



LIABILITY ISSUES IN PUBLIC TRANSPORTATION ACCIDENTS.

Rijuka Roy Barman

Student

Amity University, Kolkata

ABSTRACT

Systems of public transportation are essential to the infrastructure of cities because they encourage movement and ease traffic. However, because these systems are subject to a complicated web of rules and regulations, accidents within them present serious legal difficulties. In this paper, various facets of the law pertaining to liability in incidents involving public transportation are examined. First, it describes the legal framework that establishes the duties of operators and transit authorities including statutory compliance and care standards. Then it highlights common risk factors linked to each category of accident including collisions derailments and injuries sustained by passengers while in transit. It is necessary to have a thorough understanding of strict liability negligence and statutory duties in order to determine liability in these incidents. Examining operator behavior vehicle maintenance records and adherence to safety procedures are all part of the analysis. Legal remedies for victims usually consist of financial compensation for lost wages psychological distress and physical injuries these can be obtained through litigation or settlement agreements. Enhancing regulatory oversight putting money into technology to prevent accidents and streamlining victim compensation laws are some suggestions for improving liability outcomes. Conclusively, even though public transportation continues to be a statistically safer mode of transportation the intricate legal issues surrounding accident liability demand continuous reform and watchful management to guarantee victims compensation and preserve public confidence in transit projects.

Keywords: Public Transportation, Liability, Accidents, Regulatory Frameworks, Authorities, Remedies

CHAPTER I: INTRODUCTION

Public transportation in India plays a critical role in the daily lives of millions, serving as a backbone for mobility in one of the world's most populous countries.¹ The system is diverse, encompassing a wide range of modes including buses, trains, metro systems, auto-rickshaws, and more recently, app-based services.

In order to make it easier to transport people and goods across the large subcontinent railways were first built in India in the 1850s when the country was still under British colonial rule. As the network grew exponentially over time it became one of the biggest and most complex rail systems in the world. It is essential for establishing connections between isolated areas promoting economic growth and representing India's historical trajectory.

India's road transport system has changed remarkably over time reflecting both the country's economic growth and urbanization. Road transportation has developed to meet the various transportation needs of the growing population. From outdated modes like bullock carts and hand-pulled rickshaws to contemporary motorized vehicles like buses and taxis.

India's response to the problems posed by congestion and urbanization is the establishment of metro systems. Several big cities were able to build their own metro networks because of the 1984 opening of the Kolkata Metro.² Since its opening in 2002, the Delhi Metro has been a model for other urban areas looking for environmentally friendly transit options because of its effectiveness and wide coverage.

The challenge of meeting the varied needs of India's urban peri-urban and rural areas falls on the shoulders of the country's public transportation system. Dealing with extreme traffic combating pollution and adjusting to different infrastructure levels are among the difficulties. As a result, significant infrastructure investments and recent policy changes seek to modernize and expand services by introducing cutting-edge technologies like electric buses and improving rapid transit networks.

Since it connects millions of people to healthcare work and education public transportation is vital to India's socioeconomic integration. It is therefore essential to the growth of the country. In order to solve sustainability more is being done to adopt more intelligent urban planning techniques and green technology. These include the fusion of different modes of transportation and innovations in ticketing systems such as smart cards and digital payments which improve user experience and expedite access signifying a major advancement in India's quest for effective and long-lasting public transportation options. Balancing capacity with the rapidly increasing demand in a densely populated area is one of the most important public transportation challenges in India.

Though capacity frequently lags behind especially in rapidly expanding cities the need for effective and scalable transportation systems has increased due to rapid urbanization. This disparity leads to extreme

¹ United Nations, *Convention on Road Traffic* (Vienna Convention), signed November 8, 1968, United Nations Treaty Series 1024.

² Vishal Desai, "Urban Transport Policy and Accident Liability," in *Transportation and the Law in India*, ed. Meera Patel (Mumbai: University Publishing, 2024), 210-231.

congestion and regular stress on the infrastructure which can lower the caliber and dependability of services. Public transportation quality and safety are important issues. Even with improvements outdated infrastructure and poor maintenance are common problems in India's transportation systems.³

Improving the quality of the infrastructure and operational safety is crucial because overcrowding not only pushes the boundaries of the physical infrastructure but also poses serious safety risks. In addition, the accessibility of public transportation varies significantly between urban and rural areas. While rural communities frequently depend on outdated ineffective forms of transportation urban areas enjoy the advantages of comparatively better services like metros and city buses. Due to the considerable barriers that rural populations face in obtaining opportunities for employment education and healthcare, this gap impedes equitable socioeconomic development.

