a legally enforceable right, or a welfare-oriented payment made by the State. This is important as the nature of characterization of compensation affects the nature of the legal remedies that can be granted to victims and the level of State responsibility to ensure timely and sufficient relief to victims. More recently, a rights-based approach with constitutional principles and social justice is becoming more prominent rather than a charitable or welfare approach, as evidenced in judicial pronouncements (National Insurance Co. Ltd. v. Pranay Sethi, 2017; Magma General Insurance Co. Ltd. v. Nanu Ram, 2018).

The second research question is to find out the extent to which Indian law provides for immediate

medical help with the victims of road accidents. Supreme Court of India has held that the right to receive medical care in emergency situations is an inherent part of Article 21 of the Constitution, the right to life. However, there are still practical issues regarding healthcare infrastructure, emergency response systems, and institutional coordination that impact timely provision of healthcare services. This question then delves into the extent to which the current laws are sufficient to implement the constitutional rights to health care for accident victims (*Parmanand Katara v. Union of India*, 1989; Constitution of India, art. 21).

The third research question is the identification of the principles of human rights in the protection of victims of the road accidents. In modern human rights jurisprudence, the rights to life, health, dignity, equality and access to justice are basic and essential rights which must be safeguarded by the State. Thus, it is crucial to analyse how these principles impact on the redressal mechanisms and the responsibility to provide emergency health care in the context of victim protection laws in India and its alignment with international human rights standards, such as the Universal Declaration of Human Rights 1948 and the International Bill of Rights 1966.

Research Questions

- (1) Is there a legal duty to pay compensation to the persons injured in road accidents in India or is it a welfare measure?
- (2) What is the extent to which Indian law provides for prompt and effective medical aid to the victims of road accident?

- (3) How are the constitutional and human rights principles applicable to the protection of Road Accident Victims in India?

1.4 Objectives of the Study:

- (1) To explore Indian law around payment of damages to the victims of road accidents.
- (2) To analyze the constitutional and statutory basis of the right to emergency medical care.
- (3) To assess court actions concerning the compensation and medical aid of persons injured in accidents.
- (4) To recommend legal and policy changes to enhance victim protection and to ensure that victims' rights can be effectively realised.

1.5 Research Methodology

In the present study, a doctrinal research approach has been taken to understand the law and human rights aspects of compensation and medical aid for the victims of road accidents in India. Statutory provisions, constitutional principles, judicial interpretations and policy frameworks governing victim protection are particularly appropriate for analysis in the context of doctrinal research. The research is mainly qualitative, using the constitution of India, motor Vehicles Act 1988, motor Vehicles (Amendment) Act 2019, its rules, government notifications and international human rights instruments for analysis. This way allows the broader picture of the norm system that governs the rights of road accident victims (*Government of India*, 2019; Constitution of India, art. 21).

Case law analysis is an important aspect of the study. Judges have helped set precedent that changes the landscape for accident victims, including their rights for compensation and

emergency medical treatment. The study critically analyzes important judgements from the Supreme Court and several High Courts and assesses how the judges interpreted the constitutional guarantees, statutory obligations and just compensation. The study observes how far courts have helped in reinforcing the legal protection of victims through the doctrinal review of judicial precedents and the identification of gaps in the legal framework for the protection of women victims of domestic violence through its analysis of the case laws of *Parmanand Katara v. Union of India* (1989) and *National Insurance Co. Ltd. v. Pranay Sethi* (2017).

The study also takes a comparative and human rights perspective to consider the Indian framework in comparison to international benchmarks and comparative practices. international instruments regarding the rights to life, health and dignity and access to effective remedies are analysed to assess India's adherence to international human rights commitments. Also, select compensation and victim assistance mechanisms from other jurisdictions are explored to draw out best practices that could help shape legal and policy changes in India. This comparative view adds to the analytical depth of the study and helps to develop reform-oriented recommendations (United Nations, 1948; United Nations, 1966; World Health Organization [WHO], 2023).

1.6 Scope and Limitations

This study will only cover legal and human rights aspects of compensation and medical assistance to be provided to the accident victims in India. It highlights the constitutional provisions and statutory laws, judicial decisions and policy

initiatives on protection of accident victims. The focus is on the Motor Vehicles Act, 1988 (as amended in 2019), the working of the Motor Accident Claims Tribunals (MACTs), the right to prompt medical treatment and the importance of human rights principles in developing victim protection mechanisms. The analysis also looks at some international human rights standards and selected comparative legal frameworks for a broader perspective (Government of India, 2019; WHO, 2023).

The study has some limitations. First, it is essentially doctrinal: it does not include much empirical fieldwork, interview work, or quantitative surveys with accident victims, health care workers, insurance companies, or judicial officers. Second, the comparative analysis is constrained to selected jurisdictions and is not an in-depth study of all systems of compensation in the international arena. Third, because of the fluidity of legislative changes and judicial developments, findings and recommendations in this study could be affected by legal changes that happen subsequent to this study. But these do not take away the significance of the study in assessing the current legal landscape and pinpointing areas of change (Law Commission of India, 1980; MoRTH, 2023).

1.7 Review of Literature

Road accident victim protection in India has largely been studied in the context of compensation avenues, insurance liability, road safety regulation and judicial efforts at determining compensation. In the early legal literature, the development of motor accident compensation law was discussed, and the importance of a streamlined process for swift relief

for the injured was stressed. All these studies called attention to the social welfare goals of the compensation legislation and advocated a more victim-centric adjudicatory system (Law Commission of India, 1980).

Subsequent studies have been directed towards the change in compensation law after the amendments in legislation and judgments by the courts. The concept of no-fault liability, of structured compensation schemes and the concept of “just compensation” which has been developed through judicial interpretation have been examined. Special emphasis has been laid on the role of the Supreme Court in the harmonisation of the concept of compensation and providing uniformity in giving compensation across various jurisdictions (National Insurance Co. Ltd. v. Pranay Sethi, 2017; Magma General Insurance Co. Ltd. v. Nanu Ram, 2018).

The link between road accident victim protection and the constitutional right to life has also been the subject of a developing literature. Access to emergency medical treatment has been considered as an essential part of Article 21 and the need to improve healthcare facilities and emergency response mechanisms has been highlighted. Research on the effects of judicial rulings has observed that the judges' ruling on the right to emergency medical care has been a huge boost for accident victims by increasing their rights by a lot (Parmanand Katara v. Union of India, 1989; WHO, 2023).

