

Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. ~~29861-29886~~ Genl./HCS/2023

Dated, Delhi the ~~04 NOV 2023~~

Sub : Special Leave Petition (Civil) No. 1110/2017 titled Safiq Ahmad Vs. ICICI Lombard General Insurance Co. Ltd. & Ors.

A copy of letter bearing no. 7544/DHC/Gaz./G-2/SC-Judg./2023 dated 31.10.2023 bearing this office diary no. 2627 dated 01.11.2023 received from Hon'ble High Court of Delhi alongwith the copy of Order dated 12.09.2023 passed by Hon'ble Supreme court of India passed in SLP(Civil) no. 1110/2017, titled "Safiq Ahmad Vs. ICICI Lombard General Insurance Co. Ltd. & Ors. in the abovesaid matter is being circulated for necessary compliance : -

1. All the Ld. Principal District & Sessions Judges, Delhi, New Delhi (except Central District) with the request to circulate the same amongst all the Ld. MACTs and Criminal Courts dealing with Motor Accident cases under your kind control for necessary compliance as directed in the said letter.
2. The Ld. Presiding Officers, Motor Accident Claims Tribunal and Criminal Courts dealing with Motor Accident cases, Central District, Tis Hazari Courts, Delhi.
3. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
4. PS to the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
5. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
6. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
7. For uploading the same on Centralized Website through LAYERS.

Barkha Gupta
11/11/23

(BARKHA GUPTA)

Officer-in Charge, Genl. Branch, (C)

District Judge, (Comm. Court)

Tis Hazari Courts, Delhi

Encls. As above

1753/23 (S)
17/11/23

IN THE HIGH COURT OF DELHI AT NEW DELHI

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No. 7544/DHC/Gaz/G-2/SC-Judg./2023

Dated: 31st October, 2023.

From:

The Registrar General,
High Court of Delhi,
New Delhi-110003.



To,

The Principal District & Sessions Judge (HQ),
Tis Hazari Courts Complex,
Delhi.

Sub: Special Leave Petition (Civil) No. 1110/2017 titled Safiq Ahmad vs. ICICI Lombard General Insurance Co. Ltd. & Ors.

Sir,

In continuation of this court's letter no. 6922 DHC/Gaz/G-2/SC-Judg./2023, dated 04.10.2023, on the above subject, I am directed to forward herewith a copy of order dated 12.09.2023 passed by Hon'ble Supreme Court of India in SLP(Civil) no. 1110/2017 titled "Safiq Ahmad vs. ICICI Lombard General Insurance Co. Ltd. & Ors."

I am further directed to request you to issue the following directions to all the concerned for necessary compliance:-

1. All the MACTs and Criminal Courts dealing with Motor Accident cases be directed to properly maintain the data as per Stage II and Stage III of Form XX.
2. All the MACTs be directed to take necessary steps to properly maintain the data in accordance with Stage II of Form XX by directing them to accept the fully filled up Vakalatnama of the Counsels/Advocate and in the case of change of counsel, necessary endorsement from the previous counsel for non-objection shall also be taken.
3. That so far as issue regarding shortage of staff in afore-said courts is concerned, the same may be resolved expeditiously.

Gen. Br.
ML

P. D/S J (Hqs)
31/10/23

Yours faithfully,

(Surender Pal)
Deputy Registrar (Gazette-IB)
For Registrar General.

②

ITEM NO.24

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1110/2017

(Arising out of impugned final judgment and order dated 07-10-2015 in CR No. 49/2015 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

SAFIQ AHMAD

Petitioner(s)

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD. . & ORS. Respondent(s)

(IA No. 141759/2018 - CLARIFICATION/DIRECTION
IA No. 77754/2018 - CLARIFICATION/DIRECTION
IA No. 67360/2018 - EXEMPTION FROM FILING O.T.
IA No. 24664/2020 - INTERVENTION APPLICATION
IA No. 3912/2020 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 6443/2019 (IV-B)SLP(C) No. 4523/2023 (XI-A)

(FOR ADMISSION and I.R. and IA No.31210/2023-CONDONATION OF DELAY IN FILING and IA No.31212/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.31213/2023-EXEMPTION FROM FILING O.T. and IA No.31211/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 12-09-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Anjani Kumar Mishra, AOR
Mrs. Hardeep Kaur Mishra, Adv.
Mr. Praveen Mishra, Adv.

Mr. Siddharth, AOR
Mr. Jagdish Chandra Solanki, Adv.
Mr. Amit Kumar Agrawal, Adv.

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, AOR
Mr. Ashish Madan, Adv.
Mr. Amritesh Raj, Adv.

Ms. Ananaya Sahu, Adv.
Ms. Saumya Sharma, Adv.
Mr. T. R. B. Sivakumar, AOR
Mr. Sibho Sankar Mishra, AOR

Mr. Abhishek Kumar Gola, Adv.
Mr. Vikrant Mehta, Adv.
Mr. Swapan Pradhan, Adv.
Mr. Sudhir Naagar, AOR

M/S. Arputham Aruna And Co, AOR
Mr. B. Krishna Prasad, AOR
Ms. Uttara Babbar, AOR

Mr. Ambhoj Kumar Sinha, AOR

Ms. Radhika Gautam, AOR
Mr. Suvendu Suvasis Dash, AOR

Mr. T. G. Narayanan Nair, AOR
Ms. Swathi H. Prasad, Adv.

