

Relevant Procedure under The Central Motor Vehicle Rules, 1989 in MACT Cases

Notification	Notification G.S.R 164(E) dated 25.02.2022 of Ministry of Road Transport & Highways	w.e.f. 01.04.2022
Rule	ANNEXURE XIII Procedure for investigation of road accident	New Rule 150A
Investigation by the Police	Investigation of road accident cases by the Police after visiting spot by doing :- <ul style="list-style-type: none"> taking photographs / videos of scene of the accident taking photographs / videos of the vehicle(s) involved in the accident prepare a site plan photographs of the injured in the hospital examining the eyewitnesses/bystanders 	Clause 1
Intimation within 48 hours through FAR	Police to prepare FAR in FORM I and provide copy to:- <ul style="list-style-type: none"> MACT Victims Insurance Company through Nodal Officer Legal Services Authority Uploading on Police Website 	Clause 2
Registration of FAR	FAR to be registered as Motor Accident Claim Miscellaneous Petition (MACMP)	Clause 21
Intimating Rights to victims	Supply of Rights of victims of Road Accident and Flow Chart of the Scheme mentioned in Form II by the Investigating Officer to the Victim(s) and also:- <ul style="list-style-type: none"> Form III to Driver Form IV to Owner Form VI to Victims/LRs Form VIA to Victims for Minor Child 	Clause 3
Driver's information	Driver's Form III to be submitted by the driver to the Investigating Officer within 30 days of accident	Clause 4
Owner's information	Owner's Form IV to be submitted by the owner to the Investigating Officer within 30 days of accident	Clause 5
Submission of Interim Accident Report (IAR)	The Investigating Officer shall submit Interim Accident Report (IAR) in Form-V in 50 days to:- <ul style="list-style-type: none"> MACT Insurance Company victim(s)/claimant State Legal Services Authority Insurer and General Insurance Council 	Clause 6
Verification of Driver's and Owner's information	Verification of the Driver's Form III and Owner's Form IV by the Investigating Officer and Insurance Company	Clause 7
Victim's information	Victim's Form VI to be submitted by the victim(s) to the Investigating Office within 60 days of accident	Clause 8
Victim's (minor children) information	Victim's (minor children) information Form VIA to be submitted by the victim(s) to the Investigating Office within 60 days of accident	Clause 9
Verification of Victim's information	Verification of the Victim's Form VI and Form VIA by the Insurance Company	Clause 10
Completion of Investigation	Investigation of the criminal case to be completed by the Police within 60 days of the accident by submitting Report u/s 173 Cr.P.C. to:- <ul style="list-style-type: none"> Area Magistrate MACT 	Clause 11
Submission of Detail Accident Report (DAR)	The Investigating Officer shall submit Detail Accident Report (DAR) in Form-VII in 90 days to:- <ul style="list-style-type: none"> MACT victim(s) of the accident owner/driver of the offending vehicle Nodal Officer of the Insurance Company General Insurance Council State Legal Services Authority 	Clause 12
Documents with DAR	DAR shall accompany:- <ul style="list-style-type: none"> Site Plan as per Form VIII Mechanical Inspection Report as per Form IX Verification Report as per Form X Report under section 173 of the Code of Criminal Procedure, 1973 	Clause 13
Necessary directions from MACT	Investigating Officer may seek necessary directions from MACT if the driver /owner /Insurance Company/ claimant fail to disclose relevant information	Clause 14
Duty of the Registering Authority	Duty of the Registering Authority to verify the documents in 15 days	Clause 15
Duty of the Hospital	Duty of the Hospital to issue MLC (Medico Legal Case) and Post-mortem Report in 15 days	Clause 16
Extension of time	Extension of time to file IAR and DAR if there are reasons beyond Police control such as in cases of:- <ul style="list-style-type: none"> hit and run accidents parties reside outside the jurisdiction of the Court Driving Licence is issued outside the jurisdiction of the Court victim(s) has suffered grievous injuries and is undergoing continuous treatment 	Clause 17
Examination of FAR, IAR and DAR	Examination of FAR, IAR and DAR by MACT as to completeness. If not complete direct the IO to complete the same and shall fix a date for the said completion. If complete shall fix a date for appearance of the driver/owner/claimant and the eye witness(s). IO shall produce them on the date so fixed. IO shall also intimate the date to the Nodal Officer of the Insurance Company and the Insurance Company shall ensure appearance on the date so fixed	Clause 18

