

**OFFICE OF THE DISTRICT & SESSIONS JUDGE NORTH-WEST DISTRICT
ROHINI COURTS:DELHI**

Genl.I/N-W & N/Rohini/2020/.....⁴⁵⁰⁷⁻¹⁴


Delhi, dated the 05/3/2020

**Sub:- Compliance of direction passed on 14.02.2020 in FAO 842/2003 titled
"Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors".**

Enclosed copy of letter bearing endst. No. 50/DHC/CPC/20 dated 29.02.2020 alongwith a copy of order dated 14.02.2020 passed by the Hon'ble Mr. Justice J. R. Midha of Hon'ble High Court of Delhi, New Delhi in FAO 842/2003 titled as Rajesh Tyagi & Ors. V/s Jaibir Singh & Ors. is being forwarded for information and necessary compliance to :-

1. All the Ld. Presiding Officers, Motor Accident Claims Tribunal, North-West and North District, Rohini Courts, Delhi.
2. Personal Office, North-West & North District, Rohini Courts Complex, Delhi.
3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS.
4. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE.

Encl:- As above


(Rakesh Kumar-IV)
Officer Incharge, General Branch-I,
North-West & North District,
Rohini Courts Complex, Delhi.

MANOJ JAIN
REGISTRAR GENERAL



HIGH COURT OF DELHI
Sher Shah Road
New Delhi-110 503
Off. : 23387989
Fax : 23073485

No. 50/0HC/CPCL/20
Dated 24/2/20

To

1. The District & Sessions Judges (HQ), Tis Hazari Courts, Delhi.
2. The District & Sessions Judge (South), Saket Courts, Delhi
3. The District & Sessions Judge (East), Karkardooma Courts, Delhi.
4. The District & Sessions Judge (South-West), Dwarka Courts, Delhi.
5. The District & Sessions Judge (Shahdara), Karkardooma Courts, Delhi.
6. The District & Sessions Judge (North-West), Rohini Courts, Delhi.
7. The District & Sessions Judge (South-East), Saket Courts, Delhi.
8. The District & Sessions Judge (West), Tis Hazari Courts, Delhi.
9. The District & Sessions Judge (New Delhi), Patiala House Courts, Delhi.
10. The District & Sessions Judge (North), Rohini Courts, Delhi.
11. The District & Sessions Judge (North-East), Karkardooma Courts, Delhi.

Sub: Compliance of direction passed on 14.02.2020 in FAO 842/2003 titled
Rajesh Tyagi & Ors. vs. Jaibir Singh & Ors.

Respected Madam,

I am directed to forward a copy of the order dated 14.02.2020 passed in FAO 842/2003 by Hon'ble Mr. Justice J.R. Midha with request to circulate the above said order amongst all the Presiding officers, Motor Accident Claims Tribunal in your respective Districts.

Regards,

Yours sincerely

(Manoj Jain)
Registrar General

Encl: As above

*Be put up before
ed. OIC (Genl) for
circulation
main
DTS (G)
03/03/20*

\$~13

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

+ FAO 842/2003 & CM APPL.Nos.32859/2017, 41125-27/2017,
35516-17/2018 & 46426/2018

RAJESH TYAGI & ORS. Appellants
Through: Mr.Satyam Thareja, Advocate/Amicus
Curiae

Versus

JAIBIR SINGH & ORS. Respondents
Through: Mr.Rajesh Deo, DCP (Legal Cell) and
Insp.Vinod Sharma, Court Cell, PHQ
Mr.Gautam Jha, Advocate for General
Insurance Council
Ms.Avnish Ahlawat, SC (GNCTD) with
Mr.Nilesh Kumar Singh, Advocate for
Transport Deptt. And DSSSB
Mr.S.P.Jain and Mr.Ravi Gupta, Advocates
for Go Digit General Insurance Limited
Mr.Bijay Kumar, Advocate for R-1
Mr.H.S.Parihar, Mr.Kuleep S.Parihar and
Ms.Ikshita Parihar, Advocates for RBI
Mr.Abhay Singh Bhadoria for Mr.Sameer
Nandwani, Advocate for Shri Ram
Insurance Company
Ms.Pruna Mehta, Advocate for RGIL
Mr.Pradeep Gaur, Advocate for National
Insurance Co.Ltd. and United India
Insurance Co.
Mr.Tushar, Mr.Chaitanya Gosain and
Mr.Divyank Tyagi, Advocates for Mr.Rahul
Mehra, Standing Counsel (Criminal)
Mr.Ankit Kaha, Advocate for ICICI
Lombard (GIC)
Mr.Mohit Singh, Proxy Counsel for
Mr.Navneet Kumar for Bharti AXA
G.I.Company Ltd. and Magma HDI
Ins.Co.Ltd.

