

MACT

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Motor Accident Claim Tribunal & Duty of Police



Traffic Headquarters
West Bengal

DEFINATION OF MACT



Motor Accident Claims Tribunals [MACT Courts] **handle those claims which are in relation to loss of life/property or those injury cases arising out of Motor Accidents.** These Claims need to be directly filed in the respective Tribunal.



PROVISIONS UNDER MV ACT

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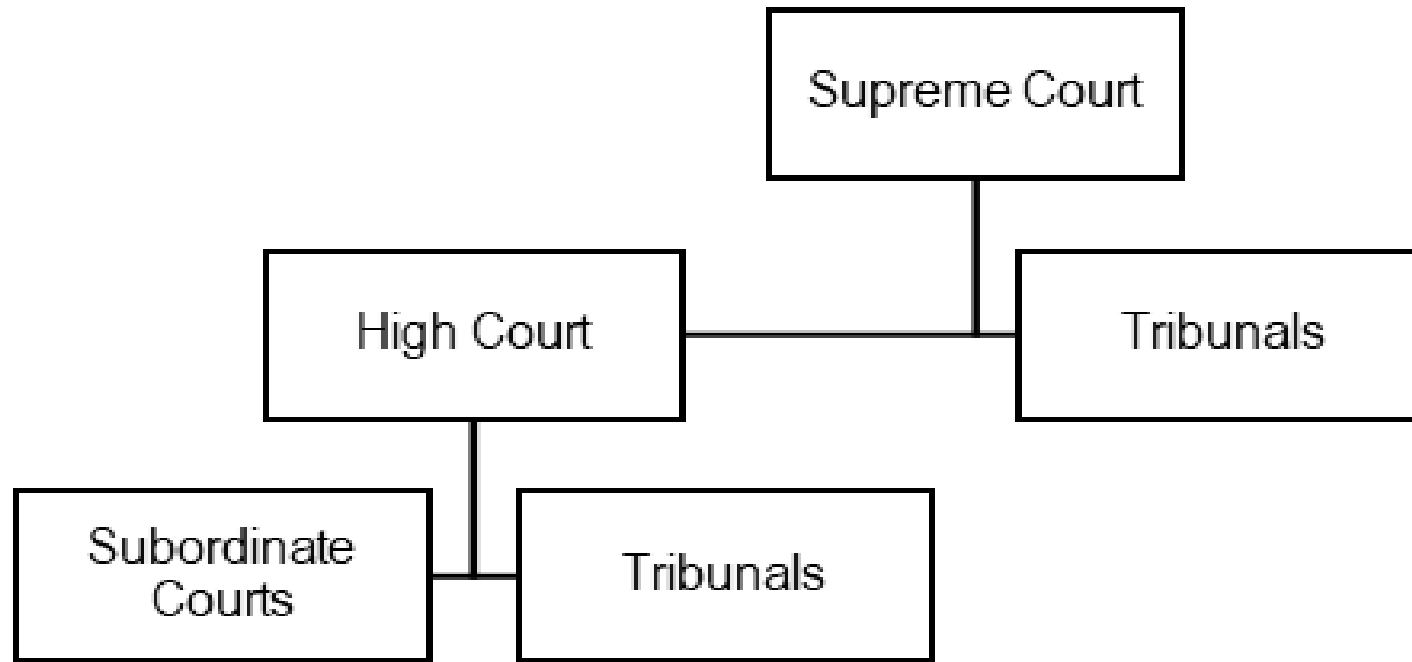
- ▲ The Motor Vehicles Act, 1988 is an Act of the Parliament of India which regulates all the aspects of road transport vehicles
- ▲ This Act came into force from 1 July 1989.
- ▲ This act replaced the previous motor vehicle act **1939** which earlier replaced the motor vehicle act **1914**
- ▲ MACT is a civil court that gives victims an **opportunity to be heard**
- ▲ Section 165 in The Motor Vehicles Act, 1988, Claims Tribunals
- ▲ Section 166 of the Motor Vehicles Act, 1988 includes provisions for who all can apply for compensation in the Motor Accident Claims Tribunal(MACT)



The Tribunal System in India: Key insights

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- Tribunals are institutions established for discharging judicial or quasi-judicial duties. The objective may be to reduce case load of the judiciary or to bring in subject expertise for technical matters.
- The Supreme Court has ruled that tribunals, being quasi-judicial bodies, should have the same level of independence from the executive as the judiciary. Key factors include the mode of selection of members, the composition of tribunals, and the terms and tenure of service.
- In order to ensure that tribunals are independent from the executive, the Supreme Court had recommended that all administrative matters be managed by the law ministry rather than the ministry associated with the subject area. Later, the Court recommended creation of an independent National Tribunals Commission for the administration of tribunals. These recommendations have not been implemented.
- Whereas the reasoning for setting up some tribunals was to reduce pendency of cases in courts, several tribunals are facing the issue of a large case load and pendency.



Tribunals in India are quasi judicial bodies for settling various administrative and tax-related disputes, including Central Administrative Tribunal (**CAT**), Income Tax Appellate Tribunal (**ITAT**), Customs, Excise and Service Tax Appellate Tribunal (**CESTAT**), National Green Tribunal (**NGT**), Competition Appellate Tribunal (**COMPAT**) and Securities Appellate Tribunal (**SAT**), among others.

