OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
ROHINI COURTS: DELHI

Genl./F 3(A)/N-W & N/RC/2020/7-10 (own) Delhi, dated the 21-01-2021

Copy of the letter bearing No. 916-X dated 16.01.2021 alongwith copy of order dated 08.01.2021 passed by Hon'ble Mr. Justice J.R. Midha of Delhi High Court in FAO No. 842/2003 titled "Rajesh Tyagi & Ors.Vs. Jaibir Singh & Ors." received from Hon'ble High Court of Delhi, is being forwarded for information and immediate compliance/ necessary action to :

1. All the Ld. Judicial Officers, **(P.O. MACT)**, North-West & North District, Rohini Courts, Delhi (through email-id).

2. Personal Office, Ld. Principal District & Sessions Judge, North-West & North District, Rohini Courts Complex, Delhi (through email-id).

3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS (through email-id).

4. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE (through email-id).

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

List for reporting compliance on 26-02-202 **D-2**

Copy of Order

1102
19/1/21

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 916-L **Dt.** 16-1-2021

From

The Registrar General,
Delhi High Court,
New Delhi.

Office of the District & Sessions Judge (NW)
(Delhi High Court Seal)
Diary No. 03
18 JAN 2021
Rohini District Court, Delhi

To

1. Registrar General, Delhi High Court, New Delhi.
2. All Claim Tribunals

a) The District & Session Judge (HQ) Tis Hazari Courts, Delhi.
b) The District & Session Judge (East) Karkardooma Courts, Delhi.
c) The District & Session Judge (New Delhi) Patiala House Courts, Delhi.
d) The District & Session Judge (South West) Dwarka Courts, Delhi.
e) The District & Session Judge (West) Tis Hazari Courts, Delhi.
f) The District & Session Judge (North West) Rohini Courts, Delhi.
g) The District & Session Judge (South), Saket Courts, Delhi.
h) The District & Session Judge (North East) Karkardooma Courts, Delhi.
i) The District & Session Judge (South East) Saket Courts, Delhi.
j) The District & Session Judge (Shahdara) Karkardooma Courts, Delhi.
k) The District & Session Judge (North) Rohini Courts, Delhi.

With Request to Circulate the order to all MACT

3 Child Welfare Committees
Nirmal Chhaya Complex, Jail Road, New Delhi

4. National Judicial Academy
Bhadbhada Road, Suraj Nagar,
Bhopal, Madhya Pradesh 462044

5. Delhi Judicial Academy
Sector 14, Dwarka, New Delhi

6. Delhi State Legal Services Authority, Patiala House Courts, New Delhi.

7. Deputy Commissioner of Police/Crime (HQ) Kamla Market, Delhi.

8. The Manager, IRDA (Insurance Regulatory and Development Authority of India)
Delhi Office Gate No. 3,
Jeevan Tara, Building,
First Floor, Sansad Marg
New Delhi

With Request to Circulate the Order to All Insurance Companies

Be put up before
i) Ld. OIC (Genl.) for circulation amongst all concerned.
ii) Be displayed on website of this office.

Sd/-
PDJ(NW)
19/01/21

FAO No. 842/2003

Rajesh Tyagi & Ors. **Appellants**

Vs.

Jaibir Singh & Ors **Respondent**

Appeal against the order dated **05/08/2003** passed by **Mr. O. P. Gupta, Addl.Distt.&Session Judge, MACT, Shahdara Karkardooma Courts, Delhi.** in Suit No. **32/02.**

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of the order dated **08/01/2021** passed by Hon'ble **Mr. Justice J. R. Midha** of this court in the above noted case.

Acknowledge the receipt.

Yours faithfully,

16/1/24

Admn. Officer (J) C-IV
For Registrar General

16/1 Rkwd

$~

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 8th January, 2021

%

\+ FAO 842/2003

RAJESH TYAGI & ORS. ..... Petitioners

Through:

versus

JAIBIR SINGH & ORS. ..... Respondents

Through: Mr. Kirtiman Singh, Standing Counsel for Central Government with Mr. Waize Ali Noor, Advocate.

Mr. Rahul Mehra, Standing Counsel for Delhi Police with Mr. Chaitanya Gosain, Advocate and Mr. Rajesh Deo, DCP-Legal Cell (PHQ) of Delhi Police

Mr. H.S. Phoolka, Senior Advocate as Amicus Curiae.

Mr. Sidharth Luthra, Senior Advocate as Amicus Curiae with Mr. Arjun, Advocate

Mr. Vikas Pahwa, Senior Advocate as Amicus Curiae with Mr. Sumer Singh Boparai, Advocate

Mr. Satyam Thareja, Advocate as Amicus Curiae

Mr. Rajshekhar Rao, Advocate as Amicus Curiae with Ms. Aanchal Tikmani, Advocate

Ms. Prabhsahay Kaur, Advocate for Bachpan Bachao Andolan with Ms. Sampurna Behrua, Director (Legal) of Bachpan Bachao Andolan

Mr. S.P. Jain, Advocate for Go Digit GIC

Mr. Gautam Jha, Advocate for GIC

Mr. Navneet Kumar, Advocate for Bharti Axa GIC Ltd. and Magma HDI
Mr. Ankit Kalra, Advocate for ICICI Lombard GIC Ltd.
Mr. Deepak Gupta, Advocate for HDFC Ergo

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

JUDGMENT

1. In ***Concord of India Insurance Co. Ltd. v. Nirmala Devi,*** (1979) 4 SCC 365, ***Justice Krishna Iyer*** observed as back as in the year 1979 that an explosive escalation of automobile accidents accounts for more deaths than the most deadly diseases which has become a lethal phenomenon on Indian roads everywhere. ***Justice Krishna Iyer*** further observed that automatic reporting of the accident by the police in a statutory *pro-forma* signed by the claimants to the Claims Tribunal would banish the legal delays in this compassionate jurisdiction. The relevant portion of the judgment is as under:

> *"1. An explosive escalation of automobile accidents, accounting for more deaths than the most deadly diseases, has become a lethal phenomenon on Indian Roads everywhere. The jural impact of this tragic development on our legislatures, courts and law enforcing agencies is insufficient, with the result that the poor, who are, by and large, the casualty in most of these cases, suffer loss of life or limb and are deprived of expeditious legal remedies in the shape of reasonably quantified compensation promptly paid — and this, even after compulsory motor insurance and nationalisation of insurance business. The facts of these special leave petitions which we dismiss by this order, raise two serious issues which constrain us to make a speaking order. The first deals with legal rights, literacy in the case of automobile accidents and the processual modalities which secure redressal of grievances. The second*

relates to the consequences of negligence of counsel which misleads a litigant into delayed pursuit of his remedy.

2. Medieval roads with treacherous dangers and total disrepair, explosive increase of heavy vehicles often terribly overloaded and without cautionary signals, reckless drivers crazy with speed and tipsy with spirituous potions, non-enforcement of traffic regulations designed for safety but offering opportunities for systematised corruption and little else and, as a cumulative effect, mounting highway accidents demand a new dimension to the law of torts through no fault liability and processual celerity and simplicity in compensation claims cases. Social justice, the command of the Constitution is being violated by the State itself by neglecting road repairs, ignoring deadly overloads and contesting liability after nationalising the bulk of bus transport and the whole of general insurance business. The jurisprudence of compensation for motor accidents must develop in the direction of no-fault liability and the determination of the quantum must be liberal, not niggardly since the law values life and limb in a free country in generous scales. In the present case, a doctor and his brother riding a motor cycle were hit by a jeep driver and both were killed. The fatal event occurred in November 1971, but the Motor Accident Claims Tribunal delivered judgment five years later awarding sums of Rs 80,000 and Rs 73,500 to the two sets of claimants.

3. The delay of five years in such cases is a terrible commentary on the judicial process. If only no-fault liability, automatic reporting by the police who investigate the accident in a statutory pro-forma signed by the claimants and forwarded to the tribunal as in Tamil Nadu and decentralised empowerment of such tribunals in every district coupled with informal procedures and liberation from court fees and the sophisticated rules of evidence and burden of proof were introduced — easy and inexpensive if the State has the will to help the poor who mostly die in such accidents — law's delays in this compassionate jurisdiction can be banished. Social justice in action is the measure of the State's constitutional sensitivity."

(Emphasis supplied)

2. India has a dubious distinction of having the highest number of road accidents. According to the latest Report of Ministry of Road Transport and Highways, 4,49,002 road accidents were reported in 2019 resulting in 1,51,113 deaths and 4,51,361 injuries i.e. an average of one road accident every 1.17 minute resulting in one death every 3.47 minute, which is the highest in the world. Road accidents are a human tragedy which involves enormous human suffering and they impose huge socio-economic costs in terms of untimely deaths, injuries and loss of potential income. The ramifications of road accidents can be colossal and its negative impact is felt not only on individuals and their families but also on the economy. Road safety is an important issue of national concern.

3. Vide judgment dated 16th December, 2009, hereinafter referred to as ***Rajesh Tyagi - I***, this Court formulated the *Claims Tribunal Agreed Procedure* for time bound settlement of motor accident claims within 90 to 120 days which was implemented w.e.f. 02nd April, 2010. In Delhi alone, about 21,820 accident cases were filed between 02nd April, 2010 to August, 2012 out of which the Claims Tribunals awarded compensation in 10,762 cases within 90 to 120 days by following the *Claims Tribunal Agreed Procedure*. The *Claims Tribunal Agreed Procedure* has revolutionized the motor accident compensation law inasmuch as the claimants get the compensation within 120 days of the accident without the need of filing a claim petition.