Mr. Abhinav Mukerji, AOR
Mrs. Bihu Sharma, Adv.
Mr. Mohit Prasad, Adv.

Mr. Gaurav Sharma, Adv.
Mr. Krishnavani Sharma, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Ajay Mishra, Adv.
Mr. Neeraj Singh, Adv.
Mr. Binay Kumar, Adv.
Mr. Naresh K. Sharma, AOR

Mr. Anil K. Jha, AOR
Mr. Chanchal Kumar Ganguli, AOR

Mr. K. S. Mahadevan, Adv.
Mrs. Swati Bansal, Adv.
Mr. Rangarajan .r, Adv.
Mr. Rajesh Kumar, AOR

Mr. Navneet Kumar, Adv.
Mr. Saurabh Tiwari, Adv.
Mr. Parijat Kishore, AOR

Mr. Sanjai Kumar Pathak, AOR
Mr. Arvind Kumar Tripathi, Adv.
Mrs. Shashi Pathak, Adv.

Mr. Nikhil Goel, AOR



Ms. Naveen Goel, Adv.
Mr. Adithya Koshy Roy, Adv.
Ms. Siddhi Gupta, Adv.

Ms. Ruchi Kohli, AOR
-Mr. Praveen Agrawal, AOR

Mr. K. M. Nataraj, A.S.G.
Mr. Anmol Chandan, Adv.
Mr. K.L. Janjani, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Ms. Deepabali Dutta, Adv.
Mr. Chinmayee Chandra, Adv.
Ms. Mrinal Elkar Mazumdar, Adv.
Ms. Megha Karanwal, Adv.
Dr. Arun Kumar Yadav, Adv.
Mr. Vineet Singh, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. Arjun Garg, AOR
Mr. Shobhit Jain, Adv.
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.
Ms. Shreya Bansal, Adv.

Mr. Devendra Singh, AOR
Mr. Vijay Kumar Singh, Adv.
Mr. Karan Thakur, Adv.
Mr. Ashish Sheoran, Adv.
Mr. Sameer Singh, Adv.
Mr. Vivek Mishra, Adv.
Mr. Surinder Singh Lohchab, Adv.
Mr. Sahil Lohchab, Adv.
Mr. Kashmira Singh Chahar, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.
Mr. Md. Apzal Ansari, Adv.
Mr. M. Bangaraswamy, Adv.
Mr. S. Shashank Reddy, Adv.

Mr. Vishnu Mehra, Adv.
Ms. Manjeet Chawla, AOR
Mrs. Usha Pant Kukreti, Adv.
Mr. Kunal Malhotra, Adv.

Mr. Kedar Nath Tripathy, AOR

Mr. Abhimanyu Tewari, AOR

B

Ms. Eliza Bar, Adv.

Mr. Siddharth, AOR

Mr. Narendra Kumar, AOR
Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.

Mr. D. Kumanan, AOR
Mr. Amrish Kumar, AOR
Mrs. Swarupama Chaturvedi, AOR

Mr. Arunabh Chowdhury, Sr. Adv.
Ms. Pragya Baghel, Adv.
Mr. Jayant Mohan, AOR
Mr. Karma Dorjee, Adv.
Mr. Dechen Wangadi Lachungpa, Adv.
Mr. Abhishek Roy, Adv.
Ms. Adya Shree Dutta, Adv.

Mr. Sabarish Subramanian, AOR
Mr. C. Kranthi Kumar, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Danish Saif, Adv.

Mr. Samar Vijay Singh, AOR
Mr. Keshav Mittal, Adv.
Ms. Sabarni Som, Adv.

Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.
Mr. Akshay Subhash Jagtap, Adv.

Mr. Gaurav Agrawal, AOR
Mr. Pradeep Misra, AOR

Mr. Mukesh K. Giri, AOR

Mr. Karan Sharma, AOR

Mr. Anil K. Jha, AOR

Mr. Sahil Tagotra, AOR
Ms. Abhivyakti Banerjee, Adv.
Mr. Gajendra Singh Negi, Adv.
Ms. Sakshi Garg, Adv.

Ms. Muskan Surana, Adv.
Ms. Astha Sharma, AOR

Mr. T. G. Narayanan Nair, AOR

6

Ms. Swathi H. Prasad, Adv.

Mr. Navneet Kumar, Adv.
Mr. Saurabh Tiwari, Adv.
Mr. Parijat Kishore, AOR

Mr. Apoorv Kurup, AOR
Ms. Uttara Babbar, AOR

Mr. Raghavendra S. Srivatsa, AOR
Mr. Likhi Chand Bonsle, Adv.
Ms. Komal Mandhra, Adv.
Ms. Anagha N. Sharma, Adv.

Mr. Ankur S. Kulkarni, AOR
Ms. Sampriti Baksi, Adv.