STRUCTURE OF MACT

Section 165 in The Motor Vehicles Act, 1988

2. A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

3. A person shall **not** be **qualified for appointment** as a member of a Claims Tribunal unless he—

(a) is, or has been, a Judge of a **High Court**, or

(b) is, or has been a **District Judge**, or

(c) is qualified for **appointment as** a High Court Judge or as a District Judge.



High Court Judge



District Judge



Qualified for appointment as a High Court Judge or as a District Judge.

Section - 169.

Procedures And Powers Of Claim Tribunals

(1) In holding any inquiry under section 168, the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedure as it thinks fit.

(2) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)



Section - 169.

Procedures And Powers Of Claim Tribunals

(3) Subject to any rules that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation,

choose one or more persons possessing special knowledge of and matter relevant to the inquiry to assist it in holding the inquiry.



Jurisdiction of Claims Tribunal

A victim of an accident arising out of use of motor vehicles may file their claim application to the Motor Accident Claims Tribunal (M.A.C.T.) within local limits of whose jurisdiction the claimant resides or carries on business.

Objects and Reasons for forming MACT –

Clause 165 empowers the State Government to constitute Claims Tribunals to adjudicate upon claims for compensation arising out of motor vehicle accidents, resulting in death or bodily injury to persons or damages to any property of third parties.

Following documents should accompany the Claim petition:-

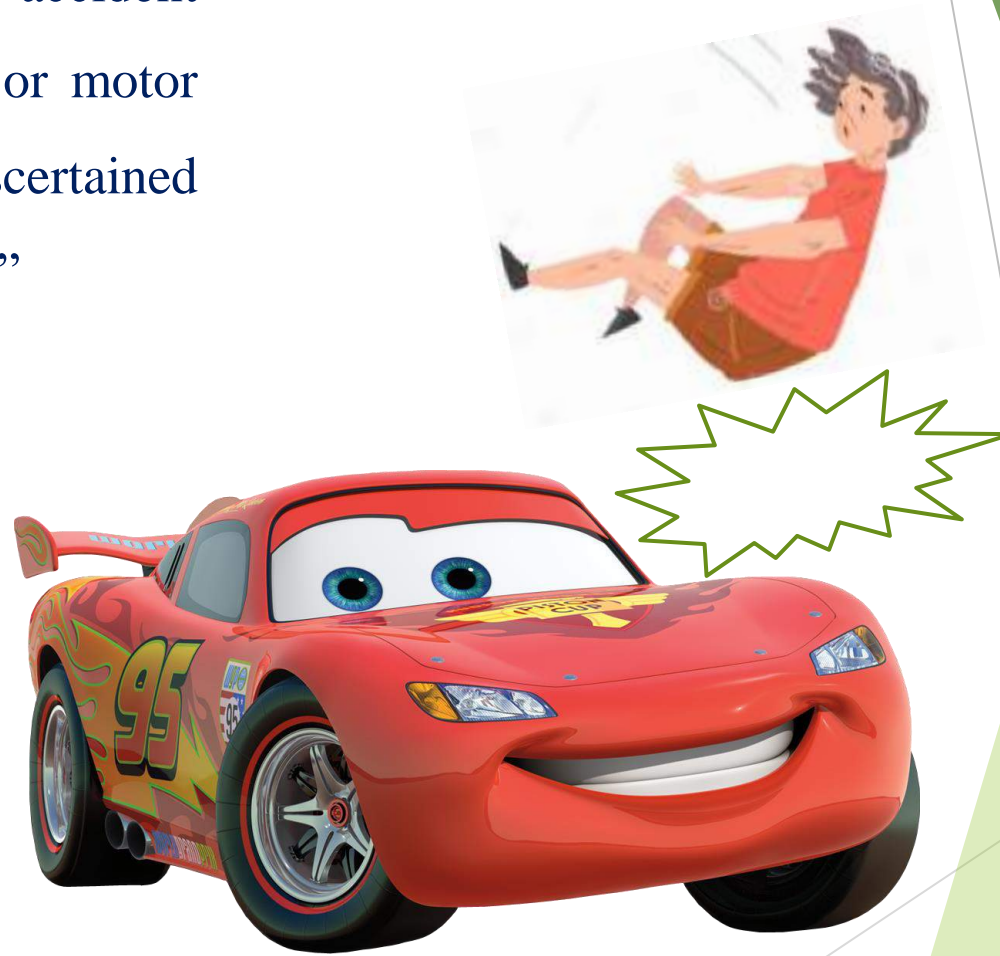
1. Copy of the FIR registered in connection with said accident, if any.
2. Copy of the MLC/Post Mortem Report/Death Report as the case may be.
3. The documents of the identity of the claimants and of the deceased in a death case.
4. Original bills of expenses incurred on the treatment along with treatment record.
5. Documents of the educational qualifications of the deceased, if any.
6. Disability Certificate, if already obtained, in an injury case.
7. The proof of income of the deceased/injured.
8. Documents about the age of the victim.
9. The cover note of the third party insurance policy, if any.
10. An affidavit detailing the relationship of the claimants with the deceased.
11. Any Other Document as required by MACT

HIT & RUN- 161 MV ACT 1988

“Hit and run motor accident” means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose”

In respect of the death of any person resulting from a hit and run motor accident, a fixed sum of **Rs. 2 Lakh.**

Grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of **Rs. 50,000/=**



NO FAULT LIABILITY- 140 MV ACT 1988

1. Where death or permanent disablement of any person has resulted from an accident arising out of the use of a motor vehicle or motor vehicles, the owner of the vehicle shall, or, as the case may be, the owners of the vehicles shall, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section.

