

FASTDAR SCHEME FOR ROAD ACCIDENT DEATH CASES
LAUNCHED ON 01ST MAY, 2021

ROAD ACCIDENT DEATH COMPENSATION CASE
DECIDED WITHIN 10 DAYS OF THE ACCIDENT

Rajesh Tyagi & Ors. v. Jaibir Singh & Ors.
Judgment dated 12th May, 2021 in FAO 842/2003

1. The Delhi High Court has framed a *FastDAR Scheme* for resolving a road accident death cases within ten days of the road accident. This Scheme applies to death cases in which (i) the death is due to the rash and negligent driving of the offending vehicle; (ii) the driver of the offending vehicle is holding a valid driving licence; (iii) the offending vehicle is validly insured at the time of the accident; (iv) in case of a commercial vehicle, there is valid permit and fitness certificate; and (v) there is no violation of the Insurance policy such as drunken driving or the vehicle being driven by a minor.
2. This *FastDAR Scheme* for compensation claims of road accident deaths within 10 days of the accident was launched as a Pilot Project on 01st May, 2021.
3. On the very first day of the Pilot Project i.e. 01st May, 2021, a road accident was reported at 03:45 AM at Vasant Vihar, Police Picket in which a Honda CRV car rammed into police barricade and hit a police constable, Munshi Lal which resulted in fatal injuries. The police registered FIR No. 78/21 at P.S. Vasant Vihar. This case was brought to the notice of the *Fast Track Committee* on 04th May, 2021. The Committee took up the matter with the Investigating Officer and provided the *FastDAR Format* to the Investigating Officer. The Investigating

Officer verified the driving license as well as Insurance policy and filed the *FastDAR* before the Claims Tribunal on 08th May, 2021.

4. The Honda CRV car was insured with Bajaj Allianz GIC Limited. The Insurance Company appeared before the Committee on 06th May, 2021. The Insurance Company was satisfied with respect to the valid driving license, valid insurance policy as well as the negligence of the offending vehicle.

5. The family of the deceased submitted the relevant information/documents relating to the age, occupation and income of the deceased and particulars of his family members. The Insurance Company verified the documents relating to age, occupation and income of the deceased and offered fair compensation of Rs.32 lakh which was accepted by the family of the deceased and their statement was recorded.

6. On 10th May, 2021, the Claims Tribunal held the sitting of the Special Lok Adalat to pass an award for Rs.32 lakh in favour of the claimants. The son and daughters of the deceased submitted that the entire compensation be paid to the widow of the deceased whereupon the Court disbursed the entire compensation amount to the widow of the deceased by keeping Rs.25 lakh in 60 FDRs of about Rs.41,666.66 for the period of 1 month to 60 months with cumulative interest in the name of the widow of the deceased and the balance Rs.7 lakh was released to the widow of the deceased.

7. The Insurance Company deposited Rs.32 lakh with the Claims Tribunal on 12th May, 2021.

8. The family of the victim received the compensation without having to file any compensation case as the *FastDAR* submitted by the Investigating Officer was treated as a claim petition by the Tribunal.
9. The first case of the *FastDAR Scheme* has been resolved in a record time of ten days.

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

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Date of Decision: 12th May, 2021

+ FAO 842/2003 & CM APPLs.32859/2017, 41125/2017, 41126/2017,
41127/2017, 35516/2018, 35517/2018, 46426/2018 & 7634/2020

RAJESH TYAGI & ORS.

..... Appellants

versus

JAIBIR SINGH & ORS.

..... Respondents

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

Mr. Surinder S. Rathi, OSD-cum-
Registrar, Delhi High Court

Mr. Kanwal Jeet Arora, Member
Secretary, DSLSA

Mr. Satyam Thareja, Advocate as
Amicus Curiae

Ms. Avnish Ahlawat, Standing
Counsel for DSSSB

Ms. Nandita Rao, Additional Standing
Counsel for GNCTD

Mr. Pradeep Gaur, Advocate for
National Insurance Company and
United India Insurance Company

Mr. Navneet Kumar, Advocate for
Bharti AXA and Magma HDI

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (ORAL)

FastDAR Scheme for Road Accident Death Cases Launched on 01st May, 2021

Road Accident Death Compensation case decided within 10 days of the accident

1. *Can a compensation claim relating to road accident death be resolved within 10 days of the accident?* This Court visualized that it was possible as back as in 2011. Reference be made to ***Motor Accident Claims Referencer, 2011 Edition*** of Delhi Judicial Academy. The relevant para of ***Referencer*** is reproduced hereunder: -

Motor Accident Claims Referencer of Delhi Judicial Academy

“INTRODUCTION

Many years ago, one of my friends visited Canada where he met with an accident. He was immediately rushed to the hospital. The police immediately informed the Insurance Company of the insured vehicle whereupon the Insurance Company deputed their officer who visited the hospital and met my friend and also the Medical Superintendent to find out how much expenses were likely to be incurred on his treatment. On the basis of the statement of the Medical Superintendent, the officer prepared a cheque of US \$ 6000/- and offered the same to my friend without prejudice so that if more expenses are incurred, the same could be claimed later. The payment was made within 24 hrs of the accident. As a result, my friend was not burdened with any medical expenses.

The Insurance Companies in our country are aware of this procedure and they actually implement the same in case of loss/damage of the motor vehicles. If a car is damaged in an accident, the Insurance Company immediately appoints a surveyor who inspects the vehicle on the same day, takes the photographs, discusses the estimated loss with the workshop and gives clearance for repair of the vehicle within 24 hours. The cheque for the expenses on the repair of the vehicle is paid directly to the workshop.

In case of death of victims of road accident, the principles of calculation of compensation are well settled. The age and income of the victim and the number of dependants of the deceased victims have to be verified to compute the compensation. If the officer of the Insurance Company visits the house of the deceased victim immediately after the accident, these three things could be ascertained and necessary documents can be collected. At the time of grief, there would not be any possibility of manipulation/exaggeration and the compensation on that basis could be tendered to the family of the deceased victim.”

2. On 14th February, 2020, this Court directed the Delhi Police to launch a Pilot Project for resolving the compensation claims of road accident deaths in New Delhi District within 30 days of the accident. This Court constituted a Committee comprising of Mr. Surinder S. Rathi, Registrar, Supreme Court at that time, as a Convenor, Mr. Rahul Mehra, learned Standing Counsel for Delhi Police at that time, Mr. Rajesh Deo, DCP (Legal Cell), Delhi Police and Mr. Satyam Thareja, Amicus Curiae to frame the Fast Track Scheme for implementation of this Pilot Project.

3. On 08th January, 2021, this Court directed the Committee to formulate the Fast Track Scheme of the Pilot Project for resolving the compensation claim cases of road accident deaths within 30 days. This Court further directed the Pilot Project to be implemented w.e.f. 02nd April, 2021.
4. The *Fast Track Committee* constituted by this Court convened the meetings of all the stake holders on 27th April, 2021, 30th April, 2021, 04th May, 2021, 06th May, 2021, 07th May, 2021 and 08th May, 2021. The Committee formulated a ***FastDAR Format*** and the ***Standard Operating Procedure (SOP)*** of the Pilot Project for resolving the claims cases of road accident deaths within 10 days of the accident.
5. This *FastDAR Scheme* for resolving the compensation claims of road accident death within 10 days of the accident was launched as a Pilot Project on 01st May, 2021.
6. On the very first day of the Pilot Project i.e. 01st May, 2021, a road accident was reported at 03:45 AM at Vasant Vihar, Police Picket in which a Honda CRV car rammed into police barricade and hit a police constable, Munshi Lal which resulted in fatal injuries. The police registered FIR No. 78/21 at P.S. Vasant Vihar. This case was brought to the notice of the ***Fast Track Committee*** on 04th May, 2021. The Committee took up the matter with the Investigating Officer and provided the *FastDAR Format* to the Investigating Officer. The Investigating Officer verified the driving license as well as valid Insurance policy and filed the *FastDAR* before the Claims Tribunal on 08th May, 2021. The relevant portion of the ***FastDAR*** is reproduced hereunder:

“DETAILED ACCIDENT REPORT (DAR)

1.	<i>FIR No., date and under Section</i>	<i>FIR No.78/2021, Dt.01.05.2021, U/s186/353/279/304/304A/427 IPC</i>
2.	<i>Police Station/District</i>	<i>PS-Vasant Vihar, District South-West, New Delhi</i>
3.	<i>Date, time and spot of the accident</i>	<i>Dt.01.05.2021, at about 03:45 AM, at Alkauser Police Picket, Outer Ring Road, towards Nehru Place, Vasant Vihar, New Delhi</i>
4.	<i>Source of information of Accident (Name, Address, Occupation & Tel.No.)</i>	<i>Vide DD No.7A, at 03:53 AM, on 01.05.2021 informed by ASI Thawar Singh No.475/SW, PS Vasant Vihar, New Delhi Tel.No.9868667822</i>
5	<i>Nature of the accident: (a) Whether resulted in death of injury or both (b) Number of injured/fatal</i>	<i>Fatal accident Death One fatal</i>
6	<i>Brief facts leading to the accident</i>	<i>It is submitted that on 01.05.2021 accordingly to Duty Roster of PS Vasant vihar ASI Thawar Singh No. 475/SW and Ct. Munsilal No.1550/SW, PS Vasant Vihar were on night picket duty at Alkauser Police Picket, Outer Ring Road, towards Nehru Place, Vasant Vihar, PS, Vasant Vihar, New Delhi. On 01.05.2021 at around 03:45 AM a person namely Samit Yadav came from Gurgaon with his Honda CRV Car bearing register No. DL4CAH-6927 and head towards Nehru Place. After reaching at Alkasuer Police Picket, PS Vasant Vihar he first hit the police barricade and</i>

		<p>then hit Constable Munsilal who was present on the Alkasuer Police Picket and doing his picket duty. In this accident Ct. Munsilal No.1550/SW sustained head and leg injury and Ct. Munislal No.1550/SW was seriously injured. During treatment at AIIMS Trauma Centre he was declared dead by the doctor. On the statement of ASI Thawer Singh No.475/SW, accordingly, a case Vide FIR No.78/2021, U/s 186/353/279/304/ 304A/427 IPC was registered at PS Vasant Vihar, New Delhi. During investigation accused person namely Samit Yadav, Aged 45 years S/o Sharad Yadav R/o H.No.E-1/H/DDA Flats, Munirka, Delhi-67 was arrested on the spot and all the relevant evidences were collected with the help of Crime Team, District South West, New Delhi. Accused was produced before LD. Duty MM where accused person was sent to 14 days Judicial Custody remand by the order of Ld. Duty MM. During investigation Post Mortem of deceased constable Munsilal was conducted at AIIMS Hospital Delhi, where doctor mentioned that the cause of death is “shock due to head, chest, abdomen, pelvis and limb injury consequent</p>
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		<p>upon blunt force or surface impact. All injuries are antemortem in nature". After that dead body of Munsilal was hand over to relative of deceased. During investigation offending vehicle's papers and all other evidence were seized as per seizure memo. During investigation mechanical inspection of offending vehicle and accidental vehicle is also done by the Mechanical expert. During investigation CCTV footage was seized as per seizure memo. The details facts that have come on record during investigation were discussed with SHO sir. After due diligence in detailed investigation & discussed with senior officers sections 186/353/304 IPC have been removed from the case and the case will be proceeded further in sections 279/304A/427 IPC. Investigation is in progress.</p>
7.	Name and address of the injured/deceased	Deceased Munshilal Yadav, Age 57 Years S/o Late Phool Chand r/o Village Sherpur, Alwar, Rajasthan
8.	Details of the hospital (MLC/PM/Death Certificate details)	<p>MLC No.500272622/2021, Jai Prakash Narayan Apex Trauma Centre, AIIMS New Delhi-110029, Copy attached</p> <p>Post Mortem Report No.658/2021, AIIMS New Delhi-110029. Copy</p>

		<i>attached</i>
9.	<i>Reg. No. of the vehicle(s) involved in the accident</i> <i>(i) Offending Vehicle</i> <i>(ii) Other Vehicle</i>	<i>Offending Vehicle No. DL4CAH 6927, Car Honda CR-V</i> <i>Other accidental vehicle motorcycle bearing No.DL4SAZ7465(Splendor)</i>
10	<i>Name, Address and contact no. of the owner(s) of the vehicle(s)</i> <i>Offending Vehicle</i> <i>Other Vehicle</i>	<i>Geetha Rajagopal W/o Samit Yadav</i> <i>R/o E-1/H, DDA Flats Munirka, New Delhi-110067, Owner of offending vehicle No.DL4CAH6927, Honda, Car</i>
11	<i>Name, Address and contact no. of the driver of the vehicle(s)</i> <i>Offending Vehicle</i> <i>Other Vehicle</i>	<i>Samit Yadav, S/o Sharad Yadav R/o H.No.E-1/H/DDA Flats, Munirka, South West Delhi-110067, Drive of offending vehicle no. DL4CAH6927, Honda, Car</i>
12	<i>Name and address of the Policy issuing office of the offending Vehicle</i> <i>Policy Number</i> <i>Policy Period</i>	<i>Bajaj Allianz General Insurance Company Ltd., Regd. Office: Bajaj Allianz House, Airport Road, Yerwada, Pune-411006, Contact No.1800-209-0144, Offending Vehicle No. DL4CAH6927</i> <i>Policy Number OG-21-9906-1805-00068458</i> <i>Policy Period 10-Feb-2021 to 10-Feb-2022</i>
13	<i>Name and address of the Policy issuing office of the other Vehicle</i> <i>Policy Number</i> <i>Policy Period</i>	<i>Damage Other Vehicle bearing No. DL4SAZ7465(Splendor Motorcycle)</i>

14	<u>Driving licence:</u> a. Driving Licence No. b. Period of validity c. Issued by d. Class of vehicle e. Whether licence suspended or cancelled?	-DL No.1219940128417, -Validity 28/07/2025, -Licensing Authority SW-II, Vasant Vihar, Delhi -LMV -Not
15	In case of commercial vehicle: (a) Particulars of fitness (b) Particulars of permit	N/A
16	Death Case: (a) Name and address of the deceased (b) Age (c) Gender (d) Education (e) Occupation (f) Income (monthly) (g) Legal heirs/Guardian: (i) Name (ii) Relationship (iii) Age (iv) Address (v) Contact No.	(a) Munishilal Yadav, Age 57 Years S/o Late Phool Chand r/o Village Sherpur, Alwar, Rajasthan (b) Age 57 Years (c) Male (d) 12 th Pass (e) Govt. Employee working in Delhi Police, Delhi as Constable (f) Rs.53454/- (total salary of April-2021) (g) (i) Vimla Devi (ii) Wife of deceased (iii) Age 56 years (iv) Village Sherpur, Alwar Rajasthan, (v) 982823144
17	<u>Documents required in Delhi case</u> (a) Site Plan (b) Post Mortem Report (c) Death certificate (d) Photo ID proof of the	(a) Copy attached (b) Copy attached (c) Not (d) Copy attached

