
Liability Under Hit and Run Cases In India

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Abstract

Hit-and-run incidents, often dismissed as accidents, conceal a deeper narrative of legal gray zones, societal indifference, and blurred lines between negligence and intent. This project delves into the shifting contours of liability in such cases under Indian law, particularly in light of evolving statutory frameworks like the Motor Vehicles (Amendment) Act 2019 and the Bharatiya Nyaya Sanhita, 2023. Through an examination of select judicial decisions and high-profile trials, the study reflects on the inconsistencies in enforcement and the selective visibility of justice. Drawing lightly from comparative international models, the project raises questions about whether stronger laws necessarily lead to safer roads or if the answers lie elsewhere, between law, morality, and the public conscience.

Keywords - *Civil liability, Criminal negligence, Hit-and-run, Motor Vehicle Act*

I. INTRODUCTION

In recent times, India has witnessed several high-profile hit-and-run incidents that have sparked national outrage and highlighted significant concerns regarding road safety and legal accountability. In May 2024, Pune was shaken by a tragic event where a 17-year-old, allegedly under the influence of alcohol, drove an unregistered Porsche at approximately 200 km/h, fatally colliding with two. Similarly, in July 2024, Mumbai witnessed a harrowing incident where a 24-year-old, reportedly intoxicated, drove his BMW into a scooter, resulting in the death of a woman. The severity of these cases underscores the urgent need for stringent enforcement of traffic laws and comprehensive measures to deter reckless driving behaviors.

For instance, in Mumbai, hit-and-run cases accounted for 38% of all fatal road crashes in 2023, with pedestrians constituting 54% of the victims. Similarly, Ahmedabad reported 61 hit-and-run accidents within the first 45 days of 2025, resulting in 21 fatalities, averaging about one death every two days.¹ In response to these alarming statistics, the Indian government introduced the Bharatiya Nyaya Sanhita in December 2023, proposing stricter penalties, including up to 10 years of imprisonment for drivers fleeing accident scenes without reporting. However, this legislative move sparked nationwide protests from truck drivers, who expressed concerns over the severity of the punishments and potential misuse of the law.² These developments underscore the urgent need for balanced legal frameworks and effective enforcement mechanisms to address the escalating issue of hit-and-run incidents in India.

¹ Press Trust of India & Business Standard. (2025, February 23). Hit-and-run cases made up 38% of Mumbai's road crashes in 2023: Report. *www.business-standard.com*. https://www.business-standard.com/india-news/hit-and-run-cases-made-up-38-of-mumbai-s-road-crashes-in-2023-report-125022300294_1.html

² Dash, D. K. (2023, December 24). Under new law, 10-year jail in hit-and-run cases. *The Times of India*. <https://timesofindia.indiatimes.com/india/under-new-law-10-year-jail-in-hit-and-run-cases/articleshow/106241838.cms>

II. DEFINITION AND LEGAL FRAMEWORK

Under Indian law, a hit-and-run case refers to an incident where a driver involved in a road accident flees the scene without offering assistance to the victim or reporting the matter to the authorities. This act, often committed to evade legal consequences, not only undermines the principles of accountability but also leaves victims helpless, sometimes fighting for their lives without timely aid. They reflect a disturbing disregard for human life and legal responsibility. Such incidents are dealt with under both the Indian Penal Code (IPC) and the Motor Vehicles Act, 1988.

- a) Section 281 of BNS, 2023: Rash and negligent driving on a public way. Punishment up to 6 months' imprisonment or ₹1,000 fine, or both.
- b) Section 106(1) of BNS, 2023: Causing death by negligence, including by rash driving. Punishment Up to 5 years' imprisonment, or fine, or both.
- c) Section 106(2) of BNS, 2023: If the person fails to report the accident or flees the scene after causing death by negligence, punishment extends up to 10 years' imprisonment and a fine.
- d) Section 124 of BNS, 2023: Offense Causing grievous hurt by an act that endangers human life or personal safety. Punishment Up to 2 years' imprisonment, or fine of ₹1,000, or both – remains essentially unchanged.
- e) Section 125 of the Motor Vehicles Act, 1988. This remains under the Motor Vehicles Act and is not transferred to the BNS. Offense: Compensation in hit-and-run cases where the offender is unknown. Compensation: ₹2 lakh for death and ₹50,000 for grievous injury (as per the 2022 amendment).
- f) Section 166 of the Motor Vehicles Act, 1988. Also, it continues under the Motor Vehicles Act. Provision: Enables victims or their legal representatives to file compensation claims for injury, death, or property damage before the Motor Accident Claims Tribunal (MACT)
- g) **Section 162, Motor Vehicles Act, 1988 – Scheme for golden hour** Mandates treatment of road accident victims during the golden hour (first hour after the incident).

