

LEGAL INSIGHT

TRAFFIC LAWS IN INDIA



July, 2025 ; 7rd Edition

CASE STUDY OF RELEVANCE

Kerala High Court – Mandatory Air Blank Test in Drunk Driving Cases

The Kerala HC ruled that an air-blank test is mandatory before a breathalyser reading to ensure the device is free of residual alcohol. In a case from Thiruvananthapuram, the breath-test showed levels above the legal limit (41 mg/100 ml), but the air-blank result (412 mg/100 ml) invalidated the evidence. The charges under Section 185 of the Motor Vehicles Act were dropped, though a rash-driving charge under Section 281 of the Bharatiya Nyaya Sanhita remains live. This safeguards the fairness of breathalyser-based prosecutions.

Highlight Date: July 2025

Bombay High Court – Rash Driving FIR Quashed for Lack of Evidence

In a long-pending case from June 2020 on Mumbai's Marine Drive, a student accused of rash driving under IPC Section 279 was exonerated for insufficient proof—there were no independent witnesses and no harmful incident recorded. The HC held that proceeding further would amount to an abuse of legal process. A ₹2 lakh cost was imposed in favour of the Bar Council of Maharashtra and Goa.

Highlight Date: July 2025

Odisha District Consumer Commission – Misuse of Scooter Leads to Compensation

A resident in Sundargarh received a challan for a scooter he never rode — while it was in a company workshop. The DCDRC held that the company misused the vehicle during possession, violating trust, and ordered them to pay ₹2 lakh compensation and replace the scooter. Though not strictly a criminal traffic case, it underscores legal accountability in vehicle possession and wrongful challan issuance.

Highlight Date: February 2025

Chhattisgarh HC – Viral Beacon Birthday Incident & Blue Beacon Misuse

The Chhattisgarh High Court sharply criticised the government for a viral video showing a DSP's wife cutting a cake atop a private car with a blue beacon, with passengers hanging dangerously. Despite earlier court orders, no preventive action had been taken. The HC questioned both the legality of a private vehicle using a beacon and the police's FIR naming an "unknown driver" despite clear video evidence. The court directed the state chief secretary to explain the failure of enforcement.

Highlight Date: June–July 2025

ARTICLE

TRAFFIC CHALLAN IN INDIA: KNOW YOUR RIGHTS AND RULES

Introduction

Getting a traffic challan in India is more common than you might think. With stricter traffic rules and automated surveillance, it's crucial for every driver to stay informed. In this blog, we cover everything you need to know — from understanding what a traffic challan is, how to check your challan status online, to paying fines and avoiding penalties.

What is a Traffic Challan?

A traffic challan is a legal notice issued by traffic police for violating traffic rules under the Motor Vehicles Act, 1988. It can be issued physically or electronically as an e-challan using traffic cameras and monitoring systems.

Common Traffic Violations That Attract Challans

- Not wearing a helmet or seatbelt
- Over-speeding
- Using a mobile phone while driving
- Drunk driving

- Jumping red lights
- Driving without a valid license or insurance

Penalties vary based on the violation and can go up to ₹10,000 or more. You can check your challan status online through the official Parivahan website namely, <https://echallan.parivahan.gov.in>

Steps:

1. Visit the e-Challan portal
2. Click on “Check Challan Status”
3. Enter vehicle number, DL number, or challan number
4. View pending challans and details

How to Pay Traffic Challan Online

Online payment is quick and secure. You can use:

- Parivahan portal
- State transport department websites
- Mobile apps like Paytm and Google Pay (in some states)

Note: Always pay through official channels to avoid fraud.

What Happens if You Don't Pay?