<p><i>deceased</i></p> <p>(e) <i>Proof of age of the deceased</i></p> <p>(f) <i>Proof of Occupation and income of the deceased</i></p> <p>(g) <i>Particulars of the deceased's family</i></p> <p>(i) <i>Name</i></p> <p>(ii) <i>Age</i></p> <p>(iii) <i>Address</i></p> <p>(iv) <i>Relationship</i></p> <p>(v) <i>Contact No.</i></p>	<p>(e) <i>Copy attached</i></p> <p>(f) <i>Copy attached</i></p> <p>(1) <i>Shakti Singh Yadav</i> <i>Age 33 years</i> <i>Village Sherpur, Alwar,</i> <i>Rajasthan</i> <i>Son of deceased</i> <i>Tel. No.9828231444</i></p> <p>(2) <i>Anita Yadav W/o Rakesh Yadav</i> <i>Age 38 years</i> <i>Plot No.178, Yadavo Ka Mohalla, Ward No.23, Jaipur, Rajasthan,</i> <i>Daughter of deceased</i></p> <p>(3) <i>Poonam Yadav W/o manoj Kumar</i> <i>Age 28 years R/o Plot No.44, Amar Nagar-A, Khatipura, Khirani Phatak, Jhotwara, Jaipur, Rajasthan</i> <i>Daughter of deceased</i></p>
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Name and contact No. of the Investigating Officer

: SI Pankaj Kumar (9871901524), P.S. Vasant Vihar

Enclosed

- *Copy of the FIR*
- *Copy of Site Plan/Photographs/Video Clips*
- *Copy of Mechanical Inspection Report*
- *Copy of Section 161 CRPC Statements*
- *Copy of DL/Insurance/Fitness/Permit*
- *Copy of Vehicle Documents*
- *Copy of MLC/Post-Mortem Report with opinion on cause of death*

- *Details of family members of claimants*
- *Details of deceased's employer, income, ITR with documents, if available."*

7. The Honda CRV car was insured with Bajaj Allianz GIC Limited. The Insurance Company appeared before the Committee on 06th May, 2021. The Insurance Company was satisfied with respect to the valid driving license, valid insurance policy as well as the negligence of the offending vehicle.

8. The family of the deceased submitted the relevant information/documents relating to the age, occupation and income of the deceased and particulars of his family members. The Insurance Company verified the documents relating to age, occupation and income of the deceased and offered fair compensation of Rs.32 lakh which was accepted by the family of the deceased and their statement was recorded.

9. The Claims Tribunal took up the matter in the Pre-Lok Adalat sittings on 07th May, 2021 and 08th May, 2021 to record the settlement for Rs.32 lakh. Relevant portion of the order dated 08th May, 2021 is reproduced hereunder:

"E- DAR No.

Munshilal Yadav & Ors. Vs. Samit Yadav & Ors.

Matter taken up through VC pursuant to directions issued by the Hon'ble High Court of Delhi vide Order No. 5/R/RG/DHC/2021 dated 23.04.2021.

08.05.2021

Present:

Ms. Ruchi Khurana, Legal Aid Counsel from DSLSA for claimants

Mr. S. P. Jain, Advocate for Bajaj Alliance GIC Ltd.

Ms. Bimla Devi, widow of the deceased; Mr. Shakti Singh

*Yadav, son of the deceased (identified by IO); Mr. Rakesh Kumar Yadav, husband of daughter of deceased.
IO SI Pankaj Kumar.*

ORDER

E-DAR has been received by way of Email. Let it be checked and registered.

*Present case has been treated as a special pilot case as per recommendations of the Committee constituted by the Hon'ble High Court in **Rajesh Tyagi Vs. Jaibir Singh, FAO 842/2003**.*

Parties are present having been notified by the IO for the filing of an E-DAR. E-DAR is in the form of Fast-DAR as this case is being treated as the pilot case for quick disposal of MACT cases.

This is a case where, perhaps, history is being created as in a matter of seven days of a death being reported by way of road accident, Fast-DAR has been filed by the police. Insurance company and the claimants have been identified. It is submitted that a police official died in a road accident whilst performing his duty and dispersal of compensation to a martyr has an element of urgency.

The parties have requested that the matter may be referred to and settled in Lok Adalat. An appeal has been made to hold pre-sitting since there is an element of settlement and both parties have some figure in mind but a consensus has not been developed. At request a pre-sitting has been held today. After few deliberations parties have been able to iron out and crease out their differences vis-à-vis the claim and have arrived at an amicable settlement. Only consensus on apportionment remains.

After some deliberations, parties have arrived at a settlement. It is agreed that Insurance Company would make payment of Rs. 32 Lakhs as a full and final settlement of the claim for compensation of claimants for the fatal injuries suffered by the deceased Munshilal Yadav in the present E-DAR/Fast-DAR arising out of FIR bearing No. 78/2021, U/s 279/304A/427 IPC, PS Vasant Vihar. It has further been agreed between the parties that the settlement has been arrived at keeping in mind the other compensation/ payments receivable/likely to be received on the death of the deceased from entities other than the Respondent insurance company and, therefore, claimants have reserved their rights for claiming any such other compensation/ amount payable by persons or bodies

other than the insurance company.

I may note here that this case was a special case where a police official had met with an accident on duty and the Bajaj Alliance Insurance has also come forward and fairly agreed to a decent amount honouring the victim in record time. I appreciate the quick manner in which the E-DAR/Fast DAR has been compiled by the investigating officer as well.

REQUEST TO DSLSA

*In these circumstances the present DAR can be disposed of within record time. **However, considering the COVID Lockdown and suspended functioning of the court, no Lok Adalat is in the sight immediately and a request is hereby being made to the worthy Member Secretary, DSLSA for organising a virtual Lok Adalat for quick disposal of the present case. Copy of the present order be sent to the worthy Member Secretary, DSLSA for his consideration.***

COMPLIANCE BY PARTIES

A copy of the statement recording the settlement arrived at in the pre-sitting today be emailed to the counsel for the parties who shall sign/ get the same signed from the party (as the case may be) identify the signatures of the party and scan and email the same to the email ID of the Court along with copy of signed authority/vakalatnama. They shall also send the statement containing the original signatures to the Court forthwith as and when physically possible. Copy of order be sent alongwith statement for compliance.

Claimant(s) is/are directed to open saving bank account in a nationalized bank near the place of his/her/their residence(s) and Manager of the concerned Bank is directed not to issue any cheque book and/or debit card to the claimant(s) and if the same has/have already been issued, to cancel the same and to make an endorsement on the passbook of the claimant(s) that no cheque book and/or debit card shall be issued without the permission of the Court. A copy this order be also given dasti to the claimant(s) and he/she/they is/are directed to produce the passbook with necessary endorsement, as well as his/her/their Aadhar card and PAN card before this tribunal on the next date, if not already filed.

Matter be listed on 10.05.2021 for awaiting compliance.

HARJYOT SINGH BHALLA
Pre-Sitting Judge Presiding Officer, MACT
Patiala House Court, New
Delhi.
May 08, 2021”

10. On 10th May, 2021, the Claims Tribunal held the sitting of the Special Lok Adalat to pass an award for Rs.32 lakh in favour of the claimants. The son and daughters of the deceased submitted that the entire compensation be paid to the widow of the deceased whereupon the Court disbursed the entire compensation amount to the widow of the deceased by keeping Rs.25 lakh in 60 FDRs of about Rs.41,666.66 for the period of 1 month to 60 months with cumulative interest in the name of the widow of the deceased and the balance Rs.7 lakh was released to the widow of the deceased. The relevant portion of the award dated 10th May, 2021 is reproduced hereunder:

“AWARD

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the Award of Rs. 32,00,000/- (Rs. Thirty Two Lakhs only) is hereby passed in favour of the petitioners against the respondent insurance company in full and final settlement of the claim of the petitioners against the respondents. The award amount shall be payable by respondent to the petitioner No. 1 on behalf of all the respondents. It has been stated by the son and daughters of the deceased through VC that the entire compensation be paid to the widow of the deceased (their mother). The compensation shall be payable/dispensed as under :-

S. No.	Name of Petitioner/ Claimant	Age	Relation with injured/ Deceased	Amount of Award	Amount kept in FDR	Period of FDR	Amount released
1.	Smt. Vimla	Around 57 years	Wife	Rs.32 Lakhs	Rs.25 Lakhs	60 monthly FDRs equal amount (of Rs.41,666.66 approx. Each) for a	Rs. 7 Lakhs

						period of 1 to 60 months in succession with cumulative interest	
				Total	Rs.32 Lakhs		
<i>All the Children of deceased are desirous that the entire awarded amount be credited into the account of their mother, i.e. petitioner no. 1 Smt. Vimla. Hence, the entire awarded amount is being given to petitioner no. 1 Smt. Vimla.</i>							

CONDITIONS: -

Award of settlement before Lok Adalat organized by DSLSA

- 1. No loan/advance shall be raised against F.D.R. without permission of MACT/Court concerned.*
- 2. The payment will be made by the Respondent Insurance Co. by demand draft or crossed cheques or through ECS with **UCO BANK, PATIALA HOUSE COURTS BRANCH, NEW DELHI**, either in the name of the Petitioner No. 1 or in any e-form in the MACT account of the Tribunal as per the directions in the award within 30 days of passing of the award failing which it will be liable to pay interest @12% P.A. for the delayed period.
*An attested copy of the award be given to both parties.**
- 3. The parties are informed that the court fee, if any, paid by any of them shall be refunded.*
- 4. Statements recorded during Lok Adalat Pre-sitting shall form part of the award.*

ASSOCIATE MEMBER

JUDGE, LOK ADALAT"

11. The Insurance Company deposited Rs.32 lakh with the Claims Tribunal on 12th May, 2021 and the amount is being released to the family of the deceased in terms of the award.

12. The first case of the *FastDAR Scheme* has been resolved in a record time of ten days. The family of the victim will receive the compensation without having to file any compensation case as the *FastDAR* submitted by

the Investigating Officer was treated as a claim petition by the Tribunal.

13. The success of the ***FastDAR Scheme*** in the first case is the result of extraordinary efforts put by all the stakeholders. The contribution of the stakeholders in the successful implementation of the ***FastDAR Scheme*** needs to be noted which is as under: -

(i) The *Fast Track Committee* in coordination with the *Implementation Committee* formulated ***FastDAR Format*** and the ***Standard Operating Procedure (SOP)*** for the implementation of the ***FastDAR Scheme*** in a record time in consultation with all the stake holders.

(ii) The accident dated 01st May, 2021 was brought to the notice of the *Fast Track Committee* on 04th May, 2021 whereupon Mr. Surinder S. Rathi, OSD-cum-Registrar immediately convened the meeting of the *Fast Track Committee*.

(iii) Mr. Rajesh Deo, DCP (Legal Cell) Delhi Police who is the Member of the Committee, took up the matter with Delhi Police. The Investigating Officer, SI Pankaj Kumar was provided with the *FastDAR Format* and the ***Standard Operating Procedure (SOP)*** of the ***FastDAR Scheme***. The Investigating Officer completed the investigation in a record time and submitted the *FastDAR Format* on 08th May, 2021.

(iv) The offending vehicle was insured with Bajaj Allianz GIC Limited. Mr. Mangesh Gandhi, Legal Head (Claims) of Bajaj Allianz GIC Ltd. attended the Committee meeting. The Insurance Company joined the investigation to verify the factum of the accident, rash and negligent driving and valid driving licence. Bajaj Allianz GIC Ltd. completed the verification process within a record time.

- (v) The family of the deceased victim appeared before the Committee and produced the relevant documents relating to the age, income and the particulars of the family members of the deceased victim whereupon the Insurance Company verified the relevant documents, expeditiously computed the compensation and offered fair compensation of Rs.32,00,000/- which was accepted by the family of the deceased.
- (vi) The *Motor Accident Claims Tribunal* convened a Special Lok Adalat sitting organised by DSLSA to record the statements of the parties and pass the award (judgment) whereby compensation of Rs.32,00,000/- was awarded to the legal representatives of the deceased on 08th May, 2021.
- (vii) On 10th May, 2021, the Lok Adalat passed the disbursement order according to which Rs.7,00,000/- was released to the widow of the deceased by transferring the same to her savings bank account and the balance Rs.25,00,000/- was kept in 60 FDR's of about Rs.41,666.66/- each for the period of 1 month to 60 months with cumulative interest in the name of widow of the deceased. The widow of the deceased shall receive Rs.41,666.66/- along with interest thereon every month for next five years.
- (viii) Bajaj Allianz GIC Limited deposited Rs.32,00,000/- with the Claims Tribunal on 12th May, 2021.
- (ix) The Members of the *Fast Track Committee* as well as the *Implementation Committee* and all the stakeholders including Delhi Police, Insurance Company and the Claims Tribunal have acted in unison to make this Pilot Project successful.

14. This Court appreciates the contribution of Mr. Kanwal Jeet Arora, *Member Secretary, DSLSA*; Mr. Surinder S. Rathi, *OSD-cum-Registrar, Delhi High Court*; Mr. Manoj Kumar Nagpal, *Special Judge, CBI*; Mr.

Gautam Manan, *Special Secretary, DSLSA*; Ms. Namrita Aggarwal, *Additional Secretary, DSLSA*; Mr. Harjyot Singh Bhalla, *Presiding Officer, MACT*; Mr. Rakesh Kumar Singh, *Joint Registrar, Delhi High Court*; Mr. Rajesh Deo, *DCP (Legal Cell), Delhi Police*; Mr. M.N. Sarma, *Secretary General GIC and Mr. Arvind Shenoy, G.I. Council*; SI Pankaj Kumar, *Delhi Police*; Mr. Mangesh Gandhi, *Legal Head (Claims), Bajaj Allianz GIC Ltd*; Mr. S.P. Jain, *Advocate for Bajaj Allianz GIC Ltd. and Mr. Akshay Chowdhary, Advocate* who all put extraordinary efforts during this pandemic time to resolve the first case of the **Pilot Project** within ten days of the accident.

15. SI Pankaj Kumar, Delhi Police has done a commendable work by completing the investigation and submitting the **FastDAR** in a record time because of which the compensation case could be resolved within 10 days of the accident. Copy of this order be sent to Commissioner of Delhi Police for being placed in the ACR file of SI Pankaj Kumar to be considered at the time of his promotion.

16. This Court hopes that the **FastDAR Scheme** for resolution of compensation claims of road accident deaths shall continue in the same spirit in which it has started.