MoRTH in the notification issued on February 25, 2022 said that the **New Scheme** may be called the '**Compensation to Victims of Hit and Run Motor Accidents Scheme**', 2022 and it came into force with effect from **April 1, 2022**



Motor accident claims

A claim under a motor insurance policy could be because of either of the two injuries:

- Damage to Other, which includes injury or damage to property related to someone else. This person is called the “third party”.
- Damage to Self, which includes damage to a person’s own insured vehicle. This is called “own damage claim” and one is entitled to it if they are holding a package or a comprehensive policy.

Third-party claim

In a third party claim where a person’s vehicle is involved, it is necessary to report the accident immediately to the police authorities as well as the insurance company. However, for a third party who has suffered loss because of someone else’s vehicle, the injured party must obtain the insurance details of the vehicle and make an intimation to the insurer of that vehicle.

Own Damage Claim

In the event of an own damage claim, which is where the person's own vehicle is damaged due to an accident, the person must immediately inform insurance company and police, wherever required, to enable them to depute a surveyor to assess the loss.

Few things to keep in mind

- According to Section 163-B, where a person is entitled to claim compensation under section 140 and Article 163-A, he must lodge the claim under one of the aforesaid sections and not under both.
- When a road accident compensation is granted, the person paying the amount must pay it within 30 days of the announcement of orders.
- Even simple interest is applied to the amount from the date of making claims. When the person paying the road accident compensation is willing or otherwise not paying the amount, the tribunal may order the collector to recover the money as it happens in cases of unpaid land revenue.

Who can file a claim?

In case of damage to property, the application for compensation must be made by the owner of the damaged property. It is implied that in case of death of the owner of the property, the legal representatives of the deceased owner can competently claim compensation. An application for compensation arising out of an accident under **Section 166 of Motor Vehicles Act, 1988** may be made:-

- People, who have been injured in accidents on the road, can themselves file for compensation or route the claims through their advocates.
- But accident victims, under the age of 18, cannot file for compensation themselves. They have to go through their lawyers.
- Legal heirs of people who have died in accidents can also claim compensation. Alternatively, they can route their claims through their advocates.

Insurance Company does not bear any liability if driver of offending vehicle does not have valid driving license.

Ref: High Court of Chattisgarh

LIABILITY ONLY POLICY

If the owner or **driver** holds an effective **driving** license, in accordance with the provisions of Rule 3 of the Central Motor. Vehicles Rules, 1989

Insurance Companies Not Liable To Pay Compensation To Unauthorized Passengers For Motor Vehicle Deaths/ Injuries

Ref: Madras HC [Read Judgment]

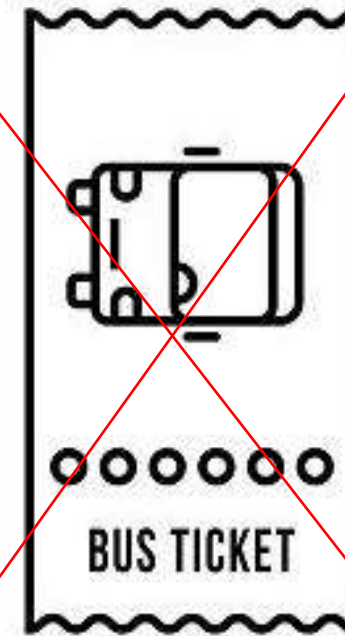
Insurance Companies not liable to pay compensation to :
Unauthorized Passengers in a goods vehicle and, as such, it was not liable to pay compensation except driver, cleaner, employees of the insured and the owner of the goods or his authorized representative.

Unauthorized passengers are not covered under the insurance policy and they are to be treated as **gratuitous passengers**. Hence, the...**Section 147** of the Motor Vehicles Act is very clear that **unauthorized passengers are not entitled to get covered under Insurance Policy.**

REF: MADRAS HIGH COURT

The owner of the vehicle, regardless of who was driving it at the time of accident, is liable to compensate the victim. The liability would shift on the insurance company if there was a third party insurance

“Once it is found that vehicle is involved in the accident, the MACT will pass an interim award under the principles of ‘no fault liability’. This means that the amount is payable, not because there was fault on the part of the driver of the vehicle, but because the vehicle was involved in the accident,”



When the car is insured, the insurance company takes over the compensation liability.