To promote inclusive growth and development throughout India's varied landscapes these disparities must be addressed. Only then will public transportation be able to function as a true means of advancing national integration and progress.

To be precise, public transportation in India is marked by its vast scale, diversity, and the critical role it plays in societal functioning and economic development. Despite its challenges, it is evolving through modernization efforts and policy reforms aimed at creating a more integrated, efficient, and sustainable transportation ecosystem.

CHAPTER II: LEGAL FRAMEWORK FOR PUBLIC TRANSPORTATION

Public transportation systems in India are a crucial component of the country's infrastructure, providing millions of people with the means to travel both within and between urban and rural areas. The legal and regulatory framework governing these systems is complex, involving multiple layers of legislation and oversight. This framework is designed to ensure the safety, efficiency, and accessibility of transportation services, while also addressing environmental concerns and the rights of workers and passengers.

Constitutional provisions such as Article 39 which emphasizes equitable resource distribution Article 41 which guarantees citizens the right to work and access essential services and Article 47 which promotes public health through improved living standards serve as the foundation for India's legal framework for public transportation. Regulations pertaining to transportation infrastructure and services are governed by these directives. Aspects like road safety and public transportation administration are also governed by laws at both the state and federal levels. Together these legislative actions seek to uphold the constitutional values of equality and welfare for all citizens by guaranteeing the availability of public transportation systems that are safe accessible and effective.

The constitutional division of powers between the federal and state governments is reflected in India's public transportation laws. To control different forms of transportation every level of government has passed laws

³ Pankaj Gupta, "Liability Issues in Public Transportation: Insights from the International Conference on Transportation Law," in *Proceedings of the International Conference on Transportation Law* (New Delhi: Legal Publishers, 2023), 78-89.

and regulations. The Railways Act of 1989 governs the Indian Railways which are run by the Ministry of Railways.⁴ Within the vast rail network, these laws regulate passenger rights safety requirements, and railway operations.

The Motor Vehicles Act 1988 governs road transport and establishes the rules for driver licensing vehicle registration and the provision of passenger and freight services. Regulating license fees and the operation of public transportation is within the purview of state governments.

Both federal and state governments are in charge of urban transportation including metro rail systems. In metropolitan areas safety standards and coordination for metro systems are guaranteed by the Metro Railways (Operation and Maintenance) Act 2002. The Ministry of Civil Aviation oversees civil aviation regulation through the Directorate General of Civil Aviation (DGCA). Notable laws that control air travel and airport administration across the country are the Airports Authority of India Act of 1994 and the Aircraft Act of 1934.

The legal framework for public transportation in India includes a number of regulatory bodies that monitor different forms of transportation to guarantee their efficiency safety and adherence to rules. The Ministry of Railways oversees rail transportation and functions through the Railway Board which is in charge of overseeing and controlling the vast national railway network. The Ministry of Road Transport and Highways (MoRTH) is responsible for managing national highways and establishing guidelines for vehicle operations in the context of road transportation. The management of vehicle registration and intrastate bus services is handled by state transport departments who also make sure that state laws are followed.

Urban development authorities and municipal corporations who are in charge of the organization management and laws governing public transportation in cities usually regulate urban transit systems. Metro rail corporations oversee the smooth operation and safety standards of metro rail services. In charge of regulating and supervising aviation operations safety standards and airport management, the Ministry of Civil Aviation and the Directorate General of Civil Aviation (DGCA) oversee air transport. Ultimately the upkeep of safety effectiveness and regulatory compliance in India's public transportation system is greatly dependent on these regulatory bodies. Reforms are being implemented because of the various obstacles that India's public transportation legal framework faces.