Mr. Deepak Thukral, A.A.G.
Mr. Gautam Sharma, Adv.
Dr. Monika Gusain, AOR

M/S. Shakil Ahmad Syed, AOR
Mr. Mohd. Parvez Dabas, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Aqib Baig, Adv.
Mr. Mohd. Shahib, Adv.
Mr. Mohd. Shakim, Adv.

Mr. Kanhaiya Singhal, AOR
Mr. Kanhaiya Singhal, Adv.
Mr. Prasanna, Adv.
Mr. Teeksh Singhal, Adv.
Mr. Ujwal Ghai, Adv.

M/S. Arputham Aruna And Co, AOR

Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manaya Hasija, Adv.
Mr. Tejasvi Gupta, Adv.
Mr. Pawan Upadhyay, Adv.
Mr. Nirnimesh Dube, AOR

Ms. Manju Jetley, AOR
Mr. Sanpreet Singh Ajmani, Adv.
Mr. Sandeep Malik, Adv.
Mr. Amit Kumar, Adv.

M/S. Parekh & Co., AOR

Mr. Aravindh S., AOR
Mr. Abbas, Adv.

Mr. Rajeev Kumar Dubey, Adv.
Ms. Chandni Arora, Adv.
Mr. Kamendra Mishra, AOR

Mr. Anant Vijay Palli, Adv.
Mr. Nikhil Palli, Adv.
Mr. Deepak Goel, AOR

Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.

Ms. Sakshi Kakkar, AOR
Mr. Shakti Singh, Adv.
Mr. R Karthik, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Ms. Kshitij Singh, Adv.

Ms. Muskan Surana, Adv.
Ms. Astha Sharma, AOR

Ms. Ranjeeta Rohatgi, AOR
M/S. Plr Chambers And Co., AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Mr. Sunny Choudhary, AOR
Mr. Karan Bishnoi, Adv.

Mr. K. M. Nataraj, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Vatsal Joshi, Adv.
Mr. Sailesh Madiyal, Adv.
Mr. Chinmayee Chandra, Adv.
Ms. Deepawali Dutta, Adv.
Ms. Deepsikha Bharti, Adv.

Mr. Avijimani Tripathi, AOR
Mr. Upendra Mishra, Adv.
Mr. T. K. Nayak, Adv.

Ms. Enakshi Mukhopadhyay Siddhanta, AOR
Mr. sovan Siddhanta, Adv.

Dr. Manish Singh singhvi, Sr. Adv.
Ms. Shubhangi Garwal, Adv.
Mr. Apurv S., Adv.

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Mr. Milind Kumar, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

The State Governments, represented in this Court, will file up to date status reports with regard to the fake/suspicious claim cases under the Motor Vehicles Act, 1988 and the Employees' Compensation Act, 1923, and the action taken for verification, registration of cases etc.

Insurance companies, represented and appearing in the present batch of petitions, will also file a similar status report with complete details viz. fake claim cases. The aforesaid details/status reports would also be furnished to the nominated/standing counsel of the different States and the State Bar Councils for action.

The State Bar Councils of each State will submit status report with details (a) number of complaints relating to fake/suspicious claim cases received during last 5 years, (b) verification and action taken on each complaint, (c) complaints pending before them. The State Bar Council will examine and whenever necessary, take steps/action on the basis of information/details furnished by the insurance companies. Data and particulars in this regard shall be maintained.

The State Government(s) will inform the Court whether Special Investigation Teams (SIT) have been constituted in their respective States to investigate the suspicious/fake claim cases.

Mr. K.M. Nataraj, learned Additional Solicitor General has drawn your attention to Form No. XX which has been prescribed

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by the Gazette Notification No. G.S.R 164 (E) dated 25.02.2022 published by the Ministry of Road Transportation and High Ways.

Learned counsels appearing on behalf of different High Courts will obtain instructions with regard to compliance of applicable clauses in GSR 164 (E) dated 25.02.2022 in particular to the Stage 2 and 3 details of the aforesaid Form. In case there is any difficulty in making such compliances, the said position/difficulty would be so stated. Report as indicated above viz. Stage 2 and 3 of Form XX will be filed by the High Courts.

Status report/reports will be filed within six weeks from today.

Re-list in the month of January 2024.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

विशेष जानकारी	व्यौरा			
क्र.:				

आपराधिक मामले का विवरण (मजिस्ट्रेट अदालत द्वारा उपलब्ध कराया जाना है)

विशेष जानकारी	व्यौरा			
मामला सं.	1	2	3	...
एफआईआर संख्या				
दर्ज करने की तारीख				
आईपीसी धारा सं.				