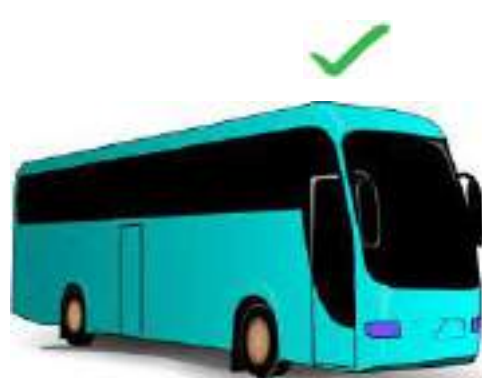
- A car owner must ensure that his vehicle is in roadworthy condition
- He has proper documents including insurance cover
- The driver employed is experienced enough to handle the model or type of vehicle besides having a valid driving license
- Never pressurize the driver to drive beyond permissible limits or break other traffic laws. - Also rush the injured victim to the hospital



Proper Documents



Proper insurance



Proper fitness of Vehicle



Reject unfit Vehicle

How the claim amount is calculated **Section 168**

Deceased with a permanent job (salaried)	Addition Made	Where deceased was self-employed or on a fixed salary	Addition Made
Below 40 years	50%	Below 40 years	40%
40-50 years	30%	40-50 years	25%
50-60 years	15%	50-60 years	10%

Multiplier Table in Claim Cases under **Section 166**

Age of the Victim	Multiplier to be adopted for accidents
Up to 15 years	15
15 to 20 years	16
21 to 25	17
26 to 30	18
31 to 35	17
36 to 40	16
41 to 45	15
46 to 50	13
51 to 55	11
56 to 60	8
61 to 65	5
Above 65	5

In some cases, the Supreme Court said that the determination of multiplier is determined by the age of the deceased, the age of plaintiff's, marital status, education and employment of the plaintiffs and loss of financial benefits.

How the claim amount is calculated:-

Now the million dollar question is, on what factors MACT tribunal decides the compensation

1. Age

of the deceased at the time of accident- Most Important Aspect.

2. Income

of deceased injured when accident took place minus taxable income*12 for per annum.

3. Multiplier

as followed in column number 4 of Sarla Verma table.

4. Loss of Future Income

as settled by judge

REF: [5 judge bench of Supreme Court in NIC vs. Pranay Sethi.]

How the claim amount is calculated:-

5. Permanent/Temporary Disability, Partial/Functional Disability

qua whole body or with respect to particular limb. The report of a Medical Expert is a must in these cases. Disability can also be ranked based on Function. Here the tribunal has to assess the loss of income due to disability. If you wish to calculate the disability component on your own, then [read here](#). Usually in injury cases Second Schedule (163-A) is being followed even though it suffers from various defects.

6. Treatment cost—

Surgeries, any special equipment being used should also be produced along with the bills in the name of the patient, The court assess the claim regarding medicines and hospitalization as per actual. So preserve the original bills.

How the claim amount is calculated:-

7. Judgments -

As per the Pranay Sethi Judgement for Loss of Consortium, Loss of a Estate and funeral expenses be limited to 40K, 15K and 15K Indian rupees each. All Supreme Court Judgments on Motor Vehicles Act, 1988 are binding on all High Courts and MACT Tribunals of all districts. If the Tribunal awards compensation not in line with the directions of these judgments, then the award can be challenged in High Court as a FAO which is First Appeal against the Order within 90 days of the receipt of the MACT Tribunal Award.

8. Relevant Section—

under the claim also depends on the section under which it is filed of Motor Accident Claim Act under Sec 140 (no fault) Sec 163-A (Hit and Run case as per Second Schedule of the Act) and Sec 166 for Rash and Negligent Driving.

How the claim amount is calculated:-

9 Rate of Interest -

7.5% or 9% or 12% entirely based on facts of the case from the date of application. No uniformity. Every court awards the compensation on its own notion.

10 Dependency—

Brother and Father not dependents of deceased. Only mother can claim money. Must give proof if they are dependent.

REF: [5 judge bench of Supreme Court in NIC vs. Pranay Sethi.]

11 Apportionment of Award —

It is usually 50% to wife, 25% to Mother/Father and Children. Evidence regarding the same has to be adduced. These are just some of the key features on which your Motor Accident Claim Tribunal (MACT) Award depends. Even the enhancement amount in MACT compensation by Punjab and Haryana High Court depends on the same factor.

Important Case Laws

1. Sarla Verma & Others vs Delhi Transport Corporation & Anr, 2009 (2) TAC 677 (SC).

2. Raj Kumar v. Ajay Kumar & Anr., (2011) 1 SCC 343.

3. R.D. Hattangadi vs. Pest Control (India) Ltd, 1995 (1) SCC 551.

4. Sandeep Khanuja vs. Atul Dande & Anr., (2017)3 SCC 351.

5. Ankur Kapoor Thr. Gpa vs Oriental Insurance Company Ltd., CIVIL APPEAL NO.17998 of 2017(Arising from SLP (C) No.4841/2016)

Reshma Kumari & Others Vs. Madan Mohan & Another; (2013) 9 SCC 65;

National Insurance Company Ltd. Vs Pranay Sethi & Others; (2017) 16 SCC 680

Royal Subdram Alliance Insurance Co. Ltd. Vs. Mandala Yandagri Goud & Ors.; (2019) 5 SCC 554

New India Assurance Co. Ltd. Vs Urmila Shukla (Supreme Court of India)