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

ORDER

% 14.02.2020

CM Appl.No. /2020 (to be numbered)

1. Mr. S.P.Jain Advocate has handed over an application on behalf of Go Digit General Insurance Limited. Let the same be registered.
2. Issue notice to Delhi Police, GIC, IRDA and the learned Amicus Curiae.
3. Learned counsels for Delhi Police and GIC accept notice. Learned Amicus Curiae also accepts notice. Notice to IRDA is issued through Mr. Deepak Nag, Advocate. Mr. Deepak Nag accepts notice and seeks time to take instructions. Copy of the application be furnished to all concerned.
4. Learned counsel for Delhi Police has handed over the copy of the minutes of meeting dated 27th January, 2020 which is taken on record.
5. Mr. S.P.Jain, learned counsel for the applicant, submits that there is rampant misuse of the process of law by planting of the registration number of the vehicles in hit and run cases which can be plugged by giving directions as mentioned in the prayer clause.
6. Vide order dated 16th December, 2009, this Court considered suggestions of Mr. Arun Mohan, Senior Advocate and directed Delhi Police to incorporate them in the training manual. Para 13 to 17 of the judgment dated 16th December, 2009 are reproduced hereunder:-

"13. Mr. Arun Mohan, Senior Advocate has some suggestions for the Delhi Police for expeditious investigation of the accident cases. The suggestions of Mr. Arun Mohan are as under:-

First :

"Today, there are more drivers on the road carrying a mobile phone than perhaps those carrying a (genuine) driving licence. This phenomenon can be utilised for the purposes of investigation of motor accidents.

The Police Control Room can set up a Cell for Accident Identification with a dedicated telephone number (having

several lines) to which the Investigating Officer deputed to investigate an accident upon reaching the spot can make calls and it would register the number from which the calls are coming and the time as part of its call listing of received calls. Upon reaching the spot, the Investigating Officer (or the PCR Van) should take possession of the mobile phones of all concerned – driver, occupant/s, victim/s. Thereupon the Investigating Officer should make calls to the aforesaid designated police telephone number in the following order:

1. from his own (Investigating Officer's) mobile phone;
2. from the driver's mobile (If the driver is carrying more than one mobile phone, such phone calls be made from each of the phones.);
3. from the mobile phones of the occupant/s of the car; and
4. from the victim's mobile phone.

After these calls, there be another call from the Investigating Officer's mobile phone to this number to signify the end of series. Appropriate system to bunch these calls can be easily engineered. The necessary information (call details) can then be transferred to the electronic case file which is opened for the particular accident.

To be doubly sure, the Investigating Officer may also call his own number from the driver's mobile phone. If no number is displayed, the Investigating Officer ought to seize the mobile phone.

Identification of the mobile phones in use at the time of the accident and accessibility through the service provider to driver's (and others') location and call listings for the preceding period will give law enforcement a much stronger hand. And more importantly, prevent false claims when there has not been any accident or injury.

Second:

An Insurance Company must know about an accident immediately upon its occurrence so that it can make the necessary investigations. Presently, the insurance company comes in picture when the claim petition is filed and by that time the evidence can be created to convert a non-motor accident (or even a non-accident) into a motor accident. Evidence is also created of income levels so as to inflate the quantum.

As a solution to this, the Delhi Police needs to create a Website

to which the Investigating Officer in the field can connect and so can insurance companies from their own computers.

The 'information' sent by the Investigating Officer to this Website – preferably on an electronic interactive form – will include details such as: motor vehicle registration number, chassis number, engine number, vehicle make, model, colour, type, etc; particulars of the owner such as his address, mobile telephone, occupation, etc.; driver's registered address and driving licence number; the police station within the jurisdiction of which the accident took place; description of the spot where the accident occurred; the other persons involved in the accident; brief cause of the accident; casualties occurred; insurance policy number; particulars of the insurance company, etc. Only as many as are available at that time can be filled in. The Investigating Officer's mobile number and e-mail will also be entered.

Once the police starts placing this information on the web (which it can do virtually automatically within one hour of the accident) along with the time and location, and name of the insurance company (even two or three names may be given), the insurance company/ies can download this data (every hour) and search through their own database. The moment there is any matching / flagging, it can revert to the concerned Police Station on e-mail and to the Central Office, and even to the Investigating Officer.

