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Government of Tripura
Home Department

NO.F.13(88)-PD/12/

29th November, 2012

M E M O R A N D U M

Subject: Accident Information Report and compliance of Sub Section(6) of Section 158 of Motor Vehicle Act, 1988 - Guidelines for action to be taken by different agencies.

The extant provisions (Section 158(6)) in the M.V. Act and the Rules framed there under ensure that the accident victims are not put in difficulty in preferring compensation claims before the Tribunals and to rule out false claims. Further, Sub-section (4) of Section 166 of the Act provides "The Claims Tribunal shall treat any report of accidents forwarded to it under sub-section (6) of section 158 as an application for compensation under this Act". Rule 150 of Central Motor Vehicle Rules, 1989 prescribes the form (No.54) of the Police Report required to be submitted under section 158(6) of the Act.

2] The matter of compliance of Section 158(6) of the Motor Vehicles Act, 1988 was brought to the notice of the Hon'ble Supreme Court in the case of *General Insurance Counsel v. State of Andhra Pradesh*. Vide judgment dated 9 July, 2007 the Hon'ble Supreme Court directed all the State Governments and Union Territories to instruct all concerned police officers to comply with the requirements of Section 158(6) of the Motor Vehicles Act read with Rule 150 and Form 54 of the Central Motor Vehicles Rules. The Hon'ble Court also observed that "Periodical checking shall be done by the Inspector General of Police concerned to ensure that the requirements are being complied with. In case there is non-compliance, appropriate action shall be taken against the erring officials."

3] Further, the matter of plight of victims of road accidents was taken up by the Hon'ble Supreme Court under civil appellate jurisdiction *Special Leave Petition (civil) No. 11801-11804 of 2005 Jai Prakash Vs. National*

Insurance Co. Ltd. & Ors. Hearing the SLP, Hon'ble Court observed that "around 20% of the victims of motor accidents fall under the unfortunate categories who do not get any compensation (except some who may get a token amount under Section 161 or 140 of the Act)".

4] This matter as well came up before the **Hon'ble Guwahati High Court, Agartala Bench** while hearing **PIL-02/2012**. The Hon'ble Court, vide order dated 13th August 2012 also expressed its concern on the matter and issued directions to the State Government for evolving guidelines in this regard.

5] Accordingly, keeping in view the Provisions contained in the Motor Vehicle Act, 1989 and the directions issued by the Hon'ble Supreme Court in **General Insurance Council v. State of A.P. [2007 (12) SCC 354]** and civil appellate jurisdiction special leave petition (civil) No. 11801-11804 of 2005 **Jai Prakash Vs. National Insurance Co. Ltd. & Ors.** and the directions issued by **Hon'ble Guwahati High Court Agartala bench in PIL-02/2012**, the following guidelines are hereby laid down for compliance by all concerned:-

5.1] Action to be taken by Police Department:

- (i) Accident Information Report in **Form No. 54** of the Central Motor Vehicle Rules, 1989 ('AIR' for short) shall be submitted by the police (Station House Officer) to the jurisdictional Motor Vehicle Claims Tribunal, within 30 days of the registration of the FIR.
- (ii) In addition to the particulars required to be furnished in **Form No. 54**, the police shall also collect and furnish the following additional particulars in the **FIR** to the Tribunal:
 - a. The age of the victims at the time of accident;
 - b. The income of the victim;
 - c. The names and ages of the dependent/ legal representatives with occupation.
- (iii) The AIR shall be accompanied by the following documents- Attested copies of the FIR, Site sketch/mahazar/photographs of the place of occurrence, Driving licence of the driver, Motor

Vehicle Registration Report, Insurance policy (and if necessary, fitness certificate) of the vehicle ,Postmortem report (in case of death) or the Injury/Wound certificate (in the case of injuries).

- (iv) The names/addresses of injured or dependant family members of the deceased should also be furnished to the Tribunal
- (v) Simultaneously, copy of the AIR with annexures thereto **shall be furnished to the concerned insurance company** to enable the Insurer to process the claim.
- (vi) The police officer concerned **shall notify the first date of hearing fixed by the Tribunal to the victim** (injured) or the family of the victim (in case of death) and the driver, owner and insurer. If so directed by the Tribunal, the police officer may secure their presence on the first date of hearing.
- (vii) Necessary forms and infrastructural support shall be made available to give effect to Section 158 (6) of the Act.
- (viii) in order to strictly enforce the requirement of "insurance" cover, Police shall take action against uninsured vehicles under Section 196 of the Act. For this, a major drive shall be taken by traffic police to trace out uninsured vehicles.
- (ix) Periodic reconciliation of accident reports available with Police and MACT shall be done in order to avoid discrepancies between different agencies.

5.2] Action to be taken by Revenue, Transport, Health and Institutional Finance (Finance) Department:

The Heads of the Department concerned, shall issue instructions to the field formations for extending necessary co-operation to the Police Officer to give effect to Section 158 (6) of MV Act, 1989. For this, the field level officers shall

furnish the information as per **Table-A** below, to the Officer in-charge of police station concerned:

Table-A

SL	Information to be sought by Officer In-charge of Police Station	Department concerned	Time frame for giving information	Nodal Officer for Coordinating and Monitoring the flow of information
1	a) The occupation and income of the victim; b) The names, addresses and ages of the dependent family members. Documents to be collected by Revenue officials of the concerned Tehsil.	Revenue Department	7 days	Deputy Collector of Revenue Circle Concerned.
2	Postmortem report (in case of death) or the Injury/Wound certificate (in the case of injuries).	Health Department	7 days	Medical Officer In-charge.
3	a) Motor Vehicle Registration Report b) Fitness Report/Permit as per the data base c) Details of Insurance cover as per the available data base with the Department. d) Mechanical Inspection Report Note-Transport Department shall incorporate additional information on " insurance " and " fitness " in the data base of vehicles.	Transport Department	7 days	District Transport Officer/Joint Transport Commissioner
4	Details of Insurance cover	Finance (Institutional Finance) Department	7 days	Officer of the Department at Sub-Division Level.

6] Director General of Police and Secretary of the concerned Departments are requested to issue supplementary instructions as deemed necessary, and put in place a mechanism for monitoring disposal of cases for ensuring timely action in respect of each case, keeping in view directions of the Court as indicated above.

S/d
(S.K.Panda)
Chief Secretary,
Government of Tripura

To

- 1) The Director General of Police, Govt. of Tripura.
- 2) Addl. Chief Secretary, (Finance Deptt.), Govt. of Tripura.
- 3) The Secretary, Health Department, Govt. of Tripura.
- 4) The Secretary, Revenue Department, Govt. of Tripura.
- 5) The Secretary, Transport Department, Govt. of Tripura.
- 6) The Director, Institutional Finance, Govt. of Tripura.

Copy for favour of information to:-

1. P.S to Chief Minister, Tripura.
2. P.S to Minister, Finance/HFW/Revenue/Transport, Tripura.
3. The Secretary, Law, Govt. of Tripura.

Copy also forwarded to:-

1. The District Magistrate & Collector, West Tripura, Agartala.
2. The District Magistrate & Collector, Gomati, Udaipur.
3. The District Magistrate & Collector, South Tripura, Belonia.
4. The District Magistrate & Collector, Shipahijala, Bishramganj.
5. The District Magistrate & Collector, Khowai, Khowai.
6. The District Magistrate & Collector, Dhalai, Ambassa.
7. The District Magistrate & Collector, Unakoti, Kailashahar.
8. The District Magistrate & Collector, North Tripura, Dharmanagar.

Y. Kumar 29/11/20
(Y. Kumar)
Secretary to the
Government of Tripura