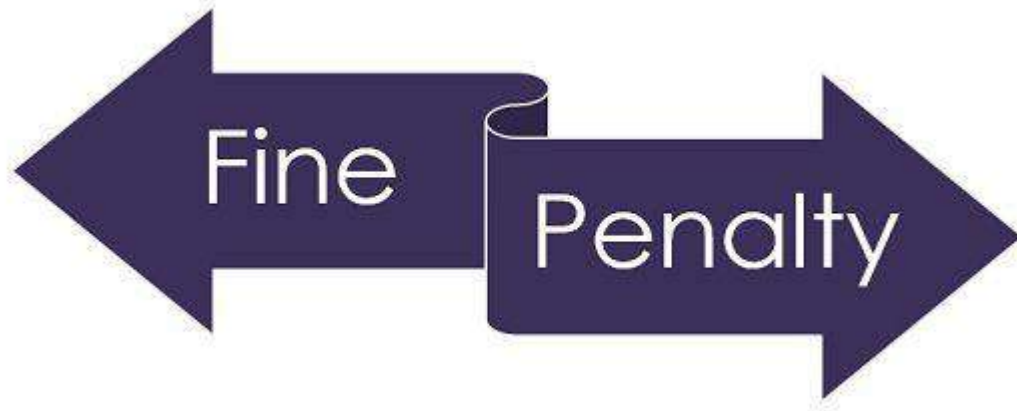
Section - 164. Payment of compensation in case of death or grievous hurt, etc.

The owner of the motor vehicle or the authorized insurer shall be liable to pay **Compensation** in the case of –

- **Death - 5,00,000/-**
- **Grievous hurt – 2,50,000/-**



IMPACT- The Amendment replaces Section 163A with Section 164. Now proposes payment of rupees five lakhs in cases of death and rupees two lakhs and fifty thousand in cases of grievous hurt, in case the claimants do not want to plead negligence of offending driver. Further, Section 165(1) states that acceptance of payment of compensation under Section 164 will result in lapse of claim petition under any other section.



The Indian Penal Code mentions **the punishment of fine for several offences, generally with or without imprisonment**. Amount of fine- According to Section 63, where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is **unlimited**, but **shall not be excessive**.

As per section 53 of the Indian Penal Code, there are five types of punishments that a court may provide to a person convicted for a crime. These are **death, imprisonment for life, simple and rigorous imprisonment, forfeiture of property and fine**.

The term '**damages**' may be **defined** as the monetary compensation payable by the defaulting party to the aggrieved party for the loss suffered by him

Compensation is something, typically money, awarded to someone in recognition of loss, suffering, or injury.

An **insurance claim** is a formal request to your insurance provider for reimbursement against losses covered under your insurance policy.

Section- 199(A)2019

Liability of Guardians in case of accidents caused by juveniles

Newly Section 199A **PROPOSES** to impose liability on guardian or the owner of the vehicle responsible for an accident caused by a juvenile.



IMPACT -This is progressive approach towards controlling driving by youngsters who have not attained the age to be eligible to get a driving license.

Motor Accident Fund (New)

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New Motor Amendment Bill 2019 Section- 164 B

Under Section 164B, Motor Vehicle Fund is to be augmented by a special tax or cess

The Fund is to be utilized for giving immediate relief to victims of motor accidents

Giving immediate relief “**GOLDEN HOUR**” and also hit and run cases and any other compensation which the Govt.

The compensation paid out of the fund shall be deductible from the compensation which the victim may get in future from the Tribunal.

IMPACT -Concept is innovative but the actual way in which Fund will be raised and how it will function has to be derived from modified Central Motor Vehicle Rules, or some new gazette notification published by Government .

GOOD SAMARITAN-134A MV ACT AMENDMENT 2019

(1) A Good Samaritan shall not be liable for any civil or criminal action for any injury to or death of the victim of an accident involving a motor vehicle, where such injury or death resulted from the Good Samaritan's negligence in acting or failing to act while rendering emergency medical or non-medical care or assistance.

(2) The Central Government may by rules provide for the procedure for questioning or examination of the Good Samaritan, disclosure of personal information of the Good Samaritan and such other related matters.

Explanation.--For the purposes of this section, "Good Samaritan" means a person, who in good faith, voluntarily and without expectation of any reward or compensation renders emergency medical or nonmedical care or assistance at the scene of an accident to the victim or transports such victim to the hospital.]

Increase in Appeal limit increased to 10 times (New)

To reduce litigation and appeals by insurance companies, appeal limit increased from **Rs. 10,000** to **Rs. 1 lakh**.



IMPACT -This will mitigate various frivolous litigation for meagre amount.

ROLE OF **POLICE**

PROCEDURE FOR INVESTIGATION OF MOTOR VEHICLE ACCIDENTS

- Immediately on receipt of the information of a road accident, the Investigating Officer of Police shall inspect the site of accident.



ROLE OF **POLICE**

Take photographs / videos of scene of the accident and the vehicle(s) involved in the accident.