Most of this exercise can be done by the computers automatically which (in absence of exact match) will give out (display) even particulars of similar vehicles in respect of which policies have been issued. So done, there is no reason why within a few hours of the accident, the insurance file cannot be reached and contact with the Investigating Officer made. The insurance companies can then depute their own field-agent to join in the investigations.

The insurance companies will have to fine-tune their own database of the policies which they have issued so that the necessary search and correlation can be made almost instantaneously. The idea is that in this computer day and age, the insurance companies must perform their task with diligence, and in the shortest of time get in touch with the AIO. Thus, the insurer has no longer to wait for summons from the MACT to know of the accident.

Third:

The Delhi Police needs to prepare and make available to all Investigating Officers:

- 1. Motor Accident Investigation Manual;*
- 2. Comprehensive set of questionnaire forms; and*
- 3. Instruction notes (as leaflets) for use of victims / witnesses, which the Investigating Officer can use for gathering information on the spot and even distributing (the forms and notes) to the victims / witnesses, and receiving information from them.*

More importantly, the Investigating Officer must also bestow some attention on what could have prevented the accident and prepare a note to that effect for being filed with the Central Office.

Lastly (Fourth)

The police could consider making available web-connected mobile phones with camera which can take photographs of the vehicle, number-plate, chassis-number-plate, driver, victim and electronically transmit these to the Central Police website / computer.

Ideally, alongside recording the statement of the witnesses in the case diary (under Section 161 Cr.P.C., these can be video-recorded at the site, and the CD preserved as part of the case file.

In future, we can have palm tops to scan the licence and thumb impression of the driver as also the thumb impression of the victim/s together with high resolution photographs and automatic GPS based location marker and time print.

14. The aforesaid four suggestions of Mr. Arun Mohan, Senior Advocate are very useful and there should be no difficulty in implementation of the first three suggestions; though the fourth suggestion may have to await action by the Government.

15. Mr. Arun Mohan has offered to provide the basic structure of the forms which can then be developed by the Delhi Police and be made part of the manual. The Delhi Police may also consult Mr. Arun Mohan and the other members of the Committee for drafting the manual.

16. The learned Additional Standing Counsel for Delhi Police submits that the Delhi Police shall favourably consider the above suggestions and shall incorporate them in their training to the Investigating Officers.

17. The Delhi Police shall prepare a Motor Accident Investigation Manual which shall incorporate the suggestions given by Mr. Arun Mohan and shall place the same before this Court."

(Emphasis Supplied)

7. This Court is of the view that all the suggestions recorded in para 13 of the judgment dated 16th December, 2009 are necessary to be implemented. The Delhi Police is directed to implement para 13 of the judgment dated 16th December, 2009 with effect from 15th April, 2020.

8. Vide order dated 18th January, 2018, this Court directed Delhi Police to implement the DAR procedure on the same lines as is being done by the Tamil Nadu. However, the same has not been done till date. Delhi Police is directed to implement para 3 of the order dated 18th January, 2018 with effect from 15th April, 2020. The Delhi Police is at liberty to the assistance of Ms. Seema Agarwal, I.P.S. who was instrumental in implementation of the Special Scheme in Tamil Nadu under the orders of Madras High Court.

Para 3 of the order dated 18th January, 2018 is reproduced hereunder:

“3. In Chalamandalam MS General Insurance Company Ltd. v. The Inspector of Police, 2017 SCC OnLine Mad 3860: (2017) 5 CTC 355, Justice P.N. Prakash of Madras High Court has passed directions for implementation of the DAR procedure by directing the registration of FIRs and uploading of DAR and the relevant data on the website of Tamil Nadu Police for the immediate access of the same by the Claims Tribunals, Legal Services Authority, Insurance Companies and the litigants/claimants. This Court is of the view that it would be appropriate for the Delhi Police to implement the DAR procedure on the same lines in which it is being implemented in Tamil Nadu. Delhi Police may seek necessary assistance, if required, from the Tamil Nadu Police in this regard. Relevant portion of the judgment dated 12th September, 2017 is reproduced hereunder: -

6. The Supreme Court has taken note of the DAR regime or Agreed Procedure as it was christened, forming part of the order dated 13/5/2016 as Ex.R5 in Jai Prakash vs. National Insurance Co Ltd., and made it applicable Pan India by virtue of its orders. This Court took note of the said development and directed the Director General of Police to implement the DAR regime within the State of Tamil Nadu also. It is in furtherance to these developments that circular dated 2/1/2017 came to be issued by the Office of the Director General of Police. The DAR regime was conceived and tweaked and implemented thanks to the proactive ways of the Delhi High Court and in particular

the passionate involvement from Justice J.R.Midha, it became a practical reality within Delhi on and from 1/2/2015.

