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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ FAO 842/2003 & CM APPL.32859/2017, 41125-41127/2017, 35516-35517/2018, 46426/2018

RAJESH TYAGI & ORS. .... Appellants

Through: Mr.Satyam Thareja, Advocate as  
amicus curiae  
Mr.Pankaj Gupta, Advocate as  
amicus curiae.

versus

JAIBIR SINGH & ORS. .... Respondents

Through: Mr.Kirtiman Singh, CGSC for UOI  
with Mr.Waize Ali Noor, Advocate  
Mr.Lalit Bhasin, Ms.Ratna Dhingra,  
Ms.Chandni Sadana, Mr.Ajay Pratap  
Singh, Advocates for Indian Bank  
Association.  
Mr.Rahul Mehra, Standing Counsel  
for GNCTD with Mr.Tushar Sannu,  
Advocate  
Mr.Shoumik Mazumdar, Advocate  
for National Insurance Company,  
United India Insurance, New India  
Assurance Co. Ltd.  
Mr.Navneet Kumar, Mr.Vikas  
Bhadana, Advocates for Bharti Axa  
General Insurance Company Ltd.,  
Magna HAI General Insurance  
Company  
Mr.A.K. Soni, Mr.Pavan Kumar,  
Advocate for HDFC in CM  
No.35516-17/2018  
Mr.D.K. Nag, Advocate for IRDA  
Mohd. Sakim, Advocate for  
Mr.Sameer Nandwani, Advocate  
Mr.Kamal Mehta, Advocate for  
Insurance Information Bureau of  
India

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**  
**07.12.2018**

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1. Mr. Lalit Bhasin, learned counsel for Indian Bank Association has handed over copies of the operative documents of 21 Banks which have implemented Motor Accident Claims Annuity Deposit Scheme (MACAD Scheme) approved by this Court on 01<sup>st</sup> May, 2018. The compilations of the operative documents of 21 banks are taken on record. Learned counsel for the Indian Bank Association shall furnish the sets of the operative documents to the Registrar General for being circulated to all the Claims Tribunals.
2. The Registrar General is directed to circulate the aforesaid compilation to all the Claims Tribunals for being implemented forthwith. The Claims Tribunals shall disburse the awarded amount to the claimants in a phased manner in terms of the order dated 01<sup>st</sup> May, 2018 and the award amount be disbursed through MACAD Scheme.
3. All the Banks are directed to appoint a Nodal Officer within four weeks. Learned counsel for the IBA shall compile the list of all the Nodal Officers of the Banks with their respective addresses, phone numbers as well as e-mail addresses and submit the same to the Registrar General who shall circulate the list of Nodal Officers to all the Claims Tribunals. The Nodal Officer of each Bank shall ensure the implementation of the MACAD Scheme by their branches. The Claims Tribunal shall send the copy of the disbursement order by e-mail to the Nodal Officer of that Bank who shall ensure the disbursement by the Bank within three weeks of the receipt of the e-mail.
4. The Indian Bank Association and Delhi State Legal Services Authority shall give adequate publicity to MACAD Scheme in the print as well as digital media.

5. Claims Tribunal Agreed Procedure in terms of the order dated 15<sup>th</sup> December, 2017 is further modified to incorporate the directions contained in orders dated 18<sup>th</sup> January, 2018, 09<sup>th</sup> March, 2018, 01<sup>st</sup> May, 2018, 20<sup>th</sup> July, 2018 and 07<sup>th</sup> September, 2018. The Modified Claims Tribunal Agreed Procedure is annexed to this order.
6. The Registrar General shall circulate the Modified Claims Tribunal Agreed Procedure to all the Claims Tribunals. The Claims Tribunals, Delhi Police and Insurance Companies are directed to implement the Modified Claims Tribunal Agreed Procedure with effect from 01<sup>st</sup> January, 2019.
7. Learned amicus curiae submits that the Committee is deliberating upon the issues referred to it by this Court. Let the final report of the Committee be submitted before this Court on the next date of hearing.
8. List for reporting compliance on 08<sup>th</sup> February, 2019 at 02:30 P.M.
9. This Court appreciates the assistance rendered by Mr. Lalit Bhasin, learned counsel for Indian Bank Association for implementation of MACAD Scheme.
10. Copy of this order along with *Modified Claims Tribunal Agreed Procedure* be sent to the Registrar General of this Court, National Legal Services Authority (NALSA), Delhi State Legal Services Authority (DSLISA), Delhi Police as well as General Insurance Council (5<sup>th</sup> Floor, Building No.14, National Insurance Building, Jamshedji Tata Road, Churchgate, Mumbai-400020). General Insurance Council shall circulate this order to all the Insurance Companies.
11. Copy of this order be given *dasti* to learned counsel for the parties as well as learned counsel for IBA and Delhi Police under signature of Court Master.

**J.R. MIDHA, J.**

**DECEMBER 07, 2018/dk**

**MODIFIED CLAIMS**  
**TRIBUNAL AGREED**  
**PROCEDURE**

**[AS APPROVED BY DELHI HIGH COURT VIDE  
ORDER DATED 07<sup>TH</sup> DECEMBER, 2018]**

## **MODIFIED CLAIMS TRIBUNAL AGREED PROCEDURE**

**[As approved by Delhi High Court vide Order dated 07<sup>th</sup> December, 2018]**

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## **MODIFIED CLAIMS TRIBUNAL AGREED PROCEDURE**

**[As approved by Delhi High Court vide Order dated 07<sup>th</sup> December, 2018]**

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 scene of the accident and the vehicle(s) involved in the accident and prepare a site plan, drawn to scale, as to indicate the layout and width, etc., of the road(s) or place (s), as the case may be, the position of vehicle(s), and person(s) involved, and such other facts as may be relevant. In injury cases, the Investigating Officer shall also take the photographs of the injured in the hospital. The Investigating Officer shall conduct spot enquiry by examining the 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 policy are available, the intimation of the accident shall also be given to the Nodal Officer of 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 by 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 to the accident as well as for computation of compensation. The list of documents to be collected by the Investigating Officer are 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(s)
- (vii) Mechanical Inspection Report in terms of Annexure-A
  - (viii) Driving license of the driver of the offending vehicle(s)
  - (ix) Proof of employment of the driver of offending vehicle(s) such as appointment letter, salary slips, duty register etc.
  - (x) Registration certificate of the offending vehicle(s)
  - (xi) In case of transfer of offending 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(s) of the offending vehicle(s) was under the influence of alcohol/drugs
  - (xviii) In case of Death:
    - (a) Post Mortem Report
    - (b) Death certificate
    - (c) Photograph and proof of the identity of the deceased
    - (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) Aadhaar card, PAN Card, Photographs and specimen signatures attested by the bank
    - (h) Bank Account details along with its IFSC Code of the legal representatives of the deceased near the place of their permanent residence with name and address of the bank
    - (i) Medical treatment record, medical bills and other expenditure
    - (j) Any other relevant document(s)
  - (xix) In case of Injury:
    - (a) MLC
    - (b) Multi angle photographs of the injured

