

**HIGH COURT OF MADHYA PRADESH : JABALPUR**

**// MEMO//**

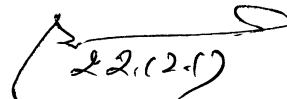
Endt. No. E/ 9478 /  
II-3-225/57

Jabalpur, dt. 26 /12/17

The copy of the order passed by Hon'ble the Supreme Court of India, New dated 06-11-2017 in **Special Leave to Appeal(C) No(s) 11801-11804/2005 in the case of Jai Prakash Vs. M/s National Insurance Co. Ltd & ors** is forwarded to :-

- (i) The District & Sessions Judge ....., with a request to bring the same into the knowledge of all the Judicial Officers under their kind control, including officers of District Administration(S.P./Collector) for information and necessary action.
- (ii) The District & Sessions Judge (Inspection & Vigilance), Jabalpur / Indore / Gwalior;
- (iii) The Director MPSJA for doing the needful in connection with imparting training to the judicial Officers dealing with MACT Cases.
- (iv) The Principal Registrar, Bench at Indore/Gwalior High Court of M.P., Jabalpur.
- (v) P.S. to Hon'ble the Chief Justice ,High Court of Madhya Pradesh Jabalpur for placing the matter before His Lordships
- (vi) P.S. to Registrar General/ Principal Registrar(Judl)/ Principal Registrar (Inspection & Vigilance),/ Principal Registrar (Examination) / Principal Registrar (ILR) High court of Madhya Pradesh Jabalpur,
- (vii) P.A. to Director/Additional Director/JOTRI, High Court of Madhya Pradesh Jabalpur,
- (viii) Registrar(J.)/(D.E.)/(A)/ (Vig.)/ (Vl.)/ (A.W.), High Court of Madhya Pradesh, Jabalpur.
- (ix) The Registrar(IT) for uploading the same in NIC.

for information & appropriate action.



(SANAT KUMAR KASHYAP)  
REGISTRAR(DE)

ITEM NO.3

COURT NO.4

SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

552869

Petition(s) for Special Leave to Appeal (C) No(s).11801-11804/2005  
(Arising out of impugned final judgment and order dated 07-12-2004  
in FAO No. 4845/2003, 4846/2003, 4847/2003, 4848/2003 passed by the  
High Court of Punjab & Haryana at Chandigarh)

JAI PRAKASH

Petitioner(s)

VERSUS

M/S. NATIONAL INSURANCE CO. LTD. & ORS. ETC.

Respondent(s)

WITH  
W.P. (C) No. 295/2012 (PIL-W)

(WITH APPLN. (S) FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 73660/2017  
AND FOR INTERVENTION/IMPLEADMENT ON IA 73665/2017)

Date : 06-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Gopal Subramanium, Sr. Adv. (A.C.)  
Mr. Gaurav Agarwal, Adv. (AC)  
Mr. Talha Abdul Rahman, Adv.  
Mr. Jayavardhan Singh, Adv.  
Mr. Pavan Bhushan, Adv.

For Petitioner(s)

Mr. Manoj Swarup, Adv.  
Ms. Lalita Kohli, Adv.  
Mr. Sajid Imam Naqvi, Adv. Supreme Court of India  
for M/s Manoj Swarup & Co.

*Raj Ranj Negi*

Mr. Krishna Kumar, AOR  
Mr. B. Vinodh Kanna, Adv.  
Ms. Srujana Suman Mund, Adv.

For Respondent(s)  
UOI

Mr. P.S. Narasimha, ASG  
Mr. Ajit Kumar Sinha, Sr. Adv.  
Mr. S.S. Ray, Adv.  
Mr. G.S. Makker, AOR.

NALSA

Mr. Surinder S. Rathi, Director

*Sj...*

National Insurance  
Company

Mr. S.L. Gupta, Adv.  
Mr. Rajesh Sharma, Adv.  
Mr. Rajeev Gupta, Adv.  
Ms. Shalu Sharma, AOR  
Mr. Mahabir Singh Mangla, Adv.  
Mr. Varinder Kumar Sharma, Adv.  
Mr. M.K. Thakur, Adv.  
Mr. Rajesh K. Sharma, Adv.

## GIC

Ms. Prerna Mehta, Adv.

## IRDA

Mr. Dipak K. Nag, Adv.  
Mr. Ekansh Bansal, Adv.  
Mr. Parmanand Gaur, Adv.

## Andaman &amp; Nicobar

Mr. Bhupesh Narula, Adv.  
Mr. K.V. Jagdishvaran, Adv.  
Ms. G. Indira, Adv.

## Andhra Pradesh

Mr. Guntur Prabhakar, Adv.  
Ms. Prerna Singh, Adv.

## Bihar

Mr. Gopal Singh, Adv.  
Mr. Shreyas Jain, Adv.

## Goa

Ms. Ruchira Gupta, Adv.  
Ms. Mona Sinha, Adv.  
Ms. Surabhi Mehta, Adv.

## Gujarat

Ms. Hemantika Wahi, Adv.  
Ms. Jesal Wahi, Adv.  
Ms. Puja Singh, Adv.  
Ms. Shodhika Sharma, Adv.

## Haryana

Mr. Samar Vijay Singh, Adv.  
Ms. Monika Gosain, Adv.

## H.P.

Mr. D.K. Thakur, AAG  
Mr. Shariq Ahmed, Adv.  
Mr. Varinder Kumar Sharma, Adv.

## J&amp;K

Mr. M. Shoeb Alam, Adv.  
Ms. Fauzia Shakil, Adv.  
Mr. Ujjwal Singh, Adv.  
Mr. Mojahid Karim Khan, Adv.

## Jharkhand

Mr. Tapesk Kumar Singh, Adv.  
Mr. Mohd. Waquas, Adv.  
Mr. Aditya Pratap Singh, Adv.

## Maharashtra

Ms. Swarupama Chaturvedi, Adv.

*Singh*

Mr. Nishant R. Katneshwarkar, Adv.

Manipur Mr. R. Leishangthem Roshmani KH, Adv.

Meghalaya Mr. Ranjan Mukherjee, Adv.

M.P. Mr. Naveen Sharma, Adv.  
Mr. Mishra Saurabh, Adv.

Nagaland Mrs. K. Enatoli Sema, Adv.  
Mr. Edward Belho, Adv.  
Mr. Amit Kr. Singh, Adv.  
Mr. K. Luikang Michael, Adv.  
Mr. Z.H. Issac Haiding, Adv.

Puducherry Mr. V. G. Pragasam, Adv.  
Mr. S. Prabu Ramasubramanian, Adv.  
Mr. Manuraj, Adv.

Rajasthan Mr. S.S. Shamsbery, AAG  
Mr. Amit Sharma, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. Ankit Raj, Adv.  
Ms. Indira Bhakar, Adv.  
Ms. Ruchi Kohli, Adv.

Sikkim Ms. Aruna Mathur, Adv.  
Mr. Avneesh Arputham, Adv.  
Ms. Anuradha Arputham, Adv.  
Ms. Simran Jeet, Adv.  
For M/s Arputham Aruna & Co.

Telangana Mr. S. Udaya Kumar Sagar, Adv.  
Mr. Mrityunjai Singh, Adv.

Tripura Mr. Gopal Singh, Adv.  
Mr. Rituraj Biswas, Adv.

West Bengal Mr. Raja Chatterjee, Adv.  
Mr. C.K. Ganguli, AOR  
Mr. Piyush Sachdev, Adv.  
  
Mr. P. K. Manohar, AOR  
  
Ms. Manjeet Chawla, AOR  
  
Dr. (Mrs.) Vipin Gupta, AOR  
  
Mr. Neelesh Singh Rao, Adv.

Impleader Mr. Saurabh Kirpal, Adv.  
Ms. Jaikriti S. Jadeja, Adv.

*Sujay Kumar*

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

We have heard learned *amicus curiae* as well as learned Additional Solicitor General.

Learned Additional Solicitor General has made some suggestions with regard to the orders prayed for by learned *amicus curiae*.

In the context of the suggestion made by learned *amicus curiae* with regard to the Road Safety Fund, learned Additional Solicitor General says that details will have to be worked out with regard to the corpus and in-flow and out-flow of funds.

Learned *amicus curiae* says that Justice Radhakrishnan Committee would be more than willing to look into this aspect of the matter.

Since we have heard the matter, orders are reserved which we will pronounce in due course.

It is submitted by learned *amicus curiae* that there are three issues that Justice K.S. Radhakrishnan Committee will consider in due course of time:

- (i) Punching of licences in case of any default committed by the driver of a vehicle;
- (ii) Procurement of fake licences and how to eliminate this;
- (iii) Suggestions with regard to footpaths, over-head passes and under-passes for the safety of pedestrians.

*Signature*

It is also pointed out by learned amicus curiae that the order passed by Justice Midha referred to in our order of 13<sup>th</sup> May, 2016 was actually modified by Justice Midha on 12<sup>th</sup> December, 2014.

The order dated 13<sup>th</sup> May, 2016 will, therefore, stand modified to the extent that Justice Midha has himself modified his earlier order on 12<sup>th</sup> December, 2014.

The Registry will send a copy of this order as well as the order passed by Justice Midha on 12<sup>th</sup> December, 2014 to the Registrar General of each High Court for necessary information and compliance.

List the matters on 23<sup>rd</sup> January, 2017.

*Sanjay Kumar* 7/11/2017  
 (SANJAY KUMAR-I)  
 AR-CUM-PS

*Kailash Chander*  
 (KAILASH CHANDER)  
 COURT MASTER  
 7/11/17

*7/11/17*

§-3 & 4

\*IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 842/2003

RAJESH TYAGI & ORS.

..... Appellant

Through:

versus

JAIBIR SINGH & ORS.