7. It is pertinent to note that Delhi High Court put together the DAR regime and devised the Agreed Procedure for implementation, not only for the purpose of expeditious disposal of motor accident claims but also to ensure that false and fabricated claims or manufacture of false records were avoided. While the Motor Vehicles Act, 1988, has provided the basic framework for the filing of a motor accident claim in the pursuit of just compensation, it is the Delhi Motor Accidents Claims Tribunal Rules, 2008, which related to the actual procedure for conduct of the proceedings before the Claims Tribunals at Delhi.

8. The Delhi High Court conceived and devised DAR regime or Agreed Procedure, forming part of order dated 13/5/2016 in *Jai Prakash vs. National Insurance Co. Ltd.* of the Apex Court as Ex.R5, now forms part of the Delhi MACT Rules, 2008, as notified by Delhi administration. It is this Ex.R5 which is now made applicable Pan India by the Supreme Court by its orders.

9. The DAR regime in Delhi is implemented physically. It is a manually devised procedure/regime which is in vogue in Delhi. It is gathered that there are only 6 Motor Accidents Claims Tribunals, in all, in Delhi and specific Police Stations which capture the FIRs relating to the accidents arising thereto. So, manual implementation of DAR is plausible and within a controllable geographical construct. But, in the course of these proceedings, the Tamil Nadu Police administration brought to the notice of this Court that already the State Crime Records Bureau, under the aegis of the Office of the Director General of Police, was already in the midst of developing a software, since 2014, for the purpose of registering FIRs and uploading data and controlling the regime related to it, on online basis in Tamil Nadu (on Tamil Nadu Police website- www.eservices.tnpolice.gov.in). SCRB was already in the course of fine-tuning this online regime, which was deemed fit and proper to tap into for an online DAR regime, for all practical purposes rather than a physical regime. This Court chose to allow the embracing of technology already in place, for implementing the DAR regime as the way to go. Such online mechanism did not, in any way, detract from the mandated implementation of the DAR regime and instead, it enhanced the value and utility arising from its operation. In the face of the

that there are 1,827 Police Stations, including 200 All Women Police Stations (AWPS), 266 Traffic Police Stations and 27 Police Out Posts, as per Government of Tamil Nadu Tamil Nadu Police Policy Note-2016 and there are in all 1,014 courts in the State, of which, around 289 are Claims Tribunals, and also more than 1/3 of them as Judicial Magistrates, as per Government of Tamil Nadu Policy Note 2016-17, physical implementation of the DAR regime would stretch the available manpower and resources and make it difficult for sure and strict compliance. Incidentally, on enquiry, this Court is proud to be informed that after Delhi, pursuant to the orders of the Apex Court, only in Tamil Nadu, DAR regime has come to be implemented in the entire country and Tamil Nadu can pride itself of the technology marvel. Access to hundreds of Police Stations, Claims Tribunals, Judicial Magistrate Courts, Legal Service Authorities, a key to the efficacy of the implementation of DAR regime, has become a realizable reality thanks in the main to the online platform. The SCRB initiative, plugged into, needs commendation on every count.

SOFT VERSION OF DAR REGIME

11. While so, as far as Tamil Nadu is concerned, SCRB was already engaged in developing its online platform in relation to criminal law jurisdiction, right from the registration of FIRs and beyond. When the order of this court dated 17/8/2016 came, it was a timely one for the SCRB and the Office of the Director General of Police to tweak the developing online platform to cater to the implementation of the DAR regime. This Court saw immense merit in the said practice and readily allowed the dispensation to go online as a soft version of the DAR regime, for all round benefit.

12. SCRB took the trouble of demonstrating its online platform as captured in the circular dated 2/1/2017 of the Office of the Director General of Police to this Court and this Court was satisfied, as duly recorded, in its order dated 5/1/2017 that DAR regime was an online platform based implementation in lieu of the physical or manual version of it, as practised in Delhi. A run through of the DAR compilation, in its online avatar of SCRB, would reveal that every syllable or information required to be compiled (as per Annexure Ex.R5) identified in order dated 13/05/2016 of Supreme Court in Jai Prakash vs. National Ins Co Ltd. is put together online itself. The DAR

regime as implemented in Tamil Nadu is nothing but a soft version of the hard version of it in Delhi.

