
UNDERAGE VEHICLE ACCIDENTS: A GROWING CONCERN IN INDIA

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ABSTRACT

Underage driving remains a persistent public-health challenge in India, contributing to a disproportionate share of road-traffic fatalities and injuries. While the Motor Vehicles Act, 1988 (as amended in 2019) unequivocally prohibits individuals under 18 from obtaining a driver's licence, enforcement is uneven, and many minors nevertheless operate motor vehicles. Despite statutory provisions imposing penalties not only on minors but also on guardians and vehicle owners, empirical evidence suggests a steady rise in violations and inconsistent implementation across jurisdictions.

This paper argues that, when minors demonstrate a clear understanding of driving skills and the associated legal and safety consequences, they should be held accountable under adult-penalty provisions. While Indian law provides for the possibility of trying juveniles aged 16–18 as adults in heinous offences, the application of this provision in cases of road accidents remains controversial. This also raises a very critical question consistency, fairness and the potential for legal reform in categorizing traffic-related offences as “heinous” under specific circumstances. The study highlights the importance of mental maturity, intent, and legal classification of offences in determining culpability. To support this stance, the paper reviews epidemiological data, the Indian legal framework, comparative international approaches, and ethical theories of culpability

This research paper aims to address this identified gap by synthesizing these disparate threads of scholarship. It will critically examine the existing legal provisions within India's framework, considering both the Motor Vehicles Act and the Juvenile Justice Act, and explore potential interpretations that could accommodate a more nuanced understanding of culpability. By investigating the legal and ethical dimensions of treating underage drivers who possess demonstrable driving knowledge and an understanding of risks, this paper seeks to contribute a fresh perspective to the ongoing debate on juvenile justice and road safety in India.

Keywords: Underage driving, India, motor vehicle act, juvenile justice, culpability, road safety, Victim impact

“Underage driving reflects a failure of both law enforcement and parental responsibility.” — Supreme Court Committee on Road Safety

Introduction:

Road safety has become one of the most pressing public concerns in India, with the country recording a significant number of road accidents each year. Among the various causes contributing to this alarming situation, underage driving has emerged as a serious and growing problem. Despite clear legal restrictions and increasing awareness about road safety, a considerable number of minors continue to drive vehicles, often leading to dangerous and sometimes fatal consequences.

Underage vehicle accidents refer to incidents involving minors individuals below the legal age of 18 years, who operate motor vehicles without a valid driving license. Rapid urbanization in India, increased availability of vehicles, and changing social attitudes have made it easier for minors to access and operate motor vehicles. In many Indian households, especially in urban areas, vehicles are readily available, and supervision is often lacking. Parents or guardians may knowingly or unknowingly allow minors to use vehicles, either out of convenience or under the assumption that the child is capable of handling the responsibility. This casual approach toward underage driving significantly increases the risk of accidents, as minors generally lack the maturity, judgment, and experience required for safe driving.

The issue is not merely legal; it intertwines public health, developmental psychology, and social equity. This research paper aims to address this identified gap by synthesizing these disparate threads of scholarship. It will critically examine the existing legal provisions within India’s framework, considering both the Motor Vehicles Act and the Juvenile Justice Act, and explore potential interpretations that could accommodate a more nuanced understanding of culpability. By investigating the legal and ethical dimensions of treating underage drivers who possess demonstrable driving knowledge and an understanding of risks, this paper seeks to contribute a fresh perspective to the ongoing debate on juvenile justice and road safety in India. This paper offers an argumentative analysis aimed at university-level students studying law, public policy, or health sciences.

Research Problem

Despite strict legal provisions and increasing awareness about road safety, underage driving

continues to be a persistent problem in India. This raises a critical question:

Does knowledge of driving and awareness of its risks equate to legal maturity and criminal responsibility?

Legislative Framework for Underage Driving

- **¹The Motor Vehicles Act, 1988:**

Unequivocally prohibits any person under the age of eighteen years from driving a motor vehicle in public places. This prohibition is qualified by specific exceptions pertaining to light motor vehicles operated under supervision. The Act outlines penalties for contravention, which commonly include fines and the impoundment of the vehicle. 199A. Offences by juveniles. - (1) Where an offence under this Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly

- **²The Juvenile Justice (Care and Protection of Children) Act, 2015**

Defines individuals below eighteen years of age as children and establishes a distinct system of justice for them, prioritizing rehabilitation. This Act governs the legal proceedings and sanctions applicable to minors involved in offenses.

