

**GENDER-SENSITIVE LEGAL FRAMEWORK UNDER THE MOTOR VEHICLES
ACT, 2019: ENSURING SAFETY, ACCESSIBILITY, AND EMPOWERMENT OF
WOMEN ROAD USERS IN INDIA**

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Abstract

The issue of ensuring that women receive compensation under the Motor Vehicle Accidents Act. remains a significant underreported issue in terms of road safety and victim protection in India. The MACT system was designed to provide rapid, fair and accessible remedies but women, particularly, widows, homemakers, informal workers and dependents are structurally disadvantaged in the award of compensation. **This study highlights the relationship between equity and gender justice in MACT awards for female claimants** in various Indian states with an emphasis on Gujarat.

This study uses a comparative doctrinal approach based on tribunal decisions; Supreme Court jurisprudence; and, secondary data related to MACT compensation for women, to determine: (i) The issue of recognition of a woman's unpaid or informal labor, (ii) The application of gender-sensitive multipliers and consideration of functional disability in assessing the value of a woman's earnings, (iii) And, finally, how economic contributions made by homemakers are treated by MACTs. Results show that although there have been some landmark cases such as **Lata Wadhwa v. State of Bihar** and **Kirti v. Oriental Insurance Co.** that improved the judicial recognition of women's economic value, implementation still varies significantly among MACTs and while Gujarat has made progress, it still has a long way to go as there remains persistent inequities in the assessment of a woman's income and the calculation of dependency, and in the amount of compensation awarded for loss of consortium.

Keywords: Gender Justice; Motor Vehicles Act; MACT Awards; Female Claimants; Gujarat

Introduction

Traffic-related injuries are one of India's leading causes of premature death and disability, placing a disproportionate burden on vulnerable populations such as women, children, and economically dependent families. The Motor Accidents Claims Tribunals ("MACTs") administer compensation under the Motor Vehicles Act, 1988 ("MVA") for injured parties through civil dismissals of injury claims against motor vehicle insurance companies. The MVA is a victim-centered Act aimed at providing timely adjudication and providing equitable compensation to victims; with amendments introduced in 2019.

The compensation system presents women with distinct challenges, including the undervaluation of their unpaid labor (e.g.household tasks,caregiver) and systemic obstacles to access legal remedies. Courts in India have historically recognized that the contribution of a homemaker has not accurately been accounted for in the calculation of damages resulting in lesser awards for female victims and dependents. In **Arun Kumar Agrawal v. National Insurance Company Limited**.

Gujarat offers an important example for study with an evolving MACT framework, the highest number of registered vehicles, and a significant level of accident litigation in India. The State has moved toward more efficient tribunal processes.

Literature Review

Women's compensation is addressed through a combination of Constitutional provisions for equal treatment of all individuals, State Statutory protections that provide special provisions based on their sex and sexual orientation, judicial precedent, and specific laws promulgated by each State (e.g. the Gujarat Motor Vehicles Rules 1989). The convergence of all these areas allows the Motor Accidents Claims Tribunals (MACTs) to determine how they will approach the issues of equity and gender justice in cases involving female victims and dependants.

1. Constitutional Basis for Gender-equitable Compensation: The legal right for women to receive adequate compensation is established under Articles 14, 15(1), 15(3), and 21 of the Constitution of India, which collectively guarantee equal treatment and prohibit discrimination based on gender while giving the State the authority to create additional provisions on behalf of women. As a result, women must be recognized as making economically valuable contributions through their work in the home, their income and dependency must be determined without regard

for gender, and compensation must reflect the dignity of a woman's right to life and sufficient income. The Supreme Court of India has consistently held that the objective of compensation is to create equality not only in theory but in practice.

2. Statutory Framework Under the Motor Vehicles Act, 2019:- a) Section 163-A Structured Formula Compensation. The Second Schedule of the Motor Vehicles Act is outdated, yet it was used in its initial form to create gender-neutral criteria for determining notional income. In recent cases, courts have been able to rely on this structured formula as a basis for enhancing notional income for women, especially for homemakers. b) Section 166 - Fault Based Compensation upon establishing fault of a defendant, female claimants are able to make claims for compensation using this statute. Employing a gender-sensitive approach requires that MACTs carefully consider multiple factors when making decisions on compensation for female claimants.

3. Judicial Framework Advancing Gender Justice:- a. Recognition of Homemakers' Economic Value- In **Kirti v. Oriental Insurance Co. (2021)**, the Supreme Court held that unpaid domestic labor must not be treated as "zero economic value." This judgment significantly impacts MACT cases, requiring tribunals to assign realistic notional income to homemakers.

b. **Compensation for Loss of Consortium**-In **Magma General Insurance Co. v. Nanu Ram (2018)** and **United India Insurance Co. v. Satinder Kaur (2020)**, the Court expanded the concept of consortium to include:

- Spousal consortium;
- Parental consortium;
- Filial consortium.