17. In view of the successful implementation of the **FastDAR Scheme** of the Pilot Project in the first case, the **FastDAR Scheme** is extended to compensation claims of all road accident death cases in Delhi in which the following five conditions are satisfied: -

- (i) The death is due to the rash and negligent driving of the offending vehicle;
- (ii) The driver of the offending vehicle is holding a valid driving licence;

- (iii) The offending vehicle is validly insured at the time of the accident;
- (iv) In case of a commercial vehicle, there is a valid permit and fitness certificate; and
- (v) There is no violation of the Insurance policy such as drunken driving or the vehicle being driven by a minor.

18. The Investigating Officers shall report all accidents in which the above mentioned five conditions are satisfied to the DCP concerned, within 03 days of the accident, whereupon the DCP shall forward the same to DCP (Legal Cell) for being placed before the Committee. The Investigating Officer shall submit the *FastDAR Format* before the Claims Tribunal as well as before the Committee within five days of the accident. The Committee shall immediately take up the matter with the concerned Insurance Company whereupon the Insurance Company shall appoint the Investigator/Surveyor who shall join the investigation with the Investigating Officer to verify the rashness/negligence, validity of driving license, validity of insurance policy and validity of fitness/permit, in case of commercial vehicle. The Insurance Company shall verify the age, income and family members of the deceased victim and shall submit their response in the prescribed format to the Claims Tribunal within 2-3 days of the receipt of the *FastDAR Format* from the Investigating Officer. The Claims Tribunal shall take up the matter expeditiously, as has been done in the present case, to ensure that the award is passed expeditiously and the money is deposited with the Claims Tribunal within ten days of the accident.

19. In the event of any delay in resolution of a compensation claim of a road accident death, the Claims Tribunal shall make an endeavour to complete the proceedings as expeditiously as possible, within 30 days of the

accident as visualized in the order dated 14th February, 2020 and judgment 08th January, 2021.

20. The DSLSA, Delhi Police, GIC as well as all the Insurance Companies shall notify this ***FastDAR Scheme*** on their websites to bring it to the notice of general public. Any claimant can avail this *FastDAR Scheme*, if all the above mentioned five requirements are fulfilled. The claimant can approach the Committee by submitting the application in the format to be prescribed by the *Fast Track Committee*. The *Fast Track Committee* shall examine the application and if all the conditions are fulfilled, the Committee shall take up the matter under the ***FastDAR Scheme***.

21. The Final Report of the *Fast Track Committee* including the ***FastDAR Format*** and ***Standard Operating Procedure (SOP)*** and the Reports of the *Implementation Committee* are hereby approved and are annexed to this judgment.

22. On 14th February, 2020, this Court constituted the *Fast Track Committee* comprising of Mr. Surinder S. Rathi, Mr. Rahul Mehra, Mr. Rajesh Deo, and Mr. Satyam Thareja. The Constitution of the *Fast Track Committee* is hereby reconstituted and it shall comprise of the following members: -

- (i) Mr. Surinder S. Rathi, OSD-cum-Registrar, Delhi High Court as Convenor
- (ii) Mr. Kanwal Jeet Arora, Member Secretary DSLSA
- (iii) Mr. Manoj Kumar Nagpal, Special Judge CBI
- (iv) Mr. Rakesh Kumar Singh, Joint Registrar, Delhi High Court
- (v) Mr. Rajesh Deo, DCP (Legal Cell) Delhi Police
- (vi) Mr. Satyam Thareja, Advocate

(vii) Mr. Akshay Chowdhary, Advocate

23. Mr. Surinder S. Rathi, Convenor of the *Fast Track Committee* shall communicate this order to the newly added members of the *Fast Track Committee*.

24. Vide judgment dated 08th January, 2021, this Court constituted an *Implementation Committee* in para 35 of the judgment. This Court is of the view that the *Implementation Committee* formed by this Court warrants expansion. The following Officers are added as Members of the *Implementation Committee*:-

- (i) Mr. Surinder S. Rathi, OSD-cum-Registrar, Delhi High Court.
- (ii) Law Secretary to Government of NCT of Delhi.
- (iii) Principal Secretary, Transport, Government of NCT of Delhi.
- (iv) Chairman, IRDA or his nominee.
- (v) Head of WHO Project on Road Safety in India or his nominee.
- (vi) Ms. Nandita Rao, Additional Standing Counsel of Government of NCT of Delhi.
- (vii) Mr. Akshay Chowdhary, Advocate

25. Mr. Kanwal Jeet Arora, Convenor of the *Implementation Committee* shall communicate this order to the newly added members of this Committee.

26. All the decisions of the *Fast Track Committee* shall be placed before the *Implementation Committee* and they shall be implemented after the approval of the *Implementation Committee*.

27. Mr. Surinder S. Rathi, the Convenor of the *Fast Track Committee* submits that the Artificial Intelligence Committee of the Supreme Court presided over by Hon'ble Mr. Justice L. N. Rao has constituted a Sub-

Committee for use of Artificial Intelligence in MACT cases. This Sub-Committee is headed by Hon'ble Mr. Justice D. N. Patel, Chief Justice of Delhi High Court with the undersigned (Justice J.R. Midha), Mr. Justice Paresh Upadhyay, Judge Gujarat High Court and Mr. Justice K. Kannan (Retd.) as members with Mr. Surinder S. Rathi as Co-ordinator. The Sub-Committee convened meetings with all the stakeholders for preparation of e-DAR with facility to have seamless verification of documents such as driving license, registration cover, Insurance policy, post mortem report, MLC, Aadhaar Card, PAN Card etc. Once this digitization is achieved through a dedicated e-DAR Dashboard, the same will be ready for application of AI Tools and for consumption by CIS under e-MACT virtual court AI enabled working environment. The testing of e-DAR Dashboard has already been carried out and real time data is being pushed and pulled from CCTNS (Crime and Criminal Tracking Network System) of MHA, VAHAN (Database of Vehicles Registered in India), SAARTHI (Database of Driving Licenses issued in India) of MoRTH, IIBI (Insurance Information Bureau of India) of IRDA and MedLEaPR Software of Ministry of Health. All these technological innovations will drastically reduce the time taken in the verification of documents like DL, RC, Insurance Policy, Aadhar etc.

28. Ms. Avnish Ahlawat, learned counsel for DSSSB submits that the Status Report of DSSSB was filed before this Court on 19th September, 2019. She further submits that vide order dated 11th October, 2019, this Court directed Secretary, Transport to file the response to the Status Report which has not been filed till date.

29. Ms. Nandita Rao, learned Additional Standing Counsel for Government of NCT of Delhi submits that she shall submit the response to

the Status Report within ten days.

30. Mr. Satyam Thareja, learned Amicus Curiae submits that he shall also submit the response to the Status Report within ten days.

31. List for further consideration on 28th May, 2021.

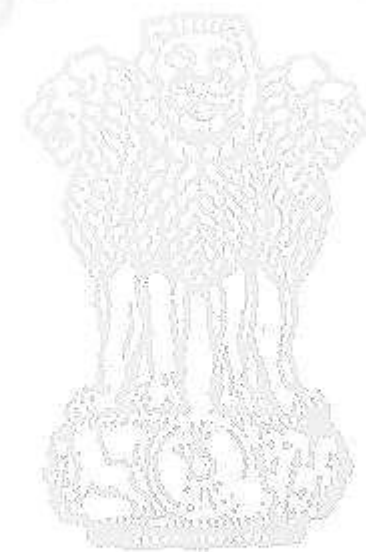
32. Copy of this judgment be sent to the Registrar General who shall circulate it to all the Claims Tribunals.

33. Copy of this judgment be sent to Delhi Judicial Academy to sensitize the Claims Tribunals about the *FastDAR* Scheme.

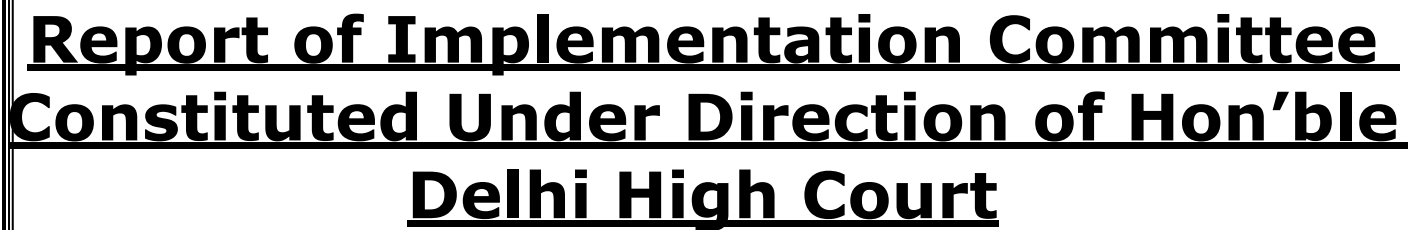
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J. R. MIDHA, J.



न्यायमेव जयते



(MACT Implementation Committee, High Court of Delhi)

Final Report of Implementation Committee

Introduction

1. India tops the world in road crash deaths and injuries. It has **1%** of the world vehicles but accounts for **11%** of all the road crash deaths, witnessing **53 road crashes every hour, killing one person every 4 minutes**.
2. There is a distinct correlation between *socio-economic status* and *road use patterns* in low and middle-income countries like India. Globally, vulnerable road user(VRUs) constitute nearly half of the road fatalities and these road users are termed as **“Most Vulnerable”** since they hardly have any protection in case of a crash. There has been no relief for pedestrians and cyclists across India as there are no spaces demarcated for them or the designated spaces have been encroached.
3. Statistics further reveal that maximum lives lost in accident cases were in the age group of **18 to 35** which was a total of **48%** of the fatalities. The working-age population in the age bracket of **18 to 60 years** accounted for **84% of the total death**.

Background

4. **On 21st December 2009**, the Hon’ble Delhi High Court formulated **“Claim Tribunal Agreed Procedure”** for settlement of motor accident claims within a time-bound period of **90 to 120 days** in the landmark judgement of **Rajesh Tyagi and Ors. vs Jaibir Singh and Ors FAO No -842/2203 (Rajesh Tyagi I)**. This Claims Tribunal Agreed Procedure was implemented with effect from **2nd April 2010**.
5. In **Jai Prakash Vs National Insurance Co.SLP(C.) 11801 -11804/2005**, Hon’ble Supreme Court vide order dated **13th May 2016**, directed all states to implement the Claims Tribunal Agreed Procedure formulated by Delhi HC in **Rajesh Tyagi I**
6. On **12th Dec 2014**, this court modified the Claims Tribunal Agreed Procedure by way of judgment titled as **Rajesh Tyagi and Ors. vs Jaibir Singh and Ors FAO No -842/2203(Rajesh Tyagi II)**. The Hon’ble Supreme Court further directed all states to implement this modified Claims Tribunal Agreed Procedure in all the

states vide order dated **6th Nov 2017**.

7. This court further modified the Claims Tribunal Agreed Procedure to incorporate the directions contained in orders dated **15th December 2017, 18th Jan 2018, 9th March 2018, 1st May 2018, 20th July 2018 and 7th Sept 2018** by way of judgment dated **7th Dec 2018** in ***Rajesh Tyagi and Ors. vs Jaibir Singh and Ors*** **FAO No -842/2203(Rajesh Tyagi III)**. On **14th Feb 2020** directions were given to implement the Pilot Project mentioned in the order dated **13th Dec 2019** in respect of death cases in motor accidents in New Delhi district with effect from **15th April 2020**.
8. The Pilot Project could not commence from **15th April 2020** due to Covid 19 situation and thus vide judgment dated **8th Jan 2021**, the Hon'ble Court again directed the implementation of the Pilot Project in terms of order dated **14th Feb 2020**, with effect from **2nd April 2021**.
9. Vide judgement dated **8th Jan 2021**, the Hon'ble Delhi High Court, to supervise the implementation of special scheme formulated an ***Implementation Committee*** comprising of the following members –
 - a. Hon'ble Mr. Justice J.R.Midha as Chairperson.
 - b. Member Secretary, DSLSA as Convener of the Committee.
 - c. Special Commissioner of Police to be nominated by the Commissioner of Police.
 - d. Additional Secretary in the Ministry of Road Transport and Highways to be nominated by the Secretary, Ministry of Road Transport and Highways.
 - e. Secretary-General, General Insurance Council (GIC).

Delhi State Legal Services Authority (DSLSA) shall provide the necessary infrastructure/support staff to the Committee.

10. The ***Implementation Committee*** held its **first** meeting on **8th April 2021** to oversee the implementation of the directions given by the court in ***Rajesh Tyagi III***. A ***comprehensive compliance checklist*** was prepared by ***Delhi State Legal Services Authority*** for discussion on the role of various stakeholders and steps taken by them as per the directions passed by the Hon'ble Court and it was unanimously resolved that the ***Pilot Project*** shall be implemented in New Delhi District from **1st May 2020**. A Fast Track Committee was constituted on **14th Feb 2020** under the convenorship of ***Shri Surinder.S. Rathi, OSD cum Registrar Delhi High Court*** for successful implementation of the Pilot Project.

11.Minutes of the meeting of the Implementation Committee dated **8th April 2021** are annexed as **Annexure A**.

12.In terms of the resolution passed in the first meeting of **Implementation Committee** and for effective implementation of the new scheme as devised by the Hon'ble High Court vide order dated **8th Jan 2021** in Rajesh Tyagi III, a virtual **sensitization program** for all the stakeholders i.e. **presiding officers MACT, police officers, officers of insurance companies** was held on **16th April 2021**. The proceedings of the above mentioned program is annexed as **Annexure B**.

13.To initiate the ambitious Pilot Project for **amicable settlement** of fatal motor accident claims cases within a record period of **10 days**, the Fast Track committee held regular virtual meetings with the stakeholders on **27th April 2021, 30th April 2021, 4th May 2021, 6th May 2021, 7th May 2021 and 8th May 2021**. During these meetings, a **FastDAR form** was devised which is annexed as **Annexure C** and an **SOP** was also formulated to define the **roles and responsibilities** of various stakeholders for effective implementation of the Pilot Project.

14.The Pilot Project in terms of the directions of the Hon'ble High Court commenced from **1st May 2021**. **To implement this project FIR no 78/2021, PS Vasant Vihar**, was identified as the first case. The brief facts of the case identified for the Pilot Project are –

“on 01st May, 2021, at about 03:45 A.M., there was a road accident at the police picket Vasant Vihar” in which the Honda CRV car rammed into the police barricade and hit the **Constable Munshi Lal** which resulted in **fatal injuries**. The police registered **FIR No.78/2021 at P.S. Vasant Vihar.**”

15.The **Investigating Officer** intimated about the accident to the **Insurance Claims Cell**. The **Honda CRV** was insured with **Bajaj Allianz limited**. The investigator and the officers of the Insurance Company immediately joined the investigation. The Investigating Officer verified the driving license as well as the insurance policy of the vehicle. The Insurance Company **immediately approached** the family of the **victim** to **verify the name, age, occupation and income of the victim**. The police filed the **Fast DAR** after verifying all the documents within **five days** of the accident whereupon the Insurance Company submitted their response. DSLSA provided **Legal Aid Counsel** to the family of the victim.

