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MOTOR ACCIDENT CLAIMS AND THE RULE OF EVIDENCE: SUPREME COURT'S TAKE ON CONTRIBUTORY NEGLIGENCE

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ABSTRACT

Transportation has become a significant and integral part of our lives. It has made lives of the people convenient and easier than earlier. Now we can cover large distances in a quick span of time without any difficulty. With the increment in technological advancement, as we see endless advantages of transportation, but on the other hand we also witness challenges in form of accidents and sudden unfortunate deaths. These accidents occur due to factors such as high speed, driving after consumption of alcohol and drugs, rash and negligent driving, mobile phones being a distraction for drivers and their failure to comply with the traffic rules etc. We have statutory legislation laid down to control and prevent such accidents but still there are certain lacunae that need to be filled up in order to limit these mishaps. This article elucidates the problem of contributory negligence in motor accident claims for the claimants where we will be discussing the role of contributory negligence in reducing the amount of compensation given by defendant. Here we will be discussing the recent judgements of Supreme Court on the rule of evidence and also the burden of proof lying on the person claiming contributory negligence in such cases. Further, we have discussed the implications of SC judgement as well as some reforms that are required to avoid such accidents and what criteria can be modulated for determination of compensation in such cases.

Keywords: Contributory negligence, compensation, motor vehicle act, corroborative evidence, remedy, cases, burden of proof, rule of evidence.

INTRODUCTION

The Motor Vehicles Act, 1988 is aimed at consolidating and amending the law relating to motor vehicles in India and came into force from 1 July 1989 by replacing earlier Motor Vehicles Act, 1939 which replaced the first such enactment of Motor Vehicles Act, 1914 with the advancement of road transport technology. The Act provides the detailed

legislative provisions regarding licensing of drivers/conductors, registration of motor vehicles, control of motor vehicles through permits, special provisions relating to state transport undertakings, traffic regulation, insurance, liability, offences and penalties, etc. This act is founded on the concept of 'Ubi jus, Ibi remedium' which means 'where there is a right, there is remedy' and the idea of compensation and damages comes into action. It has been regarded as a welfare law aiming at offering relief to those who are suffered by the accident.

An individual might be regarded as the rightful claimant and seek compensation from the Motor Accidents Claim Tribunal. Legal heirs or authorized representatives of a person who died or injured as a result of the accident can claim compensation on the ground of negligence on part of the defendant. To prove the negligence or contributory negligence in accidents, there should be robust and substantiating evidence to support the accidental negligence, as held in the landmark case of *Prabhavathi & Others vs. The Managing Director Bangalore Metropolitan Transport Corporation*[1]**.** Court observed that contributory negligence in motor accident claims cannot be presumed without any direct and corroborative evidence supporting negligence[2]. Contributory negligence must be established through direct and confirmatory evidence on record; it cannot be assumed that the accident occurred due to the rash and negligent driving of both the vehicles.

RULE OF EVIDENCE

While considering the motor accident claims under MCA, 1988, rule of evidence is very crucial in the determination of damages in motor accident cases. But these claims for damages differ from criminal to civil cases in terms of burden of proof and evidentiary standards. When the court decides the petitions of compensation arising out of the motor accident cases, they should keep in mind the fact that the standard of proof must be of preponderance of probability rather than a strict standard of proof beyond all reasonable doubt which is contemplated in the criminal cases. As held in the landmark case of *Sunita & Ors v. Rajasthan State Road Transport Corporation & Ors*[3]. Similarly in the case of *Kusum Lata & Ors v. Satbir & Ors*[4] , Court observed that the claimants are not required to prove the

[1] 2025 INSC 293
[2] Livelaw News Network, Motor accident claims: Contributory negligence can't be presumed without direct or corroborative evidence : Supreme Court Live Law (2025), https://www.livelaw.in/supreme-court/motor-accident-claims-contributory-negligence-cant-be-presumed-without-direct-or-corroborative-evidence-supreme-court-285327 (last visited Apr 4, 2025).
[3] (2020) 13 SCC 486
[4] (2011) 3 SCC 646

negligence or fault in motor accident cases as required in the criminal suits and the courts must observe this distinction in mind that the strict rules of evidence cannot be applied in the civil matters as being applied in the criminal trials. The significance of evidence is much higher as observed by the Supreme Court in the case of *National Insurance Company vs Chamundeswari & Ors.* where it was held that while deciding the case of negligence in a claim of motor accident, the evidence which is recorded must be given weightage over the information recorded in FIR[5].

Further, in case of *Jiju Kuruvila v. Kunjujamma Mohan* , it was held that in the absence of any direct or corroborative evidence on record, it cannot be assumed that the accident occurred due to the rash and negligent driving of both the vehicles[6].

JUDICIAL INTERPRETATION OF CONTRIBUTORY NEGLIGENCE IN MOTOR ACCIDENT CLAIMS

Contributory negligence refers to the lack of reasonable care adopted by plaintiff and defendant that ends up jeopardising their safety. In legal parlance, contributory negligence means negligence on part of defendant as well as plaintiff resulting in the bar or reduction in the recovery of compensation from defendant as accident took place by the plaintiff's action as well. While deciding the petitions of contributory negligence in motor accident cases, courts rely on the robust and direct evidence. While dealing with the issues of contributory negligence, Andhra Pradesh High Court laid down guidelines. Even in the case of *Bimla Devi v. Himachal RTC*, Supreme Court acknowledged that claimants might not always be able to provide strict proof regarding the exact cause of the accident or the involvement of a specific vehicle. Instead, they only need to establish their case based on the *preponderance of probability* rather than proving it beyond a reasonable doubt. Further, court observed that contributory negligence cannot be presumed in motor vehicle accidents without direct or corroborative evidence. As held in case of Jiju *Kuruvila v. Kunjujamma Mohan*[7] that in absence of any direct and corroborative evidence on rerecord court cannot presume that

[5] Srishti Ojha, Motor accident claim - evidence recorded before tribunal to be given weightage over contents of fir in case of contradiction : Supreme Court Live Law (2021), https://www.livelaw.in/top-stories/motor-accident-claim-evidence-recorded-before-tribunal-weightage-over-contents-of-fir-supreme-court-182921 (last visited Mar 20, 2025).