These principles are critical for female dependents seeking compensation for emotional and relational loss.

c. **Gender-Sensitive Calculation of Functional Disability**- In **Raj Kumar v. Ajay Kumar (2011)**, the Court clarified the distinction between "medical disability" and "functional disability," enabling tribunals to acknowledge gender-specific impacts- especially for women whose household responsibilities and employment prospects are affected.

4. Gujarat Legal Services Authority (GLSA):- GLSA provides free legal aid to women, particularly widows and dependents, to help them navigate MACT procedures.

5. Relative Perspective Where Gujarat Stands

State	Positive Trends	Areas of Concern(Women-concentrated)
Gujarat	Effective bench timelines	Lower ideational income for women, inconsistent operation of partner valuation
Delhi	Loftiest ideational income awards	Longer pendency
Karnataka	Progressive disability and reliance assessment	Variation across sections
Maharashtra	Advanced awards for working women	Procedural detainments
Tamil Nadu	Gender-sensitive income assessment	Limited data vacuity

Compared to other progressive authorities, Gujarat shows **moderate advancement** but continues to underestimate women's labor, affecting indifferent compensation.

Objectives of the Study

The Indian judiciary is instrumental to the establishment of gender-equitable principles under the Motor Accident Claims Tribunal (MACT). Although the Motor Vehicles Act, 2019 does not specify compensatory amounts differently based on gender, it has developed through court interpretation to provide for correction of systemic inequities that women encounter as victims, dependents or homemakers.

1. Examine existing gaps in the Motor Vehicles Act, 2019 regarding the adverse effects of motor vehicles on women's mobility and safety and identify the gaps related to licensing, public transportation and enforcement.
2. Review case law including **Laxmi v. Union of India (2014)** relating to women's ethical obligations in regard to their safety when using public transportation and **Nilufer Siddiqui v. State of U.P. (2019)** regarding the availability of safe, reliable public transportation as they contribute to the establishment of transport norms that respond to gender.
3. Assess recent legislation relating to the enhancement of safe modes of travel, especially for women using public transportation and ride-sharing platforms, by evaluating provisions of the Motor Vehicles (Amendment) Act, 2019.

4. Evaluate the processes of implementing this gender-friendly legislation on the state level including the roles of police, transportation authorities and public-transport operators in creating a gender-inclusive mobility environment.
5. Identify the barriers faced by women which prevent them from safely accessing the roadways and transportation opportunities, including issues with infrastructure, social structure, and legal structures including street lighting and surveillance, as well as the inadequacy of last-mile connectivity.
6. Develop and recommend a set of specific recommendations and strategies to provide a pathway for creating a supportive, safe environment for women who use public transportation, ride-sharing, and other methods of travel.

Research Methodology

This study adopts a **qualitative research methodology** to examine the gender-sensitive legal framework under the Motor Vehicles Act (MVA), 2019 with a focus on the safety, accessibility, and empowerment of women road users in India. The research approach combines **doctrinal legal analysis, case law study, and policy analysis**, aiming to provide a comprehensive understanding of the legal provisions, their implementation, and the socio-legal impact on women.

1. Research Design- The research is **exploratory and analytical**, focusing on:

- Examining rules, regulations, and notifications issued by the Ministry of Road Transport and Highways (MoRTH) and state governments, particularly Gujarat.
- Analyzing judicial pronouncements from the Motor Accident Claims Tribunal (MACT) and higher courts concerning women victims or women drivers.
- Identifying gaps in legal provisions and implementation related to women's mobility and safety.

2. Data Collection- The study relies on **secondary data sources**, including:

Primary Legal Sources: Motor Vehicles Act, 1988; Motor Vehicles (Amendment) Act, 2019; relevant state-specific rules and notifications.

Judicial Decisions: Case laws where women were either victims or parties in motor vehicle accident claims, particularly from Gujarat and other Indian jurisdictions.

Government Reports: Road safety reports, MoRTH publications, National Crime Records Bureau (NCRB) data on women in road accidents, and insurance claim statistics.

Academic Literature: Peer-reviewed journals, books, and prior research studies focusing on gender and transport law, road safety, and women's empowerment.

3. Analytical Framework- The study employs **doctrinal and comparative legal analysis:**

Doctrinal Analysis: Interpretation of statutory provisions, rules, and regulations to assess their gender sensitivity.

Comparative Analysis: Reference to international best practices in women's road safety and mobility to evaluate India's legal framework.

Gap Analysis: Identification of shortcomings in the legal framework, enforcement, and accessibility for women road users.

Research Problem

Despite the existence of the **Motor Vehicles Act, 1988**, and its subsequent amendments, women in India face unique and under-addressed challenges in road safety, mobility, and legal recourse following accidents. While the legal framework provides compensation and safety mechanisms, it is largely **gender-neutral**, failing to explicitly account for women-specific vulnerabilities as drivers, passengers, pedestrians, or dependents of accident victims. Empirical evidence indicates:

1. **Under-representation of women drivers** leading to low participation in road safety decision-making.
2. **Gendered socio-economic impacts** after road accidents, particularly on widows, single mothers, or women in low-income households.
3. **Limited awareness and access** to compensation mechanisms and legal remedies for women.
4. **Absence of targeted policies** to promote women's mobility and safety, including public transport measures and vehicle ownership incentives.