[फा. सं. आरटी-11036/64/2019-एमवीएल (भाग 3)]

अमित वरदान, संयुक्त सचिव

नोट : मूल नियम भारत के राजपत्र ,असाधारण ,भाग (II) ,खंड ,3 उप खंड (i) में अधिसूचना संख्या सा .का .नि . 590(अ), तारीख 02 जून 1989 ,द्वारा प्रकाशित किए गए थे और अधिसूचना संख्या सा.का.नि..161. . (अ), तारीख 25 फरवरी., 2022 द्वारा अंतिम संशोधन किए गए थे।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 25th February, 2022

G.S.R 164(E).—Whereas the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways, number G.S.R. 528 (E), dated the 2nd August, 2021 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) inviting objections and suggestions from affected persons before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public;

And, whereas, copies of the said Gazette notification were made available to the public on the 3rd August, 2021;

And, whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 147, sections 149, 159, 160, 161, sub-section (2) of section 162, sections 164A, 164B, and clause (k) of sub-section (2) of section 164C of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely: —

- Short title and commencement.** - (1) These rules may be called as the Central Motor Vehicles (fifth Amendment) Rules, 2022.
(2) They shall come into force with effect from the 1st April, 2022.
- In the Central Motor Vehicles Rules, 1989 (hereinafter referred to as the said rules), in rule 147, after the words "shall keep a record", the words "either electronically or otherwise" shall be inserted.
- In the said rules, in rule 150, -
(a) in sub rule (1), -
(i) for the words, brackets and figures "sub-section (6) of section 158", the word and figures "section 159" shall be substituted;
(ii) after the words and figures "shall be in Form 54", the following words shall be inserted, namely: -

“, and the accident information report shall be submitted to the Claims Tribunal, insurer and such other agency as may be notified by the Central Government.”;

(b) in sub-rule (2), after the words and figures "the person eligible to claim compensation under section 150", the words "or insurer against whom a claim has been made and such other person as may be notified by the Central Government" shall be inserted.

4. In the said rules, after rule 150, the following rule shall be inserted, namely: -

“150A. Procedure for investigation of road accident. - The procedure to be followed for investigation of all accidents arising out of the use of motor vehicles shall be in accordance with Annexure-XIII and in the manner of submission and form, including electronic submission on such Portal as may be specified.”.

5. In the said rules, -

(a) in Form 51, -

(i) after serial number 6, the following serial number shall be inserted, namely: -

“6A. Validated Mobile number of the vehicle owner

(ii) after serial number 11, the following serial number shall be inserted, namely: -

“12. All vehicles	The policy does not cover liability for death, bodily injury or damage as excluded in section 150 (2) (ii) and (iii); (b) and (c) of the Motor Vehicles Act, 1988”;
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(b) in Form 54, -

(i) in serial number 2, before letters “CR. No.”, the following letters shall be inserted, namely: -

“FIR No./”;

(ii) after serial number 2, the following shall be inserted, namely: -

“2A. Sections applied: IPC; MV Act:

(iii) in serial number 12, after the words “Route Permit particulars”, the following words shall be inserted, namely: -

“or, Licence of use particulars”.

6. In the said rules, after Annexure XII, the following Annexure shall be inserted, namely: -

“ANNEXURE XIII

[See rule 150A]

PROCEDURE FOR INVESTIGATION OF MOTOR VEHICLE ACCIDENTS

1. Investigation of road accident cases by the Police

Immediately on receipt of the information of a road accident, the Investigating Officer of Police shall inspect the site of accident, take photographs / videos of scene of the accident and the vehicle(s) involved in the accident and prepare a site plan, drawn to scale, as to indicate the layout and width, etc., of the road(s) or place (s), as the case may be, the position of vehicle(s), and person(s) involved, and such other facts as may be relevant. In injury cases, the Investigating Officer shall also take the photographs of the injured in the hospital. The Investigating Officer shall conduct spot enquiry by examining the eyewitnesses/bystanders.

2. Intimation of accident to the Claims Tribunal and Insurance Company within forty-eight (48) hours

The Investigating Officer shall intimate the accident to the Claims Tribunal within forty-eight (48) hours of the accident, by submitting the First Accident Report (FAR) in Form I. If the particulars of insurance policy are available, the intimation of the accident in Form I shall also be given to the Nodal Officer of the concerned Insurance Company of the offending vehicle. A copy of Form I shall also be provided to the victim(s), the State Legal Services Authority, Insurer and shall also be uploaded on the website of State Police, if available.

3. Rights of victims of Road Accident and Flow Chart of the Scheme mentioned in Form II to be furnished by the Investigating Officer to the Victim(s)

The Investigating Officer shall furnish the description of the rights of victim(s) of road accidents and flow chart of the Scheme mentioned in Form II, to the victim(s), or their legal representatives, within ten (10) days of the accident. The Investigating Officer shall also file a copy of Form II along with the Detailed Accident Report (DAR)

4. Driver's Form to be submitted by the driver to the Investigating Officer

The Investigating Officer shall provide a blank copy of Form III to the driver of the vehicle(s) involved in the accident and the driver shall furnish the relevant information in Form III to the Investigating Officer, within thirty (30) days of the accident.

5. Owner's Form to be submitted by the owner

The Investigating Officer shall provide a blank copy of Form IV to the owner(s) of the vehicle(s) involved in the accident and the owner(s) shall furnish the relevant information in Form IV to the investigating Officer, within thirty (30) days of the accident.