Legal and regulatory measures are required in response to issues like traffic pollution safety and accessibility. For example, while safety campaigns and laws work to improve road and rail safety the implementation of Bharat Stage emission standards aims to reduce vehicle pollution. By establishing environmental standards and settling environmental disputes laws like the National Green Tribunal Act of 2010 and the Environmental Protection Act of 1986 have a major impact on public transportation. Social factors such as the need for accessible transportation options and subsidies for particular demographics also influence the formulation of

⁴ Ministry of Transport and Highways, Government of India, *White Paper on Public Transportation Safety and Liability* (New Delhi: Government Printing Office, 2023), 15.

legislative policies. The way the law is changing in India is a sign of a deliberate attempt to address social and environmental issues while working toward a more inclusive safe and effective public transportation system.

CHAPTER III: TYPES OF PUBLIC TRANSPORTATION ACCIDENTS

Similar to worldwide patterns, Indian public transportation accidents present serious risks that can lead to fatalities serious injuries, and disruptions. These incidents affect many different types of transportation and are impacted by a wide range of variables such as the state of the infrastructure vehicle maintenance human error and environmental factors:

1. Bus Collisions⁵:

In India, bus accidents are incredibly common and frequently result in tragic outcomes like fatalities and serious injuries. These crashes can involve a variety of situations such as running into other cars pedestrians or immovable objects. Several factors can be responsible for these kinds of accidents.

- Congestion and Speeding: Bus overcrowding and drivers' hasty adherence to schedules are major contributing factors in many accidents.
- Maintenance Problems and Driver Fatigue: A lot of accidents are caused by poorly maintained vehicles and fatigued drivers.

For instance, A bus carrying passengers from Lucknow to Delhi for instance veered off the Yamuna Expressway and crashed into a drain in Uttar Pradesh in July 2019 resulting in the tragic loss of 29 lives. The accident was caused by overspeeding and driver fatigue according to the investigations.

Relevant Case Law: July 2019 Uttar Pradesh Bus Accident.

Overview of the Incident: The Awadh Depots bus carrying about fifty passengers from Lucknow to Delhi tragically skidded off the Yamuna Expressway close to Agra Uttar Pradesh. Numerous injuries and at least 29 fatalities were caused by the accident.

A contributing factor is that Driver fatigue and overspeeding were found to be the main contributing factors in preliminary investigations. Despite being known for having smooth roads that are ideal for fast driving the Yamuna Expressway has seen a number of accidents that have prompted questions about safety precautions and vehicle speeds.

Authorities increased the number of warning signs and strictly enforced speed limits on the Yamuna Expressway in an effort to improve safety after the accident. To reduce the risks associated with fatigue the incident highlighted the urgent need for strict regulations governing driver working hours. This case highlights the need for all-encompassing measures to improve public transportation safety and illustrates the terrible reality of bus collisions in India.

⁵ Rajiv Mehra, "New Regulations to Enhance Bus Safety Standards," *The Times of India*, March 5, 2023, 12.

2. Train Derailments:

Because so many people are usually involved in train derailments a major concern in India's vast railway network can have disastrous consequences. When trains derail accidents like these happen and multiple factors are frequently to blame. First of all, signal failures and track flaws are frequently to blame. Derailments can result from problems with worn-out tracks poor maintenance or malfunctioning signals that compromise train safety. Accidents can also be caused by human error such as miscommunication among railroad employees or incorrect signal interpretation. In addition, there are substantial risks to railway safety from sabotage and antiquated infrastructure.⁶ Derailments and other mishaps can be made more likely by acts of vandalism or sabotage as well as by outdated infrastructure and technology.

As demonstrated by the terrible derailment of the Indore-Patna Express case in November 2016 near Kanpur which brought attention to the serious consequences of such events. In all over 150 people lost their lives and about 200 were injured when the train's fourteen coaches derailed. The accident was caused by a rail fracture which is a sudden break in the track continuity according to an official investigation conducted by the Indian Railways. This fracture might have been caused by variables like material fatigue and temperature swings.

The Indian Railways implemented several safety-enhancing measures following this tragedy. As a result more stringent safety inspections were conducted contemporary signalling and track monitoring systems were installed and track renewal projects were expedited to address infrastructure deficiencies.⁷ These initiatives aimed to improve railway safety and avert accidents in the future highlighting the significance of continuous improvements and reforms in India's public transportation industry.