..... Respondents

Through:

Mr. Sanjay Jain, ASG with Mr. Kirtiman Singh, CGSC & Mr. Prerna Shah Dev and Mr. Waize Ali Noor, Ms. Astha Jain, Ms. Prerna Shah Deo and Mr. Rahul Jain, Advocates for UOI  
Mr. Anup. J. Bhambhani, Senior Advocate as Amicus Curiae with Mr. Siddharth Yadav, Advocate

Mr. Sidharth Luthra, Senior Advocate as Amicus Curiae with Mr. Satyam Thareja, Advocate, in CRL.REV.P.No.338/2009

Mr. Saleem Ahmed, learned Standing Counsel for Delhi Police with Mr. Varun Goswami, APP for the State

Mr. Jayant Sud, Advocate

AND

MAC. APP. 422/2009

SOBAT SINGH

..... Appellant

Through:

Ms. Sandhya Singh proxy for Mr. Kishan Nautiyal, Advocate

versus

RAMESH CHANDRA GUPTA & ANR.

..... Respondents

Through:

Mr. Sanjay Jain, ASG with Mr. Kirtiman Singh, CGSC & Mr. Prerna Shah Dev and Mr. Waize Ali Noor, Ms. Astha Jain, Ms. Prerna Shah Deo and Mr. Rahul Jain, Advocates for UOI

Mr. Sidharth Luthra, Senior Advocate as Amicus Curiae with Mr. Satyam Thareja, Advocate in CRL.REV.P.No.338/2009

Mr. O.P. Mainee, Advocate as Amicus Curiae.

Mr. Kanwal Chaudhary, Advocate for New India Assurance Co. Ltd.

CORAM:  
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER  
12.12.2014

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1. Mr. Sidharth Luthra and Mr. Anup J. Bhambhani, learned *amici curiae* submit that they had convened a meeting yesterday in terms of the order dated 8<sup>th</sup> December, 2014 which was attended by Mr. Kirtiman Singh, learned Standing Counsel for the Ministry of Road Transport and Highways, Mr. Saleem Ahmed, learned Standing Counsel for Delhi Police, Mr. Anil Shukla, Joint Commissioner of Police (Traffic) and Mr. Jayant Sud, Advocate. It is submitted that Delhi Police has shown their concern with respect to paras 24, 28, 36, 46, 48, 49, 56(s), 56(t), 92, 101(f), 101(g) and 101(h) and 102(i) of the Detailed Accident Report (DAR). The learned *amici curiae* have handed over the minutes of the meeting held on 11<sup>th</sup> December, 2014, which are taken on record.

2. Mr. Sidharth Luthra, learned *amicus curiae*, has handed over a letter dated 11<sup>th</sup> December, 2014 of Mr. Anil Shukla, Joint Commissioner of Police (Traffic) containing the response of Delhi Police to the Detailed Accident Report (DAR). It is submitted that the Investigating Officer may find it difficult to collect the particulars of the bank account of the driver (para 24); to ascertain whether the vehicle has been taken away by the driver with/without the consent of the owner (para 28); to ascertain whether driver was employed on monthly or daily basis (para 36); to ascertain whether the driver/owner made payment of any compensation to the victim [para 41(b)]; to ascertain name and particulars of the Designated Officer of the insurance company (para 46); to ascertain the date of appointment of the Designated Officer (para 48); to ascertain bank account particulars of the insurance company (para 49); to ascertain whether the injured got reimbursement of medical expenses from his employer or under a mediclaim policy [para 56(s)]; to ascertain whether the injured was provided



cashless treatment by the insurance company [para 56(t)]; to ascertain proof of employment of the driver (para 92); to ascertain proof of legal representatives of the deceased [para 101(f)]; to collect photograph, specimen signature and identity proof of legal representatives of the deceased [para 101(g)]; to collect particulars of the bank account of the legal representatives of deceased [para 101(h)] and to collect proof of reimbursement of the medical expenses of the victim by the employer or under a mediclaim policy [para 102(i)].

3. This Court is of the view that the concern of the Joint Commissioner of Police has been taken care of in paras 77 to 82 of Part X and paras 103 to 108 of part XI of the Detailed Accident Report (DAR). The Investigating Officer has to demand the information mentioned in paras 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 41(b) of Part III and the documents mentioned in paras 91, 92, 93, 94, 95, 96, 97 of Part XI of DAR from the driver of the offending vehicle and in the event of his failure to furnish the same, the Investigating Officer shall mention the same in para 77 of the DAR to seek direction from the Claims Tribunal to the driver to furnish the same directly to the Claims Tribunal. Similarly, information mentioned in paras 34, 35, 36, 38, 40 and 41(b) of Part IV of the DAR and the documents mentioned in paras 92, 93, 94, 95, 96 and 97 of Part XI of DAR have to be produced by the owner of the offending vehicle and upon his failure, the Investigating Officer shall mention the same in para 78 of the DAR to seek direction to the owner to furnish the same on affidavit along with the documents directly to the Claims Tribunal. Similarly, the information in paras 46, 47, 48, 49 of Part V of the DAR has to be furnished by the concerned Insurance Company and in the event of their failure, the Investigating Officer shall mention the same in para 79 of the Detailed Accident Report (DAR) to seek direction to the Insurance Company to furnish the requisite information on affidavit along with or documents directly to the Claims Tribunal. Likewise, the information with respect to para(s) 55 and 56 of

Part VII and the documents mentioned in para(s) 101 and 102 of Part XI of the DAR has to be furnished by the legal representatives of the deceased and in the event of their failure to disclose the same, the Investigating Officer shall mention the same in para 80 of the Detailed Accident Report (DAR) to seek direction to the legal representatives of the deceased to furnish the same on affidavit along with original documents directly to the Claims Tribunal.

4. Mr. Sidharth Luthra, learned *amicus curiae* submits the following clauses be incorporated in the Mechanical Inspection Report (Annexure-A to the Detailed Accident Report):

- (i) Make, Model Name, Colour & Type of Vehicle
- (ii) In case of HTV/MGV/LGV
  - (a) Whether Lateral Under Run Protective Device (LUPD) & Rear Under Run Protective Device (RUPD) installed? (For vehicle weighing 3.5 ton or more)
  - (b) Whether speed governor installed & functional or otherwise?
- (iii) Whether vehicle modified by –
  - (a) Installing CNG/LPG Kit
  - (b) Change of vehicle body
- (iv) Condition of tyres – whether original or retreaded?
- (v) Whether horn was installed and functional?
- (vi) If the vehicle was educational institution bus, whether the vehicle was fitted with the doors that can be shut and whether the vehicle had a suitable inscription to indicate that they are in the duty of an educational institute, as per the guidelines laid down in MC Mehta v. Union of India, (1998) 1 SCC 676 and MC Mehta v. Union of India (1999) 1 SCC 413?

5. The aforesaid suggestions are useful and are being incorporated in the  
FAO 842/2003 & MAC. APP. 422/2009

Mechanical Inspection Report Form attached to the Detailed Accident Report (DAR).

6. Mr. Jayant Sud, Advocate, for the accused in Criminal Revision Petition No.338/2009 submits that it should be clarified at the para 73 (driving aggressively) and para 74 responsible behaviour Detailed Accident Report is the opinion of the investigating officer on the basis of the investigation and should not be construed as an admission of the accused.

7. Under Section 168 of the Motor Vehicles Act, 1988, the Claims Tribunal has to hold an inquiry into the claim. Section 169(1) further stipulates that in holding such an inquiry under Section 168, the Claims Tribunal may follow such summary procedure as it thinks fit. The scope of an inquiry under Sections 168 & 169 of the Motor Vehicles Act, 1988 has been discussed in *Arora v. Amit*, 2011(1) TAC 87. It is clarified that the Claims Tribunal Agreed Procedure is a summary procedure for conducting an inquiry in terms of Sections 168 & 169 of the Motor Vehicles Act, 1988. It is further clarified that the Investigating Officer has to prepare the Detailed Accident Report on the basis of investigation and the Detailed Accident Report is not to be construed as an admission/confession of the accused.

8. Mr. Anup J. Bhambhani, learned *amici curiae* has also handed over a note containing suggestions for being incorporated in the Road Transport and Safety Bill, 2014 from the book "Road Accidents: Prevention, Attention and Compensation" by Mr. Arun Mohan, Senior Advocate. The copy of the said note has been handed over to Mr. Sanjay Jain, learned ASG, who shall take up the same with the Ministry of Road Transport and Highways.

9. Learned Standing Counsel for the Delhi Police submits that the modified Claims Tribunal Agreed Tribunal be implemented with effect from 1<sup>st</sup> February, 2015 to enable the police to amend their Standing Order and Manual for

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investigation of motor accident cases and to give necessary training to the Investigation Officers.

10. Mr. Sidharth Luthra and Mr. Anup. J. Bhambhani, learned *amici curiae* submit that the Claims Tribunal Agreed Procedure be modified initially for a period of six months but the implementation thereof be reviewed after a period of three months.

11. On careful consideration of the submissions of learned ASG, learned *amici curiae* and learned Standing Counsel for Delhi Police, the Claims Tribunal Agreed Procedure formulated by the this Court vide order dated 21<sup>st</sup> December, 2009 is hereby modified. The modified Claims Tribunal Agreed Procedure is appended to this order and shall form part of this order.

12. This Court is hopeful that the modified Claims Tribunal Agreed Procedure appended to this order shall streamline the inquiry contemplated in Sections 168 and 169 of the Motor Vehicles Act and the claimants would get the compensation within 90 to 120 days of the accident. The salient features of the modifications carried out in the Claims Tribunal Agreed Procedure are as under: -

(i) **Format of the intimation of the accident by the Investigating Officer (Clause 2)**

The intimation of the accident by the Investigating Officer to the Claims Tribunal and Insurance Company within 48 hours of the accident has to be in Form-I of the modified Claims Tribunal Agreed Procedure.