- (c) Aadhaar card, PAN Card, Photographs and specimen signatures of the injured attested by the bank
- (d) Bank Account details along with its IFSC Code of the injured near the place of his/her permanent residence with name and address of the bank
- (e) Proof of age of the injured which may be in form of :
  - Birth certificate
  - School certificate
  - Certificate from Gram Panchayat (in case of illiterate)
- (f) 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 injured.
  - Income Tax Returns
  - Balance Sheets
- (g) Medical treatment record, medical bills and other expenditure – In case of continuous medical treatment, the SHO/IO shall also record the details so that the claimant may furnish documents before the Claims Tribunal.
- (h) Disability Certificate
- (i) 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
- (j) Proof of reimbursement of medical expenses by employer or under a Mediclaim policy, if any
- (k) 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 in Para 3 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 deemed necessary for arriving at a conclusion regarding the authenticity of the documents in question, including but not limited to verifying the license of the driver, permit and fitness of the offending vehicle(s), where applicable, from the registering authority.

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

The Registration authority shall verify the registration certificate, driving licence, fitness and permit in respect of the offending

vehicle(s) 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 person(s) liable for violation under Section 196 of the Motor Vehicles Act, including the driver and the person who caused or allowed the un-insured vehicle to be driven.

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 vehicle involved in the 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 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 15 days for the purpose of satisfying the

compensation that may have been awarded, or may be awarded in a claim case arising out of such accident.

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 properly indexed and page numbered at the time of filing with the Claims Tribunal. The DAR shall be accompanied with the requisite documents mentioned in Para 3 above. The DAR shall be in **FORM-II**.

11. **Copy of DAR to be furnished to claimant(s), owner/driver of the offending vehicle(s), Insurance Company and Delhi State Legal Services Authority**

The Investigating Officer shall furnish the copy of the DAR to victim(s)/claimant(s) of the accident, owner/driver of the offending vehicle and the Nodal Officer of the Insurance Company. Copy of the DAR sent to the Insurance Company and others shall be properly paginated and shall be accompanied by an index.

The Investigating Officer of the Police shall also furnish a copy of Detailed Accident Report (DAR) along with complete documents to Secretary, Delhi State Legal Services Authority, Central Office, Pre-Fab Building, Patiala House Courts, New Delhi. Delhi State Legal Services Authority shall examine each case and assist the Claims Tribunal in determination of the just compensation payable to the claimant(s) 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(s) has suffered grievous injuries and is undergoing continuous 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 and circumstances 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 claimant(s) to disclose any relevant information and documents necessary to complete the DAR, the Investigating Officer shall seek necessary directions from the Claims Tribunal (reference be made to Part X of **FORM-II**) whereupon the Claims Tribunal shall, in appropriate cases, direct the parties in default to disclose the relevant information on an affidavit along with the original documents within 15 days.

14. **Examination of DAR by the Claims Tribunal**

The Claims Tribunal shall examine whether the DAR is 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 enter appearance on the date so fixed. 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.

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

The Investigating Officer shall produce the driver(s), owner(s), claimant(s) and the eye witness(es) before the Claims Tribunal, after the order of the Claims Tribunal that the DAR is complete in all respects. However, if the Investigating Officer is unable to produce the owner(s), driver(s), claimant(s) and eye-witness(es) before the Claims Tribunal on the date fixed by the Claims Tribunal for reasons beyond 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 Nodal Officer of the concerned Insurance Company about the date of filing of the DAR before the Claims Tribunal so that the nominated counsel for the Insurance Company can remain present on the first date of hearing before the Claims Tribunal.

16. **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.

17. **Claims Tribunal shall treat DAR as a claim petition for compensation under Section 166(4) of Motor Vehicles Act, 1988**

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 Investigating Officer is unable to produce the claimant(s) 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 claimant(s). Where the claimant(s) have filed a separate claim petition, the DAR shall be tagged along with the claim petition. In cases where the charge sheet has not been filed at the time of filing of the DAR, the Claims Tribunal shall either await the filing of the charge sheet or record the statement of the eye witness(es) to satisfy itself with respect to the negligence before passing the award.

18. **Direction to the claimant(s) to open savings bank account near the place of their residence in a nationalized bank.**

The Claims Tribunal shall direct the claimant(s), on the very first date of their appearance, to open a savings bank account in a nationalized bank near the place of their residence and the concerned bank be directed to not issue any cheque book(s) and/or debit card(s) to the claimant(s) and if the same have already been issued, the bank be directed to cancel the same and make an endorsement on the passbook of the claimant(s) to the effect that no cheque book and/or debit card shall be issued to the claimant(s) without the permission of the Court. The claimant(s) be directed to produce the copy of the order passed by the Claims Tribunal before the concerned bank whereupon the bank be directed to make an endorsement on the passbook. The claimant(s) be directed to produce the passbook with the necessary endorsement as well as Aadhaar Card and PAN Card before the Claims Tribunal.

19. **In cases of charge of rash and negligent driving, the Claims Tribunal shall register the case under Section 166 of Motor Vehicles Act, 1988**

Where the Claims Tribunal finds that the DAR and in particular the report under Section 173 Cr.P.C. annexed to the 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 the claimant(s) chose to claim compensation on No-fault basis despite the charge of negligence, the Claims Tribunal shall register the claim case under Section 163A of the Motor Vehicles Act, 1988.

20. **Duty of the Insurance Companies 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 for that case within 10 days of the receipt of the copy of DAR. The Designated Officer shall be responsible for dealing / processing of that case and to pass a reasoned decision in

writing with respect to the compensation payable to the claimant(s) in accordance with law.

21. **Duty of the Insurance Companies to appoint a Nodal Officer and intimate the Delhi Police.**

All the insurance companies shall appoint a Nodal Officer and intimate the name, address, phone numbers/mobile numbers and e-mail address of their Nodal Officer to DCP/CRO, Police Headquarters, Delhi Police who shall instruct all the Investigating Officers of Delhi Police dealing with the investigation of motor accident claims to send the intimation of the road accident(s) in **FORM-I** and DAR in **FORM-II** of MCTAP by e-mail to the Nodal Officer of the concerned Insurance Company.