6. Interim Accident Report (IAR) to be submitted by the Investigating Officer to the Claims Tribunal

The Investigating Officer shall submit Interim Accident Report (IAR) in Form-V to the Claims Tribunal within fifty (50) days of the accident. The IAR shall be accompanied with the documents mentioned therein, and a copy of the IAR along with the documents shall be furnished to the Insurance Company of the vehicle(s) involved in the accident, the victim(s)/ claimant, State Legal Services Authority, the Insurer and General Insurance Council.

7. Verification of the Driver's Form and Owner's Form by the Investigating Officer and Insurance Company

The Investigating Officer as well as the Insurance Company of the vehicle(s) involved in the accident shall verify the information and documents provided in Form-III and Form-IV, and shall verify the authenticity of the documents furnished through information available on VAHAN or by obtaining confirmation in writing from the Registration Authority/person purported to have issued the same or by such further investigation or verification, as may be deemed necessary. The Investigating Officer shall file the Verification Report in Form-X before the Claims Tribunal along with the Detailed Accident Report (DAR).

8. Victim's Form to be submitted by the victim(s) to the Investigating Office

The Investigating Officer shall provide a blank copy of Form VI to the victim(s), or their legal representatives, in the accident and they shall furnish the relevant information and attach the relevant documents in Form VI to the Investigating Officer, within sixty (60) days of the accident.

9. Victim's Form to be submitted by the victim(s) in respect of minor children

In case of any minor child/children of the victim(s) of the accident, the Investigating Officer shall provide blank Form-VIA to the victim(s), who shall fill up the relevant information/attach the relevant documents and submit the same to the Investigating Officer within sixty (60) days of the accident. Thereafter, the Investigating Officer shall send the copy of the Victim's Form-VI and VIA along with DAR to Child Welfare Committee, within thirty (30) days of receiving the aforesaid Form-VI and VIA from the victim(s). The Committee shall ascertain if the child is in Need of Care and Protection as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Investigating Officer shall also send copies of Form-VI and VIA along with the DAR to the State Legal Services Authority to assign a lawyer to assist the child/children to avail their legal remedies/rights, including education, within thirty (30) days of receiving the aforesaid Form-VI and VIA from the victim(s).

10. Verification of the Victim's Forms by the Insurance Company

The Investigating Officer shall furnish a copy of Form VI and VIA, along with the documents, to the Insurance Company of the vehicle(s) involved in the accident along with the DAR, and the Insurance Company shall verify the information and documents furnished by the victims within thirty (30) days from the date of the receipt of the DAR.

11. Investigation of the criminal case to be completed by the police within sixty (60) days of the accident

The Investigating Officer shall complete the investigation of the criminal case and file the Report under Section 173 of the Code of Criminal Procedure before the concerned criminal court within sixty (60) days of the accident, and shall submit a copy of the said report along with the DAR submitted before the Claims Tribunal.

12. DAR to be submitted by the Investigating Officer before the Claims Tribunal

The Investigating Officer shall complete the verification of the information and documents further in this Annexure, and submit the DAR in Form VII to the Claims Tribunal, within ninety (90) days from the date of the accident. The DAR shall be accompanied with the following documents: -

- (a) Site Plan as per Form VIII;

- (b) Mechanical Inspection Report as per Form IX;
- (c) Verification Report as per Form X;
- (d) Report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974).

13. Copy of DAR to be submitted to victim(s), owner/driver of the vehicle(s) involved in the accident, the Insurance Company and the State Legal Service Authority

The Investigating Officer shall furnish a copy of the DAR to victim(s) of the accident, owner/driver of the offending vehicle. The investigating Officer shall also furnish a copy of the DAR along with all the relevant documents to the Nodal Officer of the Insurance Company, General Insurance Council and the State Legal Services Authority.

14. Investigating Officer may seek necessary directions from the Claims Tribunal

If the driver(s), owner(s), Insurance Company and/or claimant(s) fail to disclose any relevant information and/or documents required under this Annexure, the Investigating Officer may seek necessary directions from the Claims Tribunal. The Claims Tribunal may thereafter direct the parties in default to submit the requisite information along with the relevant documents as per this Annexure directly with the Claims Tribunal within fifteen (15) days.

15. Duty of the Registering Authority to verify the documents

The Registering Authority shall verify the registration certificate, driving licence, fitness and permit in respect of the vehicle(s) involved in the accident within fifteen (15) days of the application being made by the Investigating Officer.

16. Duty of the hospital to issue MLC (Medico Legal Case) and Post-mortem Report

The concerned hospital shall issue the MLC and Post-Mortem Report to the Investigating Officer within fifteen (15) days of the accident.

17. Extension of time to file IAR and DAR

Where the Investigating Officer is unable to file the IAR within fifty (50) days and/or the DAR within ninety (90) days for reasons beyond his control, such as in cases of hit and run accidents; cases where the parties reside outside the jurisdiction of the Court; where the driving licence is issued outside the jurisdiction of the Court, or where the victim(s) has suffered grievous injuries and is undergoing continuous treatment, the Investigating Officer shall approach the Claims Tribunal for extension of time to file IAR or DAR, whereupon the Claims Tribunal shall extend the time as it considers appropriate in the facts and circumstances of each case.