- **The 2019 amendment to India's Juvenile Justice (Care and Protection of Children)**

Act, 2015 allows minors aged 16-18 who commit grave offences (like murder, rape, or armed robbery) to be tried as adults, based on their mental and emotional maturity. The statement explaining this "adult equivalent" punishment was provided by official government sources, especially through Parliamentary debates and statements by the Ministry of Women and Child Development and the Juvenile Justice Board (JJB).

The procedure for treating a Juvenile as an adult are specifically written in Section 15 and Section 18(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

¹ Indiankanoon.Org, <https://indiankanoon.org/doc/785258/>.

² (Mar. 30, 2017), <https://www.indiacode.nic.in/bitstream/123456789/8864/1/201602.juvenile2015pdf.pdf>.

- **³Moral and Legal Responsibility**

Moral agency requires the capacity to comprehend the moral weight of one's actions.

Legal culpability traditionally hinges on *mens rea* (guilty mind) and *actus reus* (guilty act). If a minor demonstrates cognitive competence—i.e., knowledge of traffic laws, vehicle operation, and potential harms—they satisfy *mens rea* akin to an adult.

Case laws

1. ⁴The Pune Porsche case

The Pune Porsche case from 2024 really brought up a lot of questions about how we handle punishments for kids driving underage. There was this accident where two people died, and it was awful, but the law did not call it a heinous crime under that Juvenile Justice Act from 2015. I think that is because it did not have the seven year minimum sentence requirement or something like that. So the boy got treated as a juvenile and they let him out on bail, but only if he wrote a 300 word essay about road safety.

The Juvenile Justice Board granted bail subject to condition including the writing of essay on road safety. This decision attracted public criticism for being disproportionately lenient given the gravity of the force. Is writing some words on paper enough when lives were lost because of what he did? It just does not feel right. Juvenile laws are supposed to be about fixing the kid, not just punishing, but in a case this bad, it seems way too light. Like, what message does that send to everyone else? That you can mess up big time and barely face anything.

From what the victims families must be feeling, this probably looks totally unfair. An essay for taking a life, that is hard to swallow. It makes the whole legal system seem off, like it is not connecting with what people actually want, which is some kind of real justice that matches the harm done.

³ A Karunakaran, Actus Reus and Mens Rea: Essential Elements of Criminal Liability in Indian Law - Legal Service India, Articles (July 27, 2025), <https://www.legalserviceindia.com/Legal-Articles/actus-reus-and-mens-rea-essential-elements-of-criminal-liability-in-indian-law/>.

⁴ Asseem Shaikh, Pune Porsche crash case: Juvenile to be tried as minor; JJB rejects police plea, Times of India (July 15, 2025), <https://timesofindia.indiatimes.com/city/pune/pune-porsche-crash-case-juvenile-to-be-tried-as-minor-jjb-rejects-police-plea/articleshow/122493733.cms>.

There is this big gap here in how the laws work. The seriousness of what happened is not really matched by the response. Maybe we need to find a way to hold kids accountable more without throwing out the whole idea of reform for them. It is not clear how to fix it exactly, but something has to change.

2. ⁵Dwarka SUV Minor Accident Case (2026)

The Dwarka SUV Minor Accident Case (2026) is a significant example in the context of underage driving and legal accountability in India. In this case, a 17-year-old minor was driving an SUV in the Dwarka area of Delhi and was involved in a fatal accident that resulted in the death of a young biker. The incident reportedly involved reckless driving, raising serious concerns about the increasing trend of minors operating vehicles without legal authorization.

The matter was brought before the Juvenile Justice Board (JJB), where the key issue was whether the minor should be treated as an adult due to the gravity of the offence and the fatal outcome.

Despite the seriousness of the incident, the Juvenile Justice Board granted interim bail to the minor, allowing him to continue his education and appear for his board examinations. The Board emphasized that, under the Juvenile Justice (Care and Protection of Children) Act, 2015, the accused was legally a minor and therefore entitled to the protections of juvenile law. Even observations suggesting a lack of remorse did not alter this legal position.

This case highlights a critical aspect of Indian juvenile justice: age remains the primary determinant of legal treatment, regardless of the severity of the consequences. Consequently, the case strengthens the ongoing debate that knowledge, awareness, or even apparent recklessness do not equate to legal maturity, thereby exposing a gap between societal expectations of justice and the existing legal framework.