22. **Duty of the Insurance Companies to get DAR verified by their Surveyor/Investigator**

The Insurance Companies are duty bound to verify the correctness/genuineness of every claim. The Insurance Companies shall direct their own officer(s) or appoint an investigator or surveyor to verify the accident within 20 days of the receipt of the copy of the DAR from the Investigating Officer. For example, in cases where the Insurance Companies receive the information of an accident relating to death within 48 hours, of the accident, a prompt visit by the officer/investigator/surveyor of the Insurance Company at the place of occurrence, cremation and residence of the deceased to verify the relevant facts and examine the documents at that time, would leave no scope for manipulation of the evidence at a later stage. Similarly, in the Injury Cases, the Insurance Company's officer/surveyor/investigator visit to the hospital at the initial stage would be helpful to verify the relevant documents.

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.



23. **Duty of Insurance Companies 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 claimant(s) in accordance with law within 30 days of the date of receipt of the copy of DAR from the Investigating Officer. The decision taken by the Designated Officer of the Insurance Company shall be in writing and it shall be a reasoned decision. The report of the Designated Officer of the Insurance Company shall be in **FORM – III**.

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

The compensation assessed by the Designated Officer of the Insurance Company shall constitute a legal offer to the claimant(s) and if the said amount is fair and acceptable to the claimant(s), the Claims Tribunal shall pass a consent award and shall provide 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 claimant(s) are awarded just compensation in accordance with law. The Claims Tribunal shall also pass an order with respect to the disbursement of the shares of the claimant(s).

25. **Claimant(s) to respond to the offer of the Insurance Company within 30 days**

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

26. **Guidelines for assessment of functional disability of the claimant in Injury Cases**

26.1. All injuries or permanent disability arising from injuries do not result in loss of earning capacity.

26.2. The percentage of permanent disability with reference to the whole body of a person should not be mechanically assumed to be equal to the percentage of loss of earning capacity. The percentage of loss of earning capacity is not the same as the percentage of

permanent disability (except in cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).

26.3. The doctor, who treated or examined the injured-claimant and subsequently assessed the permanent disability, can give evidence of his medical opinion with regard to the extent of permanent disability. However, the percentage of loss of earning capacity is to be assessed by the Claims Tribunal taking in consideration various other factors as mentioned below.

26.4. The same percentage of permanent disability may result in different percentage of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other relevant factors.

26.5. Ascertainment of the effect of the percentage of permanent disability on the actual earning capacity (percentage of loss of earning capacity) involves three steps:

- (i) The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability (this is also relevant for awarding compensation under the head of loss of amenities of life).
- (ii) The second step is to ascertain his avocation, profession and nature of work before the accident, as also his age.
- (iii) The third step is to find out whether :
  - a) The claimant is totally disabled from earning any kind of livelihood, or
  - b) Whether in spite of the permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or
  - c) Whether he was prevented or restricted from discharging his previous activities and functions, but could carry on some other or lesser scale of activities and functions so that he continues to earn or can continue to earn his livelihood.

26.6. The Claims Tribunal may consider co-opting or taking the opinion of a medical expert from any Government Hospital for taking assistance in assessing the functional disability. However, cases in which medical expert is co-opted, should be taken up by a Claims Tribunal at a designated time so that the doctor is not made to wait. The proceedings for assessment of the functional disability of the claimant with the assistance of a medical expert should preferably be conducted in camera and counsel for insurance company and authorised representative of the insurance company be permitted to remain present.

26.7. The photographs of the injured portion should be taken on record in every injury case and a reasoned finding should be recorded in respect of the functional disability in terms of the principles laid down by the Supreme Court in *Raj Kumar v. Ajay Kumar*, (2011) 1 SCC 343.

26.8. The photographs of the injured portion of the claimant should be annexed to the award to enable the Appellate Court to peruse the same in the event of the award being challenged. However, the photographs should not be uploaded on the website of the Court.

26.9. In MAC.APP.1134/2017, this Court formed a Committee to frame guidelines for fixing the cost of artificial limbs for the victims of motor accidents. On 07<sup>th</sup> September, 2018 a list of cost of prosthetic limbs was prepared by the Committee was submitted to this Court which has been circulated to the Claims Tribunals vide order dated 07<sup>th</sup> September, 2018. The Claims Tribunal shall consider the same while awarding the cost of prosthetic limbs.

27. **Duty of the Claims Tribunal to elicit the truth**

Before passing the award on the basis of the DAR, the Claims Tribunal shall satisfy itself that the statements made in the DAR are true. DAR is merely an opinion of the Investigating Officer and is not to be treated as legal evidence. The DAR has to be considered like a charge sheet under Section 173 Cr.P.C. and the Claims Tribunal is duty bound to examine the DAR and satisfy itself with respect to the

genuineness of the claim as well as all the relevant facts. For example, in death case(s), the Claims Tribunal shall direct the claimant(s) to produce the original documents relating to age, occupation and income of the deceased from the legal representatives and an appropriate award shall be passed after the satisfaction of Claims Tribunal with respect to all the relevant facts. Similarly, in an injury case(s), the Claims Tribunal shall examine the injured and the relevant medical records to satisfy itself with respect to the nature of the injuries and percentage of the functional disability of the injured. The Claims Tribunal may also consider examining the parties under Section 165 of the Evidence Act. Reference be made to the judgement of this Court *Ved Prakash Kharbanda v. Vimal Bindal*, 198 (2013) DLT 555 for scope of Section 165 of the Evidence Act.

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

If the offer of the Insurance Company is not fair or is not acceptable to the claimant(s) or if the Insurance Company has any defence available to it under law, the Claims Tribunal shall proceed to conduct an inquiry under Sections 168 and 169 of the Motor Vehicles Act, 1988 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.

29. **Examination of the claimant(s) before passing of the award**

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

(ii) The Claims Tribunal shall take on record the following documents from the claimant(s):

(a) Aadhaar Card and PAN Card;

(b) Details of the Bank Account(s) of the Claimant(s) near the place of their residence; and

- (c) Two sets of photographs and specimen signatures of the claimant(s).
- (iii) Before disbursement of the award amount, the Claims Tribunal shall satisfy that the savings bank account(s) of the claimant(s) is near the place of their permanent residence and an endorsement has been made by the bank on the passbook of the claimant(s) to the effect that no cheque book(s) and/or debit card(s) shall be issued to the claimant(s) without prior permission of the Claims Tribunal. If the claimant(s) bank account is not near the place of their permanent residence, the Claims Tribunal shall defer the disbursement of award amount till passbook(s) of savings bank account(s) of the claimant(s) in a nationalized bank near the place of their permanent residence is not produced along with necessary endorsement.

30. **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 or transfer the same by RTGS/NEFT/IMPS directly to the bank account of the Claims Tribunal.

The respondent held liable to pay compensation by the Claims Tribunal shall give notice of deposit of the compensation amount to the claimant(s) and shall file a compliance report with the Claims Tribunal with respect to the deposit of the compensation amount within 15 days of the deposit with the interest upto the date of notice of deposit to the claimant(s) with a copy to their counsel within 30 days of the award. The names and addresses of the claimant(s) and their counsel for issuance of notice of deposit shall be mentioned in the award.

