

प्ररूप 4

[पैरा 20 (1) देखें]

दावे के प्रतिदाय के लिए वचनबंध

(मोटर यान अधिनियम, 1988 की धारा 163 के अधीन)

मैं/हम मृतक/क्षतिग्रस्त व्यक्ति के विधिक प्रतिनिधि (प्रतिनिधियों) के रूप में वचनबंध करती/करता/करते हैं कि मैं/हम यदि मोटर यान अधिनियम 1988 या तत्समय प्रवृत्त किसी विधि के किन्हीं उपबंधों के अधीन या अन्यथा की मृत्यु या घोर उपहति की बाबत प्रतिकर के दावे के बजाय रकम अथवा उसके समाधान के माध्यम से कोई अन्य प्रतिकर या रकम प्रदान किए जाने की दशा में मोटर यान दुर्घटना निधि की टक्कर मार कर भागना प्रतिकर निधि से अधिनियम की धारा 161 के अधीन मुझे/हमें प्रदान किए जाने वाले प्रतिकर की रकम का प्रतिदाय करूंगी/करूंगा/करेंगे।

मृतक/क्षतिग्रस्त व्यक्ति के

विधिक प्रतिनिधि के हस्ताक्षर।"

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 25th February, 2022

G.S.R. 163(E).—Whereas the draft scheme for Compensation to victims of Hit and Run Motor Accidents, 2021 was published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988) vide notification of the Government of India in the Ministry of Road Transport and Highways, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 526 (E), dated the 2nd August, 2021, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the date on which copies of the Gazette of India in which the said notification was published, were made available to the public;

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

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

Now, therefore, in exercise of the powers conferred by section 161 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the Solatium Scheme, 1989 issued vide number S.O. 440 (E), dated the 12th June, 1989, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following scheme, namely:—

1. Short title and commencement. — (1) This scheme may be called the Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022.

(2) It shall come into force with effect from the 1st April, 2022.

2. Definitions. — In this scheme, unless the context otherwise requires, —

- (a) "Act" means the Motor Vehicles Act, 1988 (59 of 1988);
- (b) "Account for Insured Vehicles" means such part of the Fund that is utilised for the cashless treatment of victims of motor accidents caused by insured vehicles in accordance with the scheme framed under section 162;
- (c) "Account for Uninsured Vehicles or Hit and Run Motor Accident" means such part of the Fund that is utilised for the cashless treatment of victims of motor accidents caused by uninsured vehicles or hit and run accidents in accordance with the scheme framed under section 162.

Note:- Necessary proposal to Government in Transport Dept as per the provisions of rule 2(e) and (f) and rule 11 respectively. Communicate the rule to all officers concerned. Make it available in the official website for reference. The provisions of the said rule shall come into force w.e.f. 1.4.2022

- (d) "cashless treatment" means treatment provided to the victims of road accidents in accordance with the scheme framed under section 162;
- (e) "Claims Enquiry Officer" means the Sub-Divisional Officer, Tehsildar, or any other officer in charge of the revenue sub-division of a Taluka in each revenue district of a State or such other officer not below the rank of Sub-Divisional Officer or a Tehsildar, as may be specified by the State Government;
- (f) "Claims Settlement Commissioner" means the District Magistrate, the Deputy Commissioner, the Collector or any other officer-in-charge of a revenue district in a State appointed as such by the State Government;
- (g) "District-level Committee" means a Committee set up under paragraph 11;
- (h) "Form" means a Form annexed to this scheme;
- (i) "Hit and Run Compensation Account" means such part of the Motor Vehicle Accident Fund that is utilised for the payment of compensation for hit and run accident victims and reimbursement of cashless treatment expenditure of hit and run motor accident victims, to the Account for Uninsured Vehicles or Hit and Run Motor Accident, if any.
- (j) "Motor Vehicle Accident Fund" means a Fund as constituted under section 164B, and shall include the Account for Insured Vehicles, Account for Uninsured Vehicles or Hit and Run Motor Accident, and the Hit and Run Compensation Account.
- (k) "Section" means section of the Act;
- (l) "Standing Committee" means Committee set up under paragraph 3.

3. Standing Committee. — (1) There shall be a Standing Committee consisting of the following members, namely:—

- (a) an officer not below the rank of Joint Secretary, Ministry of Road Transport and HighwaysChairperson;
- (b) an officer not below the rank of Joint Secretary, Department of Financial Services, Ministry of Finance.....Member;
- (c) an officer not below the rank of Joint Secretary, Department of Expenditure, Ministry of Finance.....Member;
- (d) Secretary, General Insurance CouncilMember;
- (e) Chairman and Managing Director (CMD) of Insurance Companies for the time being carrying on general insurance business in India (three companies on rotation basis) Members;
- (f) Transport Commissioners, one each from three States, nominated by the Central Government by rotationMembers;
- (g) Representative as nominated by Principal Chief Controller of Accounts, Ministry of Road Transport and Highways;
- (h) Director, Ministry of Road Transport and Highways..... Member;
- (i) an officer nominated by the General Insurance CouncilMember - Secretary;
- (j) any representative, as nominated by Chairperson.—Member.