4. In ***Rajesh Tyagi – I***, this Court directed Delhi Police to prepare *Accident Investigation Manual* to implement the *Claims Tribunal Agreed Procedure* in pursuance to which the Delhi Police prepared *Accident Investigation Manual* which was accepted on 17th March, 2010. Relevant

portion of the order dated 17th March, 2010 is reproduced hereunder:-

> *"1. The learned amicus curiae has examined the Manual for training of Investigating Officers prepared by the Delhi Police. The Court has also examined that Manual which is very comprehensive and satisfactory. The Manual prepared by the Delhi Police is accepted. The Delhi Police has done a commendable work in compilation of Manual for training of the Investigating Officers. The learned Additional Standing Counsel for Delhi Police submits that the Manual has been prepared by the team of police officers headed by Mr. Dharmender Kumar, Joint Commissioner, New Delhi Range".*

5. In ***Mayur Arora v. Amit,*** 2011 (1) TAC 878, this Court noted that Delhi Police issued a Standing Order No. 157 of 2008 on 14th August, 2008 and also prepared *Accident Investigation Manual* and Check-list for investigation of motor accident cases. The operative portion of the *Accident Investigation Manual,* Standing Order No. 157 of 2008 and Check-list of Delhi Police are ***Annexures II, III & IV*** respectively to the judgment of ***Mayur Arora v. Amit*** (supra). Relevant portion of the judgment is as under:-

> *"16.1. The Delhi Police has issued Standing Order No.157/2008 with respect to the investigation of road accident cases on 14th August, 2008. The Delhi Police has also prepared a Manual for investigation of motor accident cases in pursuance to the directions issued by this Court in the case of **Rajesh Tyagi vs. Jaibir Singh, FAO.No.842/2003.** The Delhi Police has also compiled a check list for investigation of the accident cases. The police shall follow the same while investigating the motor accident cases. The copies of the operative portion of the Manual, Standing Order and the checklist of Delhi Police are attached to this order as Annexures II, III & IV respectively for ready reference by the Claims Tribunals."*

6. In ***Rajesh Tyagi –I***, this Court considered the suggestions of Dr. Arun Mohan, learned *Amicus Curiae* and directed Delhi Police to incorporate

them in the training manual. Relevant portion of the judgment dated 16th December, 2009 is 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 [Computer matching enables a few fields to be filled in and then it automatically shows up reasonably complete groups/fields (as suggestions/options) which include what was a possible error in the original keying-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 The police could consider making available web-connected (Fourth) 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 [also stated as latitude and longitude as degree, minutes and seconds].

xxx xxx xxx xxx

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. On 14th February, 2020, this Court directed Delhi Police to implement the aforesaid suggestions recorded in ***Rajesh Tyagi – I*** w.e.f. 15th April, 2020. Relevant portion of the order dated 14th February, 2020 is reproduced hereunder:

"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. On 14th February, 2020, this Court directed the pilot project mentioned in the order dated 13th December, 2019 to be implemented in respect of death cases in motor accidents in New Delhi District w.e.f. 15th April, 2020. Relevant portion of the judgment dated 14th February, 2020 is

reproduced hereunder:

> *"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."*

9. Vide order dated 18th January, 2018, this Court directed Delhi Police to implement the ***Detailed Accident Report*** (hereinafter referred to as *DAR*) procedure on the same lines as is being done in Tamil Nadu. On 14th

February, 2020, it was submitted on behalf of Delhi Police that a web based mobile application has to be developed to comply with the above directions. This Court constituted a Committee to develop the mobile/web application. Relevant portion of the order dated 14th February, 2020 is reproduced hereunder:

> *"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* ***Cholamandalam 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. <u>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</u>

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."

10. In ***Mayur Arora v. Amit*** (supra), this Court explained the scope of inquiry under Sections 168 and 169 of the Motor Vehicles Act as under:-

"10.1. The inquiry contemplated under Section 168 of the Motor Vehicles Act, 1988 is different from a trial. The inquiry contemplated under Section 168 of the Motor Vehicles Act arises out of a complaint filed by a victim of the road accident or an AIR filed by the police under Section 158(6) of the Motor Vehicles Act which is treated as a claim petition under Section 166(4) of the Motor Vehicles Act. These provisions are in the nature of social welfare legislation. Most of the victims of the road accident belong to the lowest strata of the society and, therefore, duty has been cast upon the police to report the accident to the Claims Tribunal and the Claims Tribunal is required by law to treat the Accident Information Report filed by Police as a claim petition. Upon receipt of report from the police or a claim petition from the victim, the Claims Tribunal has to ascertain the facts which are necessary for passing the award. To illustrate, in the case of death of a victim in a road accident, the Tribunal has to ascertain the factum of the accident; accident having being caused due to rash and negligent driving; age, occupation and income of the deceased; number of legal representatives and their age. If the claimants have not produced copies of the record of the criminal case before the Claims Tribunal, the Claims Tribunal is not absolved from the duty

to ascertain the truth to do justice and the Claims Tribunal can summon the investigating officer along with the police record."

11. In ***Mayur Arora v. Amit*** (supra), this Court laid down the following principles relating to the nature of inquiry under Sections 168 and 169 of the Motor Vehicles Act:

"13.1. On a fair reading of the statute, the wide power given to the Tribunal, the absence of 'onus' upon the claimant, the general position of the claimants and their wherewithal with the social obligation of the welfare State, all indicate that the procedure of the Claims Tribunal has to be Inquisitorial though keeping in view that most other procedures in the country are Adversarial, it would be proper to conceive and put in practice something which is a mix of the two.

13.2. To explain the difference, the Claims Tribunal would not be simply passive, give both the parties sufficient opportunity to adduce evidence, and at the end of the 'trial' announce who has won. At the same time, he will not assume the role of investigator and of the prosecutor apart from being the Judge in the Inquisitorial system.

13.3. Even in the pure Adversarial (where, in the past, the Judge remained passive and even in civil and criminal litigation), there has been a slow and steady move towards more active participation of the Judge. There have been two factors. The first is to do greater justice by removing imbalance between the two parties (and their lawyers); and the second is to more efficiently manage the cases and bring about efficiency

13.4. The proceedings before the Claims Tribunal are more of an Inquiry rather than an Adversarial trial. In other words, it is not that the claimant has to allege everything which the insurance can (without bothering to ascertain the facts) deny everything and then the Court expects proof of one and every allegation made in the claim petition.

13.5. Keeping in view the wording of the statute, the use of the phrase 'hold an inquiry' as also particularly the absence of the word 'trial' and; the larger purpose of the statute as demonstrated by the Statement of Objects and Reasons; observation into what has gone on; the type of the claimants; the type of the issues; and the need to bring about efficiency, procedure as are tailored to the subject has to be evolved by the Claims Tribunal.

13.6. The nature of the claims before the Claims Tribunal do not vary as widely as they do before a Civil Court, and there is an element of stereotype in them.

13.7. The facts which are to be ascertained are usually known and it is to be found out whether those facts exist or do not exist. It is only in that sense that an Inquiry is to be carried out.

13.8. Most of these facts are such which are to be proved by documents, generally as copies of records. If these are listed and summoned so that they are before the Claims Tribunal, it can make a world of a difference.

13.9. There is a distinction between proof of a document and what the document proves. Some of the documents can be taken at their face value. In fact, the onus is reversed so that the evidence in proof can be asked only if there is specific denial. The photocopies of documents or entries from the Transport Department can be presumed as correct leaving the onus to disprove on one who disputes it. Every document produced does not require a proof as if it were an unregistered Will leaving a large estate to an outsider.

13.10. If an allegation is denied, the respondent must state his reasons for the denial and if necessary, put forward his own version of events. Subject to certain exceptions, the general rule is that if a defendant fails to deal with an allegation, it is to be taken as an admission.

13.11. If following this procedure which is generally collection of documents, a case appears to be one which can be disposed of at the

first hearing, it should be so disposed of. There can, however, be cases where there is need for further inquiry. But that will have to depend upon whether a sufficient defence has been raised.

13.12. If the case needs further inquiry, the Court may frame issues. Issues help as a signpost to how the matter has to be proceeded with. They are signposts of topics (facts). However, before the issues, if a prefatory note on the facts which are not in dispute or not sufficiently in dispute or facts that can be taken judicial notice of, is made, the controversy stands narrowed down, the issues are more accurately framed and serve a greater purpose.

13.13. The present practice of framing the issues in a wide form calls for a change. Instead, what the Claims Tribunals as a part of 'following such procedures as it thinks fit' should do is to first go through the file and identify: (i) the chain of material facts and events (most of which are ordinarily not disputed); (ii) the scope of defences that are permissible; (iii) the factual questions that survive for decision; (iv) the missing links, and (v) the points of law which will need application to the facts and determination. After putting down a page or two of written material to depict the aforesaid, and also narrow down the controversy, frame pointed issues which bring out the factual and legal questions. The onus of the sub-issues has to be more correctly placed. The defence expected has to be not a mere denial but a positive one after the Respondents have investigated. The scope of the issues when framed could be narrow and not wide.

13.14. It is not always that if issues have been framed, further evidence is required. The matter can be disposed of after hearing the arguments based on the material on record or some evidence on a specific point may be called for. In any inquiry, there is also a duty of the Court to see that the evidence which could have been brought is brought so that justice is done. A template for a judgment keeping in view the various types of cases that come, can be developed by Claims Tribunal in consultation with each other and then slowly perfected over time.

13.15. For these issues, a form which is more of a checklist can be developed and the Claims Tribunal can simply correlate the claim, the response and the material on record and then come to a conclusion whether any issue arises or is to be treated as an admitted fact or what could the pointed issue that is to be framed.

13.16. These principles may be kept in mind by the Claims Tribunals while dealing with the motor accident claim cases."

12. In ***Mayur Arora v. Amit*** (supra), this Court summarized the procedure of proceedings before the Claims Tribunal in para 14 of the judgment which has to be followed by the Claims Tribunal while conducting an inquiry.

13. In order dated 07th December, 2018, this Court laid down the following guidelines for assessment of functional disability of the claimant(s) in injury cases :

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

26.1 All injuries or permanent disability arising from the accident 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 by taking into 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 by the 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 07th September, 2018, a list of cost of prosthetic limbs was prepared by the Committee which was submitted to this Court which has been circulated to the Claims Tribunals vide order dated 07th September, 2018. The Claims Tribunal shall consider the same while awarding the cost of prosthetic limbs."

14. In ***Jai Prakash v. National Insurance Co.***, S.L.P. (C.) 11801-11804/2005, the Supreme Court vide order dated 13th May 2016 directed all States to implement the *Claims Tribunal Agreed Procedure* formulated by Delhi High Court in ***Rajesh Tyagi - I*** through the Motor Accident Claims Tribunals in co-ordination with the Legal Services Authorities as well as the Director General of Police of the respective States. The relevant part of the said order is reproduced hereunder:-

"Insofar as the said suggestion is concerned, learned Solicitor General drew our attention to the response filed before us on behalf of the General Insurance Council, in particular paragraph 4, which states that presently the procedure suggested in Paragraph 23 is being followed by the Insurance Companies in Delhi by way of a Scheme called "Claims Tribunal Agreed Procedure" which was formulated by the Delhi High Court in the judgment dated 16.12.2009 passed in FAO No.842 (sic) of 2003 in Rajesh Tyagi & Ors. v. Jaibir Singh & Ors. It is also mentioned therein that Tribunal as well as the Legal Service Authority are taking effective steps to implement the said procedure, which is being carried out in the National Capital Territory of Delhi. In paragraph 5, it is further submitted that since this procedure has been successful in Delhi it can be extended on pan India basis. The agreed procedure has also been filed as Annexure R5 with the response filed on behalf of the General Insurance Council.