(ii) **List of documents to be collected by the Investigating Officer (Clause 3)**

The list of documents to be collected by the Investigating Officer is given in Clause 3.

(iii) **Format of the Details Accident Report (DAR) to be filed by the Investigating Officer**

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The Details Accident Report (DAR) to be filed by the Investigating Officer within 30 days of the accident shall be in Form-II of the modified Claims Tribunal Agreed Procedure

(iv) **Duty of the Investigating Officer to seek directions from the Court in the event of failure of driver/owner/claimant/ Insurance Company to disclose relevant information and produce documents before the Investigating Officer**

In the event of failure of the driver, owner, insurance company and/or claimants to disclose relevant information and documents required by the Investigating Officer to complete the Detailed Accident Report (DAR), the Investigating Officer shall seek necessary directions from the Claims Tribunal in Part X of Form-II of DAR, whereupon the Claims Tribunal shall direct the parties in default to disclose the relevant information and produce relevant documents on affidavit within 15 days.

(v) **Duty of the Insurance Company to get DAR verified by their surveyor/investigator (Clause 20)**

The Insurance Company shall get the statements made in the DAR and the documents filed along with it verified through their surveyor/investigator within a period of 20 days of the receipt of copy of the DAR and shall submit the report before the Claims Tribunal.

(vi) **Format of the Report of the Designated Officer of the Insurance Company (Clause 21)**

The Report of the Designated Officer of the Insurance Company shall be in Form-III of the modified Claims Tribunal Agreed Procedure.

(vii) **Duty of Claims Tribunal to elicit the truth (Clause 24)**

Before passing the award on the basis of the Detailed Accident Report (DAR), the Claims Tribunal shall satisfy itself that the statement made in the DAR are true. The Claims Tribunal may also consider examining the parties under Section 165 of the Evidence Act.

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(viii) **Duty of the Claims Tribunal to examine the claimants before passing the award (Clause 26)**

The Claims Tribunal shall examine the claimants before passing the award to ascertain their financial condition, proof of residence, details of bank account and take two sets of photographs and specimen signatures.

(ix) **Deposit of the award amount (Clause 27)**

In the award, the Claims Tribunal shall specify the manner of deposit of the award amount along with interest.

(x) **Protection of the award amount (Clause 28)**

The Claims Tribunal shall pass an appropriate order for protection of the award amount depending upon the financial status and needs of the claimants.

(xi) **Claims Tribunal shall deal with the compliance of the provisions in the award (Clause 29)**

The Claims Tribunal shall deal with the compliance of the provisions of the modified Claims Tribunal Agreed Procedure in the award. The format of the checklist of the issues required to be dealt with by the Claims Tribunal are given in Form-IV.

(xii) **Claims Tribunal shall fix a date for reporting compliance (Clause 30)**

The Claims Tribunal shall fix a date for reporting compliance of the award.

(xiii) **Copy of the Detailed Accident Report as well as the award to be sent to the concerned Magistrate (Clause 31)**

The Investigating officer shall furnish the copy of the DAR as well as the award before the concerned Magistrate. The Claims Tribunal shall also send the copy of the award to the Claims Tribunal.

(xiv) Format of the record of awards of the Claims Tribunal (Clause 33)

The record of the award passed by the Claims Tribunal shall be maintained in Form-V.

13. The modified Claims Tribunal Agreed Procedure shall be implemented with effect from 1<sup>st</sup> February, 2015 initially for a period of six months. However, the working of the modified Claims Tribunal Agreed Procedure shall be reviewed after the expiry of three months (1<sup>st</sup> February, 2015 to 30<sup>th</sup> April, 2015).

14. Delhi Police shall submit their response as to the working of the modified Claims Tribunal Agreed Procedure along with their comments/suggestions for the period of first three months (1<sup>st</sup> February, 2015 to 30<sup>th</sup> April, 2015) by 10<sup>th</sup> May, 2015. Delhi Police shall take into consideration advancement in technology and endeavour to implement the suggestions contained in paras 5.17 and 5.18.1 to 5.18.4 of the order dated 27<sup>th</sup> November, 2014. Delhi police shall amend their Standing Order and the Manual for investigation of motor accident cases by 10<sup>th</sup> January, 2015. Delhi Police shall also impart training to the Investigating Officers for investigation of motor accident cases.

15. Mr. Sanjay Jain, learned ASG submits that the Ministry of Road Transport and Highway is deliberating upon the suggestions given by this Court. Ministry of Road Transport and Highways shall consider the modified Claims Tribunal Agreed Procedure along with the suggestions given by this Court vide order dated 7<sup>th</sup> November, 2014. Let the Ministry of Road Transport and Highways submit their response/comments to the modified Claims Tribunal Agreed Procedure by 10<sup>th</sup> May, 2015.

16. Liberty is given to the Insurance Companies to submit their response/suggestions on the modified Claims Tribunal Agreed Procedure before

this Court. Mr. Kanwal Chaudhary, Advocate, shall circulate the copy of this modified Claims Tribunal Agreed Procedure to all the Insurance Companies.

17. The Claims Tribunals shall submit their response as to the working of the modified Claims Tribunal Agreed Procedure along with their suggestions by 10<sup>th</sup> May, 2015. The Claims Tribunals shall furnish the data of cases for the period of 1<sup>st</sup> February, 2015 to 30<sup>th</sup> April, 2015 in a tabular form containing the particulars of date of accident, date of filing of Detailed Accident Report by the Investigating Officer, date of report of Designated officer of the Insurance Company, date of award and date for compliance of the award. Copy of this order along with the modified Claims Tribunal Agreed Procedure be sent to all the District & Sessions Judges who shall circulate the same to all the Motor Accident Claims Tribunals.

18. The Delhi Legal Services Authority has been given the responsibility in Clause 11 and Clause 32 of the modified Claims Tribunal Agreed Procedure. The Delhi Legal Services Authority shall also submit their response/suggestions to the modified Claims Tribunal Agreed Procedure by 10<sup>th</sup> May, 2015. Copy of this order along with the modified Claims Tribunal Agreed Procedure be sent to Delhi legal Services Authority.

19. Copy of this order along with the modified Claims Tribunal Agreed Procedure be also sent to the Principal Secretary (Law), Government of NCT of Delhi for issuing appropriate instructions to all the hospitals and registration authorities under Government of NCT of Delhi for compliance of Clause 5 and Clause 6 of the modified Claims Tribunal Agreed Procedure relating to the duties of the registration authorities and hospitals.

20. Copy of this order be also sent to Delhi Judicial Academy for sensitizing the judicial officers for implementation of the modified Claims Tribunal Agreed Procedure.



21. List for considering the response and suggestions of the Claim Tribunals, Delhi Police, Insurance Companies and Ministry of Road Transport and Highways as well as learned *amici curiae* on 22<sup>nd</sup> May, 2015.
22. In the order dated 7<sup>th</sup> November, 2014, FAO no. 842/2003 has been mentioned as FAO no. 842/2009 and in the footer as FAO 42/2003 which is hereby corrected. FAO 842/2009 and 42/2003 in order dated 7<sup>th</sup> December, 2014 be read as FAO 842/2003. Let the correction be carried out in the order loaded on website of this Court.
23. This Court appreciates the assistance rendered by Mr. Sanjay Jain, learned ASG, learned *amici curiae*, Mr. Sidharth Luthra and Mr. Anup J. Bhambhani, Mr. Kirtiman Singh, learned Standing Counsel for Union of India, Mr. Saleem Ahmed for Delhi Police, Mr. Jayant Sud and Mr. Kanwal Chaudhary, Advocate to streamline the Claims Tribunal Agreed Procedure.
24. Copy of this order be given dasti to the Standing Counsel of Union of India, learned Standing Counsel for Delhi police, learned *amici curiae* as well as Mr. Kanwal Chaudhary, Advocate under the signature of the Court Master.

J.R. MIDHA, J

DECEMBER 12, 2014

rsk

**MODIFIED CLAIMS TRIBUNAL AGREED PROCEDURE**

[as approved by Delhi High Court]

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 of the site of the accident from all angles and prepare a site plan, drawn to scale, as to indicate the lay-out and width, etc., of the road(s) or place, as the case may be, the position of vehicle(s), and person(s) involved, and such other facts as may be relevant so as to preserve the evidence in this regard. The Investigating Officer shall conduct spot enquiry by examining the eye-witnesses/bystanders.

2. **Intimation of accident to the Claims Tribunal and Insurance Company within 48 hours**

The Investigating Officer shall intimate the accident to the Claims Tribunal within 48 hours of the accident. If the particulars of insurance are available, the intimation of the accident shall also be given to the concerned Insurance Company of the offending vehicle. The particulars of the accident shall also be uploaded on the website of Delhi Police. The intimation of the Investigating Officer shall be in Form I.