Collect nearby CCTV Footage

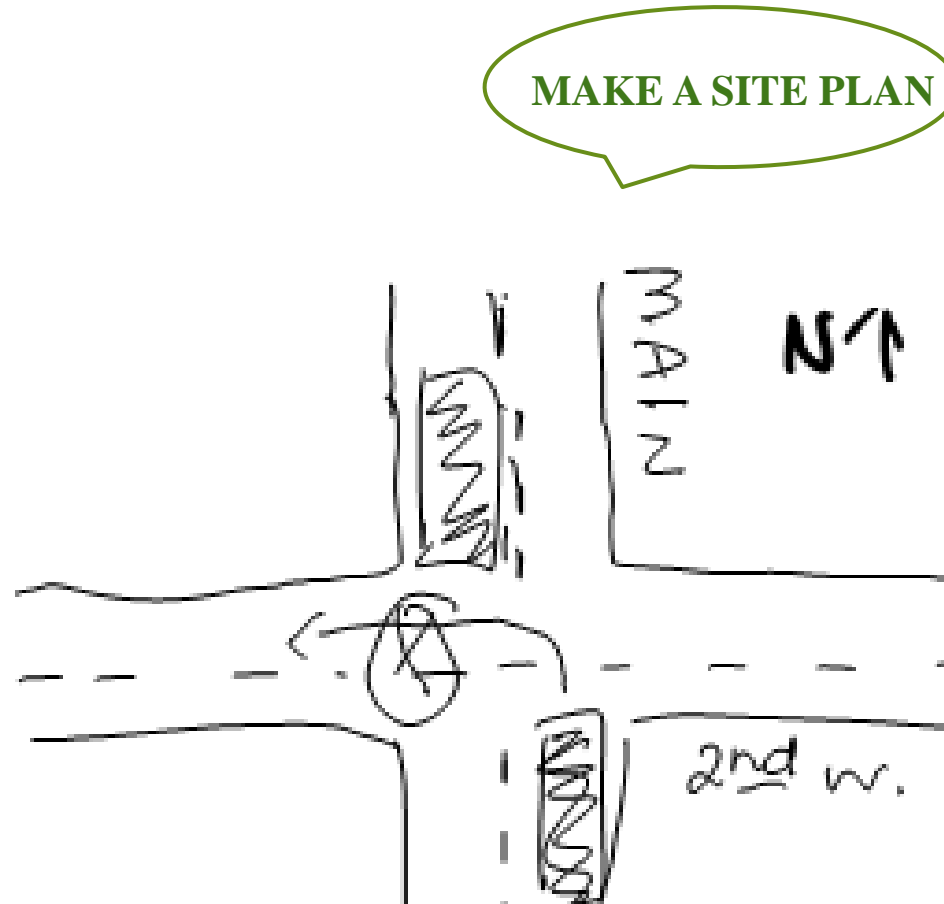


TAKE PICTURE



ROLE OF POLICE

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) also take the photographs of the injured in the hospital.



ROLE OF POLICE

To check proper authorization of Driver to drive the vehicle

To check the Garage Register (For Vehicles having Route Permit)

To cause mechanical examination of the involved vehicle by authorized expert

To check whether any Smart Mechanical System is available in the involved vehicle or not.

ROLE OF POLICE

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



INSURANCE COMPANY

- ▲ Submit the **First Accident Report (FAR)** in Form-I

If the particulars of insurance policy are available, the intimation of the accident in Form send 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),



VICTIM FAMILY

- ▲ A copy of Form 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.



TRIBUNAL



ROLE OF POLICE

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

Send 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)**



ROLE OF POLICE

Copy of Detail Accident Report (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 Detailed Accident Report DAR along with all the relevant documents to the Nodal Officer of the Insurance Company, General Insurance Council and the State Legal Services Authority.



ROLE OF POLICE

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.



PROCEDURE

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.**

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.



ROLE OF POLICE

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).

ROLE OF POLICE

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**.

Duty of the Registering Authority to verify the documents

The Registering Authority shall verify the registration certificate, driving license, 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.

ROLE OF POLICE & INSURANCE COMPANY

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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

The Investigating Officer shall file the Verification Report in Form-X before the Claims Tribunal along with the Detailed Accident Report (DAR).



**Investigation
officer**



Insurance officer

ROLE OF INSURANCE COMPANY

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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.



INSURANCE COMPANY

ROLE OF VEHICLE OWNER & DRIVER

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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

The driver shall furnish the relevant information in Form III to the Investigating Officer, within **thirty (30) days** of the accident.



Owner's Form to be submitted by the Vehicle owner

The Investigating Officer shall provide a blank copy of Form IV to the owner(s) of the vehicle(s) involved in the accident

the owner(s) shall furnish the relevant information in Form IV to the investigating Officer, within **thirty (30) days** of the accident.



ROLE OF VICTIM

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.



ROLE OF VICTIM

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).



ROLE OF VICTIM

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

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).



ROLE OF HOSPITAL

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.



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 license 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.



Examination of FAR, IAR and DAR by the Claims Tribunal

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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.