We have also perused the procedure, which has been placed before us as Annexure R5 with the response which, in our view, appears to be a comprehensive one and that we can issue further directions to the Registrar General of the Delhi High Court to ensure that procedure is strictly followed insofar as Delhi is concerned and also circulate the said procedure to all the other High Courts and the Registrar General of all the other High Courts are directed to ensure that the said procedure is implemented through the Motor Accidents Claims Tribunals in coordination with the Legal Service Authorities as well as the Director General of Police of the States concerned.

The Registry of the Supreme Court is directed to forward a copy of this order along with Annexure R5 (pages 32 to 46 in the response filed on behalf of the General Insurance Council) to all the High Courts including the Delhi High Court to ensure compliance of the present order."

(Emphasis Supplied)

15. On 12th December, 2014, this Court modified the *Claims Tribunal Agreed Procedure*. The order dated 12th December, 2014 is hereinafter referred to as ***Rajesh Tyagi - II***.

16. In ***Jai Prakash v. National Insurance Co.*** (supra), the Supreme Court vide order dated 06th November, 2017 directed all States to implement the *Modified Claims Tribunal Agreed Procedure* formulated by this Court in ***Rajesh Tyagi - II***. The copy of the *Modified Claims Tribunal Agreed Procedure* was directed to be circulated to the Registrar General of each High Court for necessary compliance. The relevant part of the said order is reproduced hereunder:-

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

The order dated 13th May, 2016 will, therefore, stand modified to the extent that Justice Midha has himself modified his earlier order

on 12th December, 2014.

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

17. On 07th December, 2018, this Court further modified the *Claims Tribunal Agreed Procedure* to incorporate the directions contained in orders dated 15th December, 2017, 18th January, 2018, 09th March, 2018, 01st May, 2018, 20th July, 2018 and 07th September, 2018. The *Modified Claims Tribunal Agreed Procedure* (MCTAP) is part of the order dated 07th December, 2018, hereinafter referred to as ***Rajesh Tyagi - III***.

18. In ***M. R. Krishna Murthi v. The New India Assurance Co. Ltd.,*** 2019 SCC OnLine SC 315, the Supreme Court vide judgment dated 05th March, 2019 noted that there was no proper implementation of *Claims Tribunal Agreed Procedure* by the Claims Tribunals at all India level in terms of the directions of the Supreme Court in ***Jai Prakash v. National Insurance Co.*** (supra). The Supreme Court directed NALSA to take up the matter and monitor the same in co-ordination and co-operation with the various High Courts. The Supreme Court directed the State Judicial Academies to sensitize the Presiding Officers of Claims Tribunal, Senior Police Officers of the State Police as well as Insurance Companies for implementation of the *Claims Tribunal Agreed Procedure*. The Supreme Court also directed the Claims Tribunals in the entire country to implement ***MACAD Scheme*** contained in ***Rajesh Tyagi - III*** and directed the twenty one banks to implement the same on all India basis. The relevant part of the said judgment is reproduced hereunder:-

"32) Notwithstanding, the aforesaid ADR methods, adjudicatory

process before the MACTs is indispensable. There cannot be a guarantee that 100% cases would be settled through mediation or Lok Adalat. Therefore, there is a dire need for deciding these cases without delays and within reasonable period. The Delhi High Court has given few judgments providing for mechanism to speed up the disposal of such cases and to ensure that schemes are settled within a period of 90/120 days from the date of accident. In nutshell, these directions include that on the occurrence of accident, the police which comes into the picture in the first instance, should complete the investigation and along with filing of FIR before the concerned Court of Metropolitan Magistrate, copies are sent to MACT as well as Insurance Company also. Insurance Company is supposed to look into the same to find out as to whether the claim is payable and within 30 days it should respond to MACT and once all these documents are before the MACT in the form of evidence etc. as well it would enable the MACT to decide the case within 30 days. The case where entire procedure is articulated is judgment dated 16th December, 2009 in FAO No. 842 (sic) of 2003.This Court has also given its imprimatur in Jaiprakash v. National Insurance Company (SLP (Civil) No. 11801-11804 of 2005) in its order dated 13th May, 2016....

xxx xxx xxx

33) Vide order dated 6th November, 2017 in Jaiprakash case, this Court modified its order dated 13th May, 2016 and directed all States to implement the Modified Claims Tribunal Agreed Procedure formulated by Delhi High Court on 12th December, 2014. The copy of the Modified Claims Tribunal Agreed Procedure was directed to be circulated to the Registrar General of each High Court for necessary compliance.....:

xxx xxx xxx

34)This needs to be followed at All India Level. NALSA should take up and monitor the same as well in coordination and cooperation with various high courts to facilitate the same.

xxx xxx xxx

37) Thus, direction for implementation of the 'Claims Tribunal Agreed Procedure' which is substituted by modified procedure, as noted above, are already there. However, we find that there is no proper implementation thereof by the Claims Tribunals. We, thus, direct that there should be programs (sic) from time to time, in all

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xxx xxx xxx

37) Thus, direction for implementation of the 'Claims Tribunal Agreed Procedure' which is substituted by modified procedure, as noted above, are already there. However, we find that there is no proper implementation thereof by the Claims Tribunals. We, thus, direct that there should be programs (sic) from time to time, in all

State Judicial Academies to sensitizing the presiding officers of the Claims Tribunals, Senior Police Officers of the State Police as well as Insurance Company for the implementation of the said Procedure.

38) The Modified Claims Tribunal Agreed Procedure as approved by High Court of Delhi in its aforesaid order dated 7th December, 2018 has the propensity to ensure speedy disposal of MACT cases. Likewise, Operative Documents of 21 documents which have implemented Annuity Deposit Scheme can ensure that compensation is delivered to the persons for whom it is meant. It has the element of annuity payments as well. There is, therefore, a need to implement the MACAD Scheme by the Claims Tribunals in the entire country. We direct accordingly. We also direct 21 banks to implement its operative documents on All India basis."

(Emphasis supplied)

19. Upon extensive research done by the Law Researcher attached to this Court, it came to the notice of this Court that law in many developed countries provide for mandatory formats to be filled up in motor accidents cases for expeditious disposal. The particulars of the relevant formats of the developed countries are as under:

S. No	Country	Place/ Authority	Statue/ Applicable Rules	Form/Annexure /Appendix/ Affidavit	Hyper Link
1.	USA	New York, Department of Motor Vehicles	New York Consolidated Laws, Vehicle and Traffic Law – Title 6- Accidents and Accident Reports - VAT § 600-606 - VAT § 606. Report required upon accident	MV-104 - Report of Motor Vehicle Accident - Required to be filed with DMV by all drivers involved in reportable motor vehicle accidents	1. https://dmv.ny.gov/forms/mv104.pdf 2. https://cmvny.com/wp-content/uploads/2011/05/NYS-DMV-MV-104-Report-of-Motor-Vehicle-Accident-Form.pdf 3. https://dmv.ny.gov//forms?page=7
				MV-104C - Bicycle Accident Report - Required to be filed by a bicyclist when a bike accident involving death	1. https://dmv.ny.gov/forms/mv104c.pdf

				or serious physical injury occurs on a public highway, but DOES NOT involve a motor vehicle.	
				MV-104COV - Police Accident Report Cover Sheet – Cover Sheet for Police Accident Report forms MV-104A and MV-104AN. This cover sheet was formerly form MV-104AC.	1. https://dmv.ny.gov/forms/mv104cov.pdf
				MV-104D - Police Report for Fatal Motor Vehicle Accidents	1. https://dmv.ny.gov/forms/mv104d.pdf
				MV-104EN - Early Notification of a Fatal Accident - Used to notify DMV, as required by law, that a fatal crash has occurred and a full report will be forthcoming	1. https://dmv.ny.gov/forms/mv104en.pdf
				MV-104F - Accident Report for School Vehicles Transporting Pupils/Teacher /Supervisors	1. https://dmv.ny.gov/forms/mv104f.pdfa
				MV-104F.1 - Accident Report for School Vehicles Transporting Pupils/Teacher/Supervisors (Continuation Sheet) Continuation sheet for additional information for form MV-104F.	1. https://dmv.ny.gov/forms/mv104f1.pdf
				MV-104L - Report of Motor Vehicle Accident/Police Line of Duty Accident	1. https://dmv.ny.gov/forms/mv104l.pdf
				MV-104S - Truck and Bus Supplemental Police Accident Report - Truck and Bus Supplemental Police Accident Report is required to be used by police officers to report information about certain trucks, tractor-trailers and buses involved in accidents to DMV. This	1. https://dmv.ny.gov/forms/mv104s.pdf

				form must be accompany the MV-104A(N) if the criteria in the instructions on the MV-104S are met.	
2.	USA	New Hampshire Department of Safety Division of Motor Vehicles	New Hampshire Revised Statutes Title XXI - Motor Vehicles Chapter 264 - Accidents and Financial Responsibility Section 264:26 - Uniform Police Investigation Report of Accident. NH Rev Stat § 264:26	State of New Hampshire Uniform Police Traffic Crash Report DSMV 159 (Rev. 11/07) DSMV291 (Rev.06/10) Driver Education Accident Report Operator's Report Symbol (DSMV 400)	1. https://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv291.pdf 2. https://www.nh.gov/safety/divisions/dmv/forms/index.htm 3. https://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv400.pdf
				Motor Carrier Accident Report (DSMV 161) - For Law Enforcement Use Only	1. https://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv161.pdf
				Operator (Driver) Accident Report (DSMV 400)	1. https://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv400.pdf
				Uniform Police Traffic Accident Report (DSMV 159) - For Law Enforcement Use Only	1. https://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv159.pdf 2. https://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv160.pdf
				Uniform Police Traffic Accident Report Key (DSMV 160) - For Law Enforcement Use Only	1. https://www.nh.gov/safety/divisions/dmv/forms/documents/dsmv160.pdf
3.	USA	Alabama Department of Public Safety – Safety Responsibility Unit	Code of Alabama 1975 Title 32. Motor Vehicles and Traffic § 32-10-7 - Written reports of accidents; release of information § 32-10-8 – Accident report forms § 32-10-9 - Coroners to report § 32-10-10- Garages to report accident and bullet damage § 32-10-11- Accident reports confidential	Alabama Uniform Traffic Crash Report AST – 27 (Rev.06/08) Alabama - Uniform Traffic Crash Report - Truck/Bus Supplemental Sheet (6/08)	1. https://one.nhtsa.gov/nhtsa/stateCatalog/states/al/docs/AL_PAR_06-08.pdf
				Alabama Crash Report 1991 – AST – 27 - (Rev.01/91) *Now Not In Use* – Replaced by AST – 27 (Rev.06/08)	1. https://one.nhtsa.gov/nhtsa/stateCatalog/states/al/docs/Alabama.pdf