3. **Documents to be collected by the Investigating Officer**

The Investigating Officer of police shall collect the relevant evidence relating the accident as well as the computation of compensation. The list of documents to be collected by the Investigating Officer is as under:

- (i) First Information Report
- (ii) Site plan
- (iii) Photographs of the scene of accident from all angles.
- (iv) Photographs of all the vehicles involved in the accident from all angles
- (v) Photograph and specimen signature of the driver(s) of the offending vehicle(s)
- (vi) Photograph and specimen signature of the owner(s) of the offending vehicle

- (vii) Mechanical Inspection Report in terms of Annexure A
- (viii) Driving license of the driver
- (ix) Proof of employment of driver such as appointment letter, salary slips, duty register etc.
- (x) Registration certificate of the offending vehicle(s)
- (xi) In case of transfer of vehicle, sale documents, possession letter or any other document relating to transfer, if any
- (xii) Insurance Policy of the offending vehicle(s)
- (xiii) Permit (for commercial vehicle)
- (xiv) Fitness Certificate (for commercial vehicle)
- (xv) Report under Section 173 Cr.P.C.
- (xvi) Statements of the witnesses recorded by the police
- (xvii) Scientific report, if the driver was under the influence of liquor/drugs
- (xviii) In case of Death:
  - (a) Post Mortem Report
  - (b) Death certificate
  - (c) Photograph and proof of the identity of the dead
  - (d) Proof of age of the deceased which may be in form of :
    - Birth certificate
    - School certificate
    - Certificate from gram panchayat (in case of illiterate)
  - (e) Proof of Occupation and income of the deceased which may be in form of:
    - Pay slip/salary certificate for salaried employees.
    - Bank statements of the last six months.
    - Income Tax Returns
    - Balance Sheets
  - (f) Proof of the legal representatives of the deceased
    - Names
    - Age
    - Address
    - Relationship
  - (g) Photographs, specimen signatures attested by the bank and identity proof of the legal representatives of the deceased
  - (h) Bank Account no. of the legal representatives of the deceased with name and address of the bank
  - (i) Treatment record, medical bills and other expenditure
- (xix) In case of Injury:
  - (a) MLC
  - (b) Multi angle photographs of the injured
  - (c) Photographs, specimen signatures attested by the bank and identity proof of the injured
  - (d) Proof of age of the injured which may be in form of :
    - Birth certificate
    - School certificate
    - Certificate from Gram Panchayat (in case of illiterate)

- (e) Proof of occupational income of the injured at the time of the accident which may be in form of:
  - Pay slip/salary certificate for salaried employees.
  - Bank statements of the last six months of the deceased.
  - Income Tax Returns
  - Balance Sheets
- (f) Treatment record, medical bills and other expenditure – In case of long term treatment, the SHO/IO shall also record the details so that the claimant may furnish documents before the Claims Tribunal.
- (g) Disability certificate
- (h) Proof of absence from work where loss of income on account of injury is being claimed, which may be in the form of:
  - Certificate from the employer
  - Extracts from the attendance register
- (i) Proof of reimbursement of medical expenses by employer or under a Mediclaim policy, if taken
- (xx) Any other relevant document(s)

4. **Verification of the documents by the Investigating Officer**

The Investigating Officer shall verify the authenticity of the documents mentioned above by obtaining confirmation in writing from the office or authority or person purporting to have issued the same or by such further investigation or verification as may be necessary for arriving at a conclusion of authenticity of the documents in question, including but not limited to verifying the license of the driver, permit and fitness of the vehicle, where applicable, from the registering authority.

5. **Duty of the registration authorities to verify the documents within 15 days of the application**

The Registration authorities shall verify the registration certificate, driving licence, fitness and permit in respect of the offending vehicle within 15 days of the application being made by the Investigating Officer.

6. **Duty of the hospital to issue MLC and Post-mortem Report within 15 days of the accident**

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

7. *In case of un-insured vehicle, driver and owner of the offending vehicle to be prosecuted under Section 196 of Motor Vehicles Act, 1988*

In case of un-insured offending vehicle, the Investigating Officer shall prosecute the owner and driver of the offending vehicle under Section 196 of the Motor Vehicles Act.

8. *In case of fake driving licence, the driver and other persons involved to be prosecuted for holding a fake driving licence*

If the driving licence of the driver is found to be fake, the Investigating Officer shall prosecute the driver for holding a fake driving licence and/or other persons involved in forging a fake driving licence.

9. *Un-insured vehicle not to be released to the owner*

If the offending vehicle is not covered by the policy of insurance against third party risks or the driver was not holding a valid driving licence or if the registered owner fails to furnish copy of the insurance policy or the driving licence of the driver, the motor vehicle involved in an accident resulting in death or bodily injury or damage to property shall not be released, unless and until the registered owner furnishes sufficient security to the satisfaction of the Court to pay compensation that may be awarded in a claim case arising out of such accident. On expiry of three months of the vehicle being taken in possession by the Investigating Officer, such motor vehicle shall be sold off in public auction by the Magistrate having jurisdiction over the area where accident occurred and proceeds thereof shall be deposited with the concerned Claims Tribunal within fifteen days for purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident.

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10. Duty of the police to complete the investigation of the criminal case and file the chargesheet (Report under Section 173 Cr.P.C.) before the Metropolitan Magistrate and to file DAR along with copy of the chargesheet before the Claims Tribunal within 30 days

The Investigating Officer shall complete the collection of the aforesaid documents and its verification as well as investigation of the criminal case within 30 days of the accident. The Investigating Officer shall file the report under Section 173 Cr.P.C. before the concerned Magistrate and Detailed Accidental Report (DAR) before the Claims Tribunal within 30 days of the accident. The DAR shall be accompanied by requisite documents mentioned in para 3 above. The Detailed Accident Report shall be in Form II.

11. Copy of DAR to be furnished to claimants, owner/driver of the offending vehicle, insurance company and Delhi Legal Services Authority

The Investigating Officer shall furnish the copy of the Detailed Accident Report to victim(s)/claimant(s) of the accident, owner/driver of the offending vehicle and the Insurance Company. The Investigating Officer of the Police shall also furnish a copy of Detailed Accident Report (DAR) along with complete documents to Secretary, Delhi Legal Services Authority, Central Office, Pre-Fab Building, Patiala House Courts, New Delhi. Delhi Legal Services Authority shall examine each case and assist the Claims Tribunal in determination of the just compensation payable to the claimants in accordance with law.

12. Extension of time to file DAR and Report under Section 173, Cr.P.C.

Where the Investigating Officer is unable to complete the investigation of the case within 30 days for reasons beyond his control, such as 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 has suffered grievous injuries and is

undergoing treatment, the Investigating Officer shall approach the Claims Tribunal for extension of time to file DAR/Report under Section 173 Cr.P.C. whereupon the Claims Tribunal shall extend the time as it considers appropriate in the facts of each case.

13. *Investigating Officer to seek necessary directions from the Claims Tribunal*

In the event of failure of the driver(s), owner(s), Insurance Company and/or claimants to disclose the relevant information and documents required to complete the Detailed Accident Report, the Investigating Officer shall seek necessary directions from the Claims Tribunal (Part X of the DAR format) whereupon the Claims Tribunal shall, in appropriate cases, direct the parties in default to disclose the relevant information on affidavit along with the original documents within 15 days.

14. *Duty of the Investigating Officer to produce the driver, owner, claimant and eye witnesses before the Claims Tribunal along with the DAR*

The Investigating Officer shall produce the driver, owner, claimant and eye-witnesses before the Claims Tribunal along with the DAR. However, if the Police is unable to produce the owner, driver, claimant and eye-witnesses before the Claims Tribunal on the first date of hearing for reasons beyond its control, the Claims Tribunal shall issue notice to them to be served through the Investigating Officer for a date for appearance not later than 30 days. The Investigating Officer shall give an advance notice to 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.

15. 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.

16. Examination of DAR by the Claims Tribunal

The Claims Tribunal shall examine whether the DAR is complete in all respects and shall pass an appropriate order in this regard. If the DAR is not complete, the Claims Tribunal shall direct the Investigating Officer to complete the same and shall fix a date for the said completion.

17. Claims Tribunal shall treat DAR as a claim petition for compensation

The Claims Tribunal shall treat the DAR filed by the Investigating Officer as a claim petition under Section 166(4) of the Motor Vehicles Act, 1988. However, where the Police is unable to produce the claimants on the first date of hearing, the Claims Tribunal shall initially register the DAR as a Miscellaneous Application which shall be registered as a claim petition after the appearance of the claimants. Where the claimants have filed a separate claim petition, the DAR shall be tagged to the claim petition.

18. In cases of charge of rash and negligent driving, the Claims Tribunal shall register the case under Section 166 of Motor Vehicles Act

Where the Claims Tribunal finds that the DAR and in particular the report under Section 173, Cr.P.C., annexed to such DAR has brought a charge of rash and negligent driving, the Claims Tribunal shall register the claim case under Section 166 of the Motor Vehicles Act, 1988. However, in cases where the DAR does not bring a charge of negligence or despite the charge of negligence, the Claimant(s) before the Court chose to claim No-fault basis, the Claims Tribunal shall register the claim case under Section 163A of the Motor Vehicles Act, 1988.



19. Duty of the Insurance Company to appoint a Designated Officer within 10 days of the receipt of the copy of DAR

Upon receipt of copy of the DAR, the Insurance Company shall appoint a Designated Officer within 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 amount payable to the claimants in accordance with law.

20. Duty of the Insurance Company to get DAR verified by their Surveyor/Investigator

The Insurance Company shall get the statements made in the DAR and the documents filed along with it verified through their surveyor or investigator within a period of 20 days of receipt of the copy of DAR from the Investigating Officer. The Designated Officer shall submit the report of the surveyor/investigator supported by an affidavit before the Claims Tribunal. 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 DCP concerned.

21. Duty of Insurance Company to process DAR and submit an offer for settlement within 30 days

The Insurance Company shall examine the DAR and take a decision as to the quantum of compensation payable to the claimants in accordance with law. The decision shall be taken by the Designated Officer of the Insurance Company in writing and it shall be a reasoned decision. The Designated Officer of the Insurance Company shall place the written reasoned decision before the Claims Tribunal within 30 days of the date of receipt of the copy of DAR from the Investigating Officer. The report of the Designated Officer of the Insurance Company shall be in Form - III.

22. Consent award to be passed where claimant accepts the offer of Insurance Company

The compensation assessed by the Designated Officer of the Insurance Company shall constitute a legal offer to the claimants and if the said amount is fair and acceptable to the claimants, the Claims Tribunal shall pass a consent award and shall provide 30 days time to the Insurance Company to make the payment of the award amount. However, before passing the consent award, the Claims Tribunal shall ensure that the claimants are awarded just compensation in accordance with law. The Claims Tribunal shall also pass an order with respect to the shares of the claimants and the mode of disbursement.