(2) The person nominated as a member by virtue of an office shall cease to be a member when he ceases to hold that office.

4. Remuneration of members of Standing Committee. — A member shall not be paid any remuneration, except travelling and daily allowance at the rates admissible to him and be paid from the source he draws salary.

5. Powers and functions of Standing Committee. — The Standing Committee shall-

- (a) periodically review the working of this scheme, including consideration of the General Insurance Council Report referred to in paragraph 24, and its implementation and direct corrective steps, wherever necessary;
- (b) consider the issues raised in the quarterly reports of the District Level Committee and provide guidance or directions, including on prevention of fraud in implementation of this scheme, wherever called for;
- (c) make recommendations to the Central Government for amendment of this scheme to enable the efficient disbursement and working of the Hit and Run Compensation Account, specifically with respect to prevention of fraud;

(d) provide procedure for conduct of business by the Standing Committee and District Level Committee.

6. Meeting of Standing Committee. —The Standing Committee shall meet at such time, date and at such a place as the Chairperson may, from time to time, appoint in this behalf:

Provided that the Committee shall meet at least once a year.

7. Quorum. — Not less than five members shall form a quorum:

Provided that if at any meeting there is no quorum, the Chairperson may adjourn the meeting to a date not less than seven days later, informing the members present and sending notices to other members that he proposes to dispose off the business at the adjourned meeting, whether there is a quorum or not, and he may thereupon dispose off the business at such adjourned meeting.

8. Decision. —Every matter shall be determined by a majority of votes of the members present and voting and, in case of equality of votes, the Chairperson shall have a casting vote.

9. Notice of meeting. — (1) Notice shall be given by the Member-Secretary to every member of the time, date and place fixed for each such meeting at least seven days before such meeting and each member shall be furnished with a list of business to be disposed off at the said meeting:

Provided that when an urgent meeting is called by the Chairperson, such notice shall not be necessary, however, Member-Secretary shall send an intimation to each member.

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairperson.

10. Minutes of meeting. — The proceedings of each meeting of the Standing Committee shall be circulated to all members and thereafter recorded in a minutes book which shall be kept as a permanent record, including in electronic form and the record of the proceedings of each meeting shall be signed by the Chairperson.

11. District Level Committee. — (1) There shall be a District Level Committee in each District consisting of the following members, namely: —

- (a) Claims Settlement CommissionerChairperson;
- (b) Claims Enquiry Officer, nominated by the State GovernmentMember;
- (c) Superintendent of Police or Deputy Superintendent of Police (Head Quarter) of the DistrictMember;
- (d) Chief Medical Officer of the DistrictMember;
- (e) the Regional Transport Officer or any other officer of Motor Vehicles Department as nominated by the State GovernmentMember;
- (f) any member of the public or a voluntary organisation connected with road safety aspects as nominated by the Chairperson.....Member;
- (g) an officer nominated by the General Insurance CouncilMember-Secretary.

(2) A person nominated as a member by virtue of an office shall cease to be member when he ceases to hold that office.

(3) The term of office of the members nominated under clauses (d), (e) and (f) of sub-paragraph (1) shall be determined by the State Government.

12. Remuneration of member of District Level Committee. —A member shall not be paid any remuneration except travelling and daily allowance at the rate admissible to him in his respective Department and be paid from the source he draws salary and a member nominated under clause (f) of sub-paragraph (1) of paragraph 11 shall be paid travelling allowance or dearness allowance by General Insurance Council, at the rate as may be decided by the General Insurance Council.

13. Powers and functions of District Level Committee. — The District Level Committee shall undertake all functions connected with the implementation of this scheme at the District Level, and it shall also perform the following functions, namely: -

- (a) to evaluate the progress of implementation of this scheme in the concerned District and take corrective steps, wherever necessary;
- (b) to submit a report on quarterly basis to the Standing Committee, including in electronic form and the report shall, inter alia, include month-wise statistics about the claim applications received, awarded, pending and reasons for pendency;

- (c) to keep close liaison with other authorities in the district so as to ensure that this scheme gets adequate publicity;
- (d) to provide guidance or clarifications to concerned authorities and claimants, wherever called for; and
- (e) to raise awareness about the rights available to claimants and the provision of compensation under this scheme.

14. Meeting of District Level Committee. — The District Level Committee shall meet at such time, date and place, within the concerned District itself, as the Chairperson may, from time to time, appoint in this behalf:

Provided that the Committee shall meet at least once in each quarter.