- h) Section 134, Motor Vehicles Act, 1988 – Duty of driver in case of accident and injury to a person
- i) Section 187 Motor Vehicles Act, 1988 – Punishment for offences related to accident
- j) Section 164B – Motor Vehicle Accident Fund - Provides for the establishment of a fund to ensure victims of hit-and-run cases get financial assistance for treatment and compensation.

III. CRIMINAL AND CIVIL LIABILITY

In hit-and-run cases, the distinction between **civil** and **criminal liability** is crucial, as both forms of liability can arise from the same incident but serve different purposes and follow other procedures. **Criminal Liability** refers to the **punishment of the offender** for breaking the law. In hit-and-run cases, this includes offenses like **rash or negligent driving, causing death or injury**, and **fleeing the scene without providing help**. Criminal liability focuses on penalizing the wrongdoer through **imprisonment, fines, or both**, and the state prosecutes the case on behalf of society.³

Civil Liability, on the other hand, is concerned with **providing compensation to the victim or their family** for the harm or loss suffered. It arises under **tort law** or **statutory provisions** like those in the **Motor Vehicles Act, 1988** (particularly Section 166 for compensation claims and Section 125 for hit-and-run cases where the offender is untraced).⁴ Civil proceedings are initiated by the **victim or their representatives**, and the goal is to ensure **financial redress**, not punishment. **Criminal liability punishes**, while **civil liability compensates**. Both can run concurrently in a hit-and-run case, allowing the offender to be prosecuted by the state while also being sued for damages by the victim.

³ *Bharatiya Nyaya Sanhita, 2023.*

⁴ *Motor Vehicles Act, 1988* (Act No. 59 of 1988, as amended in 1999 and subsequently).

Criminal Liability

Criminal liability plays a pivotal role in holding the offender accountable for their actions under the Bharatiya Nyaya Sanhita (BNS), 2023. Several provisions of the BNS deal specifically with offenses arising from negligent or rash driving. Section 106(1) addresses cases where death is caused by negligence, such as rash driving, speeding, or drunk driving, without any intent to kill. This section prescribes a punishment of up to five years of imprisonment, a fine, or both. However, the law becomes stricter when the accused not only causes death but also fails to report the accident or flees the scene. Under Section 106(2) of the BNS, such conduct is treated with greater severity, carrying a punishment of up to ten years of imprisonment and a fine, recognizing the added gravity of evading responsibility. In addition, Section 124 of the BNS covers cases where grievous hurt is caused by rash or negligent acts. Similarly, Section 281 penalizes rash and negligent driving that endangers human life, even if it does not result in injury or death. The punishments under these sections vary depending on the nature of the harm caused, ranging from fines and short-term imprisonment to longer terms when the consequences are fatal or severe. The graded structure of punishment aims to maintain proportionality between the offense and its outcome.⁵

The role of intent is also an important aspect in determining the nature of criminal liability. In most hit-and-run cases, the accident itself may be unintentional or caused by a momentary lapse of judgment, classifying it under negligence rather than intentional harm. However, the subsequent act of fleeing the scene without offering help or informing authorities is considered a conscious decision, and thus, it introduces an element of mens rea. The law, therefore, distinguishes between accidents and willful misconduct. While it does not equate negligence with murder, it ensures that offenders who attempt to escape legal and moral responsibility face enhanced penalties.⁶ This reflects an evolving approach that combines deterrence with the need for justice for victims and their families.

⁵ Supra, 3

⁶ Ibid.