13. Technology is the way to go. Digitisation is the key for advancement in the lives of human beings too. E-Courts are here to stay. Ordinary litigants are able to access the case details and status thereof and even tuck into the daily orders or final orders, have easy access, from the confines of their homes. There is a certain element of open and transparent regime infusing the needed dose of it in the administration of justice. Motor accidents claims require a huge dose of it, no doubt about the same. Victims of motor accidents or claimants, as the case may be, already traumatized would hugely benefit if the compilation of documents required to pursue a claim for just compensation are readily accessible to them. Equally, if the stakeholders thereto, be it owners/drivers of motor vehicles or insurance companies or transport corporations, are provided ready access, the documentation, investigated independently and verified for veracity, it would go a long way in enabling early closure of claims, even by way of compromise. That is actually the purport and import of the order dated 13/5/2016 made in Jai Prakash vs. National Insurance Co. Ltd. of the Apex Court. That is more than adequately achieved by the DAR regime and when it is an online platform and technology-driven, its impact could be immediate and immense.

xxx

xxx

xxx

BENEFITS OF E-PLATFORM

15. We live in technological times. Law may be last and lagging in embracing technology. But benefits of tapping into technology would enhance the benefits flowing from judicial administration. It may be trite to lay down the benefits as they are too well known and obvious. This Court is aware of the decision in United India Insurance Co. Ltd. v. Sagicor Capital Life Insurance Co. Ltd. [2013 (2) CTC 408 (Mad.)] where a suggestion was made by this Court for payment of court fees online. Taking cue, Notifications have been issued pursuant to the amendments to the law for payment of court fees online. Yet, it is reported that E-payment of court fee regime is not in yet, and it may be time for the powers that be to complete the circle for ushering in the era of transparency in a key area. No wonder, this Court, vide dated 20/7/2015 in Royal Sundaram Alliance Ins Co. Ltd. vs E Priya (CMA No. 1298/2015) and in Oriental Insurance Co. Ltd. vs. Rajesh (CMA No. 428/2016

dated 11/3/2016), has mandated the use of Digital transfer or NEFT/RTGS transfer of compensation payable by insurance companies and transportations to be deposited into the accounts of the courts directly and also disbursement of compensation to claimants/victims also by a similar transfer to their bank accounts. The claimants are required to furnish as part of the claim documents, their bank account details and even PAN Card and (where they are possessed of it) and this enables Direct Bank Transfer to the accounts of the claimants/victims. The claimants/victims get to handle the compensation sums by themselves and exercise full control of it, without fear of 'leakage' which was rampant in this jurisdiction. In fact, this Court feels that be it a motor accident claim or a land acquisition claim or even a matrimonial dispute or any litigation involving the need for deposit and disbursement, time may have come to digitize the operations for easy and smooth transfer and an open, transparent regime. Sunlight, they say, is the sure and certain disinfectant. It may be a fit and proper circumstance for the Hon'ble Chief Justice and Court administration to come up with a comprehensive directive for implementing this Direct Benefit or Bank transfer regime, across all jurisdictions involving and requiring similar deposit of sums and disbursement of it akin to motor accident claim jurisdiction and also expedite the E-court Fee regime and possibly an E filing of cases too. This suggestion is placed with utmost respect before the Hon'ble Chief Justice for appropriate consideration.

16. In addition to the above, in the field of motor accidents claims, this Court has also introduced a regime of reference of injured claimants to District Medical Boards for issuance of certificate of disability for uniform, consistent assessment. By order in CMA No.2380/2015 dated 12/4/2016 in Tata AIG General Ins Co. Ltd. vs. Prabhu, this new dispensation was put in place as of 1/8/2016. While clarifying the purport and import of the said order, by order dated 25.11.2016, this Court, while reiterating and commending the regime, also suggested use of digital way for transfer of medical records and receipt of certificates of disability. The utility of a techno-savvy platform was highlighted.

17. A combined reading/implementation of DAR regime – which is a technology platform, allied with reference of the victims to Medical Board, as a matter of rule for availing certificates of

disability, and on grant of just compensation, the transfer of the same as digital transfer to the bank accounts of the victims, would be a huge and transformational change. Providing such avenues may not suffice. The stakeholders need to be made aware of and be ready and willing to take full advantage of it. Once there is exposure and experience of this well-oiled systemic change, the benefits that flow to ease the lives of the traumatized victims would be immense and deserving. In fact, this Court feels that the courts below, which are the beneficiaries to this ready access, need to be sensitized to its uses and benefits and SCRB even took the initiative of a Lecture-Demonstration to Judicial Officers in Chennai and its suburbs at the Tamil Nadu State Judicial Academy. May be, it would make sense to introduce and familiarize the concerned Judicial Officers, elsewhere in Tamil Nadu also, with this new technological regime, which if accessed by them with intent and alacrity, would enable them to advance in their careers too with a better performance. Ultimately, Justice Hand-could be falsified by Courts of Law turning into "Courts of Justice" after all.