The scholarship has in recent years taken a more human rights approach such that the victims of road accidents have a right to access to justice, rehabilitation, healthcare, and dignity as well as

access to compensation. International bodies like the World Health Organization have emphasized the need to align road safety goals with human rights and public health ones. These studies recommend a multi-sectoral approach, one that includes legal protection, access to health care, social welfare and institutional accountability, to ensure full protection for victims (United Nations, 1966; WHO, 2023).

1.8 Research Gap

While there is a vast body of literature on MAs, there are significant gaps in the academic discussion on MAs and road safety regulation in India. There is a lack of research that specifically addresses the interaction between compensation rights, emergency medical response and human rights principles. Most research either deals with compensation law or road safety policy without analysing the interrelationship between these rights. Therefore, there is little scholarly discussion about whether compensation or medical assistance can be considered as a right correlated to the right to constitutional guarantees or to international human rights obligations (United Nations, 1948; Constitution of India, art. 21).

Moreover, the focus of much of the past research lies outside of a critical evaluation of the practical implications for accident victims in the study of statutory provisions and judicial decisions. There is a lack of attention given to institutional constraints that impede the implementation of victim's rights, such as delayed compensation, weak health systems, disjointed administrative processes, and amongst beneficiaries: lack of awareness. Consequently, the gap between what is legally

entitled and what remedies are accessible is not sufficiently explored (MoRTH, 2023; Government of India, 2019).

Another significant lacuna relates to the lack of an all-encompassing victim-centric approach combining constitutional law, compensation jurisprudence, healthcare requirements and international human rights standards. Past research has focussed on parts of the protection of victims, but few have attempted a comprehensive analysis of the legal and human rights aspects of compensation and medical assistance. This study aims to fill in this gap by looking at the protection of victims of road accidents from an integrated rights-based lens and recommending changes to both the legal and health systems in India (WHO, 2023; United Nations, 1966).

2. Theoretical and conceptual framework is created

From a liability-driven to a rights-based interpretation, the protection of the victims of road accidents has expanded from the liability-based interpretation to a broader rights-driven interpretation in which constitutionally guaranteed rights, social welfare responsibilities and international human rights standards play a significant role. Today the legal system has become increasingly aware that the victims of road accidents have the right to seek medical care and rehabilitation; they have the right to dignity; they have the right to have access to justice. To understand these entitlements, it is necessary to explore the theoretical underpinning of laws and policies that guide protection for victims. In this context, this chapter examines the conceptual and

theoretical frameworks pertinent to compensation and medical aid for road accident victims in India, including modern jurisprudence, the doctrine of a Welfare State, human-rights approaches, and restorative justice (United Nations, 1948; World Health Organization [WHO], 2023).

2.1 Victim rights concept in modern jurisprudence

In the modern jurisprudence, the notion of victim rights has undergone a major change. Traditionally, legal systems have concentrated on assigning blame and providing compensation to victims, but not necessarily on the interests and wellbeing of victims. In recent years however, the law has increasingly come to recognize victims as persons with rights, whose interests require separate consideration and protection in the justice system. This change is due to the increasing recognition of the need for the victim to be offered effective remedies, fair compensation, medical care, rehabilitation and procedural justice (United Nations, 1985).

Modern jurisprudence focuses on dignifying and protecting the welfare of victims as a part of justice. Road accidents can result in the victims' physical injuries, emotional trauma, loss of livelihood, and social disruption. So, it is expected that legal systems offer ways to make up for their losses and to help them recover and reintegrate into society. This notion has been reinforced in Indian constitutional jurisprudence, where Article 21 of the constitution has been interpreted to mean the right to life includes human dignity, health and access to medical care, thus giving a stronger legal standing to accident sufferers (Constitution of India, art. 21;

Parmanand Katara v. Union of India, 1989).

2.2 Welfare state theory and social justice

The welfare state theory is an important basis for the understanding of compensation and medical assistance as social obligations not merely private remedies. Welfare state principles suggest that it is the duty of the State to ensure the protection of vulnerable people from social and economic risks that can be caused by accidents, ill health, disability and other unexpected events. Compensation schemes and healthcare assistance programs are thus considered tools that the State uses as a way of maintaining social security and economic stability (Rawls, 1971).

The concept of social justice further supports the need for comprehensive protection of road accident victims. Social justice involves ensuring that resources and opportunities are equally distributed to all, especially to those who are disadvantaged due to circumstances outside of their control. Road accident victims may find themselves suddenly facing financial hardship, loss of earning capability and lifetime healthcare costs. Social justice discourses see compensation mechanisms as a corrective tool that can restore economic balance and prevent people from falling into poverty. These principles have also been manifested in the Motor Vehicles Act, 1988 through the creation of statutory mechanisms aimed at giving financial relief and support to accident victims and their dependents (Government of India, 1988; Sen, 2009).

2.3 Human rights-based approach related to road accident victims

The HR based approach focuses on the fact that road accident victims have a right to protection,

because they have dignity and fundamental rights.

This is a different outlook on viewing compensation as a welfare or charity issue and seeing it as a part of the legally enforceable right. International human rights documents refer to the rights to life, health, equality and to effective remedies, which are all directly relevant to the protection of accident victims (United Nations, 1948; United Nations, 1966).

The Supreme Court of India has always read the right to health and emergency medical attention into the ambit of Article 21 of the Constitution. This interpretation requires a positive duty for State authorities and health care institutions to make timely medical interventions with accident victims. A human rights approach also demands governments take steps that could allow for access to health care, rehabilitation, and justice, in addition to compensation mechanisms. In such a view, denial of or delay in giving compensation, or denial of medical assistance, can be seen as a violation of fundamental rights and human dignity (as in Parmanand Katara v. Union of India, 1989 and Paschim Banga Khet Mazdoor Samity v. State of West Bengal, 1996).

2.4 Access to Justice Theory

Another relevant perspective on road accident victim protection is view of access to justice. The theory focuses on the fact that the right to something is useless if it cannot be translated into actual rights by using institutions that are available and work well. Access to justice includes procedural fairness, affordability, legal awareness, availability of remedies and institutional responsiveness (Cappelletti & Garth, 1978).