				Alabama Operator Crash Report 1998 - SR – 13 - Revised 1-98	1. https://one.nhtsa.gov/nhtsa/stateCatalog/states/al/docs/AL_SR_13_OperatorReport_rev_1_1998.pdf
4.	USA	Alaska Department of Transportation & Public Facilities	Alaska Statutes Title 28. Motor Vehicles § 28.35.080 – Immediate notice of accident (b)	State of Alaska Motor Vehicle Collision Report Form - 12-200 is to be used by all law enforcement officers to report motor vehicle crashes in Alaska. Appendix B	1. http://www.dot.state.ak.us/stwdplng/hwysafety/assets/pdf/Alaska_Motor_Vehicle_Collision_Report_Manual_Jan_2016.pdf 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ak_2013_12-200_paper_report_sub6_4_12.pdf
				Alaska Motor Vehicle Crash Form 12-209 for Driver	1. http://www.dot.state.ak.us/i2209V4/jsp/12209main.jsp#formBtn
5.	USA	Arkansas Safety Responsibility Section	Arkansas Code Title 27 - Transportation Subtitle 4 - Motor Vehicular Traffic Chapter 53 - Accidents Subchapter 3 - Investigations § 27-53-303 - Jurisdiction and responsibilities of law enforcement officers	Arkansas Motor Vehicle Accident Report Form "SR-1"	1. https://www.dfa.arkansas.gov/images/uploads/driverServicesOffice/SR121.pdf. 2. http://workzone.eng.wayne.edu/crash_report/State_Reports/Arkansas_Crash_(1-07).pdf
				Arkansas - Motor Vehicle Crash Report: (1/07) - Crash Report - Crash Summary	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/2016-04-07_arkansas_crash_rport.pdf 2. https://static.ark.org/eeuploads/asp/crash_report_instruction_manual_web_jan_2007.pdf.
6.	USA	Arizona	Arizona Revised Statutes Title 28. Transportation § 28-667 - Written accident report	FORM 01-2704A R 11/2017 - standard report form. FORM 01-2704A R 06/2010 - standard report form. FORM 01-2704B R 07/2010 - continuation of the standard report form	1. https://www.nhtsa.gov/document/arizona-crash-report-01-2704a-revised-112017 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/final_crash_report.pdf

				FORM 01-2704C R 06/2010 - Narrative - This is a continuation form for the standard report form. FORM 01-2705 R 06/2010 - The Fatal Supplement must be completed for each person that is killed in a crash. FORM 01-2708 R8/92 - This form can be used for crash measurements when there is an extensive crash scene. FORM 01-2710 R 07/2010 - Supplemental Truck / Bus Crash Report. This form should be completed when any circle & any diamond are checked on Form 01-2704A. FORM 01-2712 R07/2010 - Occupant Supplement.	3. https://www.nhtsa.gov/nhtsa/stateCatalog/states/az/docs/AZ_Crash_Manual_rev8_2010_sub_3_2011web.pdf
7.	USA	California	2011 California Code Vehicle Code Division 10. Accidents & Accident Reports [20000 - 20018] Chapter 1. Accidents & Accident Reports Section 20000 - 20018 CA Veh Code §§ 20000 - 20018 (through 2012 Leg Sess)	Traffic Collision Report. Chp 555 (Rev.7-03) OPI 060 State of California narrative/supplemental CHP 556 (Rev. 7-03) OPI 042 STD-270: Vehicle Accident Reporting Form for State Drivers STD-268: Accident Report (Other Than Motor Vehicle) STD-274: Supervisor Review of State Driver Accidents	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ca_chp555_sub6_2012.pdf 2. http://www.bidnet.com/bnetattachments/?/374267997.pdf 3. https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std270.pdf 4. https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std268.pdf 5. https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std274.pdf
8.	USA	Colorado Department of Transportation	Colorado Revised Statutes Annotated Title 42. Vehicles and Traffic Regulation of vehicles and Traffic Article 4. Regulation of Vehicles & Traffic	DR3447 Traffic Crash Report Form DR3447 is the new crash report form for Colorado, replacing the DR2447	1. https://www.codot.gov/about/committees/strac/dr3447-folder/dr3447-crash-report-official-released-form 2. https://www.codot.gov/about/committees/strac/dr3447-

			Part 16. Accidents AND Accident Reports C.R.S. 42-4-1606 -1608 [*Model Traffic Code For Colorado, 2020 has omitted chapter of Accidents Reports]*		folder/using-the-dr3447/dr3447-paper-report-page-handling
9.	USA	Connecticut - Department of Transportation	Connecticut Vehicle Code § 9-26-1-1.1 Car accident reporting Connecticut Vehicle Code § 14-224 Uniform investigation of accident report Connecticut General Statutes Title 14. Motor Vehicles. Use of the Highway by Vehicles. Gasoline § 14-108a Uniform investigation of accident report.	Connecticut Uniform Police Crash Report Form PR-1 REV September 14, 2015 Connecticut Uniform Fatal Crash Supplement PR-2 REV January 2016	1. https://www.nhtsa.gov/document/connecticut-uniform-police-crash-report-form-pr-1-revised-2015 2. https://www.nhtsa.gov/document/connecticut-uniform-fatal-crash-supplement-pr-2-revised-2016 3. https://portal.ct.gov/-/media/DOT/documents/dTransportation_Safety/CrashData/FormPR1DemonstrationWithAllPagespdf.pdf 4. https://portal.ct.gov/-/media/DOT/documents/dTransportation_Safety/CrashData/FormPR2pdf.pdf
10.	USA	Delaware	Delaware Code Title 21 Motor Vehicles Operation and Equipment Chapter 42. Reports of Accidents; Penalties; Interpretation of Laws Delaware Code Title 21 § 4203 (d)	(Electronic) State of Delaware Uniform Collision Report	1. https://one.nhtsa.gov/nhtsa/stateCatalog/states/de/docs/DE_PAR_PaperlessScreens_sub_2_6_07.pdf 2. https://one.nhtsa.gov/nhtsa/stateCatalog/states/de/docs/DE_PAR_Form438_rev_10_1987.pdf 3. https://www.nhtsa.gov/document/electronic-state-delaware-uniform-collision-report
11.	USA	District of Columbia	Code of the District of Columbia § 50-1001 § 50–1731.07. Police officer's report. § 50–1301.10. Accident report — Required. *[Now Repealed]*	Accident Report (PD-10)	1. https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/service_content/attachments/PD%20Form%2010B_fillableform.pdf
12.	USA	Florida	Florida Code Title XXIII Motor Vehicles Chapter 316 State Uniform Traffic Control 316.065-69 Crashes; Reports;	Florida Crash Report HSMV-90010S(E), Rev. 6/2013 Florida Operator Report HSMV 90011S	1. https://one.nhtsa.gov/nhtsa/stateCatalog/states/fl/docs/FL_PAR_HSMV90010S(E)_rev06-13.pdf 2. https://one.nhtsa.gov/nhtsa/stateCatalog/states/fl/docs/FL_O

			Penalties. etc. FL Stat § 316.065-69 (2019)		peratorReport_sub5_2011.pdf
13.	USA	Georgia	Georgia Vehicle Code § 40-9-32 Proof of insurance after an accident Georgia Vehicle Code § 40-9-35 Right to reach private accident settlement Georgia Vehicle Code § 40-9-31 Handling of police reports	Personal Report of Accident DHS Transportation Manual- Exhibit 28 Appendix 24 – Vehicle Operator Initial Accident and Incident Reporting Form Appendix 25 – Vehicle Operator Accident and Incident Follow-up Reporting Form	1. http://odis.dhs.state.ga.us/ViewDocument.aspx?docId=3005149&verId=1 2. https://dhs.georgia.gov/document/publication/transportation-manual/download
14.	USA	Hawaii	2019 Hawaii Revised Statutes Title 17. Motor and Other Vehicles291C. Statewide Traffic Code 291C-17 Written reports of accidents. Requirements on scene: §291C-11 to 291C-18 Police notification/report: §291C-16 to 291C-20; 287-4 HI Rev Stat § 291C-17 (2019)	DOT-1-174D (HWY-T) Rev. 06/08	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mvar_final_combined_pages.pdf
15.	USA	Iowa	IA Code § 321.263 Reporting personal injury accident IA Code § 321.266 Reporting accidents	Investigation Officer's of Motor Vehicle Accident Form 433003 (11-13)	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/inpar_rev11_2013_implement2015.pdf 2. https://iowadot.seamlessdocs.com/f/IowaAccidentReport 3. https://iowadot.gov/forms/433014.pdf
16.	USA	Idaho	Idaho Code § Section 49-1306 – Written Reports of Accidents § Section 49-1307 - Accident Report Forms	Idaho Vehicle Collision Report Idaho ITD-0090 Crash Form, 2011	1. https://one.nhtsa.gov/nhtsa/stateCatalog/states/id/docs/ID_Crash_Report_rev3_2011_sub3_2012.pdf
17.	USA	Illinois Department of Transportation	Illinois Compiled Statutes (625 ILCS 5/11-408) from Ch. 95 1/2, par. 11-	Illinois SR 1050 Crash Report, 1/2013	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/il_crash_report_instruction_manu