23. Claimants to respond to the offer of the Insurance Company within 30 days

If the claimants 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 30 days to respond to the said offer.

24. Duty of the Claims Tribunal to elicit the truth

Before passing the award on the basis of the Detailed Accident Report, the Claims Tribunal shall satisfy itself that the statements made in the DAR are true. In order to elicit the truth, the Claims Tribunal may direct the claimant(s), driver(s), owner(s) and insurance company to file their affidavit with respect to the statements made in the DAR. The Claims Tribunal may also consider examining the parties under Section 165 of the Evidence Act (Refer *Ved Prakash Kharbanda v. Vimal Bindal*, 198 (2013) DLT 555 for scope of Section 165 of the Evidence Act).

25. In case of non-settlement, the Claims Tribunal shall conduct an enquiry and pass an award within 30 day

If the offer of the Insurance Company is not fair and acceptable to the claimants 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 and shall pass an award within a period of 30 days thereafter. The Claims Tribunal shall follow the principles laid down in *Mayur Arora v. Amit*, 2011(1) TAC 878 more particularly the following: -

*"14.17. The Claims Tribunal shall also inquire and satisfy itself that the AIR relates to real accident and that is not the result of any collusion/fabrication.*

*14.18. The notice to the claimant, owner, driver and eye-witness shall be served through the Investigating Officer of the police. The notice to the Insurance Company shall be served through the nominated counsel of each company.*

*14.19. The Claims Tribunal may examine the claimant on oath to elucidate the material information (Rule 10).*

*14.20. The Claims Tribunal may visit the site of the accident for local investigation but in such event, must prepare a brief memorandum of facts observed, making it part of the record (Rule 15).*

*14.21. The Claims Tribunal may require production, of the vehicle involved in the accident for inspection (Rule 16).*

*14.22. The Claims Tribunal may summarily examine the Investigating Officer of the police, the eye-witness or any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not and whether any or all of the parties are present or not. The notice to the eye-witness be sent through the police (Rule 17).*

*14.23. The Claims Tribunal may direct the Medical Officer or the Board of Medical Officers to examine the injured and give opinion indicating the degree and extent of disability, if any suffered within 15 days of receipt of direction (Rule 18).*

*14.24. The Claims Tribunal shall obtain supplementary information and documents, which may be found necessary from the police, medical and other authorities (Rule 25).*

14.25. If the Claims Tribunal finds that the claim petition cannot be disposed of at one hearing, it shall record the reasons which necessitate the adjournment (Rule 29).

14.27. If there is no defence under Section 149 of the Motor Vehicles Act, 1998, the Claims Tribunal may direct the Insurance companies to deposit the admitted amount according to their computation with the Claims Tribunal following the principles of Order XII Rule 6 of the Code of Civil Procedure. The Tribunal shall by a summary inquiry ascertain the dependent family members/legal heirs. The jurisdictional police shall also enquire and submit the names of the dependent legal heirs.

14.43. Where the Insurance Company has computed the compensation in accordance with law without any delay, has deposited the admitted amount and has contested the case only with respect to the disputed amount or has bonafide defence, the interest should be awarded according to bank rates. However, where the Insurance Company has failed to discharge its obligations or acted capriciously or arbitrarily or negligent exercise or non-exercise of power, which has resulted in harassment and mental suffering to the claimant, the Claims Tribunal may consider awarding higher interest in terms of the judgment of the Apex Court in the case of Ghaziabad Development Authority v. Balbir Singh, 11(2004) CPJ 12 (SC).

14.47. While conducting the inquiry, the Claims Tribunal must be on guard against fanciful or false claims. The victims may deserve sympathy, but the matter has to be approached and decided according to law. Incidence of exaggerated or false claims has to be deftly dealt with. In appropriate cases, the Claims Tribunal should not hesitate to lodge a complaint under Section 340 Cr.P.C. Similarly, the Insurance Company which puts forward an evasive or irresponsible defence is liable to be burdened with costs, but where the defence is found to be false, similar action ought to be taken against them. In order to ensure efficiency of procedures and accuracy of the result (determination of the amount), purity in the information received by the Claims Tribunal and veracity of the documents that are placed before the Tribunal, whatever be the source must be brought about."

26. Examination of the claimants before passing of the award

Before or at the time of passing of the award, the Claims Tribunal shall examine the claimants to ascertain their financial condition/needs to determine their share, mode of disbursement, amount to be kept in fixed deposit and period of fixed deposit. The Claims Tribunals shall also ascertain the complete address and Bank Account details of the claimants. The Claims Tribunal shall take on record the following documents from the claimants:

- (i) Proof of residence;
- (ii) Details of the Bank Account of the Claimants; and
- (iii) Two sets of photographs and specimen signatures of the claimants.

27. Deposit of the award amount

In the award, the Claims Tribunal shall specifically direct the Insurance Company and/or the owner/driver, as the case may be, to deposit the award amount with the Tribunal and/or the Bank along with the interest upto the date of notice of deposit to the claimants with a copy to their counsel within 30 days of the award. The names and addresses of the claimants and their counsel for issuance of notice of deposit be mentioned in the award. If the award amount has been directed to be deposited by the Insurance Company with the bank, copy of the award be sent to the Nodal Officer of the Bank along with the Court stamped copy of the photographs, specimen signatures, proof of residence and bank account details of the claimants. In case of direction to deposit the award amount directly with the Bank, the Claims Tribunal shall direct the cheque be issued in the name of the Bank so that the award amount can interest till the claimant approaches the Bank.

28. 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 in phased manner (for example, if a sum of Rs.5,50,000/- has been awarded to the claimants, Rs.50,000/- may be released immediately and the remaining amount of Rs.5,00,000/- may be kept in 10 fixed deposits of Rs.50,000/- each for a periods of six months, one year, one and a half years, two years and so on till five years or one year, two years, three years and so on till ten years). The Claims Tribunal may also consider imposing following conditions with respect to the fixed deposits:-

- (i) The interest on the fixed deposits be paid monthly to the Claimant(s).
- (ii) The monthly interest be credited automatically in the saving account of the claimant(s).
- (iii) Original fixed deposit receipts be retained by the bank in safe custody. However, a passbook of the FDRs be given to the claimant(s) along with the photocopy of the FDR. At the time of maturity, the fixed deposit amount shall be automatically credited in the savings bank account of the Claimant(s).
- (iv) No cheque book be issued to the claimant(s) without permission of the Court. However, a photo identity card be issued to the claimant(s) and the withdrawal be permitted upon production of the identity card.
- (v) No loan, advance or withdrawal be allowed on the fixed deposits without permission of the Court.
- (vi) The Bank shall not permit any joint name(s) to be added in the savings bank account or fixed deposit accounts of the victim.
- (vii) Half yearly statement of account be filed by the Bank in the Tribunal.

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

In order to implement the new provisions for payment of compensation to the victim of the road accident within 90 days to 120 days of the accident, in true letter and spirit, the Claims Tribunal shall deal with the compliance of the new provisions in the award, especially as to whether there has been any delay or deficiency on the part of the Investigating Officer of the Police and/or the Designated Officer of the Insurance Company. In the event of any delay or deficiency on the part of the Investigating Officer of the Police, the Claims Tribunal may consider recommending adverse entry to be made in the service record of the concerned officer. In case of delay or deficiency on the part of the Designated Officer of the Insurance Company, the Claims Tribunal may consider recommending adverse entry to be made in the service record of the concerned officer or impose cost/penal interest to be recovered from the salary of the officer in default. The format of the check list of the issues required to be dealt with by the Claims Tribunal in its award shall be in Form IV.

30. Claims Tribunal shall fix a date for reporting compliance

- (i) The Claims Tribunal shall fix a date for reporting compliance in the award itself. The Claims Tribunal shall also direct the Insurance Company and/or driver or owner to place on record the proof of deposit of the award amount, the notice of deposit and the calculation of interest on the date fixed. Upon such proof being filed, the Claims Tribunal shall ensure that the interest upto date of notice of deposit has been deposited by all concerned.
- (ii) If the award amount is not deposited within the stipulated period, the Claims Tribunal shall attach the bank account of the insurance

company in terms of principles laid down in *New India Assurance Company Ltd. v. Kashmiri Lal*, (2005) 125 DLT 571.

(iii) 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 claimants to revive it after the decision of the appeal.

31. **Copy of the Detailed Accident Report (DAR) as well as the Award to be sent to the concerned Metropolitan Magistrate**

(i) The Investigating Officer shall submit a copy of the Detailed Accident Report (DAR) before the concerned Metropolitan Magistrate within one week of submitting the same before the Claims Tribunal. The Investigating Officer shall also submit the copy of the award before the concerned Metropolitan Magistrate within one week of the passing of the award.

(ii) The Claims Tribunal shall also send a certified copy of the award to the concerned Metropolitan Magistrate.

32. **Copy of the award to be sent to the Delhi Legal Services Authority.**

The Claims Tribunal shall send a certified copy of the award to the Delhi Legal Services Authority. In the event of delay in passing of the award caused due to delay or deficiency on the part of the Investigating Officer or the Designated Officer of the Insurance Company, the Delhi Legal Services Authority shall take up the matter with the Police and/or Insurance Company, as the case may be.

33. **Format of the record of awards of the Claims Tribunal**

The record of the awards passed by the Claims Tribunals shall be maintained in 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 payment of their award has been received or not. The format of the record of the awards is Form V.