16. The Motor Accident Claims Tribunal (MACT) convened a *Pre-Lok Adalat sitting* on 07.05.2021 and 08.05.2021. Upon deliberations, the Insurance Company offered a fair *compensation* of Rs.32,00,000/- (*Thirty-Two Lacs only*) which was accepted by the family of the victim. The Insurance Company has agreed to deposit the compensation amount with the Claims Tribunal for being *disbursed* to the claimants *within two days*. The Fast Track Committee filed its Final Report which is annexed herewith as *Annexure-D*.
17. The report of the *fast track committee* was taken up for deliberation in the *2nd meeting* of the Implementation Committee held virtually on *11th May 2021*. The Implementation Committee appreciated the efforts put in by all the stakeholders for the effective implementation of the Pilot Project. Discussions were held for proper advertisement of the Pilot Project so that a *common man* becomes *aware* about the provisions for grant of *early compensation* in fatal motor accident cases and can also *avail benefit* of the same.
18. The Investigating Officers in fatal road accident matters are required to identify all those cases which fulfil the 5 conditions as mentioned below and forward these cases for information *to DCP* and shall file FastDAR *within 5 days*. The said case immediately on identification shall be recommended to the Implementation Committee to be **treated** as a Pilot Project case.
19. The *5 conditions* to be fulfilled for a case to fall under the category of *a Pilot Project* case are-
- (i) *The accident occurred due to the rash and negligent driving of the offending vehicle;*
 - (ii) *The driver of the offending vehicle is holding a valid driving licence;*
 - (iii) *The offending vehicle is validly insured at the time of the accident;*
 - (iv) *In case of a commercial vehicle, there is valid permit and fitness certificate; and*
 - (v) *There is no violation of the Insurance policy such as drunken driving or the vehicle being driven by a minor.*

The minutes of meeting of second meeting of the Implementation Committee are annexed as *Annexure E*.

20.It was *unanimously agreed* by all the participants that the successful implementation of the Pilot Project will prove to be a *historical step forward* towards *ensuring prompt justice* to families of accident victims by providing them compensation even before the completion of the death rituals of victims in fatal accident cases.

ANNEXURE A

MINUTES OF THE 1ST MEETING OF IMPLEMENTATION COMMITTEE

***(CONSTITUTED FOR IMPLEMENTATION OF DIRECTIONS
OF THE HON'BLE HIGH COURT OF DELHI IN "FAO***

MINUTES OF MEETING DATED 08.04.2021

**VENUE : Round Table Conference Room, Third
Floor, Extension Block, Delhi High Court,
New Delhi**

QUORUM :

1. **Hon'ble Mr. Justice J.R. Midha**, Judge, High Court of Delhi - Chairperson
2. **Mr. Kanwal Jeet Arora**, Member Secretary, DSLSA - Convener
3. **Mr. Sanjay Singh**, Special Commissioner of Police (Law & Order) - Member
4. **Mr. Amit Varadan**, Joint Secretary, Ministry of Road Transport and Highways, Govt. of India - Member
5. **Mr. M.N. Sharma**, Secretary General, General Insurance Council –Member
(Joined through virtual mode)

IN ATTENDANCE :

1. **Mr. Surinder S. Rathi** - Officer on Special Duty-cum-Registrar,
Delhi High Court
2. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA

3. **Mr. Rajesh Deo** - Deputy Commissioner of Police
(Legal Cell), Delhi Police
4. **Ms. Gayatri Virmani** - Advocate on behalf of Ms. Nandita Rao,
Addl. Standing Counsel, GNCTD

BACKGROUND:

1. Hon'ble High Court of Delhi in "***FAO No.842/2003***", titled "***Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors.***" vide order dated **08.01.2021** formulated a new **Scheme for Motor Accident Claims** thereby modifying the earlier ***Claims Tribunal Agreed Procedure***. Hon'ble High Court of Delhi vide its order directed this New Scheme to be implemented by Claims Tribunals, Delhi Police and Insurance Companies **w.e.f. 2nd April, 2021**.
2. Hon'ble High Court of Delhi to supervise and oversee the implementation of this new Scheme so as to ensure speedy dispensation of justice and grant of compensation to the victims of road accidents, had directed formulation of "**Implementation Committee**" consisting of:
 - (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;*
 - (iii) *Special Commissioner of Police to be nominated by the Commissioner of Police, as Member;*
 - (iv) *Additional Secretary in the Ministry of Road Transport and Highways to be nominated by the Secretary, Ministry of Road Transport and Highways, as Member;*
 - (v) *Secretary General, General Insurance Council (GIC), as Member.*
3. Pursuant to the directions passed by Hon'ble High Court in its order dated **08.01.2021**, Hon'ble the Chief Justice, High Court of Delhi had nominated **Hon'ble Mr. Justice J.R. Midha, Judge, High Court of Delhi as Chairperson of this Implementation Committee.**
4. **Shri Sanjay Singh, Special Commissioner of Police (Law & Order)** was nominated by Commissioner of Police, Delhi as its **Member**; **Shri Amit Varadan, Joint Secretary, Ministry of Road Transport and**

Highways, Govt. of India as **Member**; Shri M.N. Sharma, Secretary General, General Insurance Council also became Member of this Committee, by virtue of orders passed by Hon'ble High Court.

5. To supervise and oversee the implementation of this new Scheme as per directions of Hon'ble High Court, this Committee held its **first meeting on 08.04.2021** i.e. today at ***Round Table Conference Room, Third Floor, Extension Block, Delhi High Court***, which was held in hybrid manner as all its members attended the meeting *physically except Shri M.N. Sharma, Secretary General, GIC, who joined through video conferencing*.
6. The meeting commenced with formal welcome of **Hon'ble Mr. Justice J.R. Midha**, Judge, High Court of Delhi/Chairperson of this Committee. Kanwal Jeet Arora, Member Secretary, also welcomed other participants including Members as well as Special Invitees.
7. Kanwal Jeet Arora, Member Secretary, DSLSA explained all the participants about implementation of new Scheme and apprised the participants about the precursor flowing into the new scheme in view of the following judgements passed by Hon'ble High Court of Delhi:
 - (i) **"Rajesh Tyagi –I"** dated 16.12.2009 in ***"FAO No.842/2003"***, titled ***"Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors."***;
 - (ii) **"Rajesh Tyagi –II"** dated 12.12.2014 in ***"FAO No.842/2003"***, titled ***"Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors."***;
 - (iii) **"Rajesh Tyagi –III"** dated 07.12.2018 in ***"FAO No.842/2003"***, titled ***"Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors."***.

8. A comprehensive **Compliance Checksheet** was prepared by DSLSA for discussions on the role of various stakeholders as per directions passed by Hon'ble High Court of Delhi and steps taken by them in pursuance thereof. The same was brought to the notice of all the Members.
9. During the course of meeting, discussions and deliberations were held with regard to role and compliances made by various stakeholders for effective implementation of the Scheme.

Deliberations were held with various stakeholders-regarding their role and responsibilities to be performed by them for implementation of the new scheme.

1. DELHI POLICE -

ROLES AND RESPONSIBILITIES

- (i) To modify/ replace the Standing Orders, Accident Investigation Manual and Checklist in terms of the new Scheme.
- (ii) To Sensitize Investigating Officers regarding the new Scheme.
- (iii) To update the existing Monitoring software.
- (iv) Pilot Project.

RESOLUTIONS

- (i) The matter was discussed and Hon'ble Chairman directed Delhi Police to replace the Standing Order, Accident Investigation Manual and checklist in terms of the new Scheme within **two weeks**. Shri Sanjay Singh Special Commissioner of Police (Law & Order) assured the committee for doing the needful within stipulated period.
- (ii) Hon'ble Chairman directed Delhi Police to sensitize all the Investigating Officers regarding new Scheme within **four weeks**. DSLSA agreed to

provide Resource Persons for the same. It is resolved that on receipt of request from Delhi Police, DSLSA shall provide **Resource Person** for online/ physical training session of the Investigating officers.

- (iii) It is resolved that the existing Monitoring software should be updated within **four weeks**. Shri Surinder S. Rathi was directed to convene a meeting in this regard within **one week**. It has been brought to the notice of committee that earlier a committee under supervision of Shri Surinder S. Rathi was constituted in this regard. Hon'ble Chairperson, therefore, directed Shri Surinder S. Rathi to convene a separate meeting in this regard for doing the needful.
- (iv) Deliberations were made for implementation of **Pilot Project**. It is jointly stated by Sanjay Singh Special Commissioner of Police (Law & Order) and Shri M.N. Sharma, Secretary General, General Insurance Council that this Pilot Project can be initiated in **New Delhi District** for which they shall choose **4 Police Stations**. It is resolved that this pilot project shall cover death cases in road accident in its initial phase. Considering the time required for setting up a call centre and necessary infrastructure, Appointment of surveyors by GIC, it is resolved that this pilot project be started from **1st May 2021**.
- (v) In order to ensure that this pilot project is implemented from **1st May 2021**, Hon'ble Chairperson directed Shri Surinder S. Rathi that **Mock Trial of Pilot Project** be initiated from **24th April, 2021** in at least **two cases**.

2. INSURANCE COMPANIES -

ROLES AND RESPONSIBILITIES

- (i) To appoint Nodal Officers of all 25 Insurance Companies dealing with motor vehicle insurance and intimate their names, address, phone/mobile numbers and email address to DCP (Legal Cell), PHQ of Delhi Police.
- (ii) To provide a non-transferable separate Mobile phone number and Email IDs to Nodal Officers by each of the 25 Insurance Companies. This be made so as to facilitate the police officers and others to contact the Nodal Officers even after transfer of the earlier Nodal Officer.
- (iii) To constitute a GIC Call –Centre.

RESOLUTIONS

- (i) Hon'ble Chairperson directed Secretary General, General Insurance Council to appoint Nodal Officers of all 25 Insurance Companies. It is further resolved that Secretary General shall provide *Names, Phone Numbers, Addresses and Email IDs* of all these **Nodal Officers** to Delhi Police within **one week**. Shri M.N. Sharma, Secretary General, General Insurance Council assured the committee that he should do the needful within one week.
- (ii) It is resolved that a **non-transferable** separate mobile phone and Email IDs be provided to the Nodal Officers by each Insurance Company for easy and hassle free contact with the Nodal officer concerned by the Investigating Officers.
- (iii) It is resolved that common call centre of the insurance companies be set up within **one week**. Shri M.N. Sharma, Secretary General, General

Insurance Council assured the committee that he should do the needful within stipulated period.

3. DELHI DISTRICT COURTS -

ROLES AND RESPONSIBILITIES

- (i) To upload the order dated 08.01.2021, the new scheme along with forms and formats on the Home Page of website of District Court in “.pdf” format along with its Hindi translation to enable lawyers and litigants to download the same.

RESOLUTIONS

- (i) Hon’ble Chairperson directed Kanwal Jeet Arora, Member Secretary, DSLSA to coordinate with Ld. Principal District & Sessions Judge (Hqrs.) as well as Shri Bharat Parashar, Chairperson, Centralized Computer Committee of District & Sessions Courts for issuance of directions with regard to uploading the New Scheme and Procedure in “.pdf” format along with its Hindi translation on the website of Delhi District Courts to facilitate the lawyers and litigants to download the same.

4. DELHI STATE LEGAL SERVICES AUTHORITY -

ROLES AND RESPONSIBILITIES

- (i) To provide Resource Person to Delhi Police for sensitization of IOs regarding New Scheme.
- (ii) To create awareness about new Scheme amongst claimants/stakeholders and to provide legal aid to families of road accident.

RESOLUTIONS

- (i) Hon'ble Chairperson directed Kanwal Jeet Arora, Member Secretary, DSLSA/Convener to provide Resource Persons to Delhi Police for sensitization of I.Os regarding New Scheme and also to create awareness about the same amongst claimants/ stakeholders within **two weeks**. Shri Kanwal Jeet Arora assured the committee that he along with Delhi Police shall get the sensitization programs online/physically conducted for the Investigating Officers.
- (ii) He has further assured the committee that necessary legal aid and assistance shall be provided to the victims of road accident.

5. DELHI JUDICIAL ACADEMY-

ROLES AND RESPONSIBILITIES

- (i) To upload copy of this Judgement and the Scheme on their website.
- (ii) To create awareness about new Scheme among claimants/ stakeholders.

RESOLUTIONS

- (i) Hon'ble Chairperson directed Kanwal Jeet Arora, Member Secretary, DSLSA/Convener to get in touch with Director, Delhi Judicial Academy for uploading copy of this Judgement and the Scheme on their website.
- (ii) It was unanimously resolved that a **Sensitization Programme** be conducted for all the stakeholders to create awareness about the new Scheme.
- (iii) It is resolved that the first sensitization program in this regard be conducted in next week preferably on **16th April, 2021**.

- (iv) Hon'ble Chairperson has agreed to be the Resource Person for this **Sensitization Programme** to be held on *16th April, 2021* in collaboration with Delhi Judicial Academy for all the stakeholders.
- (v) Shri Kanwal Jeet Arora is directed to inform Director, Delhi Judicial Academy in this regard so that Delhi Judicial Academy **ensures nomination** of the **Presiding Officers of Motor Accident Claims Tribunals** for this programme.
- (vi) DSLSA has further been directed to write to Delhi Police to **ensure nomination** of at least **one officer** from each **police district to join in** this programme. Further, DSLSA has been directed to coordinate with the **Secretary General of General Insurance Council** for nomination of at least **one Nodal Officer** from each of the **25 Insurance Companies** to attend this Training Session which is resolved to be held virtually.

Minutes of meeting be implemented by all concerned in anticipation of signature of Members and Chairperson of the Committee.

Meeting ended with a vote of thanks to the Chair.

**Member
Secretary,
DSLSA/Convener**

**Special
Commissioner
OF Police
(Law & Order),
Delhi Police/Member**

**Joint Secretary,
Ministry of
Road, Transport
and Highways,
Govt. of India/
Member**

**HON'BLE
CHAIRPERSON**

ANNEXURE B

**Proceedings of Online Sensitization Program/ Seminar held
on 16th April, 2021**
*(In compliance of the Minutes of Meeting
dated 08.04.2021 of Implementation Committee)*

Online Sensitization program for implementation of new Scheme in terms of order dated **08.01.2021** in “**FAO No.842/2003**”, titled “**Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors.**” conducted by Delhi Judicial Academy for all the stakeholders.