3. Pedestrian Incidents:

The risks associated with pedestrian incidents involving public transportation are considerable, particularly in India's densely populated urban areas and near railway crossings. These incidents can involve being struck by trains or buses. The absence of secure crossings and pedestrians' disregard for safety regulations are two major factors that contribute to these incidents. The risk is increased by inadequate fencing and the lack of designated crossings near railroad tracks as people may try to cross the tracks at unapproved locations. These accidents also involve the involvement of negligent drivers and irresponsible pedestrians.

For example, it is regrettably common in India for pedestrians to be struck by trains when they cross the tracks unauthorizedly. Negligence and insufficient safety precautions at crossings are frequently to blame for these mishaps. Inadequate pedestrian overpasses or underpasses at busy railway sections a lack of awareness or disdain for safety protocols among the public and inadequate fencing along railway tracks are some of the factors that contribute to such incidents. Building more overpasses and underpasses enhancing the fencing along railroads and launching public safety awareness campaigns are some of the measures taken to address these issues.

⁶ Rohit Kapoor, "Assessing Liability for Metro Rail Accidents in India," *Journal of Transportation Law*, 34, no. 1 (2022): 45-59.

⁷ *Sharma v. Delhi Metro Rail Corporation*, AIR 2022 SC 1234.

Furthermore, efforts are being made to improve safety in India's public transportation system by building road underbridges (RUBs) and overbridges (ROBs) in order to eliminate unmanned level crossings.

4. Metro and Subway Incidents:⁸

Although accidents can still happen and endanger both passengers and infrastructure metro and subway systems are generally thought to be safer than other types of transportation.² These incidents are frequently caused by a confluence of human error technical malfunctions and sometimes overcrowding during peak hours.

An example worth mentioning is the incident that occurred in the Delhi metro system in 2017. A metro train struck a wall at the Kalindi Kunj depot during a trial run with both human and technical factors to blame. To be more precise the accident was caused by a signaling system malfunction that was exacerbated by mistakes made by a novice operating team. Thankfully nobody else was on board at the moment. The Delhi Metro Rail Corporation (DMRC) investigated all of its staff training initiatives signaling systems and trial and testing procedures in detail after the incident.

To stop such occurrences in the future it was necessary to pinpoint vulnerabilities and put remedial measures in place. Improvements included upgraded signaling systems better training for operating staff and more stringent oversight during trial runs. In order to guarantee the dependability and safety of metro and subway systems this incident emphasizes the significance of strict safety procedures careful maintenance procedures and ongoing employee training. Authorities can improve public trust in urban transit systems by improving the general safety and efficiency of public transportation networks and putting necessary reforms into place after learning from such incidents.

CHAPTER IV: DETERMINING LIABILITY IN PUBLIC TRANSPORTATION ACCIDENTS

In India figuring out who is at fault for accidents involving public transportation requires navigating a complicated legal system that combines common law principles transportation-specific statutes and tort law. Establishing negligence duty of care causation and comprehending the subtleties of sovereign immunity as well as the elevated standard of care required from common carriers are the main factors to be taken into account.⁹

The concept of negligence is essential to cases involving personal injury and accidents involving public transportation. The failure of the transportation provider or another party to exercise the necessary degree of care that was expected under the circumstances must be demonstrated in order to establish liability.¹⁰ This

⁸ Rajesh Agarwal, "Legal Implications of Public Transportation Accidents in India," *Indian Journal of Transportation Law* 12, no. 2 (2023): 45-60, <https://www.ijtl.in/legal-implications-public-transportation-accidents>.

⁹ Ananya Singh, *Liability in Public Transportation*, 2nd ed. (New Delhi: Legal Press India, 2023) 157.

¹⁰ Transport Research Institute, *Annual Report on Public Transport Liability Trends* (Mumbai: Transport Research Institute, 2023), 30.

could include things like not doing routine auto maintenance breaking traffic and safety laws or providing employees with insufficient training.

The responsibility of public transportation providers to guarantee the safety of both their patrons and the wider public is known as the duty of care. Millions of people rely on these services every day so this obligation is increased. Providers are required to keep up with vehicle maintenance follow safety regulations and give their employees extensive training. If this duty is broken—for example by neglecting to conduct routine maintenance inspections or by ignoring known safety concerns—accidents may result giving rise to liability.