Current legal approach

It relies exclusively on age to determine culpability, fails to acknowledge the potential for differentiated understanding and competence among minors. This rigid system can lead to two

⁵ Apoorva Gupta, 'Not Just An Accident': Dwarka Crash Victim's Mother Demands Justice After Teen Driver Granted Bail, (Feb. 17, 2026), <https://news.abplive.com/cities/not-just-an-accident-dwarka-crash-victim-s-mother-demands-justice-after-teen-driver-granted-bail-1827434>.

potentially unjust outcomes: either unduly lenient treatment for minors who, despite their age, exhibit a degree of recklessness underpinned by knowledge, or excessively punitive measures for those who might benefit more from educational and rehabilitative interventions tailored to their understanding. This observation challenges existing legal interpretations that prioritize age above all else in such scenarios. It reinforces the argument that even in fatal accident cases, minors are not easily subjected to adult criminal liability. The global trend towards graduated licensing and competency-based assessments, while not directly applicable due to differing legal systems, offers valuable theoretical insights into acknowledging varying levels of driving maturity and responsibility, suggesting a path towards more nuanced legal frameworks.

678 Comparative International Perspectives

“Examining global approaches reveals that many legal systems go beyond age and consider intent, maturity, and consequences in underage driving cases.”

Country	Legal Approach	Trial as Adult?	Key Features	Relevance to Topic
India	Juvenile Justice system (below 18 years)	Rare (only for heinous offences with ≥7 years punishment)	Focus on reform and rehabilitation; strict age-based classification	Knowledge of driving does not equal legal maturity
United states	Varies by state law	Yes (in serious cases like reckless driving, DUI, vehicular manslaughter)	Transfer to adult court possible; emphasis on accountability	Stronger focus on consequences and intent
United Kingdom	Youth justice system	Yes (for serious offences, tried in Crown Court)	Balance between rehabilitation and strict punishment	More flexible in handling severe accident cases

⁶ Peter Dodd, *How Old Do You Have to Be to Drive? A Global Look at Legal Driving Ages* — Peter Dodd Motoring Law Solicitor, Peter Dodd Motoring Law Solicitor (July 9, 2025), <https://www.peterdoddmotoringlawsolicitor.co.uk/blog-1-1/https/wwwpeterdoddmotoringlawsolicitorcouk/blog-page-url/new-post-title-4>.

⁷ *JUVENILE JUSTICE SYSTEM – A COMPARATIVE STUDY OF INDIA, THE USA, AND UK - Jus Corpus*

⁸ *Juvenile Justice System – A Comparative Study Of India, The Usa, And Uk*, Jus Corpus (June 8, 2024), <https://www.juscorpus.com/juvenile-justice-system-a-comparative-study-of-india-the-usa-and-uk/>.

Germany	Mixed system (juvenile + adult)	Yes (based on mental maturity, even up to age 21)	Psychological assessment determines responsibility	Considers maturity, not just age
Australia	Juvenile justice system	Limited (serious offences may lead to adult-like penalties)	Strong enforcement of road laws; strict penalties for guardians	Focus on deterrence and responsibility

“The comparative analysis shows that unlike India, many countries consider factors like intent, maturity, and severity of consequences, whereas Indian law primarily relies on age-based classification.”

Policy Recommendations

- 1. Legislative Amendment** – Amend the Motor Vehicles Act to **codify the SKCA** and **mandate tiered sentencing**.
- 2. Capacity-Building for Police** – Develop **training modules** on adolescent development and the SKCA administration.
- 3. Expand Driver-Education** – Integrate a **mandatory curriculum** on legal consequences and ethical driving for secondary-school students.
- 4. Research Funding** – Allocate funds for longitudinal studies on the **long-term effects** of adult vs. juvenile sentencing on traffic behaviour.
- 5. Reclassification of Offences Involving Death**– The law should be reconsidered to classify fatal underage driving accidents as more serious offences, even if they currently fall under lesser punishment categories. This will ensure that **severity of harm is reflected in legal treatment**.

Conclusion

In conclusion, this research has critically examined the legal treatment of underage drivers in India, with a specific focus on the culpability of minors who possess demonstrated driving knowledge. The findings underscore that current Indian law, as codified in the Motor Vehicles

Act, 1988, and the Juvenile Justice (Care and Protection of Children) Act, 2015, does not provide for a differentiated approach to underage offenders based on their understanding of driving risks or competency. The legal framework universally prioritizes age as the sole determinant for prohibitions and subsequent legal handling. Future research should focus on developing methodologies for assessing a minor's driving knowledge and comprehension of risks in a legally sound manner. Further exploration into comparative legal frameworks that incorporate graduated licensing or competency-based evaluations for young drivers could provide models for potential reform in India. Additionally, empirical studies examining the prevalence of underage individuals possessing advanced driving skills and awareness, alongside their accident rates, would significantly bolster the argument for a more differentiated approach to culpability. Ultimately, this research advocates for a legal paradigm shift, encouraging a system where justice is served with greater proportionality, recognizing both the need for public safety and the developmental nuances of adolescence.