IN ATTENDANCE

1. **Hon'ble Mr. Justice J.R. Midha**, Judge, High Court of Delhi/ Chairperson
Implementation Committee --- Resource Person
2. **Shri Ravinder Dudeja**, Director, Delhi Judicial Academy
3. **Shri Kanwal Jeet Arora**, Member Secretary, DSLSA
4. **Shri M.N. Sharma**, Secretary General, General Insurance Council

PARTICIPANTS:

(i)	All Presiding Officers of Motor Accident Claims Tribunal, Delhi	<i>As per the Attendance Sheet annexed as Annexure - A</i>
(ii)	A Senior Police Officer from each Police District of Delhi	
(iii)	A Senior Officer of each of 25 Insurance Companies.	

For purposes of effective and efficient implementation of New Scheme as devised by Hon'ble High Court vide orders dated 08.01.2021 in “**FAO No.842/2003**”, titled “**Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors.**”, a meeting of “**Implementation Committee**” was held on **08.04.2021** wherein it was resolved that all the stakeholders i.e. Presiding Officers of MACT, Police Officers, Officers of Insurance Companies are required to be **sensitized** regarding their respective **roles** and **responsibilities**.

It was observed that that this sensitization of all the stakeholders is necessary so as to achieve the desired object of ensuring **adequate** and **speedier** grant of *compensation to the victims of road accidents*. It was resolved in the meeting dated **08.01.2021** that in collaboration with Delhi Judicial Academy First Sensitization Session involving all the stakeholders be held today i.e. **16.04.2021 online**. Hon'ble Chairperson had kindly consented to be the Resource Person.

Shri Kanwal Jeet Arora, Member Secretary, DSLSA accordingly informed Shri Ravinder Dudeja, Director, DJA to **organize an online seminar** and to get all the officers of Delhi Judicial Academy nominated to attend the same as participants.

Shri Kanwal Jeet Arora, Member Secretary, DSLSA had written letters to Shri Rajesh Deo, DCP (Legal Cell), PHQ and Shri M.N. Sharma, Secretary General, GIC to **nominate senior police officers** as well as **officers of Insurance Companies** to participate and join this online Sensitization Program.

Ld Presiding Officers of MACT, Delhi, **Senior Police Officers** from each police District as well as **officers of 25 Insurance Companies** as per the attendance sheet annexed as **Annexure-A** were accordingly nominated and attended this program.

Hon'ble Mr. Justice J.R. Midha, Chairperson of Implementation Committee took pains to **reveal minutes detail** of the new Scheme of *Motor Accident Claims Tribunal Procedure* to all the stakeholders. He **elaborately** and **eloquently** explained the **roles** and **responsibilities** of the Police Officers, Insurance Companies as well as the Motor Accidents Claims Tribunals along with the prescribed timeline. Hon'ble Resource Person persuaded upon all the stakeholders to **stick** to the **format** and **forms** annexed with the new Scheme and also ask them to *adhere to the timeline*.

PILOT PROJECT

In terms of the resolution adopted in meeting dated **08.04.2021**, it was resolved that a **Pilot Project** from **4 Police Station** of **New Delhi District** shall be initiated from **1st May, 2021** with respect to the road accident resulting into **death**. As per the deliberations held, it was desired that with assistance and cooperation of all the stakeholders, in those cases where the driver of the offending vehicle is having a valid **driving license**, the

offending vehicle being **properly insured** and *prima facie* accident resulted due to negligent driving of the offending vehicle, adequate compensation be paid to the **Legal Heirs** of deceased within **10-15 days** of the date of accident.

Hon'ble Resource Person giving example of other countries persuaded all the stakeholders to join hands for effective implementation of this **Pilot Project** from **1st May, 2021**.

Shri M.N. Sharma, Secretary General, GIC assured that he shall do the needful and shall **create adequate infrastructure** including the **Call Centre**.

Officers from Police Department also responded in a **positive tone** for success of this Pilot Project.

Presiding Officers of MACT also **assured** that they shall do the needful expected from them as per the new Scheme.

All the stakeholders agreed that they shall perform their role and responsibilities as per the new Scheme adhering to the timeline prescribed.

In the end, Hon'ble Resource Person answered the queries raised by the participants.

Shri Kanwal Jeet Arora, Member Secretary, DSLSA apprised Hon'ble Chairperson that in compliance of the Minutes of meeting dated **08.04.2021**, he had requested Ld. Principal District & Sessions Judge (Hqr.) and Shri Bharat Prashar, Chairman, Centralized Computer Committee for **uploading the order dated 08.01.2021, new Scheme** along with its **format** and **forms** in *Hindi* and *English language* on the Home Page of website of Delhi District Courts and the **needful has been done**.

Shri Kanwal Jeet Arora, Member Secretary, DSLSA also apprised Hon'ble Chairperson that in compliance of the Minutes of Meeting dated **08.04.2021**, Shri M.N. Sharma, Secretary General, GIC has communicated list of Nodal Officers appointed for each of the **25 Insurance Companies** along with their **Names, Phone Numbers, Email IDs and Addresses**, which has been forwarded to Delhi Police and a copy is retained.

Shri Ravinder Dudeja, Director, Delhi Judicial Academy apprised Hon'ble Chairperson that in terms of Minutes of Meeting dated 08.04.2021, he has also got order dated 08.01.2021 in **"FAO No.842/2003"**, titled **"Rajesh Tyagi & Ors. Vs. Jaibir Singh**

& Ors.” along with the new Scheme and Forms on the website of Delhi Judicial Academy.

As desired by Hon'ble Chairperson, Implementation Committee recording of this Sensitization Program is **kept in a Pen-drive** so as to make the same available for *Investigating Officers of the Police or the Officers of Insurance Companies and/or for other stakeholders.*

* * * * *

ANNEXURE C

FAST DAR (Pilot Cases)

1.	FIR No., date and under Section	
2.	Police Station/ District	
3.	Date, time and spot of the accident	
4.	Source of Information of Accident (Name, Address, Occupation & Tel. No.)	
5.	Nature of the accident: (a) Whether resulted in death or injury or both? (b) Number of injured/fatal	
6.	Brief facts leading to the accident	
7.	Name and address of the injured/deceased	
8.	Details of the hospital (MLC/PM/Death Certificate details)	
9.	Regn. No. of the vehicle(s) involved in the accident (i) Offending Vehicle (ii) Other Vehicle	
10.	Name, address and contact no. of the owner(s) of the vehicle(s) (i) Offending Vehicle	

	(ii) Other Vehicle	
11.	Name, address and contact no. of the driver of the vehicle(s) (i) Offending Vehicle (ii) Other Vehicle	

12.	(i) Name and address of the Policy issuing office of the offending Vehicle (ii) Policy Number (iii) Policy Period	
13.	(i) Name and address of the Policy issuing office of the other Vehicle (ii) Policy Number (iii) Policy Period	
14.	<u>Driving licence:</u> (a) Driving Licence No. (b) Period of validity (c) Issued by (d) Class of vehicle (e) Whether licence suspended or cancelled?	
15.	In case of commercial vehicle: (a) Particulars of fitness (b) Particulars of permit	
16.	<u>Death Case:</u> (a) Name and address of the deceased (b) Age (c) Gender (d) Education (e) Occupation (f) Income (monthly) (g) Legal heirs/Guardian: (i) Name (ii) Relationship (iii) Age (iv) Address	

	(v) Contact No.	
17.	<u>Documents required in Death case</u> (a) Site Plan (b) Post Mortem Report (c) Death certificate (d) Photo ID proof of the deceased (e) Proof of age of the deceased (f) Proof of Occupation and income of the deceased (g) Particulars of the deceased's family (i) Names (ii) Age (iii) Address (iv) Relationship (v) Contact no.	

Name and contact no. of the Investigating Officer

S.H.O./I.O.

P.S.

Date.....

Enclosed

- Copy of the FIR
- Copy of Site Plan/ Photographs/ Video Clips
- Copy of Mechanical Inspection Report
- Copy of Section 161 CRPC Statements
- Copy of DL/ Insurance/ Fitness/ Permit

- Copy of Vehicle Documents
- Copy of MLC/Post-Mortem Report with opinion on cause of death
- Details of family members of claimants
- Details of deceased's employer, income, ITR with documents, if available.

ANNEXURE D



Final Report of Fast Track Committee

FastDAR Pilot Project for Amicable Settlement of MACT Claims within Ten days of Fatal Accident

(Ref. Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors. Delhi High Court FAO No. 842/2003)



**Fast Track Committee of Pilot Project
(MACT Implementation Committee, High Court of Delhi)**

Final Report of Fast Track Committee
Of Pilot Project for amicable
Settlement of MACT Claims within Ten days of Fatal Accident

*For the first time in history, a Road Accident Compensation Case relating to the death of a person in an accident in Delhi is resolved within ten days of the accident by using **FastDAR Procedure** under a Pilot Project initiated by Delhi High Court for expeditious disposal of road accident claim cases.*

1. Road accidents are a human tragedy which involve 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.
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.
3. The problem is acute for most of the victims of the road accidents who are poor persons walking on the road or riding on bicycles/scooters. The victims of the road accident need the compensation immediately. The death of the sole bread-earner of the family leaving behind old and infirm parents, helpless wife, and minor children leads them to starvation.
4. Till June, 2009, the victims of road accidents were not given the compensation without filing a claim petition before the Motor Accidents Claims Tribunal even if the vehicle was validly insured. Consequently, the victims were forced to file an application for compensation before the Motor Accident Claims Tribunal and were entangled in an unnecessary, lengthy and costly litigation. Further, the law as it stood required the

claimant to prove that the driver of the vehicle was guilty of rash and negligent driving. The burden thus placed was very heavy and difficult to discharge by the claimants. The records of the police investigation were not made available to the Tribunal. In many of the claims, it turned out to be beyond the capacity of the claimants to maintain their claim in a Court of law. Due to inordinate delay in the disposal of the petition before the Motor Accident Claims Tribunal, the badly needed relief to the claimants was not available for several years. Further time was taken in appeals. All along, the dependants had to carry on without any relief.

5. Justice J.R. Midha, Judge, High Court of Delhi, was appalled by long delays in settlement of claims and moved by the plight of victims. On 21th December, 2009, Delhi High Court formulated a Special Scheme for time bound settlement of motor accident claims within 90 to 120 days which was implemented w.e.f. 02nd April, 2010. About 21,820 accident cases were reported in Delhi 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 Special Scheme. The Special Scheme 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.

6. The Delhi High Court has gradually improved the aforesaid Scheme by various orders to ensure that the procedure for settling the claims of victims of road accident too becomes hassle free, expeditious, and just for settling claims of victims of road accidents. Human beings and their lives are precious and all possible care need to be taken to ensure that they receive timely relief after road accidents. The Supreme Court has directed the Delhi High Court model to be implemented all over the country.

7. In the meanwhile, AI Committee of Supreme Court of India resolved to use Artificial Intelligence in MACT. A Sub Committee was formed by the AI Committee of Supreme Court under Chairmanship of Hon'ble Mr. Justice DN Patel, with HMJ Midha, Retd. Justice K. Kannan as its Member and Sh. Surinder S Rathi as its Convener.

Development work for a pan India eDAR Dashboard is underway which will seamlessly

exchange data with CCTNS of MHA, Vahan/Saarthi of MoRTH and IIBI of IRDA and would eventually be able to push eDAR to the Case Information System, CIS 3.2 of Judiciary. This will help create Digital MACTs in the Country with a Paperless working environment.

8. On 14th February, 2020 and again on 8th January, 2021, Delhi High Court directed a Pilot Project to be initiated in respect of death cases in road accidents for payment of compensation to the family of the victim within 30 days of the accident. The Court directed the General Insurance Corporation to create Insurance Claims Cell on behalf of all the Insurance Companies. The High Court directed the Investigating Officer to intimate the accident immediately to the Insurance Claims Cell which shall appoint a surveyor /investigator to visit the site and remain present at the time of the investigation. The surveyor/investigator shall verify all the relevant facts of the accident relating to the negligence of the driver, name, age, occupation, income and family members of the deceased and submit a report. The Investigating Officer shall expeditiously submit Detailed Accident Report (DAR) to the Claims Tribunal whereupon the Insurance Company shall submit their response and the Claims Tribunal shall decide the case within 30 days of the accident.

9. In the same order, Delhi High Court also constituted a MACT Implementation Committee comprising of the High Court Judge, Member Secretary, Delhi State Legal Services Authority, Special Commissioner of Police, Additional Secretary of Ministry of Road Transport of Highways and Secretary General of General Insurance Council to ensure the implementation of the modified Special Scheme as well as the Pilot Project.

10. The MACT Implementation Committee in its Meeting dated 8th April, 2021 constituted a Fast Track-Committee with an ambitious target of devising and implementing a Pilot Project for amicably resolving claims in death cases arising out of motor accidents within 10 days of the accident. The Fast Track-Committee held various Meetings with all the duty holders on 27th April, 30th April, 04th May, 06th May, 07th May, 08th May and 10th

May, 2021 and devised FastDAR SOP and Form.

11. This Pilot Project initiated by the Fast Track Committee of the High Court commenced on 01st May, 2021. On the very first day of the Pilot Project, there was a road accident at 03:45 AM at the police picket Vasant Vihar in which a Honda CRV car rammed into the police barricade and hit the Constable Munshi Lal which resulted in fatal injuries. The police registered FIR No.78/2021 at P.S. Vasant Vihar.

12. This Case was taken as the First Test Case under ***FastDAR SOP***. The Investigating Officer intimated the accident to Insurance Claims Cell. Honda CRV was insured by Bajaj Allianz GIC Limited. The Investigator and the officers of Insurance Company immediately joined the investigation. The Investigating Officer verified the driving licence as well as insurance policy of the vehicle. The Insurance Company immediately approached the family of the victim to verify the name, age, occupation and income of the victim. The police filed the ***FastDAR*** after verifying all the documents within five days of the accident whereupon the Insurance Company submitted their response. DSLSA provided a Legal Aid Counsel to the family of the victim.

13. The Motor Accident Claims Tribunal (MACT), New Delhi convened Pre-Lok Adalat sittings on 07th May, 2021 and 08th May, 2021. Upon deliberations the Insurance Company offered a fair compensation of Rs.32 lacs which was accepted by the family of the victim. The Insurance Company agreed to deposit the compensation amount with the Claims Tribunal for being disbursed to the claimants within two days.

14. A Special Lok Adalat was convened by DSLSA on 10th May, 2021 wherein a Lok Adalat Award was passed in favour of Victim's Family. The award carried the amicably agreed settlement amount of Rs. 32,00,000 and other terms of final resolution of claim.