Access to justice for persons injured in road accidents means the right to receive compensation and medical aid without being subjected to overly burdensome or protracted procedures. In India, Motor Accident Claims Tribunals (MACTs) have been set up to offer a platform to speedily resolve compensation claims. However, the justice sector still experiences delays in adjudication, complex documentation and differential access to legal resources still hinders effective justice delivery. The access to justice approach thus calls for institutional changes to streamline the process, provide better legal assistance and deliver speedy justice to victims (Government of India, 2019; Law Commission of India, 1980).

2.5 Restorative Justice and Victim Compensation

Restorative justice is a victim-focused way of responding to wrongful conduct that goes beyond punishment/liability to addressing harm. Restorative justice is different from the traditional legal approach because it focuses on healing, restoration, accountability and the engagement of the parties affected by the crime in the justice process. Restorative approaches are not only relevant to the criminal justice system, but they also have a growing application in compensation and victim support systems (Zehr, 2015).

Restorative justice in the field of road accidents is used in the sense that compensation is not just about paying out but also about repairing the dignity, security and welfare of the victim. Thus, effective compensation schemes should cover medical costs, rehabilitation costs, loss of income, psychological suffering and long-term care needs. There are

restorative considerations in the Indian interpretation of “just compensation” as both pecuniary and non-pecuniary losses suffered by the victims and their families are recognized. This would be consistent with the principles of compensation law in relation to other goals of social justice, human dignity and welfare of the persons affected by the accident (National Insurance Co. Ltd. v. Pranay Sethi, 2017; Magma General Insurance Co. Ltd. v. Nanu Ram, 2018).

The above conceptual and theoretical views all show that the rights of the road accident victim go far beyond the traditional compensation claims. The construction of comprehensive victim-centric framework is supported by modern jurisprudence, the obligations of a welfare state, human rights principles, access to justice concerns and restorative justice ideals. These theories are used as a basis for the evaluation of the existing legal mechanism and to suggest suitable amendments to effectively protect the road accident victims in India.

3. Laws concerning the constitutional foundations of victims' rights.

The rights of road accident victims are protected by the constitutional framework of India, which gives them a normative basis for protection. The Constitution is not explicit about the rights of the accident victims, but the judiciary has read the different provisions of the Constitution, especially Article 21, to protect the rights of the accident victims. Indian courts have read into the idea of compensation, healthcare and emergency medical assistance as concepts of welfare as essential concepts of constitutional protection through an inclusive reading of the fundamental rights. Thus,

the rights of road accident victims are now closely intertwined in the constitutional value of life, dignity, equality, social justice and human welfare (Maneka Gandhi v. Union of India, 1978).

3.1 Right to life is guaranteed by Article 21

No person shall be deprived of life or personal liberty except in accordance with the procedure provided for under the Article 21 of the Constitution of India. Article 21 was interpreted in a narrow manner in the beginning but it has been expanded by the judiciary and now has a wide connotation of rights essential for life with dignity. The Supreme Court has, consistently, ruled that right to life is not limited to the bare animal life, but covers all such conditions of life which give dignity and meaning to it (Maneka Gandhi v. Union of India, 1978; Francis Coralie Mullin v. Administrator, Union Territory of Delhi, 1981).

Article 21 provides the constitutional basis for claims for emergency medical care, compensation, rehabilitation and access to justice for victims of road accidents. Road crashes lead to serious injuries, disability and deaths impacting on the basic right to life. Therefore, the State has a responsibility to establish legal and institutional frameworks to prevent unnecessary deaths and provide proper support to the victims and their families. Preservation of human life is a fundamental duty under the Constitution and when accidents do happen, remedial action has to be provided which is effective in these cases (Parmanand Katara v. Union of India (1989); Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996)).

3.2 The Right to Health is a Fundamental Right

While the Constitution doesn't explicitly mention the right to health as a fundamental right, its interpretation has brought health into the scope of Article 21. The Supreme Court has reiterated on several occasions that health care is essential for the realization of the right to life and human dignity. In absence of proper health care facilities, people are unable to fully enjoy other freedoms of the constitution or to fully participate in the society (Consumer Education and Research Centre v Union of India, 1995).

Health is a constitutional entitlement, and has special significance for those who have suffered a road accident, requiring immediate medical care to avoid death or permanent disability. The right to health also puts forward positive obligations for the State regarding the building up of healthcare infrastructure, the provision of emergency healthcare and the equitable access to healthcare. In this sense, constitutional jurisprudence has extended beyond merely a passive notion of rights and has underscored the positive obligation of public officials to ensure the right to life through readily available, adequate, and effective health care infrastructure (Paschim Banga Khet Mazdoor Samity v. State of West Bengal, 1996; State of Punjab v. Mohinder Singh Chawla, 1997).

3.3 State's Constitutional Duty Towards Accident Victims

The constitutional right to life and health implies an obligation for the State with regard to road accident victims. Among these are providing timely emergency medical care, creating functioning compensation systems, road safety and access to justice. The role of the State is not just to prevent

accidents, it also has the responsibility to reduce the impact of those accidents and assist those affected in recovery and rehabilitation (Constitution of India, arts. 21 and 38).

Judges have stressed the importance of a proactive stance by the governmental authorities when it comes to protecting those who have suffered an accident. The Supreme Court has held that administrative inefficiency, poor healthcare facilities or failure to provide medical treatment can lead to a violation of constitutional rights. Hence, public institutions must have effective emergency response systems and legal formalities should not be an impediment towards saving human lives (Parmanand Katara v. Union of India, 1989). The right to life, therefore, calls for a holistic approach between healthcare institutions, law enforcement agencies, insurance providers, and judicial bodies.

3.4 The Directive Principles of State Policy and Public Health

The Directive Principles of State Policy (DPSPs) are not enforceable by the courts but have a very important influence on the action of the government as far as public health and social welfare are concerned. Road accident victims are protected in the Constitution through several provisions in its Part IV, which reflects the principles of social justice, public health and welfare-oriented governance. Article 38 commands the State to achieve social, economic and political justice and Article 39 aims at providing adequate means of livelihood and securing protection from exploitation. The Constitution of India Art. 41 and 47 call for public help in event of disability and other misfortunes which one does not deserve. 38,

39, 41, and 47).