18. Examination of FAR, IAR and DAR by the Claims Tribunal

The Claims Tribunal shall examine whether the FAR, IAR and the DAR are complete in all respects. If the DAR is complete in all respects, the Claims Tribunal shall fix a date for appearance of the driver(s), owner(s), claimant(s) and the eye witness(es) and the Investigating Officer shall produce them on the date so fixed. The Investigating Officer shall also intimate the date so fixed by the Claims Tribunal to the Nodal Officer of the Insurance Company and the Insurance Company shall ensure appearance on the date so fixed. If the FAR, IAR, and DAR are not complete, the Claims Tribunal shall direct the Investigating Officer to complete the same and shall fix a date for the said completion.

19. Duty of the Investigating Officer to produce the driver(s), owner(s), claimant(s) and eye witness(es) before the Claims Tribunal

The Investigating Officer shall produce the driver(s), owner(s), claimant(s) and the eye witness(es) before the Claims Tribunal, after the order of the Claims Tribunal that the DAR is complete in all respects. However, if the Investigating Officer is unable to produce the owner(s), driver(s), claimant(s) and eye-witness(es) before the Claims Tribunal on the date fixed by the Claims Tribunal for reasons beyond his control, the Claims Tribunal may issue notice to them to be served through the Investigating Officer for a date for appearance not later than thirty (30) days. The Investigating Officer shall give an advance notice to the Nodal Officer of the concerned Insurance Company about the date of filing of the DAR before the Claims Tribunal so that the nominated counsel for the Insurance Company can remain present on the first date of hearing before the Claims Tribunal.

20. Duties of Police shall be construed to be part of State Police Act

The duties of police enumerated above shall be construed as if they are included in the respective State Police Act and any breach thereof shall entail consequences envisaged in that law.

21. Claims Tribunal shall treat DAR as a claim petition for compensation under sub-section (4) of section 166 of the Motor Vehicles Act, 1988

(1) The Claims Tribunal shall treat the DAR filed by the Investigating Officer as a claim petition under section (4) of section 166 of the Motor Vehicles Act, 1988. However, where the Investigating Officer is unable to produce the claimant(s) on the first date of hearing, the Claims Tribunal shall register the DAR as a claim petition after the appearance of the claimant(s).

(2) Where the claimant(s) have filed a separate claim petition, the DAR may be tagged along with the claim petition.

(3) If the Report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) has not been filed at the time of filing of the DAR, the Claims Tribunal may either wait till filing of the Report under Section 173 of the said Code of Criminal Procedure or record the statement of the eye witness(es) to satisfy itself with respect to the negligence before passing the award.

(4) The Claims Tribunal shall register the FAR as a Miscellaneous application and the IAR as well as DAR shall be taken on record in the same Miscellaneous application.

22. Cases of rash and negligent driving

The Claims Tribunal shall register the case under section 166 of the Motor Vehicles Act, 1988, if the DAR and in particular, the Report under section 173 of the Code of Criminal Procedure, 1973 (2 of 1974) has brought a case of rash and negligent driving. However, in cases where the DAR does not bring a charge of negligence or the claimant(s) choose to claim compensation on No-fault basis despite the charge of negligence, the Claims Tribunal shall register the claim as a case under section 164 of the Motor Vehicles Act, 1988.

23. Duty of the Insurance Companies to appoint a Designated Officer within ten (10) days of the receipt of the copy of DAR

Upon receipt of copy of the first intimation of accident (FAR), the Insurance Company shall appoint a Designated Officer for that case within ten (10) days. The Designated Officer shall be responsible for dealing / processing of that case and to pass a reasoned decision in writing with respect to the compensation payable to the claimant(s) in accordance with law.

24. Duty of the Insurance Companies to appoint a Nodal Officer and intimate the State Police.

All the insurance companies shall appoint a Nodal Officer and intimate the name, address, phone numbers/mobile numbers and e-mail address of their Nodal Officer to the State police and all the investigating officers of State police dealing with the investigation of motor accident claims shall send relevant forms and documents to the Nodal Officer by e-mail.

25. Duty of Insurance Companies to verify the claim

The Insurance Companies are duty bound to verify the correctness/genuineness of every claim. The Insurance Companies shall direct their own officer(s) or appoint an investigator or surveyor to verify the claim.

If the statements made in the DAR are found to be incorrect, the Designated Officer shall send the copy of the report of the surveyor/investigator to the Deputy Commissioner of Police concerned. If the Insurance Company, upon investigation, finds a case of fake accident, the Insurance Company shall be at liberty to file an application before the Deputy Commissioner of Police concerned to requisition the call detail record (CDR) of the driver of the offending vehicle.

26. Form XI to be submitted by the Insurance Company before the Claims Tribunal within thirty (30) days of DAR

If the liability to pay the compensation is not disputed, the Insurance Company shall take a decision as to the quantum of compensation payable to the claimant(s) in accordance with law within thirty (30) days of the date of intimation of the accident. The decision taken by the Designated Officer of the Insurance Company shall be a reasoned decision in writing, and be submitted before the Claims Tribunal in Form XI. If the Insurance Company does not admit the liability to pay the compensation, it shall disclose the grounds of defence in Form XI and shall file the copy of report of Surveyor/Investigator along with said form.