15. Quorum. — Not less than three members shall form a quorum.

16. Decision. — Every matter shall be determined by a majority of votes of the members present and voting, and in case of equality of votes, Chairperson shall have a casting vote.

17. Notice of meeting. — (1) Notice shall be given by Member-Secretary to each member of the time, date and place fixed for the meeting at least seven days before such a meeting and each member shall be furnished with a list of business to be disposed off at the said meeting:

Provided that when an urgent meeting is called by the Chairperson, such notice shall not be necessary, however, Member-Secretary shall send an intimation to each member.

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairperson.

18. Minutes of meeting. — The proceedings of each meeting of the District Level Committee shall be circulated to all members and thereafter recorded in a minutes book which shall be kept as a permanent record, including in electronic format and the record of the proceedings of each meeting shall be signed by Chairperson.

19. Nomination of insurance company. — General Insurance Council shall nominate any of its officer of an insurance company in each District for settlement of claims under section 161 and this scheme.

20. Procedure for making claim application. — (1) The applicant shall submit an application seeking compensation under this scheme in Form I, including through electronic means, along with a copy of claim raised by the hospital providing the treatment, if any, as per Scheme for Cashless Treatment formulated under section 162, and the undertaking in Form IV, and such other documents mentioned in Form I, including through electronic means, to the Claims Enquiry Officer of the Sub-Division or Taluka in which the accident took place.

(2) Where the Claims Enquiry Officer does not accept the grounds advanced by the applicant he shall record speaking order and communicate to the applicant reasons for not accepting the claim application.

21. Procedure to be followed by Claims Enquiry Officer. — (1) On receipt of claims application, the Claims Enquiry Officer shall immediately obtain a copy of the First Accident Report (FAR), post mortem report, as the case may be, from the concerned authorities and hold enquiry in respect of claims arising out of the hit and run motor accident.

(2) It shall be the duty of the Claims Enquiry Officer—

- (a) to decide as to who are the rightful claimants, where there is more than one claimant;
- (b) to submit to the Claims Settlement Commissioner, as early as possible, and in any case within a period of one month from the date of receipt of application, a report in Form II, along with his own recommendation, and the Forms and documents received from the claimant.

(3) Where the Claims Settlement Commissioner has returned any report to the Claims Enquiry Officer for further enquiry under sub-paragraph (3) of paragraph 22, the Claims Enquiry Officer shall make such additional enquiries as may be necessary and re-submit the report to the Claims Settlement Commissioner within fifteen days for final order.

22. Sanctioning of claims. — (1) Subject to sub-paragraph (2), on receipt of report of the Claims Enquiry Officer, the Claims Settlement Commissioner shall sanction the claim, as far as possible, within a period not exceeding fifteen days from the date of receipt of such report and communicate the sanction order in Form III, and the Forms and documents received from the claimant, to the Trust constituted under rule 4 of the Central Motor Vehicles (Motor Vehicle Accident Fund) Rules, 2022 or the General Insurance Council, as the case may be, with a copy to the following:—

- (a) the Claims Enquiry Officer;
- (b) the claimant;

- (c) the concerned Motor Accident Claim Tribunal;
- (d) the concerned Transport Commissioner;
- (e) General Insurance Council headquarters.

(2) Claims Settlement Commissioner shall deduct the claim raised by the hospital which has provided cashless treatment as per the scheme framed under section 162 and sanction the balance amount:

Provided that the amount spent on cashless treatment of the victim shall be transferred from the Hit and Run Compensation Account to the Account for Uninsured Vehicles or Hit and Run Motor Accident of the Motor Vehicle Accident Fund:

Provided further that if the claim raised by the hospital which has provided cashless treatment as per the scheme framed under section 162, is greater than the fixed sum compensation under section 161, no compensation shall be paid to the claimant or legal representative of the deceased, whichever the case may be.

(3) Where the Claims Settlement Commissioner has any doubt in respect of the report submitted by the Claims Enquiry Officer, he shall return the report to the Claims Enquiry Officer for further enquiry, indicating the specific points on which the enquiry is to be made.

23. Payment of compensation. — (1) In the case of claims arising out of death of an accident victim, the compensation awarded under paragraph 22 shall be made to the legal representatives of the deceased decided by the Claims Enquiry Officer.

(2) In the case of claims arising out of grievous hurt, the compensation awarded under paragraph 22 shall be made to the person injured.

(3) On behalf of the Trust referred to in sub- paragraph (1) of paragraph 22, General Insurance Council (GIC), immediately on receipt of the sanction order in Form III, and the Forms and documents from the claimant, shall make the e-payment to the bank account as provided by the claimant or legal representative of the deceased, as the case may be, and simultaneously send intimation to all the concerned authorities to whom the copy of the sanction order is endorsed.

(4) The payment under sub- paragraph (3) shall be made within fifteen days from the date of receipt of the sanction order:

Provided that the payment may be made within a further period of thirty days, for reasons to be recorded in writing to the Claims Settlement Commissioner.