The Supreme Court has often used the Directive Principles as a guide to interpret the Fundamental rights and also to extend the meaning of Article 21. The harmonious interpretation of the Fundamental Rights and DPSPs has helped the courts identify health care, medical assistance and social security as priority areas. These principles reaffirm the duty of the State to set in place institutional support mechanisms which guarantee access to health care, compensation, rehabilitation and social protection for road accident victims (Bandhua Mukti Morcha v. Union of India, 1984 and Paschim Banga Khet Mazdoor Samity v. State of West Bengal, 1996).

3.5 The judicial expansion of Article 21 in medical emergency cases

The judicial definition of the right to life in Article 21 of the Constitution, which has been extended to cover emergency medical attention, is probably one of the most important developments in Indian constitutional jurisprudence. The case Parmanand Katara v. Union of India (1989) had ruled that every doctor, who is employed in a government hospital or in any private hospital, has a professional responsibility to provide immediate medical assistance to an injured person, without any formalities. The Court underscored the importance of human life and that it is paramount and should not be sacrificed or compromised on legal or administrative considerations.

The guidelines laid down in Parmanand Katara were extended in Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996), wherein the Supreme Court provided that delayed treatment by Government Hospitals would be considered a

violation of Article 21. The Court held that it was a fundamental constitutional duty of the State to provide sufficient healthcare facilities and make emergency healthcare available to all those who need it. These decisions paved the way for making access to emergency healthcare a policy objective to a constitutional right (*Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, 1996).

The judicial interpretation of Article 21 has far-reaching consequences in the context of the victims of accidents on the roads. It lays down that prompt help is an administrative need and not a constitutional requirement. Moreover, it improves the existing legal framework for public sector accountability for shortcomings in emergency health care services that result in preventable serious injuries or fatalities. The judiciary has been instrumental in bringing a victim-focused approach that prioritizes human dignity, access to healthcare and protection of life in its progressive interpretation of the Constitution, as seen in the landmark cases of *Parmanand Katara v. Union of India* (1989) and of *Consumer Education and Research Centre v. Union of India* (1995).

As seen in the constitutional underpinning in this article, the rights of the road accident victims are well entrenched in the constitutional order of India. With the interpretation of Article 21 in conjunction with the Directive Principles of State Policy and judicial precedents, it becomes easier to ensure compensation, emergency medical aid and justice. The core of a rights-based approach to accident victim protection is the following set of constitutional principles, which continue to shape laws and judicial developments in the area.

4 Legal Framework Governing Compensation in India

4.1 Evolution of Motor Accident Compensation Laws

From the concept of negligence in common law to the present comprehensive statutory motor accident scheme, there is a shift in the landscape of motor accident compensation in India towards a complete and more compassionate framework that prioritizes social justice and the well-being of the injured parties. At first, compensation claims were regulated by tort which necessitated that the compensation seeker prove the fault and negligence of the person who they were claiming against. But with the ever-rising number of road accidents and the challenges the victims of accidents faced in proving negligence, legislative measures were taken. With coming of the Motor Vehicles Act, 1939 and later the Motor Vehicles Act, 1988, the compensation system adopted has become welfare oriented rather than emphasizing the welfare of the victims and access to remedy (*Government of India*, 1988; *Law Commission of India*, 1980).

4.2 Motor Vehicles Act, 1988

The key law for compensation in the event of a road accident in India is the Motor Vehicles Act, 1988. The Act provides for compulsory insurance, liability of third parties, no-fault compensation and adjudication via Motor Accident Claims Tribunals (MACTs). It aims to strike a balance between the interests of the victim, vehicle owner and insurance company as well as to make sure that the victim of an accident is fairly and timely compensated. The social welfare aspect of the compensation is also recognized in the Act as it provides for statutory

remedies which are in addition to the traditional torts-based remedy (Government of India, 1988).

4.3 Motor Vehicles (Amendment) Act, 2019

In February 2019, the Motor Vehicles (Amendment) Act was passed that made key changes to enhance road safety and bolstering victims' protections. The changes include greater penalties for traffic faults, introduction of the Motor Vehicle Accident Fund, higher damages for hit-and-run collisions and changes to make cashless treatment easier during the 'golden hour'. These reforms can be seen as a change in the policy towards a more victim-centric compensation system and better emergency response mechanisms (Government of India, 2019).

4.4 No-Fault Liability Principle

The no-fault liability concept is a major alteration in the way people are paid for injuries. In accordance with Section 140 and other relevant sections of the Motor Vehicles Act, the compensation is available to victims without having to prove fault or negligence. This way, claimants will get immediate financial relief and the burden of the procedure will be minimized. The concept of no-fault is based on social justice and aims at providing prompt relief to the victims' immediate medical and financial needs (Government of India, 1988; Kaushnuma Begum v. New India Assurance Co. Ltd., 2001).

4.5 Structured Compensation Scheme

The structured compensation scheme was created to ensure that compensation is based on a set of criteria which will provide uniformity in compensation and decrease litigation. The scheme is designed to streamline the claims process and speed up compensation payments. While the

structured formula method has brought about efficiency, the appropriateness of the compensation amount and the extent to which it captures the actual loss of the victim and his/her relatives still remain contentious issues (*Sarla Verma v. Delhi Transport Corporation*, 2009).

4.6 Hit-and-Run Compensation Mechanism

One of the difficulties with hit-and-run accidents is the fact that many times, the vehicle or driver of the accident is not known. To overcome this problem, the Motor Vehicles Act provides for a special compensation mechanism through government resources. The Motor Vehicle Accident Fund, which was established as part of the 2019 amendment, also enhances that support to those who might not be able to recover damages from an identifiable wrongdoer (Government of India, 2019).

4.7 Role of Insurance Companies

Insurance companies are key to the framework of compensation, since they offer financial coverage to third party risks. They deal with the assessment of claims for compensation, the payment of awards and statutory insurance requirements. Insurance mechanisms allow for the payment of compensation to the victims, but disagreements regarding liability, insurance coverage and quantum of damages often cause delays in resolving claims (*National Insurance Co. Ltd. v. Pranay Sethi*, 2017).

4.8 Third-party insurance and victim protection

Compulsory third party insurance is a fundamental part of the framework of motor accident compensation in India. The requirement provides for the compensability of the victim regardless of the financial resources of the owner of the vehicle.