27. Consent award to be passed where claimant(s) accepts the offer of Insurance Company

The compensation assessed by the Designated Officer of the Insurance Company shall constitute a legal offer to the claimant(s) and if the said amount is fair and acceptable to the claimant(s), the Claims Tribunal shall pass a consent award and shall provide thirty (30) days' time from the date of receipt of the decree to the Insurance Company to deposit the award amount. However, before passing the consent award, the Claims Tribunal shall ensure that the

claimant(s) are awarded just compensation in accordance with law. The Claims Tribunal shall ensure that the consent award is passed within six months from the date of accident.

28. Claimant(s) to respond to the offer of the Insurance Company within thirty (30) days

If the claimant(s) are not in a position to immediately respond to the offer of the Insurance Company, the Claims Tribunal shall grant them time not later than thirty (30) days to respond to the said offer.

29. In case of non-settlement, the Claims Tribunal shall conduct an enquiry and pass an award within thirty (30) days

If the offer of the Insurance Company is not fair or is not acceptable to the claimant(s) or if the Insurance Company has any defence available to it under law, the Claims Tribunal shall proceed to conduct an inquiry under sections 168 and 169 of the Motor Vehicles Act, 1988. The Claims Tribunal shall pass an award after hearing the parties, within nine months from the date of the accident.

30. Cases where the Insurance Company disputes the liability

If the Insurance Company disputes the liability to pay the compensation, it shall disclose the grounds of defence in Form-XI. If the Claims Tribunal considers the recording of evidence necessary, the Claims Tribunal shall conduct an inquiry in terms of sections 168 and 169 of the Motor Vehicles Act, 1988 to be completed within one year from date of accident. If the Claims Tribunal is unable to complete the inquiry within one year, it shall record reasons thereof in the award. The Claims Tribunal may direct the recording of the evidence by the Local Commissioner, if the Insurance Company is willing to bear the fees of the Local Commissioner.

31. Duty of Claims Tribunal to elicit the truth

Before passing the award on the basis of the DAR, the Claims Tribunal shall satisfy itself that the statements made in the DAR are true and shall satisfy itself with respect to the genuineness of the claim as well as all the relevant facts. The Claims Tribunal may consider examining the parties under section 165 of the Evidence Act, 1872 (1 of 1872).

32. Examination of the claimant(s) before passing of the award

(1) The Claims Tribunal shall, before or at the time of passing of the award, examine the claimant(s) to ascertain their financial condition/needs, mode of disbursement and amount to be kept in fixed deposits.

(2) The Claims Tribunal shall ensure that the following documents of the claimants are taken on record before the disbursement of the award amount: -

(a) Aadhaar Card and PAN Card;

(b) Details of the Aadhaar Linked Bank Account(s) of the Claimant(s) near the place of their residence along with the proper endorsement; and

(c) Two sets of photographs and specimen signatures of the claimant(s).

33. Written submissions to be filed by the parties before the Claims Tribunals

In case written submissions are required to be filed, both the parties shall file the written submissions with respect to their computation of compensation before the Claims Tribunal in Form XIII for death cases and Form XIV for injury cases.

34. Deposit of the award amount

The respondent held liable to pay compensation by the Claims Tribunal shall give notice of deposit of the compensation amount to the claimant(s) and shall file a compliance report with the Claims Tribunal, either electronically or otherwise, with respect to the deposit of the compensation amount within fifteen (15) days of the deposit with the interest upto the date of notice of deposit to the claimant(s) with a copy to their counsel within thirty (30) days of the award.

35. Disbursement of the award amount

The mode of release of the award amount shall be as determined by the Claims Tribunal.

36. Protection of the award amount

The Claims Tribunal shall, depending upon the financial status and financial need of the claimant(s), release such amount as may be considered necessary and direct the remaining amount to be kept in fixed deposits to be released in a phased manner in accordance with Motor Accident Claims Tribunal Annuity Deposit Scheme stipulated in Form XIX.

37. Claims Tribunal shall deal with the compliance of the provisions in the award

The Claims Tribunal shall incorporate the summary of computation of compensation in the award in Form-XV for death cases and in Form-XVI for injury cases. The Claims Tribunal shall also incorporate the compliance of the procedure prescribed in this Annexure in Form XVII.

38. The Claims Tribunal shall fix a date for reporting compliance

(1) The Claims Tribunal shall fix a date for reporting of compliance with the procedure in this Annexure, and shall direct the Insurance Company, and/or driver/owner to place on record the proof of deposit of the compensation amount with upto date interest, the notice of deposit and the calculation of interest on the date so fixed. Upon such proof being filed, the Claims Tribunal shall ensure that the interest upto the date of notice of deposit has been deposited by the party concerned.

(2) If the award amount is not deposited within the stipulated period, the Claims Tribunal shall, after expiry of ninety (90) days from the date of an award, on an application by the Decree Holders in this regard, execute the award in accordance with sub-section (4) of sections 169 and section 174 of the Motor Vehicles Act, 1988.