INITIAL IMPLEMENTATION OF DAR REGIME

18. By order dated 13/4/2017, this Court while recording the chronology of events, also adverted to the role that technology played and could play in the administration of justice vis a vis a series of verdicts from the Supreme Court as well. It therefore readily commended the SCRB on line platform for implementing the DAR regime. The online platform has gone live from 1/3/2017 and it has been opened up for insurance companies and transport corporations. Till date, this Court is informed that 13 insurers have registered themselves and are regularly making use of the uploaded data. Transport Corporations, to whom also this service was extended, have also sought registration for availing this facility. As far as Motor Accidents Claims Tribunals are concerned, 289 of them have been given links, as well as 58 Legal Service Authorities by SCRB till date, thanks to the IT efforts of this Court and the service is available for them for free. Equally, it is gathered that between 1/3/2017 and 11/09/2017, around 18,000 claims related data, have been uploaded and made accessible to the stakeholders, in question. DAR compilation as mandated by law, is an online reality and instead of the physical version as in Delhi, now, the version in Tamil Nadu is a soft one. Counsel

for insurance companies have expressed satisfaction at the performance of the platform thus far and readily admit that it has enabled the insurers to handle claims better, with confidence, and made it possible to seek closure also early.

19. The order dated 13/5/2016 of the Apex Court made in *Jai Prakash vs. National Insurance Co. Ltd.* vide implementation of the DAR regime, is now a reality in Tamil Nadu, not in the physical or hard copy format but an online version of it. This Court is immensely satisfied that the online version is an improved version and not a belittled version and DAR compilation is in accord with the legal mandate. Instead of physically compiling the documents and capturing the information, SCRB is uploading the data for ready access of the stakeholders. Even assuming that the Claims Tribunals were actually not registering claims upon such uploaded DAR regime, they have no hurdle to download the compilation, register the case, give it a number and issue notices to the parties therein and process and dispose of the claim as if a claim petition was filed, wherever claims have not already been filed. The physical filing of the DAR compilation is replaced in Tamil Nadu by the online avatar, in precept, but, in practice, it is but implementation of DAR regime as it is perceived and mandated to be. SCRB deserves wholehearted appreciation for its readiness to comply with the legal mandate and tweaking their online platform to put in place a version to accommodate the DAR regime without any let or hindrance. Hats off to all those who are involved and engaged in this noble endeavour for the larger interest of the affected victims.

20. Motor accidents jurisdiction is quite peculiar from the point of view of specialised practitioners in Tamil Nadu. It has been brought to the notice of this Court in course of demonstration of DAR compilation and settlement of 7 claims on that basis and the Delhi regime where the DAR report when filed being registered as a claim petition, that in Tamil Nadu, scope or need for such filing/registration of MCOPs based on DAR compilation, seems otiose or meaningless. Even well before the DAR compilation is made and uploaded, however fast, within even 30 days and 60 days in many a case, already claim petitions get filed before Claims Tribunals and advocates are already on record. It is as if along with first-aid to the traumatized victims, vakalats are obtained and claims filed in Tamil Nadu, as a matter of rule and the Police administration is

even put on notice of the advocates-on-record even while they upload the data in this DAR regime. So, this Court is satisfied that online implementation of DAR does not, in any way, detract from the merits of the DAR regime from its physical filing format. Hence, the online version of DAR regime, as implemented in Tamil Nadu, passes the crucible of being an online version of DAR regime (in line with Ex.R5 as in order dated 13/05/2016 of the order of the Supreme Court in *Jaiprakash v National Ins. Co. Ltd.*) In fact, as times move, this Court is inclined to believe that this online version may be the way to go for implementation of DAR regime and SCRB may have a 'saleable product' on their hands to offer to other States across India, who also may come within the binding mandate for implementation of the DAR regime. Possibly, if the Apex Court was put on notice of this online version of DAR regime implementation, they may well commend its replication for rest of India, considering the keenness of the Apex Court in embracing technology.