Ignoring a traffic challan can lead to:

- Additional fines
- Court summons
- License suspension
- Vehicle seizure in extreme cases

Tips to Avoid Traffic Challans

- Follow traffic signals and lane discipline
- Always carry valid documents (license, RC, insurance)
- Avoid overspeeding, especially near schools or no-overtake zones

- Don't drink and drive
- Install and use a valid FASTag

Conclusion

Understanding traffic challans and being aware of your rights can save you from unnecessary legal trouble. With digital enforcement on the rise, staying compliant is not just smart — it's essential. Stay safe, follow the traffic rules, and drive responsibly.

FREQUENTLY ASKED QUESTIONS (FAQs) ON INSOLVENCY AND BANKRUPTCY CODE, 2016

Question 1: What is the Motor Vehicles Act, 1988?

Answer 1: It is a central legislation that regulates all aspects of road transport in India, including licensing, vehicle registration, traffic control, insurance, and penalties.

Question 2: What major changes were introduced in the Motor Vehicles (Amendment) Act, 2019?

Answer 2: It introduced steeper penalties, e-challans, protection for Good Samaritans, increased compensation in accident cases, and stricter regulation of juvenile offences.

Question 3: Is a learner's license valid for all types of vehicles?

Answer 3: No. A learner's license is valid only for the specific class of vehicle mentioned in the license.

Question 4: Can I drive with a digital copy of my documents?

Answer 4: Yes. The government accepts digital copies via DigiLocker or mParivahan as legally valid.

Question 5: What is the penalty for driving without a valid license?

Answer 5: ₹5,000 fine and/or up to 3 months imprisonment under Section 181.

Question 6: What is the punishment for drunk driving?

Answer 6: ₹10,000 fine and/or imprisonment up to 6 months for first offence (Section 185).

Question 7: Is insurance mandatory for all vehicles?

Answer 7: Yes. Third-party motor insurance is compulsory under the Act.

Question 8: What documents should I carry while driving?

Answer 8: Driving license, registration certificate (RC), insurance policy, and pollution under control (PUC) certificate.

Question 9: What is an e-Challan?

Answer 9: It is a digital ticket issued by traffic police for violations. You can check and pay it online at echallan.parivahan.gov.in.

Question 10: Can a traffic fine be challenged?

Answer 10: Yes. You can contest it before the traffic court with appropriate evidence.

Question 11: What is the penalty for driving without a helmet?

Answer 11: ₹1,000 fine and possible disqualification of driving license for 3 months.

Question 12: Is seatbelt mandatory for rear-seat passengers?

Answer 12: Yes. As per the amended rules, rear-seat passengers must wear seatbelts. Non-compliance attracts a ₹1,000 fine.

Question 13: Who is a 'Good Samaritan' under the Act?

Answer 13: A person who voluntarily helps an accident victim in good faith. They are protected from legal harassment.

Question 14: What is the punishment if a juvenile is caught driving?

Answer 14: ₹25,000 fine and/or 3 years imprisonment for the guardian/vehicle owner, cancellation of registration, and ineligibility of juvenile for license until age 25.

Question 15: Can vehicle registration be cancelled?

Answer 15: Yes, for reasons like use in crime, repeated offences, or allowing a juvenile to drive.

Question 16: What is the penalty for using a mobile phone while driving?

Answer 16: ₹5,000 fine and/or up to 1 year imprisonment.

Question 17: What is the rule for over-speeding under the Act?

Answer 17: Over-speeding attracts a ₹1,000–₹4,000 fine depending on the type of vehicle.

Question 18: Is it legal to modify my vehicle's appearance or performance?

Answer 18: Only with approval from the registering authority. Unauthorized modifications are punishable.

Question 19: Are commercial vehicles subject to special provisions?

Answer 19: Yes. They must comply with fitness tests, permits, and specific load/emission norms.

Question 20: How does the Motor Vehicle Act protect accident victims?

Answer 20: Through mandatory insurance, increased compensation, fast-track claim mechanisms, and protection for Good Samaritans.

Question 21: Can I contest a wrong traffic challan?

Answer 21: Yes. You may contest it before the appropriate traffic court or file a representation online, depending on the state-specific mechanism.

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