			408)	SR 1050A Additional Units/Amended Report Form SR 1 Motorist Report Form, singles	al_2013.pdf 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/il_sr1000_par_rev1_2013_sub12_2013.pdf
18.	USA	Indiana	Indiana Vehicle Code § 9-26-1-1.1 After an accident	Indiana Officer's Standard Crash Report	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/in_electronicvers_crashreport_sub12_2013.pdf
19.	USA	Kansas	Kansas Uniform Act Regulating Traffic Sections 8-1604; 8-1605; and 8-1609	Kansas Crash Report Form No. 850 Rev. 1/2005 Kansas Crash Report Form 850-A Rev. 1/2009	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ks_par_rev2005_sub_06_05_2006.pdf 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ks_par_850a_rev9_2009_sub10_2011.pdf
20.	USA	Kentucky	Kentucky Revised Statutes, Title XVI Motor Vehicles § 189.635	Kentucky Electronic KSP 74, Revised 7/2008 Kentucky Crash Report KSP 74, Revised 01/2000 Kentucky CMV Crash Report KSP 74A Kentucky Paper Crash Report KSP 74 Revised 6/2004	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ky_ksp74_rev7_2008_sub4_2012.pdf 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ky_par_ksp_74_rev_1_2000_0.pdf 3. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ky_cmv_ksp_74a_rev_1_2000.pdf 4. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ky_paper_collision_report_ksp74_6_2004_sub4_2012.pdf
21.	USA	Louisiana	Louisiana Revised Statutes, Title 32 § 398	State of Louisiana Uniform Motor Vehicle Traffic Crash Report Form - DPSSP 3105 (Rev. Mar. 2005)	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/la_crash_report_rev_3_2005_sub_5_22_08.pdf
22.	USA	Maine	Requirements on scene: §2252 to 2255 Police notification/report: §2251	Maine Crash Report Form 13:20A Revised 1/2010	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/maine_par_rev1_2010_sub_6_2011.pdf

23.	USA	Maryland	MD Transportation Code § 20-107 Post-accident reporting to MVA MD Transportation Code § 20-104 Car accident reporting guidelines MD Transportation Code § 20-106 Reporting accident with domestic animals	Maryland MSP Form #1 Crash Report, Revised 1/1993	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/maryland_0.pdf
24.	USA	Massachusetts	Massachusetts General Laws Chapter 90 § 26	Massachusetts CRA-65 Rev 2.0 Crash Report, Revised 02/2005	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ma_par_02_2005.pdf
25.	USA	Michigan	Motor Vehicles § 257.622 Duty to report accidents Motor Vehicles § 257.621 Duty to report damage to unattended property Motor Vehicles § 257.620 Duty to report accident with parked car Motor Vehicles § 257.623 Accident reporting by mechanics	Michigan UD-10 Crash Form, Revised 01/2004	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mi_ud10_crashform_01_2004.pdf
26.	USA	Minnesota	Minnesota Statutes Insurance (Ch. 59A-79A) 65B.42 (Purpose) Minnesota Statutes Insurance (Ch. 59A-79A) 65B.46 (Right to Benefits) Minnesota Statutes Transportation (Ch. 160-174A) 169.09 (Cannot leave accident scene)	Minnesota PS-32003-10 Crash Report Minnesota PS-32001-08 Operator Report (Operator Report) Minnesota PS-32003, revised 1/1991 and PS-32003-7	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mn_par_01_2003.pdf 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mn_operator_report.pdf 3. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mn_par_ps32003_1_1991.pdf
27.	USA	Mississippi	Requirements on scene: §63-3-401 to 63-3-409 Police notification, report: §63-3-411 to 63-3-417	Mississippi Uniform Crash Report, revised 10/2009 Mississippi Uniform Crash Report SR-3 and	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ms_par_rev10_1_09_sub9_17_10.pdf 2. nhtsa.gov/sites/nhtsa.dot.gov

				Supplement, Revised 10/1984	/files/documents/ms_par_sr3_rev10_1984.pdf
28.	USA	Missouri	Missouri Code § 300.030 Traffic division to investigate accidents Missouri Code § 300.110 Immediate notice of accident within city Missouri Code § 303.040 Reporting an uninsured motorist following an accident	Motor Vehicle Accident Report Form 1140 Rev.6 – 2006 Missouri SHP-2Q Crash Report, Revised 01/2012	1. https://dor.mo.gov/forms/1140.pdf 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mo_par_rev01_2012.pdf
29.	USA	Montana	Montana Uniform Accident Reporting Act Sections 61-7-108, 61-7-109, and 61-7-110	Montana Crash Report Form HQ1599	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mt_nhq1599.pdf
30.	USA	Nebraska	Nebraska Vehicle Code § 60-699 Reports required of operators Nebraska Vehicle Code § 60-696 Reporting accident with unattended car/property	Nebraska DR Form 40, Revised 8/2012 Nebraska Truck and Bus Supplement Form DR40, Revised 04/2009 Nebraska Continuation Form DR40a, Revised 01/2009 Nebraska DR Form 40, Revised 01/2009 Nebraska DR Form 40, Revised 01/2002	1. https://www.nhtsa.gov/document/nebraska-dr-form-40-revised-82012 2. https://www.nhtsa.gov/document/nebraska-truck-and-bus-supplement-form-dr40-revised-042009 3. https://www.nhtsa.gov/document/nebraska-continuation-form-dr40a-revised-012009 4. https://www.nhtsa.gov/document/nebraska-dr-form-40-revised-012009 5. https://www.nhtsa.gov/document/nebraska-dr-form-40-revised-012002
31.	USA	Nevada	Nevada Revised Statutes Sections 484E.070 and 484E.080	Nevada SR-1 Operator Report, revised 4/2008 Nevada Property Damage Only Report, revised 8/2006 Nevada Crash Report, revised 1/2004	1. https://www.nhtsa.gov/document/nevada-sr-1-operator-report-revised-42008 2. https://www.nhtsa.gov/document/nevada-property-damage-only-report-revised-82006 3. https://www.nhtsa.gov/document/nevada-crash-report-revised-12004
32.	USA	New Hampshire		New Hampshire Motor Carrier Accident Report, rev. 05/08	1. https://www.nhtsa.gov/document/new-hampshire-motor-carrier-accident-report-rev-0508

				New Hampshire Uniform Traffic Crash Report, rev. 11/07 New Hampshire PAR DSMV-160, rev. 08/93	2. https://www.nhtsa.gov/document/new-hampshire-uniform-traffic-crash-report-rev-1107 3. https://www.nhtsa.gov/document/new-hampshire-par-dsmv-160-rev-0893
33.	USA	New Jersey	New Jersey Statutes Chapter 39 (Motor Vehicles & Traffic Regulation) § 4-130	State of New Jersey Police Crash Investigation Report NJTR-1, Revised 04/2010	1. https://www.state.nj.us/transportation/refdata/accident/pdf/NJTR-1.pdf
34.	USA	New Mexico.	New Mexico Statutes Sections 66-7-206, 66-7-207	New Mexico SH 10074 Uniform Crash Report, Revised 1/2011	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/nm_par_code_sheet_rev1_2011.pdf
35.	USA	North Carolina	NC Motor Vehicles § 20-166.1 Reports and investigations required in event of accident NC Motor Vehicles § 20-166 Duty to stop in event of a crash, furnishing information	North Carolina Crash Report DMV-349, 1/2009	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/nc_par_dmv-349_rev1_2009.pdf 2. https://www.nhtsa.gov/document/north-dakota-sfn2344-crash-report-revised-52009 3. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/nd_par_rev_12_2006_sub_5_21_07.pdf
36.	USA	North Dakota	North Dakota Vehicle Code § §.39-08-09-Immediate notice of accident North Dakota Vehicle Code § 39-07-12 Garages to report	North Dakota DOT2356 Overlay, revised 6/2009 North Dakota SFN2344 Crash Report, revised 5/2009	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/nd_overlay_dot2356_rev6_2009_sub11_5_09.pdf 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/nd_par_sfn2355_rev5_2009_sub11_5_09.pdf
37.	USA	Ohio	2019 Ohio Revised Code Title [45] XLV Motor Vehicles - Aeronautics - Watercraft Chapter 4509 - Financial Responsibility Section 4509.06 - Accident report alleging uninsured driver or owner. Ohio Rev Code § 4509.06 (2019)	Ohio OH-1 Crash Report, Revised 1/2012 OH PAR - Occupant Information, rev. 6/2009 OH PAR - Vehicle & Crash Information, rev. 6/2009 OH PAR - Narrative & Diagram, rev. 6/2009	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/oh-1_rev1_2012.pdf 2. https://www.nhtsa.gov/document/oh-par-occupant-information-rev-62009 3. https://www.nhtsa.gov/document/oh-par-vehicle-crash-information-rev-62009 4. https://www.nhtsa.gov/document/oh-par-narrative-diagram-

					rev-62009
38.	USA	Oklahoma	Oklahoma Stat § 47-10-107 Immediate reporting of injury accidents Oklahoma Stat § 47-10-108 Filing an accident report	Oklahoma DPS 0192-01 Crash Report, Revised 01/2007	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ok_par_rev01_07_sub_08_16_06.pdf
39.	USA	Oregon	Oregon Revised Statutes, Oregon Vehicle Code § 811.720	Oregon Traffic Accident and Insurance Report, Revised 1/2011 Oregon 735-46AB Crash Report, Revised 6/2007 Truck/Bus Supplement, Revised 11/2011	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/or_operatorreport_rev1_11_sub7_12.pdf 2. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/or_par_46ab_rev6_2007.pdf 3. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/or_truckbus_supp_rev11_11.pdf
40.	USA	Pennsylvania	Pa.C.S.A. Vehicles § 3747 Written report of accident Pa.C.S.A. Vehicles § 3746 Immediate notice of accident to police	Pennsylvania Crash Form, Revised 12/2002 Instructions, Revised 12/2002	1. https://www.nhtsa.gov/document/pennsylvania-crash-form-revised-122002 2. https://www.nhtsa.gov/document/instructions-revised-122002
41.	USA	Rhode Island	Rhode Island General Laws - Title 31. Motor and Other Vehicles Requirements on scene: §31-26-1 to 31-26-5 Police notification: §31-26-3.2 Accident reports: §31-26-6 to 31-26-16	Rhode Island Uniform Crash Report 12/2013	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ri_par_sept_12_5_2013.pdf
42.	USA	South Carolina	Motor Vehicles § 56-5-1260 Immediate report of accidents resulting in personal injury or death Motor Vehicles § 56-5-1270 Making written reports of certain accidents	South Carolina TR-310 Crash Report Form, revised 11/2011 CMV and Bus Supplement, revised 4/2009	1. https://www.nhtsa.gov/document/south-carolina-tr-310-crash-report-form-revised-112011 2. https://www.nhtsa.gov/document/cmv-and-bus-supplement-revised-42009
43.	USA	South Dakota	Motor Vehicles § 32-34-7 Immediate accident notification Motor Vehicles § 32-34-13 Accident Reports not privileged	South Dakota Crash Form DPS-AR1, revised 12/11/2003 South Dakota Crash Form Overlay DPS-AR2, revised 12/11/2003	1. https://www.nhtsa.gov/document/south-dakota-crash-form-dps-ar1-revised-12112003 2. https://www.nhtsa.gov/document/south-dakota-crash-form-overlay-dps-ar2-revised-

