



PRESENTATION ON

Compensation in hit & run cases

By Nasim Ahmad

Kerala High Court

Suo Motu vs State Of Kerala on 12 April, 2023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE
MR.S.MANIKUMAR**

&

**THE HONOURABLE MR.JUSTICE MURALI
PURUSHOTHAMAN**

**WEDNESDAY, THE 12TH DAY OF APRIL 2023 / 22ND
CHAITHRA, 1945**

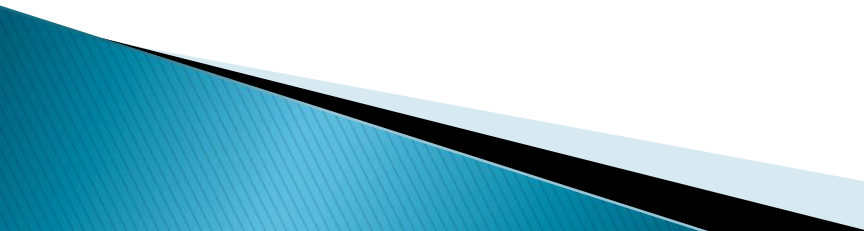
WP (C) NO. 23076 OF 2021

▶ Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022

The Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022, was notified on 25 February 2022. It will come into force with effect from 1st April, 2022. The Scheme is issued in supersession of the Solatium Scheme, 1989.

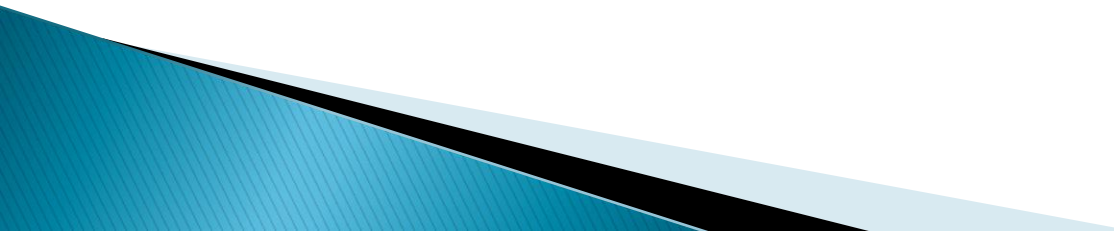
- ▶ *Key Features of the Compensation to Victims of Hit and Run Motor Accidents Scheme*
- ▶ *Constitution of Standing Committee and District Level Committee*
- ▶ *The Compensation to Victims of Hit and Run Motor Accidents Scheme provides for the establishment of a Standing Committee.*

The Committee is authorized to:

- (1) Periodically review the working of this scheme, its implementation and direct corrective steps;**
 - (2) Consider the issues raised in the quarterly reports of the District Level Committee and provide guidance or directions, including on the topic of prevention of fraud in implementation of this scheme;**
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(3) Make recommendations to the Central Government for amendment of this scheme to enable the efficient disbursement and working of the Hit and Run Compensation Account, specifically with respect to prevention of fraud;

(4) Provide procedure for conduct of business by the Standing Committee and District Level Committee.




The Scheme also provides for the establishment for a District Committee in each District. This Committee is authorised to:

(1) Evaluate the progress of implementation of this scheme in the concerned District and take corrective steps, wherever necessary;

(2) To submit a report on quarterly basis to the Standing Committee, including in electronic form and the report will include month-wise statistics about the claim applications received, awarded, pending and reasons for pendency;

(3) To keep close liaison with other authorities in the district so as to ensure that this scheme gets adequate publicity;

(4) To provide guidance or clarifications to concerned authorities and claimants;



(5) to raise awareness about the rights available to claimants and the provision of compensation under this scheme.

The Standing Committee has to meet at least once every year, whereas the District Committee has to meet at least once in each quarter.

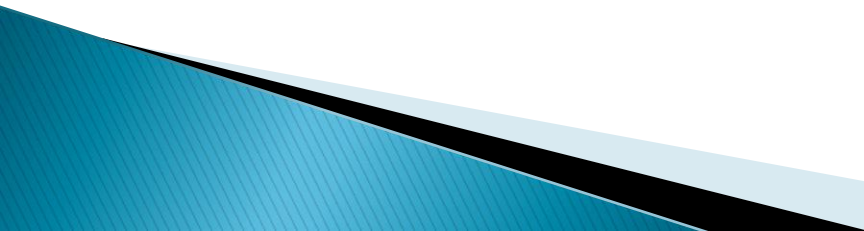
Procedure for making claim application by the Applicant

The applicant has to submit an application seeking compensation under this scheme in Form I, including through electronic means. This has to be submitted along with a copy of claim raised by the hospital providing the treatment, as per Scheme for Cashless Treatment formulated under section 162 of the Motor Vehicles Act, 1988, and the undertaking in Form IV. These submissions have to be made to the Claims Enquiry Officer of the Sub-Division or Taluka in which the accident took place.

Procedure to be followed by Claims Enquiry Officer

A Claims Enquiry Officer under the Scheme is the Sub-Divisional Officer, Tehsildar, or any other officer in charge of the revenue subdivision of a Taluka in each revenue district of a State or such other officer not below the rank of Sub-Divisional Officer or a Tehsildar.