(3) The Claims Tribunal shall execute its award in terms of the principles laid down by the Supreme Court in this regard, and if the award of the Claims Tribunal is stayed by the High Court in appeal, the Claims Tribunal shall close the matter with liberty to the claimant(s) to revive it after the decision of the appeal.

39. Copy of the DAR as well as the award to be sent to the concerned criminal court

The Claims Tribunal shall send a certified copy of the award to the concerned criminal court. The Investigating Officer shall submit a copy of the DAR before the concerned criminal court within seven days of submitting the same before the Claims Tribunal. The Investigating Officer shall also submit the copy of the award passed by the Claims Tribunal before the concerned criminal court within seven days of the passing of the award.

40. Copy of the award to be sent to the State Legal Services Authority

The Claims Tribunal shall send the copy of the award to the State Legal Services Authority.

41. Record of awards of the Claims Tribunal

The record of the awards passed by the Claims Tribunals shall be maintained in a chronological order according to the date of the award in such a manner that it is easy for the litigants/lawyers to ascertain whether the compensation has been received or not. The format of the record of the awards shall be in Form-XVIII.

42. Victim Impact Report (VIR) to be filed by State Legal Services Authority before the concerned criminal court

After the conviction of the driver in the criminal case, the concerned criminal court shall send the copy of the judgment as well as the affidavit of the accused with respect to his assets and income to the State Legal Services Authority, and they shall conduct a summary inquiry and submit a Victim Impact Report (VIR) before the concerned criminal court within thirty (30) days of the conviction, as per Form-XII.

FORM-I

FIRST ACCIDENT REPORT (FAR)

By Investigating Officer to Claims Tribunal
Within 48 hours of the receipt of intimation of the Accident
Copy to Victim(s) and Insurance Company and State Legal Services Authority(SLSA)

FIR No.	
Date	
Under Section	
Police Station	

1.	Date of Accident	
2.	Time of Accident	
3.	Place of Accident	

7.	Rate of interest	Prevailing rate of interest as per Tenure.
8.	Receipts/Advices	i. No Receipts will be issued to depositors. ii. Passbook will be issued for MACAD
9.	Loan Facility	No loan or advances shall be allowed.
10.	Nomination facility	i. Available. ii. MACAD shall be duly nominated as directed by the court.
11.	Premature Payment	i. Premature closure or part lump sum payment of MACAD during the life of the claimant will be made with permission of the court. However, if permitted, the annuity part will be reissued for balance tenure and amount, if any, with change in annuity amount. ii. Premature closure penalty will not be charged. iii. In case of death of the claimant, payment to be given to the nominee. The nominee has an option to continue with the annuity or seek pre-closure.
12.	Tax deduction at source	i. Interest payment is subject to TDS as per Income Tax Rules. Form 15G/15H can be submitted by the Depositor to get exemption from the Tax deduction. ii. The annuity amount on monthly basis net of TDS, will be credited to the MACT Savings Bank account.

FORM - XX**FORMAT FOR THE INFORMATION OF MACT**

STAGE - I : ACCIDENT DETAILS (to be submitted by Investigating Officer within 90 days)

PARTICULARS	DETAILS
Accident Details:	
Date of accident	
Place of accident	
Case registered at:	
P.S.	
District	
State, PIN	
I.O. Particulars:	
Phone	
Address	
Mail	
Final Report date:	
Victims:	
Casualties	1.

	2.			
	..			
Injuries (other than casualty)	1.			
	2.			
	..			
Hospitals Involved:				
Name	1.	2.	3.	...
Details				

VEHICLE DETAILS

Vehicles involved	1.	2.	3.	...
Corresponding owner(s) of vehicles				
Corresponding driver of the vehicles				
Insurance agencies:	1.	2.	3.	...
Name of Representative				
Contact details				

STAGE – II : CLAIM DETAILS (to be provided by MACT)

PARTICULARS	DETAILS			
MACT case number	<i>(to be allocated by respective MACT)</i>			
Claim petition:				
Number	1.	2.	3.
Date				
Place of filing				
Claimant:				
Name	i.	i.	i.	i.
	ii.	ii.	ii.	ii.

Address(es)				
Contact				
Relationship with				

PARTICULARS	DETAILS			
victim(s)				
Aadhaar				
Advocate representing the Claimant	1.	2.	3.	
Name				
Phone No.				
Enrollment No.				
Email ID				
MACT Award (Date, Particulars):	1.	2.	3.	...
Claim Disbursement Details				
Appeal filed, if any:	1.	2.	3.	...

STAGE-III

CRIMINAL CASE DETAILS (to be provided by Magistrate Court)

PARTICULARS	DETAILS			
	1	2	3	...
Case number				
FIR Number				
Date of Reporting				
IPC Section No.				

[F. No RT-11036/64/2019-MVI (Part 3)]

AMIT VARADAN, Jt. Secy.

Note. - The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and last amended vide notification number G.S.R. 161(E), Dated, the 25th February, 2022.