					12112003
44.	USA	Tennessee	Tenn. Vehicle Code § 55-10-107 Owner/Driver Accident Report Filing Tenn. Vehicle Code § 55-10-106 Reporting Accidents to Law Enforcement Tenn. Vehicle Code § 55-10-104 Accident with unattended vehicles, written notice	Tennessee TITAN eCrash Report, Revised 2009	1. https://www.nhtsa.gov/document/tennessee-titan-ecrash-report-revised-2009
45.	USA	Texas	Texas Transportation Code § 601.004	Texas CR-3 Alternate Crash Report, revised 7/2011 Texas CR-3 Crash Report with Additional Persons Supplements, revised 1/2010 Texas CR-2 Operator Report, revised 2/2010 Texas CR-3 Peace Officer's Crash Report, revised 3/2009 Texas CR-3C Peace Officer's Commercial Vehicle Crash Report, revised 6/2008	1. https://www.nhtsa.gov/document/texas-cr-3-alternate-crash-report-revised-72011 2. https://www.nhtsa.gov/document/texas-cr-3-crash-report-additional-persons-supplements-revised-12010 3. https://www.nhtsa.gov/document/texas-cr-2-operator-report-revised-22010 4. https://www.nhtsa.gov/document/texas-cr-3-peace-officers-crash-report-revised-32009 5. https://www.nhtsa.gov/document/texas-cr-3c-peace-officers-commercial-vehicle-crash-report-revised-62008
46.	USA	Utah	Requirements on scene: §41-6a-401, to 41-6a-401.9 Police notification: §41-6a-401; 41-6a-401.7 Accident reports: §41-6a-402	Utah Crash Report DI-9, Rev. 3/2006 Utah DI-9 Overlay, Rev. 1/2015	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/utah_di-9_par_rev3_2006.pdf 2. https://www.nhtsa.gov/document/utah-di-9-overlay-rev-12015
47.	USA	Virginia	Virginia Codes (Motor Vehicles) § 46.2-894	Virginia Crash Report FR300-P, Rev. 7/2007	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/va_fr300_rev7_2007.pdf
48.	USA	Vermont	Vermont Statutes Title 23. Motor Vehicles § 1128- Accidents §1129 - Accident reports	Vermont Crash Report Form Printed 11/2013	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/vt_par_printed11_2013.pdf
49.	USA	Washington	Washington Codes (Motor Vehicles)	Washington Crash Report 3000-345-159R,	1. https://www.nhtsa.gov/document/washington-crash-report-

			§ 46.52.030	rev. 7/2006	3000-345-159r-rev-72005
50.	USA	West Virginia	Virginia Code § 17C-4-6 Immediate notification of crashes Virginia Code § 17C-4-7 Report of crashes Virginia Code § 17C-4-9 Crash report forms	West Virginia DMV-17-C Crash Report, Revised 2/2007	1. https://www.nhtsa.gov/document/west-virginia-dmv-17-c-crash-report-revised-22007
51.	USA	Wisconsin	Wisc. Vehicle Code § 346.70 Accident reporting	Wisconsin MV 4000-899 Crash Report, Revised 9/2007 Fatal Supplement MV 3480, Revised 12/2005 Operator Report MV 4002, Revised 12/2005	1. https://www.nhtsa.gov/document/wisconsin-mv-4000-899-crash-report-revised-92007 2. https://www.nhtsa.gov/document/fatal-supplement-mv-3480-revised-122005 3. https://www.nhtsa.gov/document/operator-report-mv-4002-revised-122005
52.	USA	Wyoming	Requirements on scene: §31-5-1101 to 31-5-1104 Police notification/reports: §31-5-1105 to 31-5-1112	Wyoming PR902 Crash Report, revised 6/2006 PR 902A Additional Vehicle Supplement, revised 6/27/2006 PR902B Truck / CMV Supplement, revised 6/28/2006 PR902C Non-Motorist Supplement, revised 6/26/2006 PR902E Bus Supplement, revised 7/5/2006 Wyoming PR901 Operator Report, revised 06/2006 PR 901B Operator Truck/CMV/Bus Supplemental Report, revised 11/16/2006	1. https://www.nhtsa.gov/document/wyoming-pr902-crash-report-revised-62006 2. https://www.nhtsa.gov/document/pr-902a-additional-vehicle-supplement-revised-6272006 3. https://www.nhtsa.gov/document/pr902c-non-motorist-supplement-revised-6262006 4. https://www.nhtsa.gov/document/pr902e-bus-supplement-revised-752006 5. https://www.nhtsa.gov/document/wyoming-pr901-operator-report-revised-062006 6. https://www.nhtsa.gov/document/pr-901b-operator-truckcmvbus-supplemental-report-revised-11162006
53.	USA	Guam		Guam Police Crash Report, revised 7/2007	1. https://www.nhtsa.gov/document/gunm-police-crash-report-revised-72007

54.	USA	Puerto Rico		Puerto Rico PPR-94 Crash Report, Revised 01/1988	1. https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/pr_par1web.pdf
55.	USA	Virgin Islands		Virgin Islands Uniform Crash Report, approved 5/2007	1. https://www.nhtsa.gov/document/virgin-islands-uniform-crash-report-approved-52007
56.	UK	Driver and Vehicle Standards Agency	Section 170 of the Road Traffic Act 1988	Report an incident or collision involving a public service vehicle (PSV) DVSA PSV112 page 3 of 5 October 2019	1. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839674/Report-an-incident-or-collision-involving-a-public-service-vehicle.pdf
57.	Europe France, Switzerland	Federal Council, Swiss Government	741.01 Federal Law on Road Traffic (LCR)	*Constat Amiable D' Accident Automobile* European Accident Statement	1. https://www.smeno.com/fileadmin/user_upload/constat_amiable_auto.pdf 2. https://web.wcc.axa.be/wcc/SiteCollectionDocuments/ES.PDF

20. The *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways has devised ***Road Accident Recording & Reporting Formats*** to be furnished by all State Police Departments to the Ministry of Road Transport and Highways. The Ministry has devised 18 formats in five sections namely, accident identification details; road related details; vehicles involved in accident; driver's details; and persons other than drivers involved in accident.

21. This Court is of the view that it would be appropriate to incorporate the benevolent provisions of the formats of the developed countries and the formats devised by Ministry of Road Transport and Highways, in the formats developed by this Court.

22. On 31st August, 2020, this Court considered the mandatory formats of the developed countries relating to motor accident claims as well as the

formats developed by *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways. This Court impleaded and directed *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways to undertake the task of revising the *DAR* to incorporate the best practices from the formats of the developed countries as well as the formats of the *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways.

23. On 14th September, 2020, *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways constituted a High Power Expert Committee on the directions of this Court to incorporate the best practices relating to the accident forms of the developed countries and to revise the *DAR*. The Committee comprised of the following experts:

(i) Ms. Babni Lal, Economic Advisor Transport, MoRTH as Chairperson

(ii) Mr. Pramod Kumar, Inspector General of Police, Tamil Nadu

(iii) Mr. Sriram Taranikanti, Principal Secretary, Transport, Govt. of Tripura

(iv) Mr. Sanjeev Kumar, Chief Engineer, Road Safety Wing, MoRTH

(v) Dr. B.N. Shetty, Director Technical, Ministry of Home Affairs

(vi) Prof. Geetam Tiwari, Professor, Indian Institute of Technology Delhi

(vii) Prof. Venkatesh Balasubramanyam, Professor, Indian Institute of Technology Madras

(viii) Ms. Tanu Jain, Assistant Director General, Ministry of Health & Family Welfare

(ix) Dr. A. Mohan, Scientist, National Informatics Centre

(x) Dr. Aditya Medury, Assistant Professor, Indian Institute of Technology Kanpur

(xi) Dr. G. Gupta, National Consultant, World Health Organization

(xii) Mr. Vivek Kishore, Director – Road Safety, MoRTH

(xiii) Mr. R.K. Puri, Assistant Director, TRW, Member Secretary

(xiv) Ms. Y. Priya Bharath, CGM, IRDA as Special Invitee

24. On 25th September, 2020, the Expert Committee submitted its Report dated 21st September, 2020 along with the revised *DAR*. On 25th September, 2020, Mr. Rajesh Deo, DCP-Legal Cell (PHQ) of Delhi Police pointed out that the Supreme Court has constituted a Committee for implementation of the Special Scheme formulated by Delhi High Court all over the country in terms of the directions contained in ***Jai Prakash*** (supra) and ***M. R. Krishna Murthi*** (supra). The DGPs of the police of various States submitted before the Supreme Court Committee that the format of *DAR* be simplified; the *DAR* be divided into 2-3 parts; and the essential information/documents be furnished at an early stage and the time period for furnishing the remaining information be extended. Delhi Police sought extension of time to file the *DAR* from 30 days to 90 days on the ground that the Motor Vehicles Act, 1988 has been recently amended on 09th August, 2019 by the Motor Vehicles (Amendment) Act, 2019 by which Section 159 has been incorporated. Section 159 requires the police to file Accident Information Report within three months. This Court directed the Delhi Police to submit their suggestions for the division of *DAR* into 2-3 parts to the Committee.

25. Mr. Kirtiman Singh, learned Standing Counsel for Central Government; Mr. Rahul Mehra, learned Standing Counsel for Delhi Police;

Mr. Sidharth Luthra, Mr. Vikas Pahwa, Mr. Rajshekhar Rao and Mr. Satyam Thareja assisting this Court as Amici Curiae and Mr. S.P. Jain, learned counsel for GoDigit GIC have given suggestions to the Expert Committee.

26. Mr. H.S. Phoolka, learned Senior Counsel submits on behalf of urged at the time of hearing that *Bachpan Bachao Andolan* has filed C.M.31818/2020 for incorporating appropriate provisions in the Scheme for the protection and care of minor children of the victim(s) as per the provisions of *Juvenile Justice (Care and Protection of Children) Act*, 2015. It is submitted that in case of any minor child/children of the victim(s) of the accident, an appropriate ***Form*** be formulated to be submitted by the victim(s) to the Investigating Officer containing the relevant particulars namely name, age, gender, details of the school/class in which child is studying, the details of the school fees and expenditure of the child on education, medical etc. within 60 days of the accident and the Investigating Officer be directed to send this ***Form*** along with the *DAR* to Child Welfare Committee to ascertain whether the child is in need of care and protection as per the provisions of *Juvenile Justice (Care and Protection of Children) Act*, 2015. It is further submitted that the copy of this ***Form*** be also sent to *Delhi State Legal Services Authority* (DSLSA) to assign a lawyer to assist the child/children of the victim(s) to avail their legal remedies/rights including education.