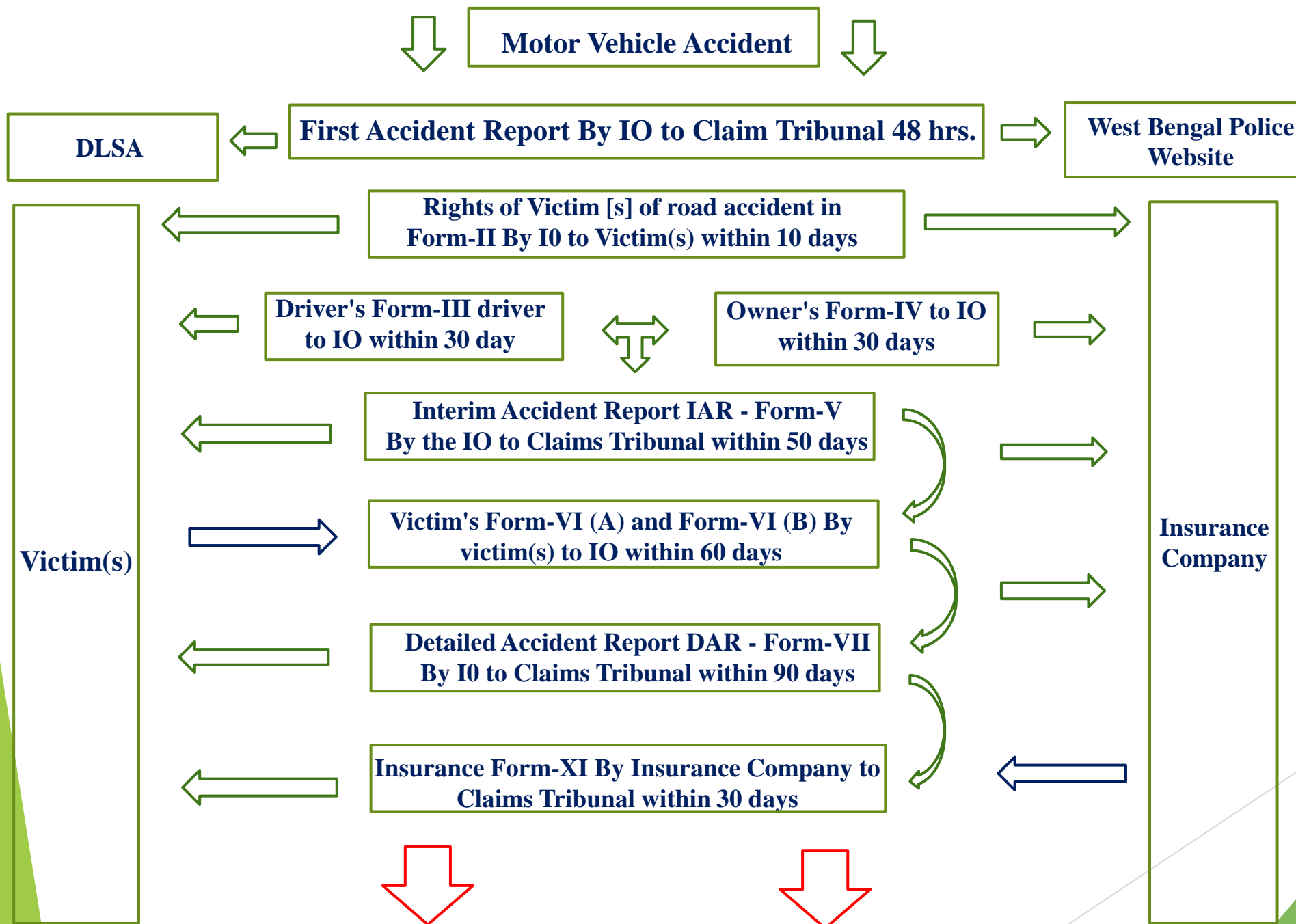


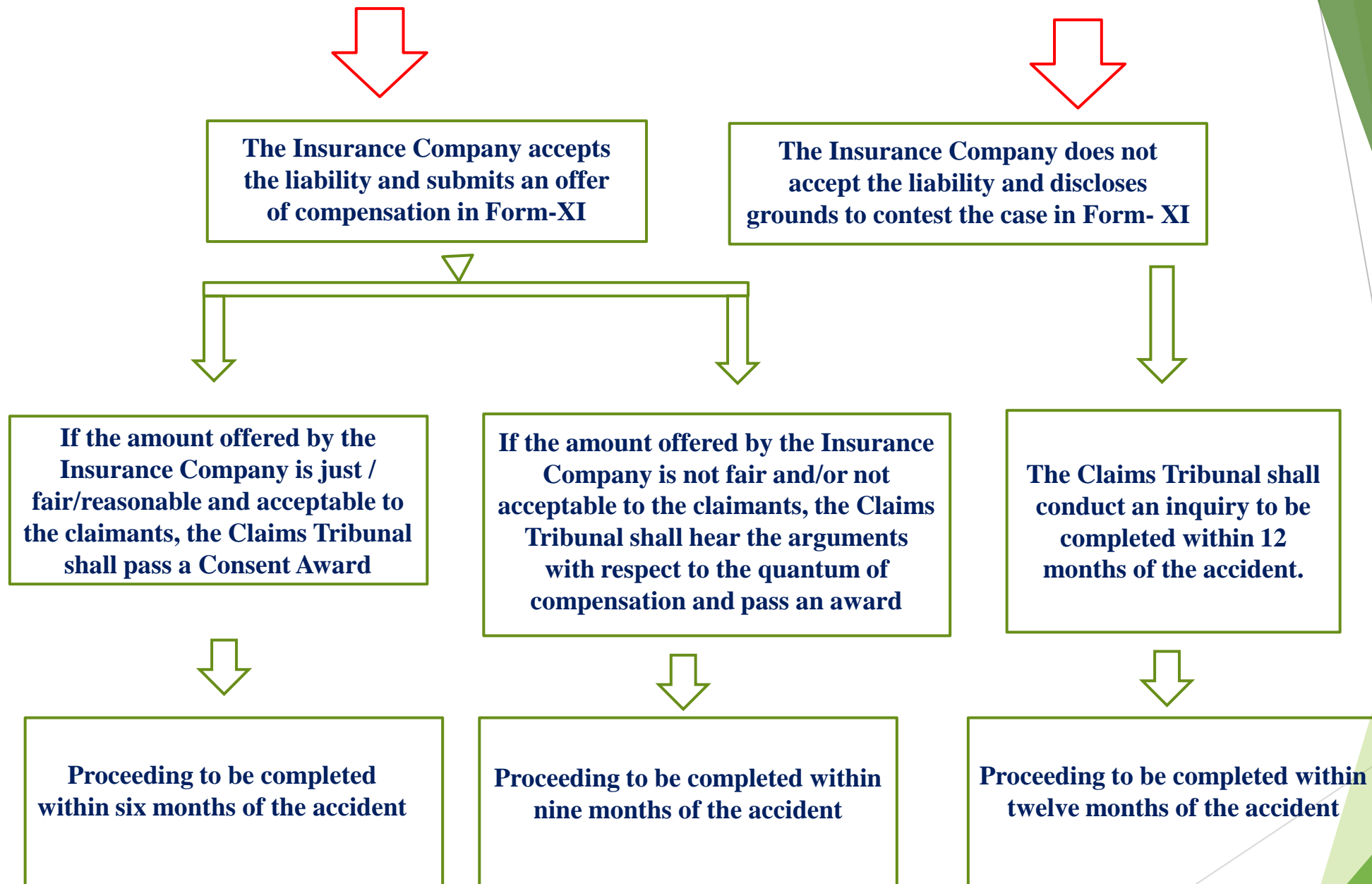
Duty of the Investigating Officer to produce the driver(s), owner(s), claimant(s) and eye witness(es) before the Claims Tribunal