15. This is a classic case in which the compensation claim arising out of the death of a person in a road accident is settled within a record time of 10 days with the successful implementation of the ***Pilot Project*** by the Fast Track-Committee which conceptualised and

implemented the ***FastDAR and SOP***.

The credit for the success story of resolving the first road accident case within 10 days under the ***FastDAR Pilot Project*** goes to (i) Mr. Kanwal Jeet Arora, Member Secretary, DSLSA; (ii) Mr. Surinder S. Rathi, OSD-cum-Registrar to Hon'ble Chief Justice, Delhi High Court, Convenor of Fast Track Committee; (iii) Mr. Manoj Nagpal, Special Judge, CBI;

(iv) Mr. Gautam Manan, Special Secretary, DSLSA; (v) Ms. Namrita Aggarwal, Additional Secretary, DSLSA; (vi) Mr. Harjyot Singh Bhalla, Presiding Officer, MACT;

(vii) Mr. Rakesh Kumar Singh, Jt. Registrar, Delhi High Court; (viii) Mr. Rajesh Deo, DCP (Legal Cell), Delhi Police; (ix) SI Pankaj Kumar, Delhi Police; (x) Mr. Mangesh Gandhi, Legal Head (Claims) Bajaj Allianz General Insurance Council Ltd.; (xi) Mr. MN Sharma, Secretary General, GIC; (xii) Mr. Arvind Shenoy, GIC; (xiii) Mr. S.P. Jain, Advocate, Bajaj Allianz GIC Ltd.; (xiv) Mr. Akshay Chowdhary, Advocate, under the guidance of Chief Justice D.N. Patel and Justice J.R. Midha.

16. This Pilot Project is the result of the vision of Justice J. R. Midha who was perturbed to note in 2009 that the compensation case of a road accident victim takes about more than five years and the family of the poor victims were unable to sustain them during that period.

17. This Pilot Project commenced on 01st May, 2021 and the first accident case of 01st May, 2021 has been resolved within record time period of 10 days.

18. We are optimistic that the ***FastDAR Procedure SOP and the Pilot Project*** developed by the Delhi High Court will be adopted by other States to provide long needed succour to accident victims.

10.05.2021

(Surinder S Rathi)

OSD-cum-Registrar to

Hon'ble the Chief Justice, High Court of Delhi/

Convenor of Fast Track Committee of High Court on

FastDAR

Enclosures:

1. FastDAR Standard Operating Procedure along with FastDAR Form
2. Copy of Minutes of Meetings of Fast Track Committee on FastDAR
3. Spl. Lok Adalat Award in the Pilot Project's First Test Case



FastDAR

STANDARD OPERATING PROCEDURE FOR AMICABLE RESOLUTION OF MACT CLAIMS WITHIN TEN DAYS OF FATAL ACCIDENT

(Ref. Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors. Delhi High Court FAO No. 842/2003)



Fast Track Committee on Pilot Project **(MACT Implementation Committee, High Court of Delhi)**

India has a dubious distinction of having the highest number of road accidents in the World. Road accidents are human tragedy which involve enormous human suffering and they impose huge socio-economic costs in terms of untimely deaths, injuries and loss of potential income. Road safety is an important issue of national concern. 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.

Preface

Hon'ble Delhi High Court, vide judgment dated 21st December, 2009, referred as **Rajesh Tyagi – I** formulated the *Claims Tribunal Agreed Procedure* for time bound settlement of motor accident claims within 90 to 120 days.

Hon'ble Supreme Court in **Jai Prakash Vs. National Insurance Co.** S.L.P 11801- 11804/2005 directed all the States to implement the *Claims Tribunal Agreed Procedure* formulated by Delhi High Court in **Rajesh Tyagi – I**.

In Rajesh Tyagi – II Delhi High Court, vide its order dated 12th December, 2014 modified the *Claims Tribunal Agreed Procedure*; which was directed by the Hon'ble Supreme Court, vide its order dated 06th November, 2017, passed in **Jai Prakash Vs. National Insurance Co.**, to implement the *Modified Claims Tribunal Agreed Procedure* formulated in **Rajesh Tyagi – II**.

In Rajesh Tyagi – III Delhi High Court, vide its order dated 07th December, 2018 further modified the *Claims Tribunal Agreed Procedure*. **Further**, on 14th February, 2020, Hon'ble Delhi High Court directed the **Pilot Project** mentioned in order dated 13th December, 2018 to be implemented in respect of Death cases in motor accidents in New Delhi District w.e.f 15th April, 2020, thereby directing the Tribunals to decide such cases as expeditiously as possible, preferably within 30 days from the date of accident.

However, the **Pilot project** could not commence from 15th April, 2020 **due to COVID-19**. Thereafter, vide Judgment dated 08th January, 2021 the Hon'ble Delhi High Court again directed the Delhi Police to implement the **Pilot Project** w.e.f. 02nd April 2021.

Again, due to second wave of Covid- 19 that engulfed entire Nation the **Pilot Project** could not be commenced w.e.f. 02nd April, 2021.

Vide order dated 8th January, 2021 Hon'ble High Court constituted the MACT Implementation Committee comprising of the High Court Judge, Member Secretary, DSLSA, Special Commissioner of Delhi Police, Additional Secretary of Ministry of Road Transport of Highways, GoI and Secretary General of General Insurance Council. In its Meeting dated 8th April, 2021 a Fast Track Committee was constituted for devising this SOP for amicable resolution of MACT cases in fatal accidents within 10 days of the Accident. The Fast Track Committee has conceptualised and drafted this FastDAR SOP for the consideration of MACT Implementation Committee.

Standing Operating Procedure (SOP) for amicable resolution of

Motor Accident Claims in Death Cases

Following shall be the Standard Operating Procedure for the amicable resolution in motor accident claims in death cases, in NCT of Delhi under the **Pilot Project**.

1. Title, Extent and Commencement:

This **SOP** shall be called, *the FastDAR - Standard Operating Procedure for amicable resolution of MACT claims within ten days of fatal accident*.

It shall cover Fatal Accidents in NCT of Delhi. It shall be applicable with effect from 1st May, 2021.

2. Definitions:

- a. “Accident”** shall have the same meaning as assigned to it under the Delhi Motor Accident Claims Tribunal Rules, 2008;
- b. “Claims Tribunal”** shall have the same meaning as assigned to it under the Delhi Motor Accident Claims Tribunal, 2008;

- c. **“Driver”** shall have the same meaning as assigned to it under the Motor Vehicles Act, 1988;
- d. **“Driving Licence”** shall have the same meaning as assigned to it under the Motor Vehicles Act, 1988;
- e. **“Insurance Company”** shall have the same meaning as assigned to it under the Delhi Motor Accident Claims Tribunal Rules, 2008;
- f. **“Legal Representative”** shall have the same meaning as assigned to it under clause 11 of Section 2 of the Code of Civil Procedure, 1908;
- g. **“Lok Adalat”** shall have the same meaning as assigned to it in Legal Services Authorities Act, 1987.

All other words and expressions used in this SOP but not defined herein, but defined under the Motor Vehicles Act, or Central Motor Vehicle Rules, or State Motor Vehicle Rules, Delhi Motor Accident Claims Tribunals Rules, or the Legal Services Authorities Act, unless the context suggests otherwise, shall be deemed to carry the same meaning as assigned under such Acts or Rules.

3. Identification of Cases:

Selection of Cases under the Pilot Project would be carried out by DCP concerned where following conditions are met-

- (i) The accident occurred due to the rash and negligent driving of the offending vehicle;
- (ii) The driver of the offending vehicle is holding a valid driving licence;
- (iii) The offending vehicle is validly insured at the time of the accident;
- (iv) In case of a commercial vehicle, there is valid permit and fitness certificate; and
- (v) There is no violation of the Insurance policy such as drunken driving or the vehicle being driven by a minor.

In this regard a FastDAR Form has been formulated and is annexed with the SOP as **Annexure A**.

4. Stakeholders involved in settlement of claims:

Following Authorities are stakeholders:

- i. Police
- ii. General Insurance Council
- iii. Insurance Companies
- iv. Medical Authorities
- v. Transport Authority/ MoRTH
- vi. Legal Services
- vii. MACT Tribunal
- viii. Claimants/Legal Heirs

5. Timeline to be followed by each Stake Holder:

SOP lays down a maximum period of 10 days for amicable resolution of the claim in select fatal accident cases and disbursement of the Compensation amount to the family of the deceased.

The 10 days' time line shall be divided between Police, Insurance Companies and Tribunal in the ratio of 5:3:2 days, commencing from the day of the occurrence of the fatal accident.

6. Role and Responsibilities of Delhi Police:

Police/IO shall give intimation to General Insurance Council Call Centre, collect post-mortem Report, get the Vehicles Mechanically inspected and collect the Reports, verify the Driving Licence/ Registration Certificate of the Offending Vehicles from Transport Authorities concerned, besides

collecting the details of family members of deceased and proof of his/her income and age and fill up the FastDAR Form.

Investigating Officer shall ensure to collect all the relevant documents as required & enlisted in the **Annexure A** within stipulated time.

7. Role and Responsibilities of GIC:

GIC shall establish and operate a Call Centre with 24x7 WhatsApp enabled Phone number and a centralised email ID and upon receiving the intimation and other details/documents about fatal Accident from the Police, the GIC shall pass on the same to the Insurance Company concerned forthrightly through all possible modes.

8. Role and Responsibilities of Insurance Company:

Upon receiving the intimation and other details/documents about fatal Accident from the GIC Call Centre, the Insurance Company concerned shall carryout the necessary investigation.

On receiving FastDAR Form along with verified documents from Investigating Officer as per SOP, the Insurance Company shall make a reasonable offer for amicable settlement of the claim within three days i.e. on or by 8th day of the accident. Such offer shall be shared with the Claimants/Legal Heirs of Deceased and the Tribunal.

9. Role and Responsibilities of Medical Authority:

Hospital concerned shall conduct the post mortem of the dead body at the earliest. Post-Mortem Report along with the opinion as to the cause of the

death shall be provided to the Investigating Officer within 48 hours of the fatal accident.

10. Role and Responsibilities of Transport Authority:

Upon receiving the request of the Investigating Officer, Transport Authority concerned shall verify the documents such as Driving Licence, Registration record, fitness and permit etc, if applicable of the vehicles involved in the accident within 24 hours and shall forthwith provide its verification report to the IO without any delay.

11. Role and Responsibilities of Delhi State Legal Services Authority:

Legal services shall monitor and assist the progress of the selected cases covered under the Project. DSLSA shall offer and provide a Panel Counsel to the claimant(s).

DSLSA may constitute Special Lok Adalat for amicable resolution of Claims under the Project within 10 days as per SOP.

12. Role and Responsibilities of Tribunal:

On receipt of the FastDAR and submission legal offer of settlement from Insurance Company, the Tribunal shall hold Pre Lok Adalat sittings and assist the parties in arriving at an amicable settlement as regards the quantum of compensation and disposal of the case through Spl. Lok Adalat, within two working days of receipt of Legal offer.

SOP be circulated amongst the all concerned for necessary compliance to ensure that the directions of Hon'ble Delhi High Court are complied in its letter and spirit.

SOP be also uploaded on the website of DSLSA, Delhi police as well as GIC for information to the general public.

FastDAR FORM

(to be filled by IO)

S. No	Particulars	Details
1.	FIR No., date and under Section	
2.	Police Station/ District	
3.	Date, time and spot of the accident	
4.	Source of Information of Accident (Name, Address, Occupation & Tel. No.)	
5.	Nature of the accident: (a) Whether resulted in death or injury or both? (b) Number of injured/fatal	
6.	Brief facts leading to the accident	
7.	Name and address of the injured/deceased	
8.	Details of the hospital (MLC/PM/Death Certificate details)	
9.	Regn. No. of the vehicle(s) involved in the accident (i) Offending Vehicle (ii) Other Vehicle	
10.	Name, address and contact no. of the owner(s) of the vehicle(s) (i) Offending Vehicle (ii) Other Vehicle	

11.	Name, address and contact no. of the driver of the vehicle(s) (i) Offending Vehicle (ii) Other Vehicle	
12.	(i) Name and address of the Policy issuing office of the offending Vehicle (ii) Policy Number (iii) Policy Period	
13.	(i) Name and address of the Policy issuing office of the other Vehicle (ii) Policy Number (iii) Policy Period	
14.	<u>Driving license:</u> (a) Driving License No. (b) Period of validity (c) Issued by (d) Class of vehicle (e) Whether license suspended or cancelled?	
15.	In case of commercial vehicle: (a) Particulars of fitness (b) Particulars of permit	
16.	<u>Death Case:</u> (a) Name and address of the deceased (b) Age (c) Gender (d) Education (e) Occupation (f) Income (monthly) (g) Legal heirs/Guardian: (i) Name (ii) Relationship (iii) Age (iv) Address (v) Contact No.	

17.	<u>Documents required in Death case</u> (a) Site Plan (b) Post Mortem Report (c) Death certificate (d) Photo ID proof of the deceased (e) Proof of age of the deceased (f) Proof of Occupation and income of the deceased (g) Particulars of the deceased's family (i) Names (ii) Age (iii) Address (iv) Relations hip (v) Contact no.	
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Name and contact no. of the Investigating Officer

S.H.O./I.O.

P.S.

Date.....

Enclosed

- Copy of the FIR
- Copy of Site Plan/ Photographs/ Video Clips
- Copy of Mechanical Inspection Report
- Copy of Section 161 CRPC Statements
- Copy of DL/ Insurance/ Fitness/ Permit
- Copy of Vehicle Documents
- Copy of MLC/Post-Mortem Report with opinion on cause of death
- Details of family members of claimants
- Details of deceased's employer, income, ITR with documents, if available.

MEETING for MACT PILOT PROJECT

Date: 27.04.2021
Time: 2.30 pm
Mode: Virtual on Zoom
Compliance: Directions issued by Hon'ble High Court of Delhi in *FAO No.842/2003 titled "Rajesh Tyagi & ors. Vs. Jaibir singh & ors."*

Following Officers and Ld. Counsels were in attendance:

1. **Mr. Kanwal Jeet Arora** - Member Secretary, DSLSA
2. **Mr. Surinder S. Rathi** - OSD-cum-Registrar to
Hon'ble the Chief Justice, Delhi High
Court
3. **Mr. Manoj Nagpal** - Special Judge, CBI
4. **Mr. Gautam Manan** - Special Secretary, DSLSA
5. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA
6. **Mr. Harjot Singh Bhalla** - Presiding Officer, MACT
7. **Mr. Rakesh Kumar Singh-** Joint Registrar (Judicial), Delhi High Court
8. **Ms. Nandita Rao** - Additional Standing Counsel,
GNCTD
9. **Mr. Rajesh Deo** - DCP (Legal Cell), Delhi Police
10. **Mr. M. N. Sharma** - Secretary General, GIC
11. **Mr. Ramesh Sethi** - Advocate
12. **Mr. Satyam Thareja** - Advocate
13. **Ms. Gayatri Virmani** - Advocate

14. **Mr. Akshay Chaudhary** - Advocate
15. **Mrs. Ahlawat** - Advocate

This Virtual Meeting was convened by Sh. Surinder S. Rathi for carrying out deliberations for creation of a SOP for a Pilot Project wherein select Test MACT Claim Cases of Fatal Accidents would be disposed of amicably within 10 days of Death of Victim.