27. The Expert Committee considered the suggestions of Delhi Police, learned *amici curiae* as well as the counsels mentioned above and submitted the Reports dated 12th October, 2020 and 05th November, 2020.

Conclusion

28. On careful consideration of the Reports of the Committee appointed

by Ministry of Road Transport and Highways, this Court considers it appropriate to modify the *Claims Tribunal Agreed Procedure* formulated by this Court in ***Rajesh Tyagi - III.***

29. This Court is of the view that it would be appropriate to extend the time for filing of ***Detailed Accident Report*** *(DAR)* from 30 days to 90 days to bring the Scheme in consonance with Section 159 of the amended Motor Vehicles Act. This Court has divided the ***Detailed Accident Report*** (*DAR*) into three parts: ***Interim Accident Report*** (*IAR*) to be filed within 50 days of the accident, ***Detailed Accident Report*** (*DAR*) to be filed within 90 days of the accident and ***Victim Impact Report*** (*VIR*) to be filed after the conviction of the accused.

30. This Court has incorporated the benevolent provisions of the formats of the developed countries and the formats of *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways in this Scheme. This Court has introduced the ***Forms*** to be filled by the Driver, Owner, and Victim(s) in the New Scheme.

31. This Court has formulated a new *Scheme for Motor Accident Claims* which is annexed to this judgment. The salient features of this Scheme are as under:-

I. The Investigating Officer shall intimate the accident to the Claims Tribunal by submitting ***First Accident Report*** *(FAR)* in ***Form - I*** within 48 hours of the intimation of the accident. If the particulars of insurance policy are available, the intimation of the accident in ***Form - I*** shall be given to the Nodal Officer of the concerned Insurance Company of the offending vehicle. The Investigating Officer shall furnish the copy of *FAR* to the victims as well as DSLSA. The Investigating Officer shall furnish the copy of *FAR* to

Delhi State Legal Services Authority (DSLSA). The particulars of the accident shall also be uploaded on the website of Delhi Police.

II. The driver of the vehicle(s) involved in the accident shall furnish the relevant information namely his name, age, gender, income, driving license, period of validity of license, vehicle registration number, particulars of the owner and insurance of the vehicle etc., to the Investigating Officer in ***Form-III*** within 30 days of the accident.

III. The owner of the vehicle(s) involved in the accident shall furnish the relevant information namely particulars of the driver, particulars of the insurance policy, particulars of permit and fitness etc. in ***Form - IV*** to the Investigating Officer within 30 days of the accident.

IV. The Investigating Officer shall submit ***Interim Accident Report*** *(IAR)* in ***Form - V*** before the Claims Tribunal within 50 days of the accident.

V. The Victim(s) of the accident shall furnish the relevant information and the documents to the Investigating Officer in ***Form - VIA*** and ***VIB*** within 60 days of the accident.

VI. The Investigating Officer shall furnish the copy of the ***Victim's Forms*** along with the documents to the Insurance Company of the offending vehicle along with *DAR* whereupon the Insurance Company shall verify the information and documents furnished by the victim(s) within 30 days of the receipt of the *DAR*.

VII. The Investigating Officer shall send the copy of the ***Victim's Form - VIB*** to the Child Welfare Committee along with *DAR* whereupon the Child Welfare Committee shall conduct an inquiry to ascertain whether the child/children of the victim(s) is/are in need of protection and care in terms of the *Juvenile Justice (Care and Protection of Children) Act, 2015*.

VIII. The Investigating Officer shall complete the investigation of the criminal case and file the Report under Section 173 CrPC before the Metropolitan Magistrate within 60 days of the accident.

IX. The Investigating Officer shall complete the verification of the information and documents furnished by the driver and owner of the vehicle(s) and submit the *DAR* with the Claims Tribunal in ***Form - VII*** within 90 days of the accident.

X. In the event of failure of the driver(s), owner(s), Insurance Company and/or claimant(s) to disclose any relevant information and documents, the Investigating Officer shall seek necessary directions from the Claims Tribunal whereupon the Claims Tribunal shall direct the parties in default to submit the requisite Form i.e. ***Driver's Form - III***, ***Owner's Form - IV*** or ***Victim's Form - VIA*** and ***VIB***, along with the relevant documents directly with the Claims Tribunal within 15 days.

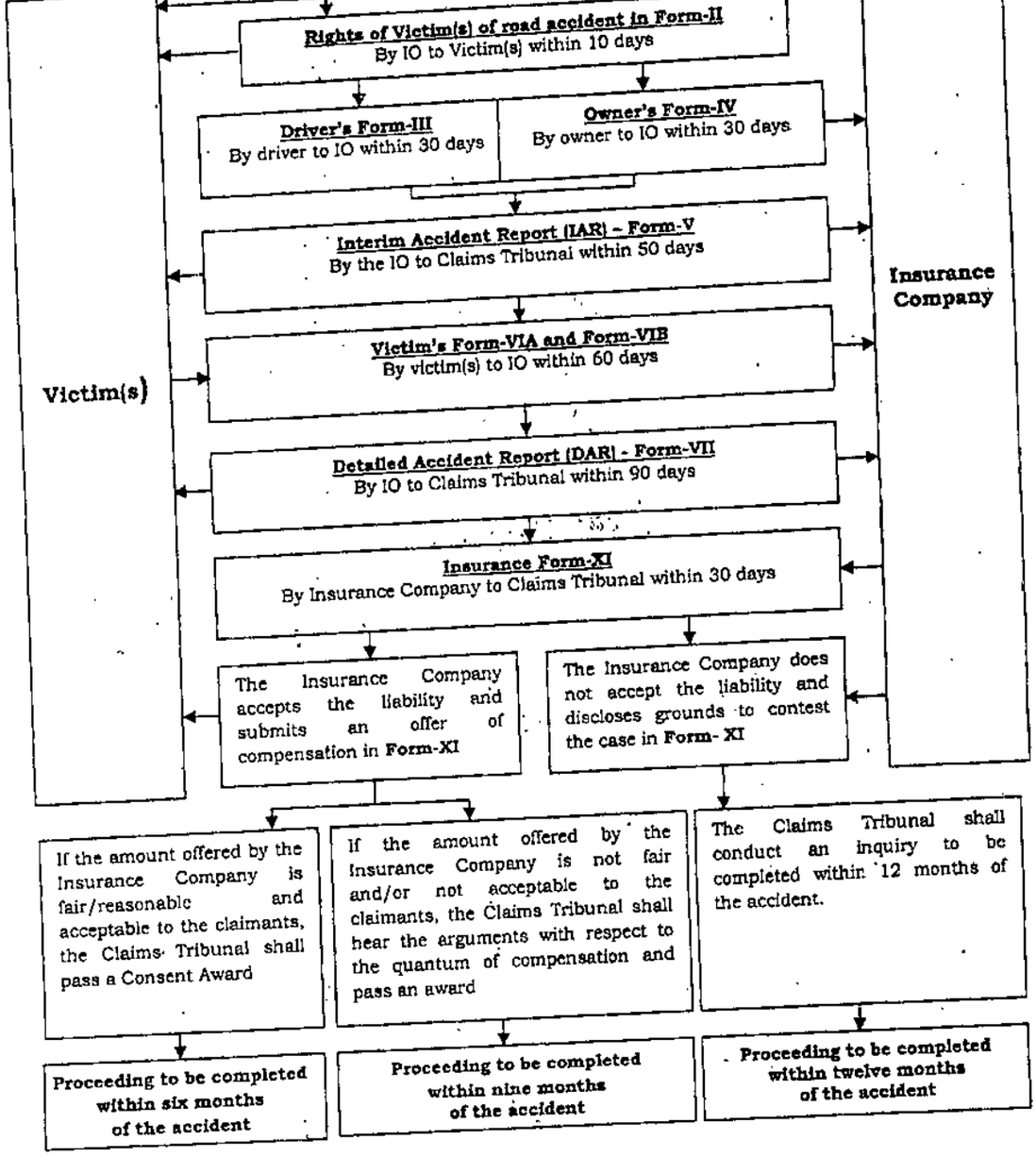
XI. The Insurance Company shall examine the *DAR* and shall submit its decision before the Claims Tribunal in ***Form - XI*** within 30 days of the receipt of the copy of the *DAR* from the Investigating Officer.

XII. After the conviction of the accused in the criminal case, the learned Metropolitan Magistrate shall send the copy of the judgment as well as the affidavit of the accused with respect to his assets and income to DSLSA whereupon DSLSA shall conduct a summary inquiry and submit a ***Victim Impact Report (VIR)*** in ***Form - XII*** before the learned Metropolitan Magistrate within 30 days in terms of the Full Bench judgment of this Court in ***Karan v. State NCT of Delhi,*** Crl.A.352/2020 decided on 27th November, 2020.

32. The flowchart of this Scheme is given in ***Form - II*** which is

reproduced hereunder:

FLOW CHART OF SCHEME FOR MOTOR ACCIDENT CLAIMS



33. The modified *Claims Tribunal Agreed Procedure* formulated by this Court in ***Rajesh Tyagi – III*** is substituted with this *Scheme for Motor Accidents Claims* which shall be implemented by the Claims Tribunals, Delhi Police and Insurance Companies w.e.f. 02nd April, 2021.

34. Mr. H.S. Phoolka, Mr. Sidharth Luthra, Mr. Vikas Pahwa, Mr. Rajshekhar Rao and Mr. Satyam Thareja assisting this Court as Amici Curiae submit that successful implementation of this Scheme requires strict implementation by the Police, Insurance Companies as well as Claims Tribunals and a Committee be constituted to supervise the implementation and take remedial measures.

35. A Committee is hereby constituted to supervise the implementation of this Special Scheme comprising of the following members:-

(i) Sitting or former Judge of this Court to be nominated by the Hon'ble Chief Justice as Chairperson.

(ii) Member Secretary, DSLSA as Convener of the Committee.

(iii) Special Commissioner of Police to be nominated by the Commissioner of Police.

(iv) Additional Secretary in the Ministry of Road Transport and Highways to be nominated by the Secretary, Ministry of Road Transport and Highways.

(v) Secretary General, General Insurance Council (GIC).

Delhi State Legal Services Authority (DSLSA) shall provide the necessary infrastructure/support staff to the Committee. *Delhi State Legal Services Authority* (DSLSA) shall bear the necessary expenditure for the functioning of the Committee.