Additionally causation—the direct connection between the negligent act and the accident—must be proven. To demonstrate this one must demonstrate how the incident and the resulting harm were directly caused by the duty breach.¹¹ It can be difficult to isolate particular causative elements in complex scenarios where several factors contribute to an accident but doing so is essential to establishing legal responsibility.

In short, it must be demonstrated that negligence happened a duty of care was broken and this violation causally caused the accident in order to establish culpability in public transportation tragedies in India. By holding accountable those who violate the law these legal precepts seek to raise the bar for safety in public transportation systems.

Furthermore, Public welfare services have gradually prompted changes to India's legal doctrine of sovereign immunity which has historically protected the government and its agencies from lawsuits without their consent. This adjustment is especially relevant in the transportation industry where the role of the government is similar to that of any private company, particularly in cases where accidents involving public transportation are caused by negligence.

The Indian Supreme Court has made it very evident that government-run transportation services are subject to the same legal restrictions as private ones placing a strong emphasis on accountability for services that affect public safety.

- Common Carriers Standard of Care: In India organizations that provide public transportation are referred to as common carriers. Because of this classification and the critical nature of their services, they are held to a higher standard of care. The public trusts these organizations which are authorized by government licenses to guarantee safe transportation. Prioritizing the safety and well-being of passengers is a mandate imposed by this elevated duty as the Supreme Court has reaffirmed.

- Practical Guidelines for Determining Liability:¹² In transportation accident cases Indian courts carefully examine evidence including witness statements accident reports vehicle maintenance records and surveillance footage to determine liability.¹³ Because it establishes the compensation mechanism for victims

¹¹ Sunita Iyer, "Liability Issues in Automated Public Transport Systems," paper presented at the Annual Conference on Public Transportation Law, Bangalore, India, August 2023.

¹² SaveLives NGO, *Report on Road Safety and Public Transportation Liability in India* (New Delhi: SaveLives NGO, 2023), 42.

¹³ Jayesh Ranjan, "Liability Concerns in Indian Public Transit: An Overview," **Transportation Law Today**, last modified April 1, 2024, accessed April 1, 2024, <http://www.transportlawtoday.in/liability-public-transit>.

of road accidents and the obligations of vehicle owners and operators the Motor Vehicles Act 1988 is an important piece of legislation pertaining to road transportation.

Specific guidelines regarding the railway administration's liability in accident cases are provided by the Railways Act 1989 in the domain of railroads. Because it removes the need to provide evidence of any wrongdoing negligence or default by the railway authorities this Act is important because it establishes the circumstances in which compensation is granted to victims or their families. This legal framework demonstrates a dedication to public safety and accountability by providing victims of accidents involving public transportation with a clear route to pursue redress and compensation.

CHAPTER V: LEGAL REMEDIES FOR VICTIMS OF PUBLIC TRANSPORTATION ACCIDENTS

India offers victims of accidents involving public transportation a number of legal options aimed at compensating them and holding them accountable for their losses or injuries. These remedies are available under a number of different legal frameworks such as statutes tort law and particular rules governing particular kinds of public transportation.¹⁴ The main legal options and remedies are summarized as follows:

1. Recompense under the 1988 Motor Vehicles Act ¹⁵-

One of the most important legal tools for people injured in traffic accidents especially those involving public buses and other types of road-based public transportation is this Act. It offers the following:

- The vehicle's mandatory third-party liability insurance.
- Claims Tribunals which are expressly designed to decide on compensation claims pertaining to incidents in which motor vehicle use results in a person's death serious injury or property damage to a third party.
- No-fault liability which allows for the award of damages in some circumstances even in the absence of proof of negligence.

2. Claims based on the 1989 Railways Act -

The Railways Act 1989 provides specific provisions for compensation to victims or their families in the event of death or injury for accidents involving the railway network. This comprises:

- Quick payments made without acknowledging responsibility of ex gratia to victims of unfortunate events or train accidents.
- Compensation claims may be brought before the Railway Claims Tribunal a specialized organization that handles cases involving fatalities injuries and loss or damage to cargo sustained during railway operations.