(5) Upon disbursement of the compensation under sub- paragraph (3), the Claims Enquiry Officer shall maintain a record, including in electronic form, of the claim awarded and the date of payment made, which shall be used to populate the quarterly report under clause (b) of paragraph 13.

24. Annual report. — The General Insurance Council shall prepare an annual report on the working of this scheme and submit the same before the Standing Committee, with a copy to the Central Government.

[F. No. RT-11036/64/2019-MVL (part-2)]

AMIT VARADAN, Jt. Secy.

FORM I

[Paragraph 20 (1)]

FORM OF APPLICATION FOR COMPENSATION FROM HIT AND RUN COMPENSATION FUND

I,son*/daughter*/widow* of Shri residing at having been grievously injured in motor vehicle accident hereby apply for grant of compensation for the grievous injuries sustained. Necessary particulars in respect of the injury sustained by me are given below: —

I,son of/daughter of/widow of* Shri residing at hereby apply as a legal representative for the grant of compensation on account of death/injuries sustained by Shri/Shrimati/Kumarison of/daughter of/widow* of Shriwho died/had sustained injuries in a motor vehicle accident on at Particulars in respect of accident and other information are given below: —

1. Name and father's name of person injured / dead (husband's name in case of married woman or widow):
2. Address of the person injured/dead:

3. Age.....Date of Birth.....
4. Sex of the person injured/dead:
5. Aadhaar Number of the claimant in case of grievous hurt or Aadhaar Number of legal representative.
6. Copy of Passbook of the bank account of person injured/ legal representative of the deceased.....
7. Place, date and time of the accident:
8. Occupation of the person injured/dead:
9. Nature of injuries sustained:
10. Name and address of Police Station in whose jurisdiction accident took place or was registered:
11. Name and address of the Hospital/Medical Officer/Practitioner who attended on the injured/dead:
12. Name and address of the claimant/claimants:
13. Relationship with the deceased:
14. Copy of bill given by the Hospital which has provided cashless treatment as per Scheme framed under section 162 of the Act
15. Any other information that may be considered necessary or helpful in the disposal of the claim:

I hereby swear and affirm that all the facts noted above are true to the best of my knowledge and belief.

SIGNATURE OF THE CLAIMANT

*Strike out whichever is not applicable.

FORM II
[Paragraph 21 (2) (b)]

CLAIMS ENQUIRY REPORT TO BE SUBMITTED BY THE CLAIMS ENQUIRY OFFICER TO THE CLAIMS
SETTLEMENT COMMISSIONER

1. Name and address of the person dead/injured:
2. Place, time and date of the accident:
3. Particulars of the Police Station in which the accident was registered:
4. Particulars of the Hospital/ Medical Officer/ Practitioner who examined the dead/injured:
5. Particulars of persons summoned and examined:
6. Whether the fact of death/injury by hit and run motor accident has been established or not and the reason for coming to that conclusion:
7. The name and address of claimant(s) eligible for payment of compensation:
8. Amount spent on cashless treatment of the victim.
9. The amount of compensation recommended for payment to the claimant. (In case of more than one claimant the amount each one of the claimants is eligible for, and the reasons thereof shall be specified).
10. Any other information or records relevant or useful for the settlement of the claim.

Seal:
Date:

*Signature, designation
of the Claims Enquiry Officer.*

FORM III
[Paragraph 22 (1)]

Serial No.....
Claims Settlement Commissioner
District.....

ORDER

I hereby sanction Rs. (Rupeesonly) as compensation in respect of the death of(Name of deceased)/grievous hurt to.....(Name of the injured) resulting from hit and run motor accidents which took place at.....(Name of place) on.....(Date) to Shri/Shrimati/Kumari.....as legal representative of the deceased (.....) or to.....(Name of injured).

Claims Settlement Commissioner

CC to: —

1. Trust and General Insurance Council
2. The Claimant;
3. Motor Vehicles Accident Claims Tribunals;
4. Claims Enquiry Officer;
5. Member - Secretary of the Standing Committee.

FORM IV
[Paragraph 20(1)]

UNDERTAKING FOR REFUND OF CLAIM
(Under section 163 of the Motor Vehicles Act, 1988)

I/We.....as legal representative(s) of the deceased/injured.....hereby give undertaking that I/we shall refund the amount of compensation that may be awarded to me/us under section 161 of the Act, to the Hit and Run Compensation Fund of the Motor Vehicle Accident Fund in case I/we am/are awarded any other compensation or amount in lieu of or by way of satisfaction of a claim for compensation in respect of death or grievous hurt to.....under any other provisions of the Motor Vehicles Act, 1988 or any other law for the time being in force or otherwise.

*Signature of the legal representative
of the deceased/injured person."*