At the time of passing of the award, the Claims Tribunal shall examine whether the claimant(s) are entitled to exemption of deduction of TDS and if so, the claimant(s) shall submit Form 15G or Form 15H (for senior citizen) to the Insurance Company so that no TDS is deducted. The Claims Tribunal shall record a finding on this aspect at the time of passing of the award.

31. **Disbursement of the award amount**

The Claims Tribunal shall disburse the award amount through ***Motor Accident Claims Tribunal Annuity Deposit (MACAD) Scheme*** formulated by this Court vide order dated 01<sup>st</sup> May, 2018 in FAO 842/2003. Copy of the ***Motor Accident Claims Tribunal Annuity Deposit (MACAD) Scheme*** is ***FORM – VIII***. The following 21 Banks are implementing the ***MACAD Scheme***. The names of the Bank implementing MACAD Scheme are as under:-

1. State Bank of India
2. Punjab National Bank
3. UCO Bank
4. Bank of Baroda
5. Allahabad Bank
6. Oriental Bank of Commerce
7. IDBI Bank
8. Indian Overseas Bank
9. Andhra Bank
10. Bank of India
11. Punjab & Sind Bank
12. Bank of Maharashtra
13. Canara Bank
14. Central Bank of India
15. Syndicate Bank
16. Corporation Bank
17. Dena Bank
18. Union Bank of India
19. United Bank of India
20. Indian Bank
21. Vijaya Bank

List of Banks along with the name of their Nodal Officer and their email address shall be submitted by Indian Bank Association to the Registrar General of this Court within four weeks whereupon the Registrar General shall circulate the same to all the Claims Tribunals.

32. **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 a phased manner (for example, if a sum of Rs.5,50,000/- has been awarded to the claimant(s), Rs.50,000/- may be released immediately and the remaining amount of Rs.5,00,000/- may be kept in 50 fixed deposits of Rs.10,000/- each, in the name of the claimant(s), for the period of one month to 50 months respectively, with cumulative interest). The Claims Tribunal shall impose the following conditions with respect to the fixed deposits:-

- (a) The Bank shall not permit any joint name(s) to be added in the savings bank account or fixed deposit accounts of the claimant(s) i.e. the savings bank account(s) of the claimant(s) shall be an individual savings bank account(s) and not a joint account(s).
- (b) The original fixed deposit shall be retained by the bank in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by bank to the claimant(s).
- (c) The monthly interest be credited by Electronic Clearing System (ECS) in the savings bank account of the claimant(s) near the place of their residence.
- (d) The maturity amounts of the FDR(s) be credited by Electronic Clearing System (ECS) in the savings bank account of the claimant(s) near the place of their residence.
- (e) No loan, advance, withdrawal or pre-mature discharge be allowed on the fixed deposits without permission of the Court.
- (f) The concerned bank shall not to issue any cheque book and/or debit card to claimant(s). However, in case the debit card and/or cheque book have already been issued, bank shall cancel the same before the disbursement of the award amount. The bank shall debit card(s) freeze the account of

the claimant(s) so that no debit card be issued in respect of the account of the claimant(s) from any other branch of the bank.

- (g) The bank shall make an endorsement on the passbook of the claimant(s) to the effect that no cheque book and/or debit card have been issued and shall not be issued without the permission of the Court and claimant(s) shall produce the passbook with the necessary endorsement before the Court on the next date fixed for compliance.
- (h) It is clarified that the endorsement made by the bank along with the duly signed and stamped by the bank official on the passbook(s) of the claimant(s) is sufficient compliance of clause (g) above.

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

- (i) The Claims Tribunal shall incorporate the summary of computation of compensation in **FORM - IVA** in the award of death cases and summary of computation of compensation in **FORM - IVB** in the award of injury cases.
- (ii) 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 Claims Tribunal shall incorporate the compliance of the provisions of the *Modified Claims Tribunal Agreed Procedure* in the award in **FORM-V**.

34. **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 compensation amount with upto date interest, the notice of deposit and the calculation of interest on the date so fixed. Upon such proof being filed, the Claims Tribunal shall ensure that the interest upto the date of notice of deposit has been deposited by the party concerned.
- (ii) If the award amount is not deposited within the stipulated period, the Claims Tribunal shall attach the bank account of the Insurance Company after 90 days of the award 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 claimant(s) to revive it after the decision of the appeal.

35. **Copy of the DAR as well as the Award to be sent to the concerned Metropolitan Magistrate**

- (i) The Investigating Officer shall submit a copy of the 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 passed by the Claims Tribunal 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 passed by the Claims Tribunal to the concerned Metropolitan Magistrate.

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

The Claims Tribunal shall send a certified copy of the award to the Delhi State 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 State Legal Services Authority shall take up the matter with the Police and/or Insurance Company, as the case may be.

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

The formats of the written submissions to be filed by the parties before the Claims Tribunals are attached to Modified Claims Tribunal Agreed Procedure as **FORM-VIA** or **FORM-VIB**, as the case may be.

38. **Record of awards of the Claims Tribunal**

The record of the awards passed by the Claims Tribunals shall be maintained in a chronological order according to the date of the award in such a manner that it is easy for the litigants/lawyers to ascertain whether the compensation has been received or not. The format of the record of the awards shall be in **FORM-VII**. The Claims Tribunals shall send the monthly compliance report to the Registrar General of this Court in **FORM-VIIA** and **FORM-VIIB**.

**FORMS**

**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 the victim(s) has been 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 offending vehicle(s)	
11.	Insurance Policy Number of the offending vehicle(s)	
12.	Period of Insurance Policy of the offending vehicle(s)	
13.	Name and address of the Insurance Company of the offending vehicle(s)	
14.	Name and contact no. of the Investigating Officer	

S.H.O./I.O. ....  
P.S. ....  
Date.....