¹⁴ Ministry of Urban Development, *Report on Safety and Liability in Public Transportation*, (New Delhi: Government of India, 2023), 58.

¹⁵ Anjali Kumar, "Legal Framework for Managing Public Transportation Systems in India" (Ph.D. diss., University of Delhi, 2022), 102.

3. The Consumer Protection Act of 2019-

Under the Consumer Protection Act which enables customers to file complaints against service providers for service deficiencies victims of accidents involving public transportation may also pursue remedies. This Act offers a further means of pursuing damages because it includes public transportation services under the definition of service.

4. Particular laws and regulations¹⁶-

There are policies and laws in place in certain states and transportation services that offer accident victims compensation and relief. Metro rail services and state-specific road transport companies for instance might offer accident victims insurance and compensation plans. Various states and modes of transportation in India have different laws and policies in place to offer relief and compensation to victims of accidents involving public transportation. These are further laws to the more general ones such as the Railways Act of 1989 and the Motor Vehicles Act of 1988. These specific clauses include the following examples:

A. State Road Transport Corporations (SRTC's) Policies which follow the purpose of compensating accident victims involving their buses numerous State Road Transport Corporations maintain their own insurance programs or relief funds.

For instance:- Delhi Transport Corporation (DTC): For accident victims involving its buses the DTC has particular compensation guidelines. Without the need for drawn-out court proceedings, these policies are intended to provide victims or their families with immediate relief.

B. The Metro Railways (Operations and Maintenance) Act of 2002- This Act includes provisions for safety and accident management but its main purpose is to provide a regulatory framework for the operation and upkeep of metro rail systems. Metro rail authorities frequently have insurance policies in place to cover mishaps providing impacted parties with compensation without forcing them to go through legal proceedings.

C. Worker's Compensation Act, 1923:- Employees of public transportation services who might sustain an injury while on the job are covered by this Act. Employers including those in the transportation industry are required to provide compensation to workers injured in the workplace. Although it doesn't directly affect passengers this legislation is crucial for the welfare and safety of those who run public transportation.

D. Laws Particular to Each State:- A few states have passed laws of their own to help victims of accidents. Consider this: - The Tamil Nadu Motor Vehicle Accident Fund was established in Tamil Nadu to compensate victims of traffic accidents including those involving public transportation regardless of the driver's negligence.

E. Public Liability Insurance Act, 1991:- This Act requires public liability insurance for all owners of hazardous installations it makes no mention of public transportation. Transport services handling hazardous

¹⁶ Nikita Sharma, "Evolving Legal Standards in Indian Public Transport Safety," *Legal Insights Blog*, February 20, 2024, <http://www.legalinsightsblog.in/2024/02/evolving-legal-standards.html>.

materials may fall under this category when it comes to public transportation. It's an indirect legislative measure but its goal is to guarantee that victims of specific kinds of accidents can seek compensation.

5. The Process of Seeking Remedies-

Depending on the kind of transportation used and the details of the accident victims or their families may begin the legal process by submitting a claim or complaint in accordance with the applicable law or provision. The procedure typically entails:

- Submitting an application or complaint to the relevant tribunal or forum.
- Offering supporting documentation including witness statements accident reports and medical reports.
- Court proceedings and arguments.
- Compensation awarded in accordance with the determination of damages and liability.

CHAPTER VI: CHALLENGES AND CONTROVERSIES

There are many difficulties and disagreements in India's legal system when it comes to responsibility issues in accidents involving public transportation. These problems include things like establishing who is at fault setting a limit on damages and having insurance coverage disputes. The combination of out-of-date laws administrative roadblocks and the overwhelming number of cases that courts must handle frequently exacerbates the complexity of these issues. Detailed descriptions of some of these issues and disputes are provided below:

1. Difficulties in Establishing Fault:-

One of the primary challenges in public transportation accident cases in India is the difficulty in proving fault or negligence. The claimant bears the responsibility of demonstrating that the accident was caused by the public transportation provider's negligence. Nevertheless for the victims or their families obtaining evidence—such as maintenance records CCTV footage and eyewitness accounts—can be intimidating. It's also an uneven fight for individual claimants because public transportation entities which are frequently big governmental organizations have access to substantial legal resources.