Compensation and Victim Rights

In hit-and-run cases, where victims are often left without immediate assistance or identifiable offenders, the Motor Vehicles Act, 1988, provides a critical framework for ensuring compensation and protection of victim rights. Two key provisions, Section 161 and Section 164, offer distinct mechanisms for compensation.

Section 161 provides for compensation in hit-and-run accidents where the identity of the vehicle or driver remains unknown. Under this section, victims or their legal representatives, in case of death, are entitled to fixed compensation, currently set at ₹2 lakh for death and ₹50,000 for grievous injury, as per the 2022 amendment. The compensation is disbursed through the Solatium Fund Scheme, which is managed by the General Insurance Council under the oversight of the central government. This fund acts as a humanitarian relief mechanism to ensure that victims are not denied basic compensation merely due to the absence of an identified perpetrator.

Section 164 of the Act introduces a no-fault liability regime, where compensation is awarded without the need to prove negligence. In cases of death or permanent disablement due to a motor vehicle accident, the victim or their family can claim compensation of ₹5 lakh for death and ₹2.5 lakh for grievous injury, regardless of who was at fault. This ensures a speedier and less adversarial process compared to traditional tort-based litigation.

The judiciary has played a proactive role in reinforcing the right to compensation for road accident victims. In *State of Haryana v. Jasbir Kaur*⁷, the Supreme Court emphasized that compensation should be just, fair, and adequate, reflecting both the economic and emotional loss suffered by victims. In *Pushpabai Purshotam Udeshi V. Ranjit Gining & Pressing Co.*,⁸ the Court laid the foundation for applying principles of negligence in motor accident claims, shaping the evolution of victim rights. Moreover, in *Union of India v. Rina Devi*,⁹ the Court

⁷ *State of Haryana v. Jasbir Kaur* (2003) 7 SCC 484

⁸ *Pushpabai Purshotam Udeshi V. Ranjit Gining & Pressing Co* (1977) 2 SCC 745

⁹ *Union of India v. Rina Devi* (2018) 3 SCC 319

highlighted the need for prompt payment of compensation in accident cases and liberal interpretation of victim rights.

IV. CHALLENGES AND REFORMS IN ENFORCEMENT OF HIT-AND-RUN LAWS

Despite clear legal provisions, the enforcement of hit-and-run laws in India faces significant challenges, often leaving victims without justice or adequate redress. One of the primary hurdles is the difficulty in identifying and apprehending the offender, especially when vehicles do not have visible registration plates or escape before any detail can be recorded.¹⁰ Many such incidents occur during low-traffic hours or in poorly lit areas. The lack of eyewitnesses and insufficient CCTV surveillance coverage across cities further hampers investigations.¹¹ Even when cameras are installed, issues like poor resolution, maintenance lapses, or bureaucratic delays in accessing footage render the evidence ineffective. Additionally, delays in FIR registration and the provision of emergency medical aid caused by institutional inefficiencies or bystanders' fear of involvement often lead to the loss of critical time, jeopardizing both the victim's survival and the legal process.¹² These systemic shortcomings not only obstruct justice but also contribute to a broader climate of public distrust in law enforcement mechanisms, emphasizing the need for integrated surveillance systems, simplified FIR procedures, and public sensitization to uphold accountability in hit-and-run cases.

Compensation Mechanisms and No-Fault Liability under the Motor Vehicles Act

The Motor Vehicles (Amendment) Act, 2019, introduced several progressive provisions aimed at enhancing victim protection and simplifying compensation mechanisms in road accident cases, particularly in hit-and-run incidents. Under Section 162, the Act mandates the central government to implement a scheme for the cashless treatment of road accident victims during

¹⁰ National Crime Records Bureau (NCRB). (2022). *Crime in India – 2021*. Ministry of Home Affairs. <https://ncrb.gov.in>

¹¹ Ministry of Road Transport and Highways (MoRTH). (2021). *Road Accidents in India 2020*. Government of India. <https://morth.nic.in>