[6] Ashok KM, Strict rules of evidence as applicable in a criminal trial, are not applicable in motor accident compensation cases : Supreme Court Live Law (2022), https://www.livelaw.in/top-stories/supreme-court-strict-rules-evidence-motor-accident-compensation-cases-rajwati-rajjo-vs-united-india-insurance-company-ltd-2022-livelaw-sc-1016-216293 (last visited Mar 22, 2025).

[7] (2013) 9 SCC 166

accident took place due to the rash and negligent driving on part of both drivers. There are many instances where courts applied the doctrine of contributory negligence even in the absence of supporting evidence on record, but Supreme Court corrected the view of courts. In very landmark case of Prabhavathi *and others vs. The Managing Director Bangalore Metropolitan Transport Corporation*, High Court wrongly presumed the case of contributory negligence on part of the plaintiff as well. But, later Supreme Court disagreed with the findings of contributory negligence since there was no evidence to support it.

CASE STUDY: SUPREME COURT'S JUDGEMENT IN PRABHAVATHI

In the case of *Prabhavathi and others vs The Managing Director Bangalore Metropolitan Transport Corporation* the deceased Booblan aged 38, was on his motorcycle travelling from Krupanidhi Junction towards Madivala came into collision with BMTC bus resulting in instant death of the deceased. The claimants filed a petition before the MACT seeking compensation of Rs.75,97,060 with 9% interest per annum. Both parties displeased by the compensation filed an appeal towards the high court for reassessing and consequently, the high court reduced the compensation to Rs.77,50,000 with 6% interest per annum. The claimants challenged the contributory negligence ruling and reduced compensation in the Supreme Court. The Supreme Court further held that the deceased was not negligent and there was witness asserting that the bus driver was fully at fault. It also reiterated that courts cannot presume negligence merely on allegations or high speed driving and criticized the High Court for wrongly reducing the deceased's monthly income despite a clear payslip showing higher earnings. The final compensation awarded was Rs.1,20,84,925 that was higher than the previous awards[8].

Legal and Practical Implications of the Judgement

Basically, motor accident claims prioritize the needs, safety and well-being of victims, and offers several strengths, including increased trust, improved support, and enhanced

[8] Prabhavathi & Ors. v. The Managing Director, Bangalore Metropolitan Transport Corporation, Civil Appeal Nos. 3465–3466 of 2025 (Arising out of SLP(C) Nos. 21450–21451/2023), decided on February 28, 2025, by the Supreme Court of India.

accountability, ultimately leading to better outcomes for victims and a safer community. But the judgement of Prabhavathi case affected the rule of evidence in a positive way as the court observed the need for strong and robust evidence to prove the contributory negligence on part of the deceased and ensured that courts cannot arbitrarily attribute contributory negligence without substantial evidence. Legally, it improved the degree of care taken by vehicles while driving and also ensured the public road transport corporation's liability in ensuring a safer environment for its passengers. It emphasized the right to compensation as a relief for the harm and injuries suffered by the claimant.

Practically, it ensured higher safety measures for drivers including trained drivers, improved vehicle maintenance protocols, strict monitoring of safety measures so that we can avoid these kinds of accidents on roads and can avoid litigation burden over tribunals and courts.

Possible Reforms:

Although, Motor Vehicle Act tries to provide with all efforts but failed to achieve its goal. It has many deficiencies in its services as victims don't get satisfied with the judgements of tribunals and it leads to pendency of cases in HC as well as SC. There are following suggestion to improve the efficiency of the act: -

1. Education and awareness among drivers: - By creating more awareness about accidents and spreading updated education and defensive training, we can avoid such accidents.

2. Stricter enforcement of traffic rules: - Stricter enforcement of laws is very necessary to avoid accidents on the road. Rules such as penalties for speeding, distracted driving etc can be enforced.

3. Usage of technology for safety of vehicles: - use of technology in driving assistance such as Automatic Emergency braking system, blind spot monitoring can also aid in preventing contributory accidents.

Finally, increase in community engagement may also be proved as an active step towards a safer road and transportation system.

CONCLUSION

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The motor vehicle act ensures the safeguards of the victims of motor vehicle accidents and tries to rehabilitate those victims who suffer from losses and injuries. Claims tribunals are established with the intention of providing remedy in form of pecuniary compensation which is more accessible and less costly. We discussed the role of contributory negligence in the determination of compensation where we discussed various judicial pronouncements in which the court held that the burden of proof of negligence is not strict in civil cases as required in the criminal cases where victims need to prove the case beyond reasonable doubt. Further Supreme Court observed the need for the probative evidence to prove contributory negligence and no presumption should be made without clear and validating evidence. By giving rulings on the same, Supreme Court safeguarded the rights of the victim in motor accident cases. Lastly, we discussed some of necessary steps which are required to be taken to avoid such accidents on the road.