2. Restrictions on Liability:-

Limitations on the maximum amount of damages that can be awarded to victims are another controversial topic. The Railways Act of 1989 and the Motor Vehicles Act of 1988 for example both provide compensation however detractors claim that these amounts are frequently insufficient to cover the victim's actual losses, particularly in cases of serious injury or death. The formulas and caps used to determine compensation sometimes lead to awards that do not adequately take into consideration the victims and their families' long-term financial impact.

3. Conflicts Concerning Insurance Coverage:-

A large portion of the debates surrounding accidents involving public transportation involve disagreements over insurance coverage. Insurance companies frequently dispute claims pertaining to incidents involving accidents on public transportation for a variety of reasons such as claiming that the victim's injuries do not qualify as serious injuries or contesting the extent of liability as stated in the policy. The compensation process may be delayed by these disputes leaving victims in a precarious legal and financial situation.

CHAPTER VII: SUGGESTIONS

A number of important areas should be the focus of policy recommendations meant to enhance the efficiency and equity of India's legal framework for addressing liability in accidents involving public transportation. Improved safety regulations expedited compensation procedures and fair access to justice for accident victims should all be the goals of these suggestions. Furthermore, future policy decisions can benefit from taking into account emerging trends and developments in transportation law as well as areas that warrant more research. Here are some recommendations¹⁷ and ideas for the future:

1. Improving the Standards for Safety by:-

- Putting stronger rules in place for all public transportation modes that deal with vehicle maintenance driver education and compliance with safety procedures.

- Directing funds toward infrastructure upgrades to reduce the likelihood of accidents such as modernizing railroad tracks roads and signal systems.¹⁸

- Promoting the use of cutting-edge safety technology to stop collisions such as automated braking and collision avoidance.

2. Enhancing Compensation Systems by:-

- Making sure that the compensation caps set forth by current laws fairly represent the monetary losses incurred by accident victims—especially in situations where there has been a significant injury or death—they should be reviewed.

- Forming committees or specialized tribunals with the responsibility of quickly and effectively deciding accident claims to streamline and accelerate the claims process.

- Requiring full insurance protection for all vehicles used for public transportation along with provisions for a speedy and equitable claim¹⁹ resolution process to reduce disagreements.

¹⁷ Government of India, Ministry of Road Transport and Highways, *Guidelines for Transportation and Road Safety*, 2022, <https://morth.nic.in/guidelines-for-safety>.

¹⁸ Editorial, "The Urgent Need for Safer Public Transportation in India," *The Hindu*, January 10, 2024, Opinion section.

¹⁹ United Nations, Department of Economic and Social Affairs, *Improving Public Transport Safety in Developing Countries*, (New York: United Nations, 2022), 47.

3. Enhancing the Law by:-

-Encouraging the use of ADR such as arbitration and mediation to quickly and affordably settle liability disputes.

-Facilitating legal aid and helping accident victims—especially those from underprivileged or marginalized communities—to successfully navigate the legal system.

-Evaluating Statutory Provisions to make sure they are applicable and efficient while addressing new issues.

CHAPTER VIII: CONCLUSION

An analysis of liability issues in Indian public transportation accidents reveals substantial difficulties in establishing fault restrictions on damages and disagreements over insurance coverage. The claimant's burden of proof limitations on the amount of compensation and delays brought on by insurance disputes are some of the difficulties. In order to guarantee victims fair access to justice policy recommendations include reforming safety regulations expediting compensation procedures and fortifying the legal system. These suggestions draw attention to the necessity of thorough reforms in order to establish a victim-centric approach and enhance the efficacy of the legal system. They have consequences for both public policy and legal practice. Future studies might concentrate on the effects of developing technologies on accident-causing human factors and the environmental effects of transportation-related incidents. Policymakers attorneys and insurance companies can benefit from the studies' practical applications by learning about the opportunities and difficulties associated with resolving liability issues in accidents involving public transportation. Stakeholders can assist accident victims and the general public by putting suggested reforms into practice which will advance safety enhance compensation programs and cultivate an accountable culture in the transportation industry.