FULL FLEDGED IMPLEMENTATION OF DAR REGIME:

21. While the Motor Accidents Claims Tribunals were afforded access first, and then Legal Services Authorities, and then insurance companies and transport corporations, SCRB took time to provide access to the victims/claimants and owners/drivers (who could be christened as accused at one level). SCRB has now completed the circle by providing access to the last segment also at a low price on and from 31/8/2017, within the promised dateline or mandated timeline of this Court. It adds a feather to the cap of SCRB for not only conceiving this facility but ensuring its implementation without any time overruns as well. Tamil Nadu Police can take pride that they have met the mandate of law and leading the way as the first and only State as on date in implementation of DAR regime.

22. The claimants/victims and owners/drivers, when they are registered and their details captured with mobile numbers, are given an One Time Password (OTP) with which they can have access to the uploaded DAR compilation for a small fee of Rs.10/- per document. In fact, if there is proper marketing of this dispensation and the ordinary citizen becomes aware, possibly, just possibly, the sale and purchase of victims as commodities may cease and the claimants/victims may get full control over their lives and claims to seek their own counsel

and file claims of their choice, rather than being peddled as commodities for a price, immediately upon an accident, and being more often than not compelled, to file claims through a select community of practitioners who dominate the jurisdiction. So, the benefits flowing from this DAR regime are limitless except that it is for the stakeholders to appreciate, assimilate, understand and utilize it to their benefit. SCRB may be doing their job by uploading the data and offering it on a platter to the stakeholders, all of them, in particular, the claimants/victims, at their door step. If the claimants/victims become aware of this facility and wait a wee bit, they can avoid themselves being sold as "commodities", since access to documentation under the DAR regime is within their grasp to take full control of their claims. But, if the claimants/victims fail or refuse to take advantage of this wonderful dispensation, we would still not be failing in our duty, for claimants/victims may be failing themselves. We can take the horse to the water but it is for the horse to drink for we cannot coerce it into doing so.

EXTENSION OF DAR REGIME TO VICTIM COMPENSATION SCHEME:

23. Thus, SCRB seems to have complied with the mandate of law in the implementation of the DAR regime. This Court sought to tweak the DAR regime for the benefit of the victims in relation to Sec.357-A of Cr.P.C. vis-a-vis Tamil Nadu Victim Compensation Scheme, 2013 as well. SCRB has merely to provide access to the Judicial Magistrates handling the crimes relating to motor accidents for them to make use of the same in assessment and award of compensation. In effect, any which way the DAR regime could be implemented effectively and put in place, in its online avatar, as distinguished from the physical form as enacted in Delhi, has been accomplished thanks to the innovative and endeavouring ways of SCRB.

SUMMATION:

24. The journey this Court set off on 17/8/2016 has now culminated with a Status Report from SCRB dated 08/09/2017. In paragraph no.10 of the status report, it is indicated that, as directed by this Court, extension of services is being made to State Transport Corporations also. While so, letter dated 08/09/2017 in Rc.No.D-X/2386/SCRB/2016, has been brought to the notice of this Court that such services have now been extended to State Transport Corporations also. This letter shall form part and parcel of the status report. Hence, the circle is

now complete. It is now a recorded and realistic fact that DAR regime is in vogue, up and running as mandated by the order of the Supreme Court dated 13/5/2016 and as triggered within this State by orders of this Court. The DAR regime, as practiced and implemented with SCRB at the apex, is a vastly improved and improvised version of the DAR regime as on online platform. It is no different from the DAR regime in its physical format, in content. The online platform vis-a-vis DAR regime went live from 1/3/2017. It has granted access to Claims Tribunals, Legal Services Authority and insurance companies and transport corporations on and from 1/3/2017 itself. Thereafter, now, SCRB has completed the compliance with their obligation by providing access to the claimants/victims and owner/drivers as well on and from 31/8/2017. It is good that the implementation of the DAR Regime and allied facility, have been publicized on 31/8/2017 in all districts of Tamil Nadu and in Chennai on 1/9/2017, under the leadership of the respective Commissioners of Police. Good causes should never shun publicity and instead, ought to embrace it for widening the base and its sphere of influence, in public interest. The online platform, SCRB suggests is running well and the stakeholders are by and large satisfied. Insurance companies appear to be the largest beneficiaries in having DAR regime documentation on their tables at the click of a key and it is only but fair that they use it not to their advantage exclusively but be forthcoming to try and compromise as many accident claims as possible to ease the pressure on the existing pendency. Hope the insurers would reciprocate the benefits that have come their way since the litigation they mounted has culminated in these developments. In any new concept and compliance, with a high end technological tweak, there is bound to be technical glitches which SCRB promises will be attended to all the time. They have as a permanent fixture provided the name, address and identity of the entity who would be available on line to attend to grievances and redressal thereof.