The concept of third-party insurance is that individuals involved in motorized transportation should be covered against risks arising out of such transportation and it is one of the most important mechanisms of social security (Government of India, 1988).

4.9 Compensation under Tort Law and Negligence Principles

Tort law still plays a role in accidents claims in India even though of statutory compensation schemes. The principles of negligence, duty of care, causation and damages are still important in the determination of liability and the amount of compensation. Tort law principles are frequently considered by courts when interpreting statutory provisions and assessing statutory contributory negligence claims and complex liability issues (Winfield, 2014).

5 Motor Accident Claims Tribunals (MACT)

5.1 The MACT was established and jurisdiction

Section 76 of the Motor Vehicles Act Established Motor Accident Claims Tribunals which are specialised fora to deal with compensation claims in road accidents. They aim to provide speedy and victims friendly resolution of disputes, relieving ordinary civil courts (Government of India, 1988).

5.2 Claim compensation procedures:

Application for compensation is initially filed with the relevant MACT. Claimants are required to provide documentation of the accident, injuries, medical costs, lost wages and any other pertinent issues. The tribunal assesses the evidence and decides on liability and compensation based on the statutory and judicial principles (MoRTH, 2023).

5.3 The determination of “Just Compensation”

Just compensation” is a cornerstone of motor accident law. There must be a fair, reasonable and proportionate compensation for the actual losses incurred. It should not be extravagant, nor short and should consider pecuniary and non-pecuniary damages (Pranay Sethi, 2017).

5.4 Judicial Interpretation for the compensation

The Court has been instrumental in the standardisation of determination of the compensation. The Supreme Court has issued guidelines for tribunals regarding the methods of calculating multipliers, future prospects, consortium claims and non-pecuniary damages, thereby fostering uniformity amongst tribunals (Sarla Verma, 2009; Magma General Insurance Co. Ltd. v Nanu Ram, 2018).

5.5 Delays in Adjudication

Although MACTs are specialized, they do not always proceed quickly and frequently encounter delays, often as a result of the volume of cases, the complexity of the procedures, or insurance issues. These types of delays do not achieve the goal of giving timely relief to the accident victims, and might make their situation worse (Law Commission of India, 1980).

5.6 Evidentiary and Procedural Challenges

One of the most problematic areas for claimants is obtaining police and medical reports and witness testimony and other available evidence to support their claims. The process of obtaining compensation can also be hindered by procedural formalities and legal complexities, especially for economically disadvantaged victims (MoRTH, 2023).

5.7 Digitalization and Tribunal Reforms

More recently, attempts to digitalize, electronically

file, conduct online hearings and establish integrated claims management systems have aimed to enhance efficiency and transparency in MACT proceedings. They can bring reforms in the system, which can make the justice system accessible to the victim of the accident and can minimise delays (Government of India, 2019).

6. Right to Emergency Medical Assistance

6.1 The law behind emergency medical care

All legal aspects of emergency medical assistance are based on constitutional guarantees, statutory provisions and judicial decisions regarding the importance of the preservation of human life. The duty to provide prompt medical care is based on the understanding that access to health care is a fundamental part of human dignity and survival (Parmanand Katara v. Union of India, 1989).

6.2 Article 21 and Emergency Healthcare

Supreme Court has read the right to emergency medical treatment into Article 21. Right to Life means that in the case of accidents, the victims have to receive immediate medical treatment without any superfluous formalities (Paschim Banga Khet Mazdoor Samity v. State of West Bengal, 1996).

6.3 Responsibilities of doctors, other medical professionals and Hospitals

Doctors and other health care providers are obligated under the law and medical ethics to treat the victim of an accident in the case of a serious injury. It has been stressed in court, time and again, that the preservation of life should be the criterion which should be paramount and not the administrative formalities or medico-legal procedures should come in the way of it (Parmanand Katara, 1989).

6.4 The Good Samaritan Framework

The Good Samaritan Guidelines were adopted in order to promote bystander intervention in accidents without a threat of legal harassment. These benefits encourage prompt healthcare and better survival rates for the accident victim (Government of India, 2016).

6.5 Golden Hour Treatment and Trauma Care

The golden hour is the first hour after the accident when timely medical care is crucial in saving lives. In this period, there is growing emphasis on Government actions aimed at improving trauma care facilities and emergency response mechanisms (WHO, 2023).

6.6 Government Schemes for Accident Victims

The government provides various welfare schemes for people who have been involved in accidents. Some of the recent policy developments are Cashless Treatment Provisions, trauma care programs, ambulance services and the Motor Vehicle Accident Fund. These are measures to minimize financial barriers and enhance access to emergency healthcare (Government of India, 2019).

6.7 Rural and Urban healthcare infrastructure challenges

There are still large gaps between health care systems in urban and rural areas. The limited availability of trauma centres, healthcare providers, and emergency transport systems still impacts the prompt treatment of victims of accidents, especially in remote areas (WHO, 2023).

7 Road Accident Victim Protection from a Human Rights Perspective

The protection of the victims of road accidents is closely related to internationally recognized human

rights such as rights to life, health, dignity, equality and to an effective remedy (United Nations, 1948).

7.1 Right to Life and Human Dignity

The right to life entails that States take steps to avoid preventable deaths, and to give the necessary assistance to victims of accidents. Human dignity has to be respected and the victim has to be treated in a dignifying way and also provide medical assistance and also the compensation (Constitution of India, art. 21).

7.2 Right to Health and Healthcare Access

Access to health care is a critical part of human rights protections. The accident victims should have access to prompt and low-cost medical care without any discrimination (Paschim Banga, 1996).

7.3 Equality and Non-Discrimination

The compensation and health care systems need to be fair, and free from gender, disability, age or economic or social discrimination (United Nations, 1948).

7.4 Rights of vulnerable victims

Women, children, people with disabilities, and the elderly are frequently faced with further challenges to access to compensation and health care. The protection policies for victims have to apply to their specific vulnerabilities and needs (United Nations, 2006).

7.5 Victim-centric justice and human dignity

Victim-centred justice is about more than just monies and focuses on rehabilitation, empowerment, participation and restoration. This approach is consistent with the general goals of human rights (Zehr, 2015).