Enclosed- Copy of the FIR

**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	
13.	Names of witness(es) of the accident	
14.	Brief description of the accident	
<b>PART- II SITE PLAN</b>		
15.	Date of preparation of the site plan	
16.	<p><b><u>Site Plan shall indicate:</u></b></p> <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 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(s)</u></li> </ul>	

	<ul style="list-style-type: none"> <li>(a) North</li> <li>(b) East</li> <li>(c) South</li> <li>(d) West</li> </ul> <p>(xv) <u>Road Divided by</u></p> <ul style="list-style-type: none"> <li>(a) Barrier Median</li> <li>(b) Curbed Median</li> <li>(c) Grass Median</li> <li>(d) Painted Median</li> <li>(e) None</li> </ul> <p>(xvi) <u>Light Condition</u></p> <ul style="list-style-type: none"> <li>(a) Daylight</li> <li>(b) Dusk</li> <li>(c) Dark (No Street Lights)</li> <li>(d) Dark (Street Lights On, Spot)</li> <li>(e) Dawn</li> <li>(f) Dark (Street Lights Off)</li> <li>(g) Dark (Street Lights On, Continuous)</li> </ul> <p>(xvii) <u>Visibility/Environmental Condition</u></p> <ul style="list-style-type: none"> <li>(a) Clear</li> <li>(b) Fog/Smog/Smoke</li> <li>(c) Snow</li> <li>(d) Severe Crosswinds</li> <li>(e) Rain</li> <li>(f) Blowing Sand or Dirt</li> <li>(g) Sun Glare</li> </ul> <p>(xviii) <u>Road Character</u></p> <ul style="list-style-type: none"> <li>(a) Straight and Level</li> <li>(b) Straight and Grade</li> <li>(c) Straight and Hillcrest</li> <li>(d) Curve and Level</li> <li>(e) Curve and Grade</li> <li>(f) Curve and Hillcrest</li> <li>(g) Under construction/maintenance</li> </ul> <p>(xix) <u>Road Surface Type</u></p> <ul style="list-style-type: none"> <li>(a) Concrete</li> <li>(b) Blacktop</li> <li>(c) Gravel</li> <li>(d) Steel Grid</li> <li>(e) Dirt</li> <li>(f) Pot Holes</li> <li>(g) Cave in</li> <li>(h) Construction Material on Road</li> </ul> <p>(xx) <u>Road Surface Condition</u></p> <ul style="list-style-type: none"> <li>(a) Dry</li> <li>(b) Wet</li> </ul>	
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	<ul style="list-style-type: none"> <li>(c) Snowy</li> <li>(d) Water (standing /moving)</li> <li>(e) Sand, mud, dirt</li> <li>(f) Oil</li> </ul> <p>(xxi) <u>Airbag Deployment</u></p> <ul style="list-style-type: none"> <li>(a) Front</li> <li>(b) Side</li> <li>(c) Multiple</li> <li>(d) None</li> </ul> <p>(xxii) <u>Ejection from Vehicle</u></p> <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> <p>(xxiii) <u>Temporary Traffic Zone</u></p> <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> <p>(xxiv) <u>Total Number of entities involved in the crash</u></p> <p><u>Crash Type:</u></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>	
<p><b>PART – III</b></p> <p><b><u>PARTICULARS OF THE DRIVER(S)</u></b></p> <p><b>(In case of more than one driver, submit separate Part III for each driver)</b></p>		
17.	Name, address and contact 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.	<u>Driving licence:</u> (a) Driving Licence No. (b) Whether learner licence? (c) Period of validity (d) Issued by (e) Class of vehicle (f) Whether licence suspended or cancelled?	
26.	<u>In case of learner's licence:</u> (a) Whether driving under supervision (b) Whether driving with lapsed learner licence	
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 alcohol/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 removed 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 co-operated in investigation? (h) Whether the driver suffered injuries in the accident? (i) Whether the driver discharged duty under Section 132 & 134 of the MV Act, 1988? 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> <b>(In case of more than one vehicle, submit separate Part IV for each vehicle)</b>		
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 of 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? If not, whether the owner prosecuted under Section 187 MV Act, 1988?	
41.	In the case of un-insured vehicle: (a) Whether the owner/driver/person who caused or allowed the un-insured vehicle to be driven prosecuted under Section 196 of the MV Act, 1988? (b) Whether the owner/driver paid any amount 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 Annexure –A? If not, give reasons thereof.	
54.	Whether any delay in mechanical inspection or submitting report? If yes, 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	

	<p>(l) Period of hospitalization</p> <p>(m) Period of treatment</p> <p>(n) Whether treatment continuing</p> <p>(o) Name, address and contact number of the doctor(s) who treated the injured</p> <p>(p) Whether injured underwent any surgery(s)? If so, give particulars.</p> <p>(q) Whether suffered any permanent disability? If yes, give details.</p> <p>(r) Expenditure incurred on treatment, conveyance, special diet, attendant etc. Give details.</p> <p>(s) Whether the injured got reimbursement of medical expenses from his employer or under a mediclaim policy. If yes, give details.</p> <p>(t) Whether the injured provided cashless treatment by the Insurance Company? If yes, give details.</p>	
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 the influence of alcohol or drugs. If yes, give quantity/parameters/recovery	
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	
73.	<p><b><u>Driving Aggressively:</u></b></p> <ul style="list-style-type: none"> <li>(a) Jumped red light</li> <li>(b) Abrupt braking.</li> <li>(c) Neglected to keep to the left of the road</li> <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><u>Irresponsible behaviour:</u></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</li> </ul>	

	<p>apprehension.</p> <p>(g) Offence committed while the offender was on bail.</p> <p>(h) Misled the investigation</p> <p>(i) Post accident road rage behaviour. If yes, give details.</p>	
75.	Any other contributing factor	
<b>PART – IX</b> <b><u>OTHER OFFENCES COMMITTED AT THE SAME TIME</u></b>		
76.	<p>(a) Sections 3/181- Driving without licence</p> <p>(b) Sections 4/181- Driving by minor</p> <p>(c) Sections 5/181-Allowing unauthorized person to drive</p> <p>(d) Sections 56/192- Without fitness</p> <p>(e) Sections 66(1)/192A – Without permit</p> <p>(f) Sections 112/183(1)- Over speed</p> <p>(g) Sections 113/194- Over loading</p> <p>(h) Sections 119/177- Jumping red light</p> <p>(i) Sections 119/277- Violation of mandatory signs (One way, No right turn, No left turn)</p> <p>(j) Sections 122/177- Improper obstructive parking</p> <p>(k) Sections 146/196 Without insurance</p> <p>(l) Section 177/RRR17(1)- Violation of “One way”</p> <p>(m) Section 177/RRR29- Carrying High/Long Load</p> <p>(n) Section 177/CMVR 138(3) - Not using seat belt</p> <p>(o) Section 177/RRR6- Violation of “No overtaking”</p> <p>(p) Section 177/CMVR 105- Without light after sunset</p> <p>(q) Section 179- Misbehavior with police officer</p> <p>(r) Section 184- Driving dangerously</p> <p>(s) Section 184- Using mobile phone while driving</p> <p>(t) Section 185- Drunken driving/under influence of drugs</p> <p>(u) Section 187- Violation of Sections 132(1)(c), 133 and 134</p> <p>(v) Any other offence</p>	
<b>PART – X</b> <b><u>DIRECTIONS REQUIRED FROM CLAIMS TRIBUNAL</u></b>		
77.	The driver(s) involved in the accident has not furnished	