Therefore, the research problem can be formulated as:

To what extent do the Motor Vehicles Act, 1988, and its amendments provide a gender-sensitive legal framework that ensures the safety, accessibility, and empowerment of women road users in India, and what gaps exist in its implementation and policy outcomes?

Findings

1. This article assesses the necessity for developing a gender-sensitive legal system within the Motor Vehicles Act of 1988 (MVA) using India as the base, thereby providing women in India with safe and empowering means of movement and access. Although the MVA creates a large regulation system regarding road safety, licensing, standards for the manufacture of vehicles and operation of public transport services, it does not provide any regulations or provisions directed toward women's mobility. Due to these deficiencies in regulation, enforcement and infrastructure, women's mobility continues to be negatively impacted.
2. The research shows that while the recent improvements made to the MVA particularly with the introduction of the Motor Vehicles (Amendment) Act 2019 strengthened the penalties and provided for the establishment of a digital system within the Act, gender-responsive safety regulations such as driver training or support infrastructure and an increased amount of time allowed for a grievance to be reported, have still not been included within the Act. There are several promising state-led initiatives which have been introduced to provide safety and security to women (women-only buses, the requirement of panic buttons, and public transport helplines); however, due to the lack of proper monitoring and capacity to develop them further, they still remain disconnected.
3. An important limitation exists with respect to policymakers having a lack of gender-disaggregated data regarding harassment and usage of public transport, as well as safety outcomes as a result of the usage of public transport. This information gap does not provide policy makers with the ability to design policies directed toward meeting the specific needs of women who make frequent use of public transport and are at greater risk of harm when travelling on the last leg of their journey. Other problems such as inadequate lighting at street intersections, poorly designed bus stops and waiting areas all create an unsafe environment for women when using public transport.

Conclusion

The analysis of a gender-sensitive legal framework under the Motor Vehicles Act, 2019 highlights the critical need for integrating women's safety, accessibility, and empowerment within road transport regulations in India. Despite the general objectives of the Act, traditional enforcement mechanisms have largely been gender-neutral, often overlooking the distinct challenges faced by women as drivers, passengers, pedestrians, and public transport users. This study demonstrates that adopting gender-specific provisions such as safe public transport measures, priority in licensing procedures, protective regulations against harassment, and infrastructure considerations for female road users can significantly enhance both the practical and perceived safety of women on Indian roads.

Furthermore, a gender-sensitive approach contributes to social empowerment by encouraging women's active participation in transportation systems, reducing mobility constraints, and promoting equality in access to economic and educational opportunities. Implementing these reforms requires a combination of legislative amendments, policy directives, and awareness campaigns, supported by robust enforcement mechanisms. The findings underscore that gender mainstreaming within the Motor Vehicles Act not only addresses safety concerns but also aligns with broader social and constitutional mandates for gender equality in India.

In conclusion, embedding gender-sensitive principles within road transport laws is not merely a regulatory adjustment; it is a transformative step toward creating an inclusive, safe, and empowering mobility ecosystem for women, thereby reinforcing India's commitment to gender justice and sustainable development.

Suggestions

1. Legal Reforms

- Amend MVA to explicitly recognize women as a vulnerable category.
- Introduce inclusive compensation for indirect victims (widows, dependents, caregivers).
- Simplify MACT procedures for women, including online claim filing.

2. Promotion of Women's Mobility

- Subsidized driving training programs and vehicle access initiatives.
- Safe public transport measures: GPS tracking, CCTV, separate seating arrangements.

3. Awareness and Capacity Building

- Road safety and legal literacy programs targeting women.
- NGO partnerships for outreach and training.

4. Data-Driven Policies

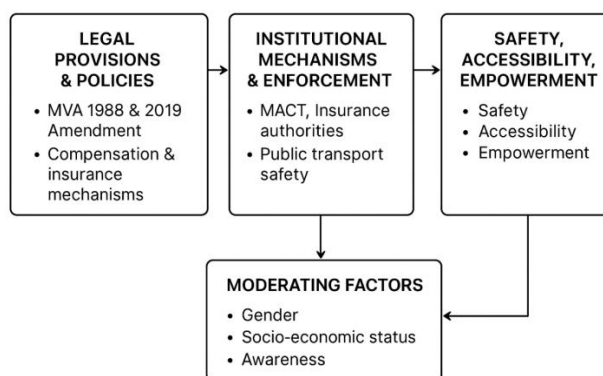
- Disaggregated accident data by gender, role (driver/passenger/pedestrian), and socio-economic status.
- Regular policy review based on gendered accident trends.

5. Post-Accident Support

- Holistic post-crash care: medical, mental health, livelihood restoration.
- Focus on vulnerable women: widows, single mothers, rural women.

6. International Best Practices

- Adopt gender-sensitive transport policies from Sweden, UK, and Australia.
- Leverage technology: mobile apps for reporting, digital legal aid, GPS safety tracking.



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