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**FORMATS**

**FORM-I**

**INTIMATION OF THE ROAD ACCIDENT BY THE INVESTIGATING OFFICER TO THE CLAIMS TRIBUNAL AND THE INSURANCE COMPANY**

1.	FIR No, date and under Section	
2.	Name of the Police Station	
3.	Date, time and place of the accident.	
4.	Source of Information (Name, Address & Tel. No.) (a) Driver/Owner (b) Victim (c) Witness (d) Hospital/Medical Facility	
5.	Nature of the accident: (a) Whether resulted in death or injury or both? (b) Number of persons injured/died (c) In case of Injuries, whether simple or greivous?	
6.	Name and address of the injured/deceased	
7.	Details of the hospital where taken	
8.	Registration of the vehicle(s) involved in the accident	
9.	Name, address and contact no. of the owner of the offending vehicle(s)	
10.	Name, address and contact no. of the driver of the vehicle(s)	
11.	Insurance Policy Number	
12.	Period Of Insurance Policy	
13.	Name and address of the Insurance Company	
14.	Name and contact no. of the Investigating Officer	

S.H.O./I.O. ....

P.S. ....

Date.....

Enclosed- Copy of the FIR  
FAO 842/2003 & MAC. APP. 422/2009

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**FORM- II**  
**DETAILED ACCIDENT REPORT" (DAR)**

<b>PART I</b>	
<b><u>PARTICULARS OF THE ACCIDENT</u></b>	
S. No.	
1.	FIR No., date and under Section
2.	Name of the Police Station
3.	Offences as per report under Section 173 CrPC
4.	Date, time and place of accident
5.	Who reported the accident to the Police? (Give name, address & contact no.) (a) Driver/Owner (b) Victim (c) Witness (d) Hospital/Medical facility
6.	Name of the person who took the victim to the hospital, name of the hospital and at what time
7.	Whether any hospital denied treatment to the victim?
8.	Nature of the accident: (a) Whether resulted in death or injury or both? (b) Number of persons injured/died
9.	Particulars of the offending vehicle(s)
10.	Number of persons in the offending vehicle(s)
11.	Whether the victim was: (a) Pedestrian/ bystander (b) Cyclist (c) Scooterist (d) Travelling in a vehicle. If so, whether at driving seat, back seat, front seat, side car, travelling at rear guard cargo area, etc. (e) Victim's vehicle no. (f) No. of persons in the victim's vehicle
12.	Name and contact no. of the Investigating Officer

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13.	Names of witnesses of the accident	
14.	Brief description of the accident	
<b>PART II</b> <b>SITE PLAN</b>		
15.	Date of preparation of the site plan	
16.	<b>Site Plan shall indicate:</b> <ul style="list-style-type: none"><li>(i) Place of accident</li><li>(ii) Position of vehicle(s)</li><li>(iii) Position of victim(s)</li><li>(iv) Skid marks</li><li>(v) Road – Whether one way or two way</li><li>(vi) Lane in which the accident took place</li><li>(vii) Permissible speed limit on the road at the site of the accident</li><li>(viii) Whether traffic control such as presence of police officer, road markings, warning sign, stop sign were there?</li><li>(ix) Location of zebra crossing or pedestrian zone</li><li>(x) Whether near traffic lights? If so, whether functional?</li><li>(xi) Distance of speed breakers, if any, from the spot of accident</li><li>(xii) Width and type of road – national highway/city road/expressway/rural road, etc.</li><li>(xiii) <u>Direction of the vehicle(s):</u><ul style="list-style-type: none"><li>(a) Same direction (rear end)</li><li>(b) Same direction (side swipe)</li><li>(c) Right angle</li><li>(d) Opposite direction (angular)</li><li>(e) Opposite direction side swipe</li><li>(f) Struck parked vehicle</li><li>(g) Left turn</li><li>(h) U-turn reversing.</li></ul></li><li>(xiv) <u>Directions of movement of the Vehicle</u></li></ul>	

(a)	North
(b)	East
(c)	South
(d)	West
(xv)	<u>Road Divided by</u>
(a)	Barrier Median
(b)	Curbed Median
(c)	Grass Median
(d)	Painted Median
(e)	None
(xvi)	<u>Light Condition</u>
(a)	Daylight
(b)	Dusk
(c)	Dark (No Street Lights)
(d)	Dark (Street Lights On, Spot)
(e)	Dawn
(f)	Dark (Street Lights Off)
(g)	Dark (Street Lights On, Continuous)
(xvii)	<u>Visibility/Environmental Condition</u>
(a)	Clear
(b)	Fog/Smog/Smoke
(c)	Snow
(d)	Severe Crosswinds
(e)	Rain
(f)	Blowing Sand or Dirt
(g)	Sun Glare
(xviii)	<u>Road Character</u>
(a)	Straight and Level
(b)	Straight and Grade
(c)	Straight and Hillcrest
(d)	Curve and Level
(e)	Curve and Grade
(f)	Curve and Hillcrest
(g)	Under construction/maintenance
(xix)	<u>Road Surface Type</u>
(a)	Concrete
(b)	Blacktop
(c)	Gravel
(d)	Steel Grid
(e)	Dirt
(f)	Pot Holes
(g)	Cave in
(h)	Construction Material on Road
(xx)	<u>Road Surface Condition</u>
(a)	Dry
(b)	Wet
(c)	Snowy
(d)	Water (standing /moving)
(e)	Sand, mud, dirt

<ul style="list-style-type: none"> <li>(f) Oil</li> <li>(xxi) <u>Airbag Deployment</u> <ul style="list-style-type: none"> <li>(a) Front</li> <li>(b) Side</li> <li>(c) Multiple</li> <li>(d) None</li> </ul> </li> <li>(xxii) <u>Ejection from Vehicle</u> <ul style="list-style-type: none"> <li>(a) Not ejected</li> <li>(b) Ejected</li> <li>(c) Partial Ejection</li> <li>(d) Trapped</li> </ul> </li> <li>(xxiii) <u>Temporary Traffic Zone</u> <ul style="list-style-type: none"> <li>(a) None</li> <li>(b) Construction zone</li> <li>(c) Maintenance Zone</li> <li>(d) Utility Zone</li> <li>(e) Incident Zone</li> </ul> </li> <li>(xxiv) <u>Total Number of entities involved in the crash</u></li> </ul> <p><b>Crash Type:</b></p> <p>With other motor vehicle as first event:</p> <ul style="list-style-type: none"> <li>(a) Same Direction (Rear End)</li> <li>(b) Same Direction (Slide Sweep)</li> <li>(c) Right Angle</li> <li>(d) Opposite Direction (Hereon, Angular)</li> <li>(e) Opposite Direction (Slide Sweep)</li> <li>(f) Struck Parked Vehicle</li> <li>(g) Left Turn/U Turn</li> <li>(h) Backing</li> <li>(i) Encroachment</li> </ul> <p>With below as first event:</p> <ul style="list-style-type: none"> <li>(a) Overturn</li> <li>(b) Fixed Object</li> <li>(c) Animal</li> <li>(d) Pedestrian</li> <li>(e) Pedal Cyclist</li> <li>(f) Non-fixed Object</li> <li>(g) Railcar Vehicle</li> </ul>	
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**PART - III**

**PARTICULARS OF THE DRIVER(S)**

**(In case of more than one driver, submit separate Part III for each driver)**

17.	Name, address and contract no. of the driver	
18.	Age	
19.	Gender	
20.	Education	
21.	Occupation	

22.	Family	
23.	Income (monthly)	
24.	Account No. with name and address of the Bank in which the driver is maintaining his account	
25.	<b>Driving licence:</b> (a) Driving License No. (b) Whether learner license? (c) Period of validity (d) Issued by (e) Class of vehicle (f) Whether license suspended or cancelled?	
26.	<b>In case of learner's licence:</b> (a) Whether driving under supervision (b) Whether driving with lapsed learner license	
27.	Whether driver is the owner/paid driver/otherwise?	
28.	Whether driving with the knowledge / consent of the owner?	
29.	Whether driving under influence of liquor/drugs? Whether finding based on scientific report?	
30.	(a) Whether the driver reported the accident to the police/family of the victim? (b) Whether the driver took the victim to the hospital? (c) Whether the driver visited the victim at the hospital? (d) Whether the driver remained at the spot till arrival of the police? (e) Whether the driver did not remove the offending vehicle from the spot till the arrival of the police? (f) Whether the driver paid compensation/medical compensation to the victim/his family? (g) Whether the driver cooperated in investigation? (h) Whether the driver also suffered injuries in the accident? (i) Whether discharged duty under Section 132 & 134	

	of the MV Act, 1988? (j) If not, whether the driver has been prosecuted under Section 187 MV Act, 1988?	
31.	Whether the driver fled from the spot? If so, the date on which he appeared before the police/Court or was arrested?	
32.	Any other relevant information relating to the driver	
<b>PART IV</b> <b><u>PARTICULARS OF THE OFFENDING VEHICLE (S)</u></b> (In case of more than one vehicle, submit separate Part IV for each vehicle)		
33.	(a) Registration No. (b) Colour (c) Make (d) Model (e) Year (f) Engine No. (g) Chasis No. (h) Address of the Registering Authority (i) Private or Commercial (public service vehicle, goods carriage/educational institution bus)	
34.	Name, address, occupation and contact number of the owner: (a) In case of company, person in charge in terms Section 199 of the MV Act, 1988 (b) In case of sale of the vehicle, give particulars of the purchaser and date of transfer	
35.	In case of commercial vehicle: (a) Particulars of fitness (b) Particulars of permit	
36.	Whether driver employed on monthly or daily basis? Attach the proof of employment of driver such as appointment letter, salary slip, duty register or other relevant documents	
37.	In case the driver fled from the spot, did the owner produce the driver before the police? If so, when? Attach the copy of the notice under Section 133 MV	