7.6 International Human Rights Standards

International norms offer guidance on how to

safeguard the victims of accidents and access to health care through instruments such as the Universal Declaration of Human Rights (United Nations, 1948) and the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966).

8 Judicial Trend and Landmark Judgements

8.1 National Insurance Co. Ltd. v. Pranay Sethi (2017)

The Supreme Court's judgement in National Insurance Co. Ltd. vs Pranay Sethi (2017) is a milestone in the field of compensation in motor accidents. The Court wanted to remove some of the inconsistencies when assessing compensation by creating a set of guidelines in the areas of future prospects, loss of dependency and conventional heads of compensation. It believed that future earning capacities must be taken into account even for those who earn a fixed income to provide a more equitable compensation for a victim and their dependents. The judgment reinforces the concept of “just compensation” as outlined in the Motor Vehicles Act and encourages consistency and predictability in compensation awards through Motor Accident Claims Tribunals and the courts. (2017)16 SCC 680).

8.2 Sarla Verma v. Delhi Transport Corporation (2009)

In Sarla Verma v. Delhi Transport Corporation (2009), the Supreme Court extended the doctrine of “just compensation” in a big way and laid down a well-defined and standardized method to calculate compensation in death cases. The Court classified the multiplier method, explained what personal expenses should be deducted and provided

guidelines according to the age of the deceased. Previously, compensation awards could widely differ between jurisdictions, resulting in uncertainty and inconsistencies. The Court developed objective criteria, making the compensation determination process fairer and more transparent. It continues to be one of the most important precedents to consider when determining damages in a motor accident claim. ((2009) 6 SCC 121)

8.3 Magma General Insurance Co. Ltd. v. Nanu Ram (2018)

The Supreme Court in *Magma General Insurance Co. Ltd. v. Nanu Ram* (2018) expanded the definition of 'just compensation' to include consortium rights other than spousal. The Court concluded that children and parents have also a right to the consortium and loss of affection, care, guidance and companionship, as a result of an accidental death. This was a more compassionate and victim-centric approach to compensation and recognised that family members have suffered losses of an emotional and relational nature. This judgment was a departure from an economic-only calculation to a wide-ranging damages assessment, also supporting the social justice goals of compensation law. (2018) 18 SCC 130).

8.4 Parmanand Katara v. Union of India (1989)

Parmanand Katara v. Union of India (1989) gave constitutional protection to accident victims regarding prompt medical aid. The Supreme Court has ruled that every physician, in government or private hospital, has professional duty to do immediate work to save human life, before going through legal or procedural formalities. Preservation of life is of the highest order and

outweighs medico-legal considerations said the Court. This was a judgment which laid the foundation for the constitutionalization of emergency medical services as a right of road accident victims in Article 21 and remains the precedent judgment in India for this right. (AIR 1989 SC 2039)

8.5 Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996)

In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* (1996), the Supreme Court again gave a new connotation to the right to life guaranteed in Article 21 and extended it to the right to "emergency medical treatment." The petitioner sustained serious injuries in a railway accident and he was rejected for treatment from several government hospitals on account of unavailability of medical facilities. The Court held that the delay in providing medical treatment has become a violation of the right to life which is fundamental. It urged governments to enhance the infrastructure of emergency healthcare services and provide sufficient medical facilities. The judgment created positive duties for the State to safeguard life by effective delivery of healthcare. (1996) 4 SCC 37).

8.6 Rajesh v. Rajbir Singh (2013)

In the case of *Rajesh v. Rajbir Singh* (2013), the Supreme Court reiterated the significance of giving a realistic and proper compensation to the families of the deceased accident victims. The Court greatly increased damages at the non-pecuniary heads such as loss of consortium, funeral expenses and loss of care and guidance. It acknowledged that the courts have to periodically revisit the traditionally given compensation figures because of inflation and the

changing socio-economic conditions. The judgment emphasized the importance of a liberal and compassionate attitude in motor accident cases and had a profound impact on many cases heard by Motor Accident Claims Tribunals and High Courts across the country. (2013) 9 SCC 54)

8.7 United India Insurance Co. Ltd. v. Satinder Kaur (2020)

In *United India Insurance Co. Ltd. v. Satinder Kaur* (2020), the Supreme Court laid down the principles for determining the nature of the right of the consortium and the heads of compensation. The Court reiterated the spousal, parental, and filial consortium it previously recognized and stated that damages should include both economic and emotional harm to the victim's family. The ruling aligned with prior court rulings and clarified how to evaluate non-pecuniary damages. This case has served as an important precedent for MACTs and appellate courts in comprehensive compensation awards. (2020) 11 SCC 1)

8.8 Jai Prakash v. National Insurance Co. Ltd. (2010)

The judgment in *Jai Prakash v. National Insurance Co. Ltd.* (2010) is an important step towards proceedings reforms and victim-oriented justice. The Supreme Court was aware that due to delays and administrative inefficiencies that accident victims were often denied timely compensation. It has instructed police, insurers, hospitals and Motor Accident Claims Tribunals to ensure coordinated procedures for reporting accidents and the processes of handling claims. The judgment facilitated the development of streamlined processes, electronic document management and proactive institutional

collaboration. Its recommendations served as a basis for future digitalization efforts and reforms that would work towards speedier access to compensation and less create obstacles for accident victims in the process. (2010) 2 SCC 607)

8.9 Shivaji Dayanu Patil v. Vatschala Uttam More (1991)

In *Shivaji Dayanu Patil v. Vatschala Uttam More* (1991), Supreme Court took a liberal view in its interpretation of the expression 'arising out of the use of a motor vehicle' as defined in the Motor Vehicles Act. The incident was the explosion of a petrol tanker following a crash and caused a number of casualties. The Court ruled that the terms of the compensation provisions must be broadly construed in order to fulfill the welfare purposes of the law and to maximise protection of the victims. This decision adopted a very broad view of the duties of a statute and also reiterated that, if at all possible, statutes granting compensation to accident victims ought to be interpreted to the benefit of such victims. (1991) 3 SCC 530).

9 Comparative Analysis

Comparative analysis can be valuable since there are variations in road accident compensation systems from one jurisdiction to another in terms of the way in which they deal with fault, insurance liability, emergency care and protection of victims. India heavily depends on statutory compensation, third party insurance, Motor Accident Claims Tribunals and constitutional jurisprudence while other jurisdictions have other institutional models. Important lessons for compulsory insurance, no-fault benefits, guarantee funds, trauma care and victim-focused claim processing have been found in

the United Kingdom, United States, Australia and Germany (World Health Organization [WHO], 2023).