During course of meeting, following issues were discussed and resolved:

RESOLUTIONS:

1. It has been unanimously agreed that Standing Operating Procedure (SOP) be created for amicable decision of fatal accident claims cases in a time bound manner.
2. Specific SOPs with clear timelines shall also be prepared by each of the Duty-holders being-
 - i. Delhi Police
 - ii. Insurance Co's/IRDA
 - iii. Med. Authorities
 - iv. Transport Authority/ MoRTH
 - v. Legal Services
 - vi. MACT Tribunal
 - vii. Defence Side
3. It has been resolved that a maximum period of **Ten days** be fixed for settlement of the claim and disbursement of the Compensation Amount to the family of the victim. Selection of Test Cases to be carried out by Police where following conditions are met-
 - i. Fatal Accident with Death on spot.
 - ii. Driver Negligent and has valid DL.
 - iii. Offending Vehicle is insured.
 - iv. Pertinent facts like identity of Claimants and income proof etc not disputed.

4. It has been further resolved that the Ten days' time from the date of occurrence of the accident is to be divided in a proportional manner so that all the stake holders i.e. Police, Insurance Companies, MACT Tribunal, Medical Authorities as well as Transport Authorities get sufficient time to fulfill their role in the inquiry process.
5. It has been decided that in the Pilot Project, the time line between Police, Insurance Companies and Tribunal is to be divided into the ratio of 5:3:2 days from the day of the occurrence of the accident. First Five days shall include Postmortem Report and Document verification from Transport Authorities, to be procured by the IO.
6. Mr. M.N. Sharma, Secretary General, GIC states that the **Investigator List** of each of the 25 insurance companies has already been prepared by him. He has been requested to send a copy of the list to DSLSA for record purpose.
7. Mr. M.N. Sharma, Secretary General, GIC has further ensured that **GIC Call Centre** would be setup by 30th April, 2021 and in case of any delay, he would provide two mobiles numbers (including his own personal number) on which the IO can provide the information about the occurrence of the accident to GIC for ensuring smooth compliance of timelines in Pilot Project.
8. Ms. Nandita Rao, Advocate has assured that she would make sure that the postmortem report in the Test case under the Pilot Project is furnished by the Medical Authorities in a specified time of 24 to 48 hours to meet the proportional time line of 5:3:2 days.
9. Mr. Akshay Chaudhary, Advocate has assured that he would prepare a Draft **Fast-DAR** Performa with lesser but necessary fields to be filled by IO within

5 days of the accident.

10. Sh. Surinder S. Rathi, OSD-cum-Registrar to Hon'ble the Chief Justice, Delhi High Court has assured that he would try and facilitate verification of documents like RC, Insurance and DL by the IO through use information technology eDAR interface being developed by a separate Committee of use of AI in MACT.
11. Sh. Gautam Manan, Special Secretary, DSLSA has volunteered to monitor the compliance of the timeline by each of the Duty holders in the select Test Cases.
12. Mr. Rajesh Deo, DCP has shared that they have identified Four Police Stations of New Delhi District for the Project namely -
 - i. Connaught Place
 - ii. Tilak Marg
 - iii. Tughlaq Road
 - iv. Chanakya Puri

It has been resolved that the next meeting will be held virtually on **Friday, 30th April, 2021** at 4 PM through virtual mode to finalize the blue print of the Master SOP and the individual roles and responsibilities of each of the stake holders with timelines in the entire Pilot Project.

Meeting ended with a vote of thanks to the Chair.

Sd/-

Gautam Manan

Special Secretary, DSLSA

2nd Meeting for MACT Pilot Project

Date: 30.04.2021
Time: 4:00 pm
Mode: Virtual on Zoom
Compliance: Directions issued by Hon'ble High Court of Delhi in *FAO No.842/2003 titled "Rajesh Tyagi & ors. Vs. Jaibir singh & ors."*

Following Officers and Ld. Counsels were in attendance:

1. **Mr. Kanwal Jeet Arora** - Member Secretary, DSLSA
2. **Mr. Surinder S. Rathi** - OSD-cum-Registrar to Hon'ble the Chief Justice, Delhi High Court
3. **Mr. Manoj Nagpal** - Special Judge, CBI
4. **Mr. Gautam Manan** - Special Secretary, DSLSA
5. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA
6. **Mr. Harjyot Singh Bhalla**- Presiding Officer, MACT
7. **Mr. Rakesh Kumar Singh**- Joint Registrar (Judicial), Delhi High Court
8. **Ms. Nandita Rao** - Additional Standing Counsel, GNCTD
9. **Mr. Rajesh Deo** - DCP (Legal Cell), Delhi Police
10. **Mr. M. N. Sarma** - Secretary General, GIC
11. **Mr. Ramesh Sethi** - Advocate
12. **Mr. Satyam Thareja** - Advocate
13. **Ms. Gayatri Virmani** - Advocate
14. **Mr. Akshay Chowdhary** - Advocate

15. **Mrs. Avnish Ahlawat - Advocate**

This Virtual Meeting was convened by Sh. Surinder S. Rathi for carrying out further deliberations for creation of a SOP for a Pilot Project wherein select Test MACT Claim Cases of Fatal Accidents would be disposed of amicably within 10 days of Death of Victim.

During course of meeting, following issues were discussed and resolved:

RESOLUTIONS:

1. Members of the Committee discussed the various aspects to be included in the **FAST DAR** to be prepared for the Pilot Project. After due deliberations the **FAR DAR** which is annexed as **Annexure-‘A’** was finalized.
2. Mr. Rajesh Deo, DCP stated that due to the present COVID-19 situation and the duties assigned to Police Officers it may not be possible for the Police to immediately dedicate manpower and resources for implementation of the Pilot Project without prior approval from his seniors.

Meeting ended with a vote of thanks to the Chair.

Sd/-

Gautam Manan

Special Secretary, DSLSA

3rd Meeting for MACT Pilot Project

Date: 04.05.2021
Time: 4:00 pm
Mode: Virtual on Zoom
Compliance: Directions issued by Hon'ble High Court of Delhi in *FAO No. 842/2003 titled "Rajesh Tyagi & ors. Vs. Jaibir singh & ors."*

Following Officers and Ld. Counsels were in attendance:

1. **Mr. Surinder S. Rathi** - OSD-cum-Registrar to Hon'ble the Chief Justice, Delhi High Court
2. **Mr. Manoj Nagpal** - Special Judge, CBI
3. **Mr. Gautam Manan** - Special Secretary, DSLSA
4. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA
5. **Mr. Harjyot Singh Bhalla-** Presiding Officer, MACT
6. **Mr. Rakesh Kumar Singh-** Joint Registrar (Judicial), Delhi High Court
7. **Ms. Nandita Rao** - Additional Standing Counsel, GNCTD
8. **Mr. Rajesh Deo** - DCP (Legal Cell), Delhi Police
9. **Mr. Arvind Shenoy** - G.I. Council
10. **Mr. Ramesh Sethi** - Advocate
11. **Mr. Satyam Thareja** - Advocate
12. **Ms. Gayatri Virmani** - Advocate
13. **Mr. Akshay Chowdhary** - Advocate
14. **Mrs. Avnish Ahlawat** - Advocate

This Virtual Meeting was convened by Sh. Surinder S. Rathi for carrying out further deliberations for creation of a SOP for a Pilot Project wherein select Test MACT Claim Cases of Fatal Accidents would be disposed of amicably within 10 days of Death of Victim.

During course of meeting, following issues were discussed and resolved:

RESOLUTIONS:

1. Members of the Committee resolved to take **FIR No. 78/2021, PS Vasant Vihar** as first case for Pilot Project.
2. SI Pankaj Investigating Officer of the said case also joined the Meeting. IO apprised that investigating agency is in process to remove certain sections and he is in process of collecting all documents required.
3. Draft Fast DAR has been shared with IO so that he may collect necessary information.
4. Mr. Arvind Shenoy from GIC submitted that particulars of Insurer of offending vehicle be given to him so that concerned Insurance Company may be asked to work upon a settlement.

Next meeting be scheduled on 06.05.2021 to assess the progress in matter.

Sd/-

Gautam Manan

Special Secretary, DSLSA

4th MEETING for MACT PILOT PROJECT

Date: 06.05.2021
Time: 4:00 pm
Mode: Virtual on Zoom
Compliance: Directions issued by Hon'ble High Court of Delhi in
*FAO No.842/2003 titled "Rajesh Tyagi & ors. Vs. Jaibir
singh & ors."*

Following Officers and Ld. Counsels were in attendance:

1. **Mr. Surinder S. Rathi** - OSD-cum-Registrar to
Hon'ble the Chief Justice, Delhi High Court
2. **Mr. Manoj Nagpal** - Special Judge, CBI
3. **Mr. Gautam Manan** - Special Secretary, DSLSA
4. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA
5. **Mr. Harjyot Singh Bhalla-** Presiding Officer, MACT
6. **Mr. Rakesh Kumar Singh-** Joint Registrar (Judicial), Delhi High Court
7. **Mr. Rajesh Deo** - DCP (Legal Cell), Delhi Police
8. **SI Pankaj** - Investigating Officer
9. **Mr. M.N. Sarma** - Secretary General, G.I. Council
10. **Mr. Mangesh Gandhi** - Legal Head Claims, Bajaj Allianz GIC Ltd
11. **Mr. Arvind Shenoy** - G.I. Council
12. **Mr. S. P. Jain** - Advocate, Bajaj Allianz GIC Ltd
13. **Mr. Ramesh Sethi** - Advocate
14. **Mr. Satyam Thareja** - Advocate
15. **Ms. Gayatri Virmani** - Advocate

This Virtual Meeting was convened by Sh. Surinder S. Rathi for further deliberations for creation of a SOP for a Pilot Project wherein select Test MACT Claim Cases of Fatal Accidents would be disposed of amicably within 10 days of Death of Victim.

During course of meeting, following issues were discussed and resolved:

RESOLUTIONS:

1. Mr. Gautam Manan, Special Secretary, DSLSA apprised Members that all documents for filing a Fast DAR in **FIR No. 78/2021, PS Vasant Vihar** has been collected by the IO.
2. Mr. Mangesh Gandhi, Legal Head Claims, Bajaj Allianz GIC Ltd. apprised Members that offending vehicle was insured by their Company and the Company is ready to settle the case today itself.
3. Mr. S. P. Jain, Counsel for Bajaj Allianz GIC Ltd., made his submissions primarily by admitting certain admitted facts with respect to the accident. He highlighted the factors that need to be kept in mind while deciding compensation amount for the family of the deceased while also those which need to be excluded.
4. Mr. Rajesh Deo, DCP Legal Cell submitted that after consulting Higher-ups he would ensure that Fast DAR is filed by IO SI Pankaj with the concerned MACT Court by tomorrow.
5. Mr. Gautam Manan assured that a Legal Aid Counsel will be appointed for family of the deceased to facilitate a **Settlement**.
6. Mr. Surinder S Rathi advised that once the Fast DAR is filed and assigned, an order for constitution of Special Lok Adalats may be issued by DSLSA to take up such like MACT Cases for amicable settlement within 10 days of Accident.

Next meeting be scheduled for tomorrow Friday, 07.05.2021 at 4:00 p.m. to monitor further progress.

Sd/-

Gautam Manan

Special Secretary, DSLSA

5th Meeting for MACT Pilot Project

Date: 07.05.2021
Time: 4:00 pm
Mode: Virtual on Zoom
Compliance: Directions issued by Hon'ble High Court of Delhi in *FAO No. 842/2003 titled "Rajesh Tyagi & rs. Vs. Jaibir singh & ors."*

Following Officers and Ld. Counsels were in attendance:

1. **Mr. Kanwal Jeet Arora** - Member Secretary, DSLSA
2. **Mr. Surinder S. Rathi** - OSD-cum-Registrar to Hon'ble the Chief Justice, Delhi High Court
3. **Mr. Manoj Nagpal** - Special Judge, CBI
4. **Mr. Gautam Manan** - Special Secretary, DSLSA
5. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA
6. **Mr. Harjyot Singh Bhalla-** Presiding Officer, MACT
7. **Mr. Rajesh Deo** - DCP (Legal Cell), Delhi Police
8. **SI Pankaj** - Investigating Officer
9. **Mr. Mangesh Gandhi** - Legal Head, Claims Bajaj Allianz GIC Ltd
10. **Mr. Arvind Shenoy** - G.I. Council
11. **Mr. S. P. Jain** - Counsel, Allianz GIC Ltd
12. **Ms. Ruchi Khurana** - Legal Aid Counsel for Claimants
13. **Mr. Shakti Singh** - L.R. (son) of Deceased
14. **Mr. Akshay Chowdhary** - Advocate
15. **Ms. Gayatri Virmani** - Advocate

This Virtual Meeting was convened by Sh. Surinder S. Rathi for carrying out further deliberations for creation of a SOP for a Pilot Project wherein select Test MACT Claim Cases of Fatal Accidents would be disposed of amicably within 10 days of Death of Victim.

During course of meeting, following issues were discussed and resolved:

RESOLUTIONS:

1. Mr. Gautam Manan, Special Secretary, DSLSA apprised that all required documents have been collected and IO Pankaj is in process of filing DAR.
2. DCP Rajesh Deo apprised that Investigating agency shall fill the FastDAR in the course of the day.
3. Mr. Kanwal Jeet Arora, Member Secretary, DSLSA highlighted the importance of disbursing a reasonable compensation amount to the family of the deceased.
4. Mr. Surinder S. Rathi, Registrar, High Court of Delhi pointed out that Mr. Manoj Nagpal, Special Judge would help in drawing up a final settlement as he himself presided over MACT Court.
5. Mr. Mangesh Gandhi, Legal Head, Claims of Bajaj Allianz showcased his willingness to co-operate in not only this case but any other Cases in future as well wherein the liability of his Company was clear.
6. The Meeting was suspended for 30 minutes so that Parties and their Advocates could arrive at a settlement amount.
7. It was apprised by Mr. S. P. Jain, Counsel Bajaj Allianz GIC Ltd., that he has shared calculations made in respect of the claim with the Counsel for claimant and son of deceased.
8. Mr. Shakti Singh son of Deceased seeks time to go through the offer of Insurance Company and discuss with their Counsel.
9. In view of request made by Sh. Shakti Singh (son of deceased), next

meeting be scheduled **on 08.05.2021** at 1230 Hours for further discussions on the offer.