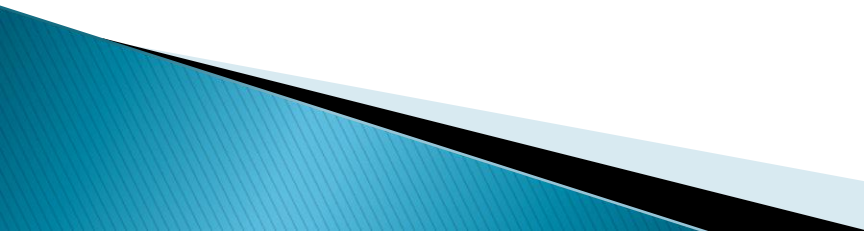
(1) On receipt of claims application, the Claims Enquiry Officer will obtain a copy of the First Accident Report (FAR) and post mortem report from the concerned authorities and hold enquiry in respect of claims arising out of the hit and run motor accident.




(2) It is the duty of the Claims Enquiry Officer—

a) to decide as to who are the rightful claimants, where there is more than one claimant;

b) to submit to the Claims Settlement Commissioner a report in Form II, along with his own recommendation, and the Forms and documents received from the claimant within a period of one month from the date of receipt of application.





Where the Claims Settlement Commissioner has returned any report to the Claims Enquiry Officer for further enquiry, the Claims Enquiry Officer will make additional enquiries as may be necessary and re-submit the report to the Claims Settlement Commissioner within fifteen days for final order.

Sanctioning of claims

On receiving of report of the Claims Enquiry Officer, the Claims Settlement Commissioner will sanction the claim, within a period not exceeding fifteen days from the date of receipt of report.

Further, he/she will communicate the sanction order in Form III along with the Forms and documents received from the claimant, to the Trust constituted under Rule 4 of the Central Motor Vehicles (Motor Vehicle Accident Fund) Rules, 2022 or the General Insurance Council (GIC refers to the General Insurance Council constituted under section 64C of the Insurance Act, 1938), with a copy to the following: —

(a) Claims Enquiry Officer;

(b) Claimant;

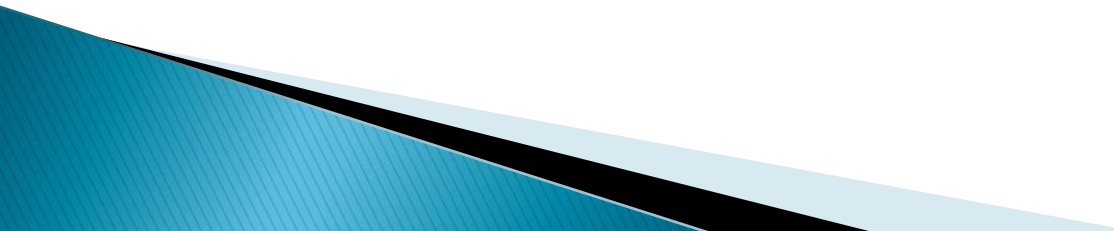
(c) Concerned Motor Accident Claim Tribunal;

(d) Concerned Transport Commissioner;

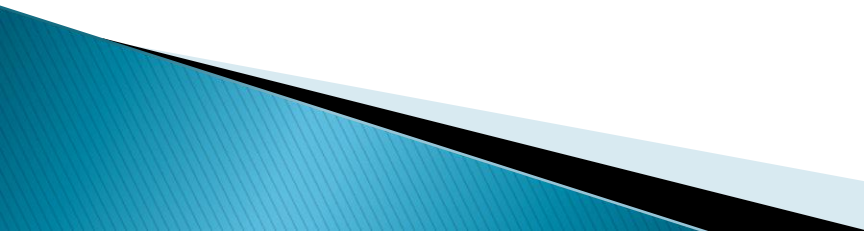
(e) General Insurance Council headquarters.



Claims Settlement Commissioner will deduct the claim raised by the hospital which has provided cashless treatment as per the scheme framed under section 162 of the Motor Vehicles Act, 1988 and sanction the balance amount.



Provided further that if the claim raised by the hospital which has provided cashless treatment as per the scheme framed under Section 162, is greater than the fixed sum compensation under Section 161 of the Motor Vehicles Act, 1988, no compensation will be paid to the claimant or legal representative of the deceased, whichever the case may be.



Payment of Compensation

(1) In case of claims arising out of death of an accident victim, the compensation will be awarded to the legal representatives of the deceased decided by the Claims Enquiry Officer.

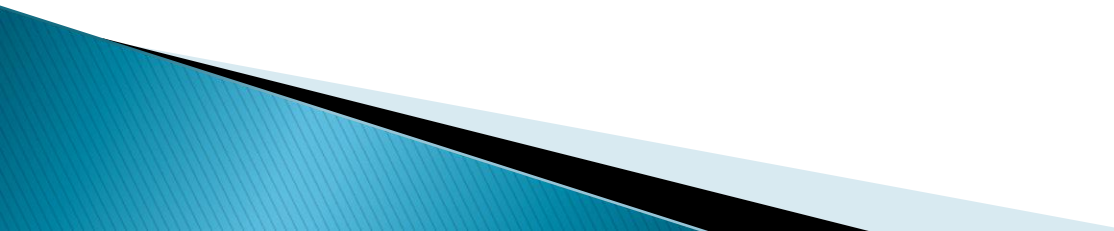
(2) In the case of claims arising out of grievous hurt, the compensation will be awarded to the person injured.

(3) The General Insurance Council (GIC), on behalf of the Trust, will make the e-payment to the bank account as provided by the claimant or legal representative of the deceased, and simultaneously send intimation to all the concerned authorities to whom the copy of the sanction order is endorsed.

(4) The payment should be made within fifteen days from the date of receipt of the sanction order:

Annual Report

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



Conclusion

The Compensation to Victims of Hit and Run Motor Accidents Scheme includes establishment of committees authorised to carry out the functions and duties in order to provide relief to victims. It also includes the working, powers and functions of the Members of the Committees.

It also comprises of the procedure for the processing the application seeking compensation under the Scheme.

THANK YOU