9.1 United Kingdom

The United Kingdom has a fault based personal injury compensation system with compulsory motor vehicle insurance. Typically, accident victims can use the other driver's insurance policy to recover damages for personal injury, medical bills, lost income, rehabilitation and more. One of the UK system's key elements is the Motor Insurers' Bureau, which helps those injured by uninsured or untraced drivers. This way, the victim doesn't find themselves with nothing to go on just because the perpetrator is either uninsured or unknown. So, the UK model is a mix of tort liability, mandatory insurance, and a guarantee fund to protect the victims in challenging claims scenarios (Government Digital Service, n.d.; Motor Insurers' Bureau, n.d.).

9.2 United States

There is no one size fits all national compensation model for the United States as motor accident compensation is governed primarily by state law. Some states have a fault-based tort system and others have no-fault insurance that requires personal injury protection benefits for those injured in an accident to be paid by their own insurance carrier irrespective of fault. No-fault systems will limit the number of lawsuits but will still provide an avenue for speedy payment of medical bills and lost wages, though pain and suffering may only be recoverable if the injury meets a statutory threshold. From a U.S. perspective, rapid first-party benefits can help

the victims, but the first party benefits may be divided at the state level and thus inconsistent in terms of victim protection (Insurance Information Institute, 2018; New York State Department of Financial Services, n.d.).

9.3 Australia

An important comparative model is provided in Australia, where compulsory third-party insurance schemes (CTP insurance) are in place. While the specifics of these schemes vary between States and Territories, their purpose is typically to provide payment to people who are injured or die in motor vehicle injuries. Some jurisdictions in Australia have fault-based components and some have no-fault and hybrid benefits for serious injuries. The strength of the Australian model is based on the link between insurance and vehicle registration, which provides coverage for everyone and provides a steady stream of compensation funding. When combined with other reforms that simplify the claims process, provide for rehabilitation support, and early treatment benefits, compulsory insurance can improve the victim's outcomes as the Australian experience illustrates (Legal Services Commission of South Australia, n.d.; Robinson, 2005).

9.4 Germany

Germany has a robust compulsory motor liability insurance model based on the following: Statutory liability rules and a guarantee fund (Verkehrsofferhilfe). Road accident victims might have a claim against the vehicle holder, the driver and the insurer, and the guarantee fund will help in the event of uninsured or unidentified vehicles. German law also heavily focuses on insurance-backed liability and protection of the victims:

Compensation is not solely based on the personal financial power of the offender. This is a relevant model for India, as it shows how the requirement for compulsory insurance, the tendency towards strict liability and institutional compensation funds can combine to provide remedies for victims (Federal Ministry of Justice, n.d.; Verkehrsofferhilfe, n.d.).

9.5 Lessons for India

From these comparative models, there are some lessons for India to learn. Firstly, the UK and Germany have shown that effective guarantee funds for hit and run and uninsured vehicle cases are important. Secondly, the USA and Australia demonstrate that no-fault or hybrid insurance benefits do not necessarily lead to a decrease in litigation and to faster medical and income benefits. Third, a combination of compulsory insurance and strong enforcement can assist in making sure that the victim is made whole even if the individual wrongdoer does not have the means to do so. Fourth, India can augment the Motor Vehicle Accident Fund, adopt a common platform for claim processing and establish standard protocols for trauma management and rehabilitation. Such changes would facilitate a more victim-centred approach to compensation and a rights-based system of compensation (Government of India, 2019; WHO, 2023).

9.6 Comparative Best Practices in Victim Compensation

Some good comparative practices are compulsory third-party insurance, guarantee fund for uninsured and unidentified vehicles, simplified claims procedures, early medical benefits, structured

compensation guidelines, rehabilitation support, and digital claiming platforms. A balance should be achieved which includes fault-based accountability and no-fault emergency assistance, allowing for immediate assistance to be provided to the victim without waiting for final adjudication. India already has an institutional structure in the form of MACTs, compulsory insurance, hit and run compensation, and golden hour treatment provisions that have aspects of this system. However, better and stronger implementation, improved and speedy payment systems, greater accountability of insurance coverage, and better coordination of care for trauma victims is needed to translate legal rights into actual protection for victims (Government of India, 2019; WHO, 2023).

10 Conclusion

Road crashes are one of the largest public health, legal and human rights problems facing the present day, India. The impact of road crashes extends beyond fatalities and physical injuries to victims and their families and impacts society in various social and economic ways. This study explores the legal framework regarding compensation and emergency medical assistance to the victims of Road Accidents in India, as per the constitutional law, human rights principles, statutory provisions, judicial interpretation and comparative legal experiences. The analysis shows that protection of accident victims has slowly progressed from being a welfare right to a right which can be enforced legally with constitutional backing related to life, dignity, health and access to justice (Government of India, 2019; Constitution of India, art. 21).

It is found that India has a fairly developed

mechanism for the protection of the accident victims with the Motor Vehicles Act, 1988, Motor Vehicles (Amendment) Act, 2019, compulsory third party insurance (C-TPI) and the constitution of Motor Accident Claims Tribunals (MACTs). The rights of victims have also been enhanced through the intervention of the judiciary and the adoption of the doctrine of 'just compensation' in the interpretation of Article 21. The Supreme Court has laid significant emphasis on improving compensation standards and established that emergency medical care is a fundamental right in the country through landmark judgments like *Parmanand Katara v. Union of India* (1989), *National Insurance Co. Ltd. v. Pranay Sethi* (2017), and *Magma General Insurance Co. Ltd. v. Nanu Ram* (2018).

The study also pinpoints a number of ongoing challenges, however. The realization of legal rights remains a challenge due to delays in compensation adjudication, procedural complexities, evidentiary burdens, lack of awareness among victims and gaps in healthcare infrastructure. Even with the progressive legislative changes, one of the major challenges is the disconnect between the legal entitlements and their implementation. The results also show that emergency medical services, and compensation systems tend to be standalone and not an integral part of a comprehensive victim protection system (Ministry of Road Transport and Highways [MoRTH], 2023; World Health Organization [WHO], 2023).