Duty of the IO to produce	Duty of the IO to produce the driver/owner/claimant and the eye witness(s) before MACT	Clause 19
Duty of Police part of respective State Police Acts	Duties of Police shall be considered to be part of State Police Act	Clause 20
Treatment of DAR and its registration	DAR to be treated as a Claim Petition u/s 166(4). Its registration as Motor Accident Claim Petition (MACP) only after appearance of Claimant.	Clause 21(1)
Tagging of DAR	Where separate Claim Petition DAR to be tagged with it	Clause 21(2)
Registration of Cases	Registration of Cases of rash and negligent driving u/s 166 and otherwise u/s 164	Clause 22
Appointment of Designated Officer	Duty of the Insurance Companies to appoint a Designated Officer within 10 days of the receipt of the copy of FAR	Clause 23
Appointment of Nodal Officer	Duty of the Insurance Companies to appoint a Nodal Officer and intimate the State Police	Clause 24
Verification of Claim	Duty of Insurance Companies to verify the claim	Clause 25
Submission of its stand by the Insurance Company	Form XI to be submitted by the Insurance Company before the Claims Tribunal within 30 days of DAR. If the liability to pay the compensation is not disputed to state the quantum in Form XI . If the liability to pay the compensation is disputed to state the grounds of defence in Form XI .	Clause 26
Consent Award	Consent Award to be passed where Claimant(s) accepts the offer of Insurance Company and is otherwise just compensation	Clause 27
Response to the offer	Claimant(s) can respond to the offer of the Insurance Company within 30 days	Clause 28
Enquiry	In case of non-settlement, the Claims Tribunal shall conduct an enquiry and pass an award within 30 days	Clause 29
Inquiry	In case of disputing liability by Insurance Company to conduct Inquiry within 360 days(1 year) of accident. If considered necessary only than the evidence is to be recorded. Through the Local Commissioner, if the Insurance Company is willing to bear the fees. Otherwise to record reasons for not timely completing it.	Clause 30
Duty of Claims Tribunal	Duty of Claims Tribunal to elicit the truth. By satisfying itself that the statements made in the DAR are true and the Claim is genuine. May consider examining the parties under section 165 of the Evidence Act, 1872.	Clause 31
Examination of claimant	To examine the claimant before or at the time of passing of the award <ul style="list-style-type: none"> to ascertain their financial condition/needs mode of disbursement and amount to be kept in fixed deposits To ensure the taking on record from claimants following documents before the disbursement of the award amount: - <ul style="list-style-type: none"> Aadhaar Card and PAN Card; Details of the Aadhaar Linked Bank Account(s) of the Claimant(s) near the place of their residence along with the proper endorsement; and Two sets of photographs and specimen signatures of the claimant(s) 	Clause 32
Written submissions	To obtain written submissions from both the parties with respect to their computation of compensation <ul style="list-style-type: none"> in Form XIII for death cases and in Form XIV for injury cases 	Clause 33
Deposit of the award amount	Deposit of the award amount with interest within 15 days	Clause 34
Mode of disbursement	Mode of disbursement of the award amount at MACT	Clause 35
Protection of amount	To protect the amount by releasing necessary amount as per the financial status/need of the claimant and keeping the remaining amount in Fixed Deposits to be released in a phased manner in accordance with Motor Accident Claims Tribunal Annuity Deposit Scheme stipulated in Form XIX	Clause 36
Compliance of the procedure	To incorporate in the award:- <ul style="list-style-type: none"> Summary of computation of compensation in Form-XV for death cases. Summary of computation of compensation in Form-XVI for injury cases. Compliance of the procedure prescribed in Form XVII. 	Clause 37
Reporting of compliance	To fix a date for reporting of compliance with the procedure and direct the Insurance Company/driver/owner to place on record the proof of deposit of the compensation amount with upto date interest. If not deposited to execute the award in accordance with sub-section (4) of sections 169 and section 174 of the Motor Vehicles Act, 1988. If stayed in appeal close the matter with liberty to the claimant to revive it after the decision of the appeal.	Clause 38
Copy of award to be sent to the criminal court	Copy of the DAR as well as the award to be sent to the concerned criminal court	Clause 39
To SLSA	Copy of the award to be sent to the State Legal Services Authority	Clause 40
Record of awards	Record of awards of the Claims Tribunal in Form-XVIII	Clause 41