	<p>information mentioned in Serial No. _____ [Serial Nos.18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 41(b) of Part III of FORM-II] and the documents mentioned in Serial No. _____ [Serial Nos.91, 92, 93, 94, 95, 96, 97 of Part XI of FORM-II].</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 accident has not furnished the information mentioned in Serial No. _____ [Serial Nos.34, 35, 36, 38, 40 and 41(b) of Part IV of FORM-II] and has not produced the documents mentioned in Serial No. _____ [Serial Nos.92, 93, 94, 95, 96 and 97 of Part XI of FORM-II.]</p> <p>The owner(s) may be directed to furnish the requisite information on an 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 in Serial No. _____ [Serial Nos.46, 47, 48, 49 of Part V of FORM-II.]</p> <p>The Insurance Company may be directed to furnish the requisite information on an 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 Serial No. _____ [Serial Nos.55 and 56 of Part VII of FORM-II] and furnish the documents mentioned in Serial No. _____ [Serial Nos.101 and 102 of Part XI of FORM-II.]</p> <p>The claimant(s) may be directed to disclose the requisite information on an affidavit along with the original documents before the Claims Tribunal. (Copy of the letter demanding the information/documents be attached)</p>	

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 of the MCTAP 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><u>PART – XI</u></b> <b><u>RELEVANT DOCUMENTS TO BE ATTACHED</u></b>		
84.	First Information Report	
85.	Site plan in terms of [Serial No.16 of Part II of FORM-II]	
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(s)	
90.	Mechanical Inspection Report in format of Annexure A.	
91.	Driving license of the driver of offending vehicle(s)	
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, 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.	<p><b><u>In case of Death</u></b></p> <p>(a) Post Mortem Report</p> <p>(b) Death certificate</p> <p>(c) Photograph and proof of the identity of the deceased</p> <p>(d) Proof of age of the deceased which may be in form of :</p> <p>(i) Birth certificate</p> <p>(ii) School certificate</p> <p>(iii) Certificate from Gram Panchayat (in case of illiterate)</p> <p>(e) Proof of Occupation and income of the deceased which may be in form of :</p> <p>(i) Pay slip/salary certificate for salaried employees.</p> <p>(ii) Bank statements of the last six months.</p> <p>(iii) Income Tax Returns</p> <p>(iv) Balance Sheets</p> <p>(f) Proof of the legal representatives of the deceased</p> <p>(i) Names</p> <p>(ii) Age</p> <p>(iii) Address</p> <p>(iv) Relationship</p> <p>(v) Contact no.</p> <p>(g) Photographs, specimen signatures attested by the bank and identity proof of the legal representatives of the deceased</p> <p>(h) Treatment record, medical bills and other expenditure</p> <p>(i) Bank Account no. of the legal representatives of the deceased with name and address of the bank</p>	
102.	<p><b><u>In case of Injury</u></b></p> <p>(a) MLC</p> <p>(b) Multi angle photographs of the injured</p> <p>(c) Photographs, specimen signatures attested by the bank and identity proof of the injured</p> <p>(d) Proof of age of the injured which may be in form of :</p> <p>(i) Birth certificate</p> <p>(ii) School certificate</p> <p>(iii) Certificate from Gram Panchayat (in case of illiterate)</p> <p>(e) Proof of occupational income of the injured at the time of the accident which may be in form of:</p> <p>(i) Pay slip/salary certificate for salaried employees.</p>	

	<ul style="list-style-type: none"> <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 Serial No.77 above	
104.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the owner as mentioned in Serial No.78 above	
105.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the Insurance Company as mentioned in Serial No.79 above	
106.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the claimant(s) as mentioned in Serial No.80 above	
107.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the registration authorities as mentioned in Serial No.81 above	
108.	Copy of the letter of the Investigating Officer demanding the relevant information/documents from the hospital as mentioned in Serial No.82 above	
109.	Any other relevant document(s)	
<b>VERIFICATION</b> 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)		

**ANNEXURE 'A' TO DETAILED ACCIDENT REPORT (DAR)**  
**FORMAT OF THE MECHANICAL INSPECTION REPORT**  
**(Submit separate Mechanical Inspection Report for each vehicle)**

	<ol style="list-style-type: none"> <li>1. Case FIR No.</li> <li>2. Under Section</li> <li>3. Police Station</li> <li>4. Registration No. of the vehicle</li> <li>5. Make, Model Name, Colour &amp; Type of Vehicle</li> <li>6. In case of HTV/MGV/LGV             <ol style="list-style-type: none"> <li>(a) Whether Lateral Under Run Protective Device (LUPD) &amp; Rear Under Run Protective Device (RUPD) installed? (For vehicle weighing 3.5 ton or more)</li> <li>(b) Whether speed governor installed &amp; functional or otherwise?</li> </ol> </li> <li>7. In case of commercial vehicle :             <ol style="list-style-type: none"> <li>(a) Particulars of fitness</li> <li>(b) Particulars of permit</li> </ol> </li> <li>8. Point of impact and damage</li> <li>9. Mechanical condition of the vehicle</li> <li>10. Paint marks (if any)</li> <li>11. Condition of braking System i.e. working or not?</li> <li>12. Whether the vehicle fitted with Anti-lock Braking System (ABS)?             <ol style="list-style-type: none"> <li>(a) If yes, whether it is functioning or not?</li> <li>(b) Whether trials regarding skid marks of ABS fitted vehicle have been carried out to estimate the speed of the vehicle</li> </ol> </li> <li>13. Whether vehicle modified by             <ol style="list-style-type: none"> <li>(a) Installing CNG/LPG Kit</li> <li>(b) Change of vehicle body</li> </ol> </li> <li>14. Condition of tyres – whether original or retreaded?</li> <li>15. Whether horn was installed and functional?</li> <li>16. Whether the brake lights &amp; other lights functional?</li> <li>17. Condition of safety bags in the vehicle</li> <li>18. Whether the vehicle properly maintained</li> </ol>	
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	<p>19. Whether the vehicle had faulty number plate?</p> <p>20. Whether the vehicle had tinted glasses?</p> <p>21. 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 <i>M.C. Mehta v. Union of India</i>, (1998) 1 SCC 676 and <i>M.C. Mehta v. Union of India</i>, (1999) 1 SCC 413?</p> <p>22. Details of damage on the vehicle</p> <p style="text-align: right;">Mechanical Officer (Name &amp; Stamp)</p> <p style="text-align: right;">SHO (Name &amp;</p> <p>Date: Stamp)</p>	
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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**  
**DETAILS OF THE CASE**

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	

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)	
	(ix) Compensation for loss of consortium (G)	
	(x) Compensation for loss of estate (H)	
	(xi) Compensation towards funeral expenses (I)	
	<b>TOTAL COMPENSATION (G + H + I)</b>	
<b><u>PART-III</u></b>		
<b><u>COMPUTATION OF COMPENSATION IN INJURY CASES</u></b>		
19.	Name of the victim	
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, inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life etc.	
	<b>TOTAL COMPENSATION</b>	

Verification:

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.