This study became legally relevant in the sense that it has identified compensation and EMAS as part and parcel of constitutional governance and not

only welfare benefits. The jurisprudential development of Article 21 has revealed that the State also has positive obligations to protect life, in addition to provide access to healthcare, rehabilitation and effective remedies. The rights-based dimension of protection for accident victims has been accentuated by judicial interpretations, which make it a constitutional responsibility and social justice issue (*Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, 1996).

Road Accident Victim Protection from a human rights perspective is linked to internationally recognised rights such as the right to life, right to health, right to dignity, right to equality and right to access to justice. This entitlement to timely medical care and appropriate compensation can be jeopardized by failure to receive either timely medical treatment or proper compensation, leading to social and economic vulnerability. Effective compensation and health care assistance are thus not only legally required, but also a human rights requirement in line with the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (United Nations, 1948; United Nations, 1966). The study calls for the more explicit incorporation of human rights into the governance of road safety and policies for victim protection.

The present study is doctrinal and analytical, but future studies could be empirical, aiming to enhance the understanding of accident victim protection. Research with the accident participants, health-care providers, insurance companies, judges, and policy makers could yield useful information on the practical issues of compensation claims and

emergency medical services. These types of empirical studies would contribute to the disconnect between legal theory and practice in the institutions. Potential future research could also focus on how digitalization affects compensation adjudication, how well the Motor Vehicle Accident Fund (MVAFF) is working, when and how to implement Good Samaritan protections, and how technology is supporting emergency response systems. Comparative studies of other jurisdictions can also help determine innovative solutions to issues of victim rehabilitation, insurance regulation and health care delivery. Research on vulnerable populations, such as women, children, people with disabilities, and older people who have been victims of an accident, would help to better understand victim rights and protection mechanisms (WHO, 2023).

Protection of road accident victims should be considered as a constitutional, legal and human rights issue. A modern legal system cannot just look at who was at fault and the amount of money needed to compensate the victim after an accident. Rather, it ought to provide for a comprehensive approach that encompasses prevention, emergency medical services, rehabilitation, compensation and access to justice. Indian legal system has progressed tremendously in this regard by enacting laws and judicial pronouncements; yet there are huge implementation and institutional effectiveness challenges.

The study concludes that a Victim-centric approach based on constitutional values and human rights principles is the most effective pathway to strengthen the protection of accident victims in

India. More coordination and joint efforts need to be taken among health care institutions, insurance providers, law enforcement agencies, and adjudicatory bodies to ensure timely and meaningful relief. Enhancing compensation systems, building facilities and infrastructure for trauma care, generating awareness in the public and increasing institutional accountability will contribute in making formal rights more of a reality. Finally, the effectiveness of any compensation system must also be assessed in terms of its ability to maintain human dignity, ensure life and deliver real reparations to the victims of road accidents.

11 Suggestions and Recommendations

- (1) The Government should adopt a comprehensive programme for the protection of victims that includes provision of compensation, emergency medical care, rehabilitation and social security. This should include the accident victim as a rights holder and put in place a coordinated response between hospital, insurers, law enforcement agencies, and the judiciary.
- (2) There should be a statutory time limit for the Motor Accident Claims Tribunals (MACTs) to settle compensation claims, such as 6 months from the date of the claim. Institutionalised timeframes and digital tracking should be put in place to minimise delays and speed up timely justice for victims and their families.
- (3) To increase the scope of the Motor Vehicle Accident Fund and fund it properly to enable immediate financial assistance,

emergency treatment, rehabilitation assistance and compensation to hit and run victims. There should be clear guidelines to lay down for the utilization of the fund in a transparent and efficient manner.

- (4) All the victims of road accidents should receive cashless emergency treatment during the critical "golden hour" without considering their financial status, insurance coverage or hospital ownership. Public and private hospital and clinics should be legally bound to give medical aid and immediate treatment without asking for any prior payment to be made.
- (5) Government should build trauma care centres at regular intervals in the national and State highways. Special attention must be paid to the development of emergency response networks, ambulance services and specialized trauma centers in rural and semi-urban areas.
- (6) Nationwide campaigns to promote awareness of Good Samaritan protections should be expanded. Police officials and medical facilities should enforce guidelines to prevent bystanders from being subjected to unindicated legal processes, harassment, or liability.
- (7) To develop a single digital platform to connect police reports, medical records, insurance claims and tribunal proceeding. Electronic filing, virtual hearings, and real-time claim tracking would enhance transparency and greatly save time for procedural delays.
- (8) The insurance companies should have a procedure of simplifying the claim filing process and set a specific time limit within which the claims have to be settled. Non-reasonable delays in processing claims should be punished by regulatory authorities and alternative dispute resolution processes should be encouraged to reach settlement speedily.
- (9) Periodic revision of compensation formulas to account for inflation, escalating health care costs, rehabilitation costs, and changed socio-economic realities. There is a need for greater recognition of non-pecuniary damages which include pain and suffering, emotional trauma and loss of consortium.
- (10) The compensation and rehabilitation mechanisms should be established separately for girls, women, people with disabilities and the old accident victims. Vulnerable groups should be offered other supports such as psychological counselling and longer-term rehabilitation support.
- (11) Many victims are not aware of their rights and remedies. District and state levels should be set up legal aid clinics, awareness programs and assistance centers for victims to share information, and to be guided through the compensation process.
- (12) The protection of the victims of road accidents should be considered as part of the overall human rights protection. Policymakers should include dignity, equality, access to justice and healthcare in

all laws and policies regarding road safety and victim compensation.

- (13) Hospitals, insurance agencies, police departments and government officials should be liable for mishandling that leads to either delayed medical care or payouts. Independent monitoring mechanisms should be put in place to ensure implementation of statutory and constitutional obligations.
- (14) Guarantee funds for uninsured vehicles, no-fault compensation systems, one-stop trauma care and digital claims administration systems should be adopted in India from jurisdictions such as the United Kingdom, Australia, Germany and the United States, where these practices have been effective.
- (15) The legal system should shift from a purely compensation-based to a victim-centred, oriented approach, focusing on rehabilitation, social reintegration, psychological support and long-term welfare. The yardstick of justice cannot be just the monetary awards and should also be the extent to which victims are able to reclaim their dignity, security, and quality of life.

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