36. Delhi Police as well as the Insurance Companies shall file monthly

reports before the Committee with respect to the compliance of the provisions of the Scheme for the previous month. The first report for the period 02nd April, 2021 to 30th April, 2021 be filed by 20th May, 2021 and thereafter by 20th of each month. The Committee shall prescribe the format of the compliance report which shall be circulated to the Delhi Police and the Insurance Companies. The Committee shall consider the reports and take such remedial measures as may be considered necessary for successful implementation of the Scheme.

37. The Claims Tribunals shall expedite the adjudication of accident cases and make an endeavour to decide these cases within the timelines mentioned in the flow chart. The Claims Tribunals shall send the monthly statement of MACT cases decided within the timelines mentioned in the Flow Chart as well as those which could not be decided within the timelines along with the reasons for such delay, to the Registrar General of this Court. The Registrar General shall consider the said statements in terms of the directions of the Supreme Court in ***Jai Prakash v. National Insurance Co.***, S.L.P. (C.) 11801-11804/2005, vide order dated 13th May 2016. The Registrar General shall place these statement(s)/report(s) before the ACR Committee of the Judicial Officer.

38. If any modification is considered necessary in this Scheme, the same shall be carried out by the Committee after hearing the stakeholders. Any suggestion or grievance with respect to the working of this Scheme shall be considered by the Committee.

39. Delhi Police shall modify/replace the *Standing Order, Accident Investigation Manual* and *Check-list* in terms of the new Scheme within four weeks. Delhi Police shall incorporate the directions contained in para 7 of

the judgment dated 14th February, 2020 in their *Accident Investigation Manual*. The Delhi Police shall also create a Monitoring Cell to ensure the implementation of this Scheme within four weeks. Delhi Police shall consider preparing system/software in which the non-filing/delay in filing the reports namely *FAR*, *IAR* and *DAR* within the stipulated timelines will be automatically intimated to the higher authorities.

40. On 14th February, 2020, this Court directed Delhi Police to implement *DAR* procedure on the same lines as is being done in Tamil Nadu. This Court constituted a Committee for developing the mobile/web application in consultation with all the stakeholders. However, the Committee has not yet submitted its report. The Committee shall complete the deliberations within four weeks and submit a report before this Court on the next date of hearing.

41. On 14th February, 2020, this Court directed the pilot project mentioned in the order dated 13th December, 2019 to be implemented in respect of death cases in motor accidents in New Delhi District w.e.f. 15th April, 2020. However, the pilot project has not yet commenced. The Delhi Police is directed to implement the pilot project in terms of para 12 of the order dated 14th February, 2020 under the present Scheme w.e.f. 02nd April, 2021.

42. All the Insurance Companies are directed to appoint a Nodal Officer and intimate the name, address, phone numbers/mobile numbers and email address of their Nodal Officer to DCP-Legal Cell (PHQ) of Delhi Police by *email* within four weeks. The Delhi Police shall place on record the list of Nodal Officers of all the Insurance Companies before the next date of hearing.

43. On 03rd July, 2015, this Court noted that the appointment of 33

vacancies of Motor Legal Officers was scheduled to be completed by March, 2015. Government of NCT of Delhi and DSSSB are directed to file the status report with respect to the 33 vacancies of Motor Legal Officers mentioned in the order dated 03rd July, 2015. However, if the process is not yet complete, the same be completed before the next date, failing which the status report shall disclose the reasons for delay in appointment of Motor Legal Officers as well as the name of the officers responsible for the same.

44. DSLSA and Delhi Police shall prepare a compilation of Frequently Asked Questions (FAQs) relating to this Scheme and place the same before this Court on the next date of hearing.

45. The Expert Committee appointed by the *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways had submitted convenient digitalized ***Forms*** with colour codings along with its Reports. The *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways is requested to convert ***Form - I*** to ***XII*** of this Scheme to convenient digitalized ***Forms*** within a period of two weeks and the same be placed for approval before this Court.

46. The Registry shall translate this Scheme and ***Forms*** in Hindi language within two weeks and place the same before this Court on the next date.

47. List for reporting compliance on 26th February, 2021.

48. Motor Vehicles Act, 1988 has been amended in 2019 by which Section 164C has been incorporated. Section 164C of the amended Act empowers the Central Government to frame Rules to stipulate the Forms of Accident Information Report under Section 159 of the Motor Vehicles Act. However, Central Government has not yet framed the Rules and the Forms under Section 164C (2) (a) (iii) of the Motor Vehicles Act, 1988. This Court

is of the view that this Scheme and the ***Forms*** can be incorporated in the Rules being framed by the Government. The Ministry of Road Transport and Highways shall consider this Scheme and the ***Forms*** at the time of framing the Rules.

49. Government of NCT of Delhi notified Delhi Motor Accident Claims Tribunal Rules, 2008 on 13th July, 2009. Government of NCT of Delhi shall consider amending the Rules to incorporate this Scheme and the ***Forms***.

50. This Court appreciates the valuable and effective assistance rendered by Mr. Kirtiman Singh, learned Standing Counsel for Central Government assisted by Mr. Waize Ali Noor, Advocate; Mr. Rahul Mehra, learend Standing Counsel for Delhi Police assisted by Mr. Chaitanya Gosain, Advocate; Mr. H.S. Phoolka, learned Amicus Curiae assisted by Ms. Prabhsahay Kaur and Ms. Sampurna Behrua, Director (Legal) of Bachpan Bachao Andolan; Mr. Sidharth Luthra, learned Amicus Curiae assisted by Mr. Arjun, Advocate; Mr. Vikas Pahwa, learned Amicus Curiae assisted by Mr. Sumer Singh Boparai, Advocate; Mr. Rajshekhar Rao, learned Amicus Curiae assisted by Ms. Aanchal Tikmani, Advocate; Mr. Satyam Thareja, learned Amicus Curiae; Mr. S.P. Jain, learned counsel for Go Digit GIC; Mr.Gautam Jha, learned counsel for GIC; Mr. Akshay Chowdhary and Ms. Anjali Agrawal, Law Researchers attached to this Court.

51. This Court appreciates the exemplary work done by the Committee appointed by *Transport Research Wing* (TRW) of Ministry of Road Transport and Highways comprising of Ms. Babni Lal, Economic Advisor Transport, MoRTH as Chairperson; Mr. Pramod Kumar, Inspector General of Police, Tamil Nadu; Mr. Sriram Taranikanti, Principal Secretary, Transport, Govt. of Tripura; Mr. Sanjeev Kumar, Chief Engineer, Road

Safety Wing, MoRTH; Dr. B.N. Shetty, Director Technical, Ministry of Home Affairs; Prof. Geetam Tiwari, Professor, Indian Institute of Technology Delhi; Dr. Venkatesh Balasubramanyam, Professor, Indian Institute of Technology Madras; Ms. Tanu Jain, Assistant Director General, Ministry of Health & Family Welfare; Dr. A. Mohan, Scientist, National Informatics Centre; Dr. Aditya Medury, Assistant Professor, Indian Institute of Technology Kanpur; Dr. G. Gupta, National Consultant, World Health Organization; Mr. Vivek Kishore, Director – Road Safety, MoRTH; Mr. R.K. Puri, Assistant Director, TRW, Member Secretary and Ms. Y. Priya Bharath, CGM, IRDA as Special Invitee. This Court also appreciates the extraordinary efforts made by Mr. Rajesh Deo, DCP-Legal Cell (PHQ) of Delhi Police and Mr. Priyank Bharti, Joint Secretary, Ministry of Road Transport & Highways, as he then was [now Senior Directing Staff (Civil), National Defence College (NDC), Department of Defence] in assisting this Court.

52. C.M.31818/2020 is disposed off.

53. This *Scheme for Motor Accident Claims* along with ***Forms - I*** to ***XIX*** be uploaded on the website of the District Courts in .pdf format along with its Hindi translation by 15th March, 2021 to enable the lawyers and litigants to download the same. The Report of the Committee appointed by this Court in MAC. Appeal No. 1134/2017 relating to the cost of artificial limbs by different suppliers be also uploaded on the website of the Districts Courts.

54. Copy of this judgment and *Scheme for Motor Accident Claims* along with ***Forms - I*** to ***XIX*** and the Report of the Committee containing the list of cost of artificial limbs in MAC. Appeal No. 1134/2017 be sent to the Registrar General who shall circulate it to all the Claims Tribunals, Child

Welfare Committees and *Delhi State Legal Services Authority* (DSLSA).

55. Copy of this judgment along with this *Scheme for Motor Accident Claims* and ***Forms*** - *I* to ***XIX*** be sent to Delhi Judicial Academy to sensitize the Claims Tribunals about this Scheme. Delhi Judicial Academy shall upload this judgment on their *website* (http://judicialacademy.nic.in) as good practices of this Court.

56. National Judicial Academy is reporting the best practices of all the High Courts on their *website* (www.nja.nic.in) under the head of Practices & Initiatives of various High Courts. Copy of this judgment along with the Scheme and the ***Forms*** be sent to National Judicial Academy.

Sd/-

J.R. MIDHA, J.

JANUARY 8, 2021
ds/dk/ak

True Copy

SCHEME FOR MOTOR ACCIDENT CLAIMS FORMULATED BY DELHI HIGH COURT

SCHEME FOR
MOTOR ACCIDENT CLAIMS
FORMULATED BY DELHI HIGH COURT

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32.	If the compensation offered by the Insurance Company is not fair and/or is not acceptable to the claimant(s), the Claims Tribunal shall pass an award within nine months from the date of accident	**21**
33.	If the Insurance Company disputes the liability, the Claims Tribunal shall conduct an Inquiry and pass an award within one year from the date of accident	**21**
34.	Duty of the Claims Tribunal to elicit the truth	**22**
35.	Direction to the claimant(s) to open savings bank account near the place of their residence in a nationalized bank	**22**
36.	Examination of the claimant(s) before passing of the award	**23**
37.	**Form - *XIII*** and ***XIV*** - Written submissions to be filed by the parties before the Claims Tribunals	**24**
38.	Deposit of the award amount	**24**
39.	Disbursement of the award amount	**25**
40.	Protection of the award amount	**25**
41.	**Form – *XVII*** - Claims Tribunal shall deal with the compliance of the provisions in the award	**27**
42.	Claims Tribunal shall fix a date for reporting compliance	**27**
43.	Copy of the *DAR* as well as the award to be sent to the concerned Metropolitan Magistrate	**28**