DESIGNATED OFFICER



**FORM – IVA**  
**SUMMARY OF COMPUTATION OF AWARD AMOUNT IN DEATH CASES**  
**TO BE INCORPORATED IN THE AWARD**

1. Date of accident.....
2. Name of the deceased.....
3. Age of the deceased.....
4. Occupation of the deceased.....
5. Income of the deceased.....
6. Name, age and relationship of legal representatives of deceased:

S. No.	Name	Age	Relation
(i)			
(ii)			
(iii)			
(iv)			
<b>Computation of Compensation</b>			
S.No.	Heads	Awarded by the Claims Tribunal	
7.	Income of the deceased (A)		
8.	Add-Future Prospects (B)		
9.	Less-Personal expenses of the deceased (C)		
10.	Monthly loss of dependency [(A+B) – C = D]		

11.	Annual loss of dependency ( <b>D x 12</b> )	
12.	Multiplier ( <b>E</b> )	
13.	Total loss of dependency ( <b>D x 12 x E = F</b> )	
14.	Medical Expenses ( <b>G</b> )	
15.	Compensation for loss of consortium ( <b>H</b> )	
16.	Compensation for loss of estate ( <b>I</b> )	
17.	Compensation towards funeral expenses ( <b>J</b> )	
18.	<b>TOTAL COMPENSATION</b> ( <b>F + G + H + I + J =K</b> )	
19.	<b>RATE OF INTEREST AWARDED</b>	
20.	Interest amount up to the date of award ( <b>L</b> )	
21.	Total amount including interest ( <b>K+L</b> )	
22.	Award amount released	
23.	Award amount kept in FDRs	
24.	Mode of disbursement of the award amount to the claimant(s).	
25.	Next Date for compliance of the award.	

**FORM-IVB**  
**SUMMARY OF THE COMPUTATION OF AWARD AMOUNT IN INJURY CASES**  
**TO BE INCORPORATED IN THE AWARD**

1. Date of accident.....
2. Name of the injured.....
3. Age of the injured .....
4. Occupation of the injured .....
5. Income of the injured .....
6. Nature of injury.....
7. Medical treatment taken by the injured .....
- .....
8. Period of hospitalization.....
9. Whether any permanent disability? If yes, give details.....
- .....

10.	<b>Computation of Compensation</b>	
S.No.	Heads	Awarded by the Tribunal
11.	<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	
12.	<b>Non-Pecuniary Loss:</b>	
(i)	Compensation for mental and physical shock	
(ii)	Pain and suffering	
(iii)	Loss of amenities of life	
(iv)	Disfiguration	
(v)	Loss of marriage prospects	
(vi)	Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life etc.	
13.	<b>Disability resulting in loss of earning capacity:</b>	
(i)	Percentage of disability assessed and nature of disability as permanent or temporary	
(ii)	Loss of amenities or loss of expectation of life span on account of disability	
(iii)	Percentage of loss of earning capacity in relation to disability	
(iv)	Loss of future Income - (Income x % Earning Capacity x Multiplier)	
14.	<b>TOTAL COMPENSATION</b>	

15.	<b>INTEREST AWARDED</b>	
16.	Interest amount up to the date of award	
17.	Total amount including interest	
18.	Award amount released	
19.	Award amount kept in FDRs	
20.	Mode of disbursement of the award amount to the claimant(s).	
21.	Next Date for compliance of the award.	

**FORM - V**  
**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.	
3.	Date of intimation of the accident by the Investigating Officer to the Insurance Company.	
4.	Date of filing of Report under Section 173 Cr.P.C. before the Metropolitan Magistrate.	
5.	Date of filing of Detailed Accident Information Report (DAR) by the Investigating Officer before Claims Tribunal.	
6.	Date of service of DAR on the Insurance Company.	
7.	Date of service of DAR on the claimant(s).	
8.	Whether DAR was complete in all respects?	
9.	If not, whether deficiencies in the DAR removed later on?	
10.	Whether the police has verified the documents filed with DAR?	
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.	
13.	Name, address and contact number of the Designated Officer of the Insurance Company.	
14.	Whether the Designated Officer of the Insurance Company submitted his report within 30 days of the DAR? (Clause 22)	

15.	Whether the Insurance Company admitted the liability? If so, whether the Designated Officer of the Insurance Company fairly computed the compensation in accordance with law.	
16.	Whether there was any delay or deficiency on the part of the Designated Officer of the Insurance Company? If so, whether any action/direction warranted?	
17.	Date of response of the claimant(s) to the offer of the Insurance Company.	
18.	Date of the award.	
19.	Whether the award was passed with the consent of the parties?	
20.	Whether the claimant(s) were directed to open savings bank account(s) near their place of residence?	
21.	Date of order by which claimant(s) were directed to open savings bank account(s) near his place of residence and produce PAN Card and Aadhaar Card and the direction to the bank not issue any cheque book/debit card to the claimant(s) and make an endorsement to this effect on the passbook.	
22.	Date on which the claimant(s) produced the passbook of their savings bank account near the place of their residence along with the endorsement, PAN Card and Adhaar Card?	
23.	Permanent Residential Address of the claimant(s).	
24.	Details of savings bank account(s) of the claimant(s) and the address of the bank with IFSC Code.	
25.	Whether the claimant(s) savings bank account(s) is near his place of residence?	
26.	Whether the claimant(s) were examined at the time of passing of the award to ascertain his/their financial condition?	
27.	Account number, MICR number, IFSC Code, name and branch of the bank of the Claims Tribunal in which the award amount is to be deposited/transferred.	

**FORM – VIA**  
**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL**

..... ....Petitioners(s)

Versus

..... .....Respondent(s)

**FORMAT OF WRITTEN SUBMISSIONS TO BE FILED BY THE PARTIES IN**  
**DEATH CASES**

1. Date of accident .....
2. Name of the deceased.....
3. Age of the deceased.....
4. Occupation of the deceased.....
5. Income of the deceased.....
6. Name, age and relationship of legal representatives of deceased

S. No.	Name	Age	Relation
1.			
2.			
3.			
4.			
5.			



Computation of Compensation

S.No.	Heads	Claim of Petitioners(s)	Response of Respondent(s)
7.	Income of the deceased (A)		
8.	Add-Future Prospects (B)		
9.	Less-Personal expenses of the deceased (C)		
10.	Monthly loss of dependency [(A+B) – C = D]		
11.	Annual loss of dependency (D x 12)		
12.	Multiplier (E)		
13.	Total loss of dependency (D x 12 x E = F)		
14.	Medical Expenses (G)		
15.	Compensation for loss of consortium (H)		
16.	Compensation for loss of estate (I)		
17.	Compensation towards funeral expenses (J)		
<b>TOTAL COMPENSATION (F + G + H + I + J =K)</b>			
<b>INTEREST</b>			

**FORM – VIB**  
**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL**

.....