25. In fine, this Court is more than satisfied that SCRB has, in fact and reality, implemented the DAR regime as they were obliged to, but as an online platform. The form is different from Delhi, which is physical. In all other respects, the content being one and the same, the SCRB effort is a sure shot improved one and possibly worth replicating Pan India. In fact, if the Apex Court becomes aware of this online venture of the

implementation of DAR regime, it may even consider recommending its implementation across India, as being paperless is the way to go, as the Apex Court has itself demonstrably noted on 3rd July, 2017, going paperless itself on a trial run basis. SCRB has done a commendable job of what it was directed to do and one fervently hopes that all the stakeholders would take full advantage of what is on offer for the lasting benefit of the community of motor accidents victims, to seek early closure of their claims for just compensation and to come out of a traumatized event and circumstances, as early as possible and possibly rid the jurisdiction of the pernicious practice of false and fabricated motor accidents claims and falsification of records. A successful uploading and implementation of DAR regime would be testimony to the orders of the Apex Court in commending its application throughout India.

26. With these words, this Court commends the application of DAR regime as proposed for the entire State in its online version as constituting full compliance with the mandate of the decision of the Supreme Court dated 13/5/2016 in Jai Prakash vs National Insurance Co. Ltd. and as per the directions of this Court commencing from 16/8/2016 and culminating in this order. This Court commends the efforts of all those involved in implementation of the DAR regime and taking strenuous efforts to make a success of the regime for the lasting benefit of the innocent motor accidents victims to deliver on the promise of social justice as a Constitutional principle.

(Emphasis Supplied)”

9. Mr. Rajesh Deo, learned DCP, Legal Cell present in Court submits that it is necessary to develop a web based mobile application to comply with the directions of this Court.

10. A Committee comprising of Mr. S.S. Rathi, Registrar of Supreme Court; Mr. Rahul Mehra, Senior Standing Counsel for Delhi Police; Mr. Rajesh Deo, DCP (Legal Cell), Delhi Police; and Mr. Satyam Thareja, learned amicus curiae is constituted for development of the mobile/web application in consultation with all the stakeholders. Mr. S.S. Rathi, Registrar, Supreme Court shall be the Convenor of the said Committee and

first meeting shall be convened within three weeks.

11. Learned counsel for GIC submits that GIC is taking steps to set up a call centre at Delhi for implementation of the pilot project. Learned Amicus Curiae submits that GIC has an office at Delhi. GIC is directed to setup the call centre at their Delhi Office or any other place considered appropriate by 15th April, 2020.

12. The pilot project mentioned in the order dated 13th December, 2019 is directed to be implemented in respect of death cases in a motor accident in New Delhi District with effect from 15th April, 2020. The Investigating Officer shall expeditiously (on the date of accident) upload FORM – I of the order dated 07th December, 2018 (*Intimation of the Road Accident by the Investigating Officer to the Claims Tribunal and the Insurance Company*) and the photographs of the accident site in respect of all the accidents relating to the death of a person in a road accident in New Delhi District on the mobile application (if the Mobile application is not set up by 15th April, 2020, then to the dedicated phone number to be provided by GIC). Upon receipt of such intimation, the GIC shall immediately nominate/appoint a surveyor as well as Investigator to visit the site. The Investigator shall verify all relevant facts relating to the accident whereas the surveyor shall inspect the vehicle. The investigator shall submit a report with respect to the negligence of the driver of the offending vehicle as well as the name, age, occupation, income and family members of the deceased victim and other relevant details whereas the surveyor shall submit a report with respect to the mechanical inspection about accident to the concerned Insurance Company. The Investigator and Surveyor shall carry out their work without interfering in the work of the Investigating Officer. The Investigating Officer shall collect the relevant documents, verify the same and submit a Detailed Accident Report (DAR) to the Claims Tribunal as expeditiously as

possible. If the Insurance Company is satisfied with respect to the negligence of the offending vehicle, the concerned insurance company shall compute the compensation and submit a report to the Claims Tribunal in FORM – III of the order dated 07th December, 2018 as expeditiously as possible. The Claims Tribunal shall decide such cases as expeditiously as possible, preferably within 30 days from the date of accident.

13. List for directions on 13th March, 2020 at 2:30 PM.

14. Copy of this order be sent to the Registrar General of this Court who shall circulate the same to all the Claims Tribunals.

15. Copy of this order be given *dasti* under signatures of Court Master to learned counsel for the parties, GIC, IRDA, learned amicus curiae and members of the Committee appointed by the Court.

J.R. MIDHA, J.

FEBRUARY 14, 2020

mamta