	Act, 1988 and its reply.	
38.	Whether the owner reported the accident to the Insurance Company? If so, when?	
39.	Whether the owner co-operated in the investigation?	
40.	(a) Whether the owner discharged his duties under Section 133 and 134 MV Act, 1988? (b) If so, whether the owner prosecuted under Section 187 MV Act, 1988?	
41.	In the case of un-insured vehicle: (a) Whether the owner/driver prosecuted under Section 196 of the MV Act, 1988? (b) Whether the owner/driver made payment of compensation to the victim or his family? Give particulars, if available.	
<b>PART - V</b>		
<b><u>PARTICULARS OF THE INSURANCE OF THE VEHICLE(S)</u></b>		
42.	Policy Number	
43.	Period of policy	
44.	Issued by (give name and address of the Insurance Company)	
45.	Nature of policy i.e. Third party or comprehensive	
46.	Name, address and contact number of the Designated Officer of the Insurance Company	
47.	Date of intimation of the accident by the Investigating Officer to the Insurance Company	
48.	Date of appointment of the Designated Officer by the Insurance Company	
49.	Account no. with name and address of the Bank in which the Insurance company is having its account	
<b>PART VI</b>		
<b><u>MECHANICAL INSPECTION OF ALL VEHICLES INVOLVED IN THE ACCIDENT</u></b>		
50.	Name and qualification of the Mechanical Officer	
51.	Date of mechanical inspection of the Vehicle(s)	
52.	Date of mechanical inspection report(s)	
53.	Whether the mechanical inspection report is in terms of	



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	Annexure -A? If no, give reasons thereof.	
54.	Whether any delay in mechanical inspection or submitting report? If so, give reasons thereof.	
<b>PART - VII</b> <b><u>IMPACT OF THE ACCIDENT ON THE VICTIM(S)</u></b> <b>(In case of more than one victim, submit separate Part VII for each victim)</b>		
55.	<b><u>Death Cases:</u></b> (a) Name and address of the deceased (b) Age (c) Gender (d) Education (e) Occupation (f) Income (monthly) (g) Legal heirs/Guardian: (i) Name (ii) Relationship (iii) Age (iv) Address (v) Contact No.	
56.	<b><u>Injury Cases:</u></b> (a) Name and address of injured (b) Age (c) Gender (d) Education (e) Occupation (f) Income (monthly) (g) Details of family/dependents of the victim. (h) MLC No. (i) Nature of injuries (j) Name of hospital(s) where injured treated? (k) Whether victim refused medical treatment (l) Period of hospitalization (m) Period of treatment (n) Whether treatment continuing (o) Name, address and contact number of the	

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	doctor(s) who treated the injured	
	(p) Whether injured underwent any surgery(s)? If so, give particulars?	
	(q) Whether suffered any permanent disability? If yes, give details	
	(r) Expenditure incurred on treatment, conveyance, special diet, attendant etc. Give details, if available	
	(s) Whether the injured got reimbursement of medical expenses from his employer or under a mediclaim policy. Give details, if available	
	(t) Whether the injured provided cashless treatment by the Insurance Company? Give details, if available	
57.	Any other relevant information	
<b>PART - VIII</b>		
<b><u>APPARENT CONTRIBUTING CIRCUMSTANCES</u></b>		
58.	Driving without valid driving licence	
59.	Driving while disqualified	
60.	Learner driving without supervision	
61.	Vehicle not insured	
62.	Driving a stolen vehicle	
63.	Vehicle taken out without the consent of the owner	
64.	Driving dangerously or at excessive speed	
65.	Under influence of liquor or drugs. Give quantity/parameters/ recovery, if available	
66.	Dangerously loaded vehicle	
67.	Parking on the wrong side of the road	
68.	Parking at prohibited places	
69.	Non-observance of traffic rules	
70.	Poorly maintained vehicle	
71.	Fake/forged driving license	
72.	Previous conviction(s)/past history of bad driving	
73.	<b><u>Driving Aggressively:</u></b> (a) Jumped red light (b) Abrupt braking. (c) Neglected to keep to the left of the road	

	<ul style="list-style-type: none"> <li>(d) Driving criss-cross</li> <li>(e) Driving too close to the vehicle in front</li> <li>(f) Persistent inappropriate attempts to overtake</li> <li>(g) Cutting in after overtaking.</li> <li>(h) Racing/competitive driving</li> <li>(i) Crossing speed limit</li> <li>(j) Disregarding any warnings</li> <li>(k) Driving on the wrong side</li> <li>(l) Overtaking where prohibited</li> <li>(m) Driving with loud music</li> <li>(n) Improper reversing</li> <li>(o) Improper passing</li> <li>(p) Improper turning</li> <li>(q) Driving in no entry hours</li> <li>(r) Not slowing down at crossing/road junction</li> <li>(s) Turning without indication</li> <li>(t) Not respecting stop sign on road surface</li> <li>(u) Not respecting right of way to pedestrian</li> <li>(v) Using mobile phone while driving</li> </ul>	
74.	<p><b>Irresponsible behavior:</b></p> <ul style="list-style-type: none"> <li>(a) Failing to stop after accident</li> <li>(b) Ran away from the spot after leaving the vehicle</li> <li>(c) Destruction or attempt to destroy the evidence.</li> <li>(d) Falsely claiming that one of the victims was responsible for the accident</li> <li>(e) Trying to throw the victim off the bonnet of the vehicle by swerving in order to escape</li> <li>(f) Causing death/injury in the course of dangerous driving post commission of crime or chased by police in an attempt to avoid detection or apprehension.</li> <li>(g) Offence committed while the offender was on bail.</li> <li>(h) Misled the investigation</li> <li>(i) Post accident road rage behaviour, give details.</li> </ul>	

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75.	Any other contributing factor	
<b>PART IX</b>		
<b><u>OTHER OFFENCES COMMITTED AT THE SAME TIME</u></b>		
76.	(a) Sections 3/181- Driving without license	
	(b) Sections 4/181- Driving by minor	
	(c) Sections 5/181- Allowing unauthorized person to drive	
	(d) Sections 56/192- Without fitness	
	(e) Sections 66(1)/192A - Without permit	
	(f) Sections 112/183(1)- Over speed	
	(g) Sections 113/194- Over loading	
	(h) Sections 119/177- Jumping red light	
	(i) Sections 119/277- Violation of mandatory signs (One way, No right turn, No left turn)	
	(j) Sections 122/177- Improper obstructive parking	
	(k) Sections 146/196 Without insurance	
	(l) Section 177/RRR17(1)- Violation of "One way"	
	(m) Section 177/RRR29- Carrying High/Long Load	
	(n) Section 177/CMVR 138(3) - Not using seat belt	
	(o) Section 177/RRR6- Violation of "No overtaking"	
	(p) Section 177/CMVR 105- Without light after sunset	
	(q) Section 179- Misbehaviour with police officer	
	(r) Section 184- Driving dangerously	
	(s) Section 184- Using mobile phone while driving	
	(t) Section 185- Drunken driving/under influence of drugs	
	(u) Section 187- Violation of Sections 132(1)(c), 133 and 134	
	(v) Any other offence	

**PART X**  
**DIRECTIONS REQUIRED FROM CLAIMS TRIBUNAL**

77.	<p>The driver(s) involved in the accident have not furnished information mentioned in para(s) _____ [para(s) 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 41(b) of Part III] and the documents mentioned in para(s) _____ [para(s) 91, 92, 93, 94, 95, 96, 97 of Part XI].</p> <p>The driver(s) may be directed to furnish the requisite information on affidavit along with the original documents before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)</p>
78.	<p>The owner(s) of the vehicles involved in the failed to furnish the information mentioned in para(s) _____ [para(s) 34, 35, 36, 38, 40 and 41(b)] of Part IV and have not produced the documents mentioned in para(s) _____ [para(s) 92, 93, 94, 95, 96 and 97] of Part XI.</p> <p>The owner(s) may be directed to disclose the requisite information on affidavit along with the original documents before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)</p>
79.	<p>The Insurance Company has failed to disclose information para(s) _____ [para(s) 46, 47, 48, 49] of Part V.</p> <p>The Insurance Company may be directed to disclose the requisite information on affidavit along with the original documents before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)</p>
80.	<p>The claimant(s) have failed to disclose the information mentioned in para(s) _____ [para(s) 55 and 56] of Part VII and the documents mentioned in para(s) _____ [para(s) 101 and 102] of Part XI.</p> <p>The claimant(s) may be directed to disclose the requisite information on affidavit along with the</p>

	original documents before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)	
81.	The registration authority have failed to verify documents (registration certificate, driving licence, fitness and permit) within 15 days of the application in terms of Clause 5 of the modified Claims tribunal Agreed Procedure and, therefore, necessary directions be issued to the registration authority to produce the same before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)	
82.	_____ Hospital has failed to issue (MLC/Post Mortem Report) within 15 days of the accident in terms of Clause 6 and, therefore, the necessary directions be issued to the Hospital to produce the same before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)	
83.	Specify any other direction that may be necessary.	
<b>PART - XI</b>		
<b><u>RELEVANT DOCUMENTS TO BE ATTACHED</u></b>		
84.	First Information Report	
85.	Site plan in terms of Para 16	
86.	Photographs of the scene of accident from all angles.	
87.	Photographs of all the vehicles involved in the accident from all angles	
88.	Photograph and admitted signature of the driver(s) of the offending vehicle(s)	
89.	Photograph and specimen signature of the owner(s) of the offending vehicle	
90.	Mechanical Inspection Report in format of Annexure A.	
91.	Driving license of the driver	
92.	Proof of employment of driver such as appointment letter, salary slips, duty register etc.	
93.	Registration certificate of the offending vehicle(s)	
94.	In case of transfer of vehicle, sale documents,	