¹² Law Commission of India. (2008). *198th Report on Witness Identity Protection and Witness Protection Programmes*. Government of India. <http://lawcommissionofindia.nic.in>

the "golden hour" a critical period immediately following a serious injury during which prompt medical treatment significantly increases survival chances.¹³ This section also empowers the government to frame schemes that offer financial relief to claimants under third-party insurance, thus ensuring timely support. Moreover, to promote altruistic public response, the Act protects "Good Samaritans" people who voluntarily help accident victims without expecting any reward from civil or criminal liability, even if the aid inadvertently results in further injury or death.¹⁴ Section 164B establishes the Motor Vehicle Accident Fund, which is utilized to compensate victims under Section 161 in hit-and-run cases and to cover cashless medical expenses under Section 162. The fund acts as a safety net for victims when offenders are unidentified or uninsured. Simultaneously, the amendment also makes third-party insurance mandatory for all motor vehicles, ensuring that accident victims can obtain compensation through the insurance provider, even if the at-fault driver is not personally held liable. This insurance structure involves three parties the insured, the insurer, and the third party (the victim). In hit-and-run cases, compensation is available provided the necessary evidence is furnished by the claimant.

Furthermore, the Act incorporates a no-fault liability provision under Section 140, requiring the owner of the vehicle to compensate victims of death or permanent disability, irrespective of who was at fault. This eliminates the need for prolonged litigation to prove negligence and ensures swift financial redress. these reforms highlight a shift toward a victim-centric legal regime, prioritizing quick relief, public participation, and reduced procedural burdens in road accident cases.

V. COMPARATIVE PERSPECTIVE ON HIT-AND-RUN LIABILITY

In the United States, hit-and-run is a serious criminal offense in all states, with punishments ranging from fines and license suspension to felony charges and long-term imprisonment, especially if the accident causes injury or death. Several states also maintain uninsured motorist funds to support victims when offenders are unidentified or uninsured.

¹³ *Supra* 4

¹⁴ Ministry of Road Transport and Highways (MoRTH). (2021). *Road Accidents in India 2020*. Government of India. Retrieved from <https://morth.nic.in>

In the United Kingdom, the Road Traffic Act 1988 criminalizes fleeing the scene of an accident, with penalties that include imprisonment, fines, and disqualification from driving. The Motor Insurers' Bureau (MIB) acts as a key body to compensate victims in cases where the offender cannot be traced.¹⁵

In Japan, hit-and-run offenses are viewed with particular severity under the Road Traffic Act and Penal Code. A person who leaves the scene of an accident can face up to 10 years of imprisonment, and courts treat such cases as both a traffic violation and a criminal offense. Japan's system also places emphasis on the moral obligation to aid the victim, and non-compliance is punished harshly.¹⁶

Similarly, in China, fleeing the scene of an accident is treated as a serious criminal offense under the Criminal Law of the People's Republic of China, with punishments ranging from imprisonment to revocation of the driver's license. China also operates a compulsory third-party liability insurance system, and recent reforms have aimed to increase accountability and strengthen surveillance measures like roadside cameras and automated reporting systems.¹⁷

Compared to these international frameworks, India's legal structure, despite the 2019 amendments, still faces implementation challenges, including delayed FIRs, lack of reliable evidence, and overburdened investigative authorities.¹⁸ However, India's Motor Vehicle Accident Fund, cashless treatment schemes, and no-fault compensation indicate a move toward a victim-centric and welfare-oriented approach. Drawing from the enforcement efficiency of countries like Japan and China and the institutional mechanisms in the US and UK, India can further enhance its legal response to hit-and-run cases.

¹⁵UK Legislation. (2023). *Road Traffic Act 1988*. Retrieved from <https://www.legislation.gov.uk/ukxi/2019/1047/contents/made>

¹⁶ Japanese Penal Code. (2022). *Act No. 45 of 1907 (as amended through 2022)*. Retrieved from <https://www.japaneselawtranslation.go.jp/en/laws/view/3581/en>

¹⁷ *Road Traffic Safety Law of China (2021)* - China Justice Observer. (n.d.). <https://www.chinajusticeobserver.com/a/road-traffic-safety-law-of-china>