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.

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.





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), Insurance Company and State Legal Services Authority (SLSA)

FORM-II

Rights of Victim(s) of road accident and flow chart of the scheme mentioned below

FORM-III

DRIVER' FORM

By Driver of the vehicle(s) to Investigating Officer Within thirty (30) days of the Accident Copy to Victim(s) and Insurance Company

FORM-IV

OWNER'S/ INSURED'S FORM

By Owner of the vehicle(s) to Investigating Officer Within thirty (30) days of Accident Copy to the Victim(s) and Insurance Company

FORM-V

INTERIM ACCIDENT REPORT (IAR)

By Passenger(s) and Pedestrian(s) to Investigating Officer to
Claims Tribunal Within fifty (50) days of Accident Copy to
Victim(s) and Insurance Company and SLSA

FORM-VI

VICTIM'S/ CLAIMANT'S FORM

By Victim(s)/ claimant(s) and Medical Officer(s) to Investigating
Officer within sixty (60) days of Accident Copy to Insurance
Company and SLSA

FORM-VI A

VICTIM'S FORM RELATING TO MINOR CHILDREN OF VICTIM(S)

By Victim(s) to Investigating Officer within sixty (60) days of Accident Copy to
Child Welfare Committee and SLSA

FORM-VII

DETAILED ACCIDENT REPORT (DAR)

By Investigating Officer to Claims Tribunal within ninety (90) days of Accident
Copy to Victim(s)/ claimant(s), Driver, Owner, Insurance Company and SLSA

FORM- VIII

SITE PLAN

By Investigating Officer (through Roads & Highway Engineer) to Claims Tribunal along with DAR within ninety (90) days of Accident

FORM- IX

MECHANICAL INSPECTION REPORT

By Investigating Officer (through Motor Vehicle Inspector) to Claims Tribunal Along with DAR within ninety (90) days of Accident

FORM-X

VERIFICATION REPORT

By Investigating Officer to Claims Tribunal Along with DAR within ninety (90) days of Accident through information available on VAHAN Database

FORM - XI

INSURANCE FORM

By Designated Officer of Insurance Company to Claims Tribunal within thirty (30) days of receipt of DAR

FORM – XII

VICTIM IMPACT REPORT

By State Legal Services Authority to concerned criminal court within thirty (30) days of conviction and to be considered at the time of sentencing

FORM – XIII

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL

.....Petitioners(s)

Versus

.....Respondent(s)

FORMAT OF WRITTEN SUBMISSIONS TO BE FILED BY PARTIES IN

DEATH CASES

FORM – XIV

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL

.....Petitioners(s)

Versus

.....Respondent(s)

FORMAT OF WRITTEN SUBMISSIONS TO BE FILED BY THE PARTIES IN

INJURY CASES

FORM – XV

Summary of computation of award amount in **Death Cases**
to be incorporated in the award

FORM-XVI

Summary of the computation of award amount in **Injury Cases**
to be incorporated in the award

FORM - XVII

Compliance of the provisions of the scheme to be mentioned
in the award

FORM – XVIII

Format of record of awards to be maintained by the
claims tribunal

FORM – XIX

Motor Accident Claims annuity deposit (MACAD) Scheme

FORM - XX

FORMAT FOR THE INFORMATION OF MACT

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

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

CRIMINAL CASE DETAILS (to be provided by Magistrate Court)

THANKS

END SLIDE