....Petitioners(s)

Versus

.....

.....Respondent(s)

**FORMAT OF WRITTEN SUBMISSIONS TO BE FILED BY THE PARTIES IN**  
**INJURY CASES**

1. Date of accident.....
2. Name of the injured.....
3. Age of the injured .....
4. Occupation of the injured .....
5. Income of the injured .....
6. Nature of injury.....
7. Medical treatment taken by the injured .....
8. Period of hospitalization.....
9. Whether any permanent disability? If yes, give details.....

10. Photographs of the injured and the injuries.....

11. Computation of Compensation:-

S.No.	Heads	Claim of Petitioners(s)	Response of Respondent(s)
12.	<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 income		
(vi)	Cost of artificial limb (if applicable)		
(vii)	Any other loss/expenditure		
13.	<b>Non-Pecuniary Loss:</b>		
(i)	Compensation for mental and physical shock		
(ii)	Pain and suffering		
(iii)	Loss of amenities of life		
(iv)	Disfiguration		
(v)	Loss of marriage prospects		
(vi)	Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, dejection and unhappiness in future life		

	etc.		
14.	<b>Disability resulting in loss of earning capacity:</b>		
(i)	Percentage of disability assessed and nature of disability as permanent or temporary		
(ii)	Loss of amenities or loss of expectation of life span on account of disability		
(iii)	Percentage of loss of earning capacity in relation to disability		
(iv)	Loss of future Income - (Income x % Earning Capacity x Multiplier)		
<b>TOTAL COMPENSATION</b>			
<b>INTEREST</b>			

**FORM – VII**  
**FORMAT OF RECORD OF AWARDS TO BE MAINTAINED BY THE CLAIMS**  
**TRIBUNAL**

DATE	Page No. of the Register	
S. NO.	PARTICULARS	
1.	Date of Award	
2.	Case number	
3.	Title of the case	
4.	Award amount	
5.	Date of notice of deposit by the depositor to the Claimant(s)	
6.	Date of notice of deposit by the Tribunal to the Claimant(s)	
7.	Amount of interest upto date of notice of deposit	
8.	Amount deposited along with date of deposit	
9.	Amount of interest upto date of notice of deposit	
10.	Whether entire award amount and interest deposited. If no, balance outstanding award amount/interest	
11.	Action taken to recover the balance award interest	
12.	Date of release of the award amount to the Claimant(s)	
13.	Mode of release of the award amount: (Give the details of endorsement made on the cheques)	
14.	Remarks	

**FORM – VIIA**  
**FORMAT OF MONTHLY COMPLIANCE REPORT TO BE SEND BY THE CLAIMS**  
**TRIBUNAL IN DEATH CASES**

**NAME OF THE PRESIDING OFFICER OF MOTOR ACCIDENT CLAIMS**  
**TRIBUNAL**

S.No	CASE NO.	DATE OF AWARD	AGE (yrs)	OCCUPATION	INCOME (per month)	AWARD AMOUNT
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

**FORM – VIIB**  
**FORMAT OF MONTHLY COMPLIANCE REPORT TO BE SEND BY THE CLAIMS**  
**TRIBUNAL IN INJURY CASES**

**NAME OF THE PRESIDING OFFICER OF MOTOR ACCIDENT CLAIMS**  
**TRIBUNAL**

S.No.	CASE No.	DATE OF AWARD	INJURIES SUFFERED	PERCENTAGE OF PEMANENT DISABILITY	PERCENTAGE OF FUNCTIONAL DISABILITY	AWARD AMOUNT
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

**FORM – VIII**  
**MOTOR ACCIDENT CLAIMS ANNUITY DEPOSIT (MACAD) SCHEME**

<b>S. No.</b>	<b>Scheme Features</b>	<b>Particulars/Details</b>
1	Purpose	One time lump sum amount, as decided by the Court / Tribunal, deposited to receive the same in Equated Monthly Instalments (EMIs), comprising a part of the principal amount as well as interest.
2	Eligibility	Individuals including Minors through guardian in single name.
3	Mode of Holding	Singly
4	Type of account	Motor Accident Claims Annuity (Term) Deposit Account (MACAD)
5	Deposit Amount	i. Maximum: No Limit ii. Minimum – Based on minimum monthly annuity Rs. 1,000/- for the relevant period.
6	Tenure	i. 36 to 120 months ii. In case the period is less than 36 months, normal FD will be opened. iii. MACAD for longer period (more than 120 months) will be looked as per direction of the Court.
7	Rate of interest	Prevailing rate of interest as per Tenure.
8	Receipts/Advices	i. No Receipts will be issued to depositors. ii. Passbook will be issued for MACAD
9	Loan Facility	No loan or advances shall be allowed.
10	Nomination facility	i. Available. ii. MACAD shall be duly nominated as directed by the court.
11	Premature Payment	i. Premature closure or part lump sum payment of MACAD during the life of the claimant will be made with permission of the court. However, if permitted, the annuity part will be reissued for balance tenure and amount, if any, with change in annuity amount. ii. Premature closure penalty will not be charged. iii. In case of death of the claimant, payment to be given to the nominee. The nominee has an option to continue with the annuity or seek pre-closure.
12	Tax deduction at source	i. Interest payment is subject to TDS as per Income Tax Rules. Form 15G/15H can be submitted by the Depositor to get exemption from the Tax deduction. ii. The annuity amount on monthly basis net of TDS, will be credited to the MACT Savings Bank account.



### **MACT CLAIMS SB ACCOUNT**

<b>Features</b>	<b>Particulars / Details</b>
Eligibility	Individuals including Minors (through guardian) in single name.
Minimum/Maximum Balance Requirement	Not applicable
Cheque book / Debit Card / ATM Card / Welcome Kit/ Internet Banking / Mobile Banking facility	i. By default, these facilities are not available in this product. ii. However, in case these facilities have already been issued, the court shall direct the bank to cancel the same before the disbursement of the award amount. iii. The bank shall make an endorsement on the passbook of the claimant(s) to the effect that no cheque book and/or debit card have been issued and shall not be issued without the permission of the Court.
Operations in the account	i. Only single operation. ii. In case of Minor accounts, the operation will be through guardian.
Withdrawals	Only through Withdrawal Forms or through Bio-Metric authentication.
Product change	Not permitted
Place of Opening	Only at the Branch near to the place of residence of Claimant (as directed by the Court).
Account Transfer	Not allowed
Nomination	Available
Passbook	Available
Rate of Interest	As applicable to Regular SB accounts
Statement by e-mail	Available
<b>P.S.:- Any other terms and conditions of SB account in Bank are applicable.</b>	