¹⁸ Supra 14

VI. CASE LAWS – Brief

1. *Alister Anthony Pareira v. State of Maharashtra*¹⁹

- a) Facts - On the morning of November 12, 2006, Alister Anthony Pareira, under the influence of alcohol, drove over a group of 15 laborers sleeping on the pavement at Seafront Carter Road, Mumbai. Seven people died, and eight were grievously injured.
- b) Legal Issues- Whether the act amounted to mere negligence under Section 304A IPC or culpable homicide not amounting to murder under Section 304 Part II IPC, considering the accused knew that his act could likely result in death.
- c) Judgment- The Supreme Court ruled that Section 304 Part II IPC could apply where the offender had prior knowledge of the consequences, even if there was no direct intention to kill. The court also stated that Sections 304A and 304 Part II are not mutually exclusive and may overlap depending on the circumstances. The court upheld the conviction and imposed a fine of ₹8.5 lakhs as compensation. This case highlighted the gravity of reckless and drunken driving and set a precedent that knowledge of potential fatality can escalate the offense from negligence to culpable homicide.

2. *State Tr.P.S. Lodhi Colony, New Delhi v. Sanjeev Nanda*²⁰

- a) Facts- On January 10, 1999, Sanjeev Nanda, grandson of former Navy Chief S.M. Nanda, ran over seven people, including three police officers, in Delhi while driving a BMW under the influence of alcohol. He fled the scene. The car was later traced through an oil trail to his residence.
- b) Legal Issue: Whether the accused could be held criminally liable for culpable homicide not amounting to murder or for causing death by negligence under Section 304A IPC.
- c) Judgment: Nanda was initially convicted and sentenced to five years' imprisonment under Section 304 Part II IPC by the trial court. However, in a subsequent appeal, his sentence

¹⁹ *Alister Anthony Pareira v. State of Maharashtra*, (2012) 2 SCC 648.

²⁰ *State Through P.S. Lodhi Colony, New Delhi v. Sanjeev Nanda*, (2012) 8 SCC 450.

- d) was reduced to two years' imprisonment, and he was directed to perform community service for an additional two years.
- e) Legal Significance: This case drew national attention due to the influence of the accused's family and the media's role in ensuring justice. It reinforced the court's stance on treating flight from the accident scene as evidence of guilt and increased public demand for stricter enforcement in such cases.

3. State of Maharashtra v. Salman Salim Khan²¹

- a) Facts: On September 28, 2002, actor Salman Khan's SUV ran over five people sleeping on a pavement in Mumbai, killing one and injuring four. He was allegedly drunk and fled the scene without informing the police or offering help.
- b) Legal Issue: Whether Khan could be convicted under Section 304 Part II IPC or if his act amounted only to causing death by negligence under Section 304A IPC.
- c) Judgment: In 2015, the Sessions Court convicted him under Section 304 Part II and sentenced him to five years' imprisonment. However, the Bombay High Court acquitted him, citing lack of direct evidence, procedural lapses in the investigation, and inconsistencies in the testimony of key witnesses.
- d) Legal Significance: The acquittal was controversial and triggered debates about the celebrity's influence on the judicial process and the burden of proof in criminal cases. It also highlighted deficiencies in the investigation and prosecution system despite the high-profile nature of the case.

²¹ State of Maharashtra v. Salman Salim Khan, (2004) 1 SCC 525

VII. CONCLUSION

Hit-and-run cases in India are more than just legal violations—they are tragic reflections of apathy, loopholes, and delayed justice. Despite the introduction of tougher laws through the Motor Vehicles (Amendment) Act, 2019, and the Bharatiya Nyaya Sanhita, 2023, the streets remain scenes of injustice where victims often die unseen and offenders vanish without a trace. Though legal tools like the Motor Vehicle Accident Fund, cashless treatment schemes, and no-fault liability mark progress on paper, their impact is dulled by weak enforcement, lack of public awareness, and systemic delays. High-profile cases like those of *Alister Anthony Pereira*, *Sanjeev Nanda*, and *Salman Khan* have exposed how power, privilege, and procedural gaps can influence outcomes, raising unsettling questions about accountability. India stands at a crossroads to either strengthen its resolve with technology, transparency, and timely justice or continue letting victims become statistics. To truly honor the lives lost, the system must evolve beyond punishment to prevention, protection, and people-first justice.