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	possession letter or any other document relating to transfer, if any	
95.	Insurance Policy of the offending vehicle(s)	
96.	Permit (for commercial vehicle)	
97.	Fitness Certificate (for commercial vehicle)	
98.	Report under Section 173 Cr.P.C.	
99.	Statements of the witnesses recorded by the police	
100.	Scientific report, if the driver was under the influence of liquor/drugs	
101.	<b><u>In case of Death</u></b> (a) Post Mortem Report (b) Death certificate (c) Photograph and proof of the identity of the dead (d) Proof of age of the deceased which may be in form of : (i) Birth certificate (ii) School certificate (iii) Certificate from gram panchayat (in case of illiterate) (e) Proof of Occupation and income of the deceased which may be in form of : (i) Pay slip/salary certificate for salaried employees. (ii) Bank statements of the last six months. (iii) Income Tax Returns (iv) Balance Sheets (f) Proof of the legal representatives of the deceased (i) Names (ii) Age (iii) Address (iv) Relationship (v) Contact no. (g) Photographs, specimen signatures attested by the bank and identity proof of the legal representatives of the deceased (h) Treatment record, medical bills and other expenditure (i) Bank Account no. of the legal representatives of the deceased with name and address of the bank	
102.	<b><u>In case of Injury</u></b> (a) MLC (b) Multi angle photographs of the injured (c) Photographs, specimen signatures attested by the bank and identity proof of the injured (d) Proof of age of the injured which may be in form of :	

	<ul style="list-style-type: none"> <li>(i) Birth certificate</li> <li>(ii) School certificate</li> <li>(iii) Certificate from Gram Panchayat (in case of illiterate)</li> </ul> <p>(e) Proof of occupational income of the injured at the time of the accident which may be in form of:</p> <ul style="list-style-type: none"> <li>(i) Pay slip/salary certificate for salaried employees.</li> <li>(ii) Bank statements of the last six months of the deceased.</li> <li>(iii) Income Tax Returns</li> <li>(iv) Balance Sheets</li> </ul> <p>(f) Treatment record, medical bills and other expenditure – In case of long term treatment, the SHO/IO shall also record the details so that the claimant may furnish documents before the Claims Tribunal.</p> <p>(g) Disability certificate</p> <p>(h) Proof of absence from work where loss of income on account of injury is being claimed, which may be in the form of:</p> <ul style="list-style-type: none"> <li>(i) Certificate from the employer.</li> <li>(ii) Extracts from the attendance register</li> </ul> <p>(i) Proof of reimbursement of medical expenses by employer or under a Medclaim policy, if taken</p>	
103.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the driver as mentioned in para 77 above	
104.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the owner as mentioned in para 78 above	
105.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the Insurance Company as mentioned in para 79 above	
106.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the claimants as mentioned in para 80 above	
107.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the registration authorities as mentioned in para 81 above	
108.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the hospital as mentioned in para 82 above	
109.	Any other relevant document(s)	



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VERIFICATION

Verified at \_\_\_\_\_ on this \_\_\_\_\_ of \_\_\_\_\_, that the contents of the above report are true and correct as per information and documents gathered during investigation.

Station House Officer  
(Name and Stamp)

Assistant Commissioner of Police  
(Name and Stamp)

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**ANNEXURE 'A' TO DETAILED ACCIDENT REPORT (DAR)**

**FORMAT OF THE MECHANICAL INSPECTION REPORT**

**(Submit separate Mechanical Inspection Report for each vehicle)**

1.	Case FIR No	
2.	Under Section	
3.	Police Station	
4.	Registration No. of the vehicle	
5.	Make, Model Name, Colour & Type of Vehicle	
6.	In case of HTV/MGV/LGV	
	(a) Whether Lateral Under Run Protective Device (LUPD) & Rear Under Run Protective Device (RUPD) installed? (For vehicle weighing 3.5 ton or more)	
	(b) Whether speed governor installed & functional or otherwise?	
7.	In case of commercial vehicle :	
	(a) Particulars of fitness	
	(b) Particulars of permit	
8.	Point of impact and damage	
9.	Mechanical condition of the vehicle	
10.	Paint marks (if any)	
11.	Condition of braking System i.e. working or not?	
12.	Whether the vehicle fitted with Anti-lock Braking System (ABS)?	
	(a) If yes, whether it is functioning or not?	
	(b) Whether trials regarding skid marks of ABS fitted vehicle have been carried out to estimate the speed of the vehicle	
13.	Whether vehicle modified by	
	(a) Installing CNG/LPG Kit	
	(b) Change of vehicle body	
14.	Condition of tyres – whether original or retreaded?	
15.	Whether horn was installed and functional?	
16.	Whether the brake lights & other lights functional?	

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17. 18. 19. 20. 21. 22.	Condition of safety bags in the vehicle Whether the vehicle properly maintained Whether the vehicle had faulty number plate? Whether the vehicle had tinted glasses? If the vehicle was educational institution bus, whether the vehicle was fitted with the doors that can be shut and whether the vehicle had a suitable inscription to indicate that they are in the duty of an educational institute, as per the guidelines laid down in MC Mehta v. Union of India, (1998) 1 SCC 676 and MC Mehta v. Union of India (1999) 1 SCC 413? Details of damage on the vehicle	
Date	Mechanical Officer (Name & Stamp)	SHO (Name & Stamp)

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**FORM- III**

**REPORT OF THE DESIGNATED OFFICER  
OF THE INSURANCE COMPANY**

(To be filed within 30 days of the receipt of the copy of the  
DAR from the Investigating Officer)

**PART-I**

1.	Date of the accident	
2.	Date of intimation of the accident by the Investigating Officer to the Insurance Company	
3.	Date of receipt of DAR from the Investigating Officer	
4.	Date of appointment of the Designated Officer by the Insurance Company	
5.	Name and particulars of the Designated Officer	
6.	Date of appointment of the Surveyor/Investigator by the Insurance Company	
7.	Name and particulars of the Surveyor/Investigator	
8.	Date of report of the Surveyor/Investigator	
9.	Date of decision of the Designated Officer	
10.	Date of submission of the report of the Designated Officer before the Claims Tribunal	
11.	Whether the report has been filed within 30 days of the receipt of DAR? If no, give reasons.	

**PART-II**

**COMPUTATION OF COMPENSATION IN DEATH CASES**

12.	Name of the deceased	
13.	Age of the deceased	
14.	Occupation of the deceased	
15.	Income of the deceased	
16.	Name, age and relationship of legal representatives of deceased	

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17.	Documents considered	
	(i) Proof of age	
	(ii) Proof of occupation and income	
	(iii) Proof of age of legal representative	
	(iv) Other relevant documents	
18.	Computation of compensation	
	(i) Income of the deceased (A)	
	(ii) Add-Future Prospects (B)	
	(iii) Less-Personal expenses of the deceased (C)	
	(iv) Monthly loss of dependency [(A+B) - C = D]	
	(v) Annual loss of dependency (D x 12)	
	(vi) Multiplier (E)	
	(vii) Total loss of dependency (D x 12 x E = F)	
	(viii) Compensation for loss of love and affection (G)	
	(ix) Compensation for loss of consortium (H)	
	(x) Compensation for loss of estate (I)	
	(xi) Compensation towards funeral expenses (J)	
	<b>TOTAL COMPENSATION (F + G + H + I + J)</b>	
<b>PART-III</b>		
<b>COMPUTATION OF COMPENSATION IN INJURY CASES</b>		
19.	Name of the victim	

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20.	Age of the victim	
21.	Occupation of the victim	
22.	Income of the victim	
23.	Nature of injury	
24.	Medical treatment taken by the victim	
25.	Whether any permanent disability? If yes, give details.	
26.	Computation of compensation	
<b>Pecuniary Loss:</b>		
	(i) Expenditure on treatment	
	(ii) Expenditure on conveyance	
	(iii) Expenditure on special diet	
	(iv) Cost of nursing/attendant	
	(v) Loss of earning capacity	
	(vi) Loss of income	
	(vii) Any other loss which may require any special treatment or aid to the injured for the rest of his life	
<b>Non-Pecuniary Loss:</b>		
	(viii) Compensation for mental and physical shock	
	(ix) Pain and suffering	
	(x) Loss of amenities of life	
	(xi) Disfiguration	
	(xii) Loss of marriage prospects	
	(xiii) Loss of earning,	

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inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life etc.	
<b>TOTAL COMPENSATION</b>	
<p style="text-align: center;"><u>Verification:</u></p> <p>Verified at _____ on this _____ day of _____ that the contents of the above report are true and correct. I am well conversant with the principles of computation of compensation and have applied the same to compute the compensation.</p> <p style="text-align: right;">DESIGNATED OFFICER</p>	

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FORM-IV

COMPLIANCE OF THE PROVISIONS OF THE MODIFIED CLAIMS TRIBUNAL AGREED PROCEDURE TO BE MENTIONED IN THE AWARD

1.	Date of the accident	
2.	Date of intimation of the accident by the Investigating Officer to the Claims Tribunal. (Clause 2)	
3.	Date of intimation of the accident by the Investigating Officer to the Insurance Company. (Clause 2)	
4.	Date of filing of Report under Section 173 Cr.P.C. before the Metropolitan Magistrate. (Clause 10)	
5.	Date of filing of Detailed Accident Information Report (DAR) by the Investigating Officer before Claims Tribunal. (Clause 10)	
6.	Date of service of DAR on the Insurance Company. (Clause 11)	
7.	Date of service of DAR on the claimant(s). (Clause,11)	
8.	Whether DAR was complete in all respects? (Clause 16)	
9.	If not, state deficiencies in the DAR	
10.	Whether the police has verified the documents filed with DAR? (Clause 4)	
11.	Whether there was any delay or deficiency on the part of the Investigating Officer? If so, whether any action/direction warranted?	
12.	Date of appointment of the Designated Officer by the Insurance Company. (Clause 19)	
13.	Name, address and contact number of the Designated Officer of the Insurance Company. (Clause 19)	
14.	Whether the Designated Officer of the Insurance Company submitted his report within 30 days of the DAR? (Clause 21)	
15.	Whether the Insurance Company admitted the liability? If so, whether the Designated Officer of the	