

**GOVERNMENT OF INDIA  
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**

**LOK SABHA  
UNSTARRED QUESTION NO.1501  
ANSWERED ON 10<sup>TH</sup> FEBRUARY, 2022**

**LIABILITY TOWARDS ROAD ACCIDENT VICTIMS**

**1501. SHRI VISHNU DATT SHARMA:**

**Will the Minister of ROAD TRANSPORT AND HIGHWAYS**

सड़क परिवहन और राजमार्ग मंत्री

**be pleased to state:**

- (a) whether the Government has introduced or proposes to introduce a policy to fix the liability on the road construction/maintenance companies to indemnify the victims of road accidents caused by lapses in construction of roads;**
- (b) if so, the details thereof; and**
- (c) if not, the reasons therefor?**

**ANSWER**

**THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS**

**(SHRI NITIN JAIRAM GADKARI)**

**(a) to (c) Ministry as per the Motor Vehicles (Amendment) Act, 2019 has introduced a new Section 198A to fix the liability on the road construction/maintenance companies to indemnify the victims of road accidents caused by lapses in construction of roads. As per the Section 198A of the Motor Vehicles Act, 1988 states that : -**

**Failure to comply with standards for road design construction and maintenance - (1) Any designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time.**

**(2) Where failure on the part of the designated authority, contractor, consultant or concessionaire responsible under sub-section (1) to comply with standards for road design, construction and maintenance, results in death or disability, such authority or contractor or concessionaire shall be punishable with a fine which may extend to one lakh rupees and the same shall be paid to the Fund constituted under section 164B.**

**(3) For the purposes of sub-section (2), the court shall in particular have**

**regard to the following matters, namely:--**

- (a) the characteristics of the road, and the nature and type of traffic which was reasonably expected to use it as per the design of road;**
- (b) the standard of maintenance norms applicable for a road of that character and use by such traffic;**
- (c) the state of repair in which road users would have expected to find the road;**
- (d) whether the designated authority responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to the road users;**
- (e) whether the designated authority responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose;**
- (f) whether adequate warning notices through road signs, of its condition had been displayed; and**
- (g) such other matters as may be prescribed by the Central Government.**

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