Sd/-

Gautam Manan

Special Secretary, DSLSA

6th Meeting for MACT Pilot Project

Date: 08.05.2021
Time: 12:00 pm
Mode: Virtual on Zoom
Compliance: Directions issued by Hon'ble High Court of Delhi in *FAO No. 842/2003 titled "Rajesh Tyagi & rs. Vs. Jaibir singh & ors."*

Following Officers and Ld. Counsels were in attendance:

1. **Mr. Kanwal Jeet Arora** - Member Secretary, DSLSA
2. **Mr. Surinder S. Rathi** - OSD-cum-Registrar to Hon'ble the Chief Justice, Delhi High Court
3. **Mr. Manoj Nagpal** - Special Judge, CBI
4. **Mr. Gautam Manan** - Special Secretary, DSLSA
5. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA
6. **Mr. Harjyot Singh Bhalla** - Presiding Officer, MACT
7. **Mr. Rajesh Deo** - DCP (Legal Cell), Delhi Police
8. **SI Pankaj** - Investigating Officer
9. **Mr. Mangesh Gandhi** - Legal Head, Claims Bajaj Allianz GIC Ltd
10. **Mr. M. N. Sarma** - Secretary General, GIC
11. **Mr. Arvind Shenoy** - GIC
12. **Mr. S. P. Jain** - Counsel, Allianz GIC Ltd
13. **Ms. Ruchi Khurana** - Legal Aid Counsel for Claimants
14. **Mr. Shakti Singh** - LR (son) of Deceased

15. **Mr. Rahul Yadav** - Advocate, husband of LR of deceased

16. **Mr. Akshay Chowdhary** - Advocate

Virtual Meeting was convened by Sh. Surinder S. Rathi for carrying out further discussions for creation of SOP and for discussions on settling of test case.

During course of meeting, following issues were discussed and resolved:

RESOLUTIONS:

1. Mr. Gautam Manan, Special Secretary, DSLSA apprised that e- DAR has been filed.
2. Mr. Surinder S. Rathi, Registrar, High Court of Delhi informed that parties may carry out negotiations in presence of Sh. Harjyot Singh Bhalla, Ld Presiding Officer, MACT Court who shall preside over as a pre-sitting Lok Adalat Judge.
3. The Meeting was suspended for 30 minutes for pre-sitting.
4. Sh. Harjyot Singh Bhalla, Ld. Presiding Officer, MACT Court informed that in pre-sitting conducted in presence of Claimant party, their Legal Aid Counsel Ms. Ruchi Khurana, Sh. S.P. Jain, Advocate and Sh. Mangesh Gandhi, Legal Head Claims, the matter stands amicably settled. Insurance Company has agreed to pay Rs. 32 Lakhs to claimants as full and final settlement.
5. Mr. M. N. Sarma and Sh. Arvind Sheony from G.I. Council shown their satisfaction over the settlement and submitted that Bajaj Allianz GIC Ltd. has come up with good gesture & settlement amount, keeping in view that the deceased was a corona warrior and met untimely death while serving the Nation on his duty.
6. Mr. Rajesh Deo, DCP Legal appreciated the work of Legal Aid Counsel, Investigating Officer and Insurance Company in reaching amicable

settlement in such a short span of time.

7. It is agreed that a SOP be finalized thereby enlisting role of each stakeholder and be shared to all.
8. In the end, Mr. Surinder S. Rathi, Ld. OSD-cum-Registrar to Hon'ble the Chief Justice, Delhi High Court, thanked everyone present and specially to Hon'ble Mr. Justice J.R. Midha, High Court of Delhi in formulating and encouraging parties to arrive at an amicable settlement of MACT claims within 10 days of the unfortunate incident.

Sd/-

Gautam Manan

Special Secretary, DSLSA

E- DAR No.

Munshilal Yadav & Ors. Vs. Samit Yadav & Ors.

Matter taken up through VC pursuant to directions issued by the Hon'ble High Court of Delhi vide Order No. 5/R/RG/DHC/2021 dated 23.04.2021.

08.05.2021

Present:

Ms. Ruchi Khurana, Legal Aid Counsel from DSLSA for claimants.

Mr. S. P. Jain, Advocate for Bajaj Alliance GIC Ltd.

Ms. Bimla Devi, widow of the deceased; Mr. Shakti Singh Yadav, son of the deceased (identified by IO); Mr. Rakesh Kumar Yadav, husband of daughter of deceased.

IO SI Pankaj Kumar.

ORDER

E-DAR has been received by way of Email. Let it be checked and registered.

Present case has been treated as a special pilot case as per recommendations of the Committee constituted by the Hon'ble High Court in *Rajesh Tyagi Vs. Jaibir Singh, FAO 842/2003*.

Parties are present having been notified by the IO for the filing of an E-DAR. E-DAR is in the form of Fast-DAR as this case is being treated as the pilot case for quick disposal of MACT cases.

This is a case where, perhaps, history is being created as in a matter of seven days of a death being reported by way of road accident, Fast-DAR has been filed by the police. Insurance company and the claimants have been identified. It is submitted that a police official died in a road accident whilst performing his duty and dispersal of compensation to a martyr has an element of urgency.

The parties have requested that the matter may be referred to and settled in Lok Adalat. An appeal has been made to hold pre-sitting since there is an element of settlement and both parties have some figure in mind but a consensus has not been developed. At request a pre-sitting has been held today. After few deliberations parties have been able to iron out and crease out their differences vis-à-vis the claim and have arrived at an amicable settlement. Only consensus on apportionment remains.

After some deliberations, parties have arrived at a settlement. It is agreed that Insurance Company would make payment of Rs. 32 Lakhs as a full and final settlement of the claim for compensation of claimants for the fatal injuries suffered by the deceased Munshilal Yadav in the present E-DAR/Fast-DAR arising out of FIR bearing No. 78/2021, U/s 279/304A/427 IPC, PS Vasant Vihar. It has further been agreed between the parties that the settlement has been arrived at keeping in mind the other compensation/ payments receivable/likely to be received on the death of the deceased from entities other than the Respondent insurance company and, therefore, claimants have reserved their rights for claiming any such other compensation/ amount payable by persons or bodies other than the insurance company.

I may note here that this case was a special case where a police official had met with an accident on duty and the Bajaj Alliance Insurance has also come forward and fairly agreed to a decent amount honouring the victim in record time. I appreciate the quick manner in which the E-DAR/Fast DAR has been compiled by the investigating officer as well.

REQUEST TO DSLSA

In these circumstances the present DAR can be disposed of within record time. **However, considering the COVID Lockdown and suspended functioning of the court, no Lok Adalat is in the sight immediately and a request is hereby being made to the worthy Member Secretary, DSLSA for organising a virtual Lok Adalat for quick disposal of the present case. Copy of the present order be sent to the worthy Member Secretary, DSLSA for his consideration.**

COMPLIANCE BY PARTIES

A copy of the statement recording the settlement arrived at in the pre-sitting today be emailed to the counsel for the parties who shall sign/get the same signed from the party (as the case may be) identify the signatures of the party and scan and email the same to the email ID of the Court along with copy of signed authority/vakalatnama. They shall also send the statement containing the original signatures to the Court forthwith as and when physically possible. Copy of order be sent alongwith statement for compliance.

Claimant(s) is/are directed to open saving bank account in a nationalized bank near the place of his/her/their residence(s) and Manager of the concerned Bank is directed not to issue any cheque book and/or debit card to the claimant(s) and if the same has/have already been issued, to cancel the same and to make an endorsement on the passbook of the claimant(s) that no cheque book and/or debit card shall be issued without the permission of the Court. A copy this order be also given dasti to the claimant(s) and he/she/they is/are directed to produce the passbook

with necessary endorsement, as well as his/her/their Aadhar card and PAN card before this tribunal on the next date, if not already filed.

Matter be listed on 10.05.2021 for awaiting compliance.

HARJYOT SINGH BHALLA
Pre-Sitting Judge
Presiding Officer, MACT
Patiala House Court, New Delhi.
May 08, 2021

E- DAR No.

Munshilal Yadav & Ors. Vs. Samit Yadav & Ors.

Joint Statement of claimants Smt. Vimala Devi, widow of deceased and Sh. Shakti Singh Yadav, son of deceased, both residents of Shergpur, Alwar, Rajasthan-301701.

On SA

We are the legal heirs of the deceased. We have amicably agreed to settle the claim with the Insurance company for a sum of Rs. 32,00,000/- as full and final settlement of claim for compensation for the fatal injuries suffered by the deceased Munshilal Yadav in the accident, which is the subject matter of present E-DAR/Fast-DAR arising out of FIR bearing No. 78/2021, U/s 186/353/279/304/304A/427 IPC, PS Vasant Vihar. The settlement has been arrived at keeping in mind the other compensation/ payments receivable on the death of the deceased from persons or bodies other than the insurance company and, therefore, reserving our rights for such other compensation payable by persons or bodies other than the insurance company. An award be passed in terms of the settlement.

RO & AC

HARJYOT SINGH BHALLA
Pre-Sitting Judge
Presiding Officer, MACT
Patiala House Court, New Delhi.
May 08, 2021

E- DAR No.

Munshilal Yadav & Ors. Vs. Samit Yadav & Ors.

Statement of Ms. Ruchi Khurana, Ld. LAC from DSLSA for claimants Anita Yadav and Poonam Yadav.

At Bar

I have instructions from the claimants to make this statement and to settle the matter amicably with the Insurance company for a sum of Rs. 32,00,000/- as full and final settlement of claim for compensation of claimants for the fatal injuries suffered by the deceased Munshilal Yadav in the accident, which is the subject matter of present E-DAR/Fast-DAR arising out of FIR bearing No. 78/2021, U/s 186/353/279/304/304A/427 IPC, PS Vasant Vihar. The settlement has been arrived at keeping in mind the other compensation/ payments receivable on the death of the deceased from persons or bodies other than the insurance company and, therefore, reserving our rights for such other compensation payable by persons or bodies other than the insurance company. An award be passed in terms of the settlement.

RO & AC

HARJYOT SINGH BHALLA
Pre-Sitting Judge
Presiding Officer, MACT
Patiala House Court, New Delhi.
May 08, 2021

E- DAR No.

Munshilal Yadav & Ors. Vs. Samit Yadav & Ors.

Statement of Sh. S.P. Jain, Ld. Counsel for Bajaj Alliance GIC Ltd.

At Bar

I have instructions from Insurance Company to settle the present matter amicably with the claimants for a total sum of Rs. 32,00,000/- as full and final settlement of their claim for the fatal injuries suffered by the deceased Munshilal Yadav in the accident, which is the subject matter of present E-DAR/Fast-DAR arising out of FIR bearing No. 78/2021, U/s 186/353/279/304/304A/427 IPC, PS Vasant Vihar. The settlement has been arrived at keeping in mind the other compensation/ payments receivable on the death of the deceased from persons or bodies other than the insurance company. An award be passed in terms of the settlement.

RO & AC

HARJYOT SINGH BHALLA
Pre-Sitting Judge
Presiding Officer, MACT
Patiala House Court, New Delhi.
May 08, 2021

**BEFORE THE E-SPECIAL LOK ADALAT
HELD ON 10.05.2021, PATIALA HOUSE
COURTS, NEW DELHI**

[Organized by State Legal Services Authority under Section 19, of
Legal Services Authorities Act 1987 (Central Act)]

**CORAM: Mr. Harjot Singh Bhalla, JUDGE, LOK
ADALAT Ms. Arundhati, ASSOCIATE
MEMBER**

Title : - Vimla & Ors. Vs. Samit Yadav &

Ors. Case No: E-DAR No. 277/2021

FIR No. 78/2021

PS:- Vasant Vihar

U/s: 279/304-A/427

IPC

**Court Concerned:- Mr. Harjot Singh Bhalla, PO-MACT,
PHC, ND (where matter is pending)**

Present through VC:-

**Ms. Ruchi Khurana, Ld. Legal Aid Counsel from DSLSA for claimants
along with claimants.**

Sh. S.P. Jain, Ld. Counsel along with Sh. Mangesh Gandhi, HOD Legal ; Sh. Jagdish Solanki, Regional Manager, Legal and Sh. Vikash Goyal, Hub Manager, Legal for Bajaj Allianz GIC Ltd./Insurance Company.

Petitioner/Plaintiff/Claimant:-

1. Smt. Vimla, widow of deceased
2. Sh. Shakti Singh Yadav, son of deceased

Petitioner no. 1 and 2 are residents of
Village Sherpur, Alwar, Rajasthan.

3. Ms. Anita Yadav, daughter of deceased
R/o Plot No. 178, Yadavo Ka Mohalla,
Ward No. 23, Chomu, Jaipur, Rajasthan.
4. Ms. Poonam Yadav, daughter of deceased R/o
Plot No. 44, Amar Nagar-A, Khatipura,
Khirani Phatak, Jhotwara, Jaipur, Rajasthan.

Respondent (Insurance Company):

M/s Bajaj Allianz General Insurance Company Ltd.

Registered office :- Bajaj Allianz House, Airport
Road, Yerwada, Pune-411006.

AWARD

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the **Award of Rs. 32,00,000/- (Rs. Thirty Two Lakhs only)** is hereby passed in favour of the petitioners against the respondent insurance company in full and final settlement of the claim of the petitioners against the respondents. The award amount shall be payable by respondent to the petitioner No. 1 on behalf of all the respondents. It has been stated by the son and daughters of the deceased through VC that the entire compensation be paid to the widow of the deceased (their mother). The compensation shall be payable/dispensed as under :-

S. No.	Name of petitioner/ Claimant	Age	Relation with Injured/ Deceased	Amount of Award	Amount kept in FDR	Period of FDR	Amount released
1.	Smt. Vimla	Around 57 years	Wife	Rs.32 Lakhs	Rs.25 Lakhs	60 months ly FDRs equal amount (of Rs.41,666.66 approx .each) for a period of 1 to 60 months in succession with cumulative interest	Rs. 7 Lakhs
			Total	Rs. 32 Lakhs			

All the Children of deceased are desirous that the entire awarded amount be credited into the account of their mother, i.e. petitioner no. 1 Smt. Vimla. Hence, the entire awarded amount is being given to petitioner no. 1 Smt. Vimla.

CONDITIONS:-

1. No loan/advance shall be raised against F.D.R. without permission of MACT/Court concerned.
2. The payment will be made by the Respondent Insurance Co. by demand draft or crossed cheques or through ECS with **UCO BANK, PATIALA HOUSE COURTS BRANCH, NEW DELHI**, either in the name of the Petitioner No. 1 or in any e-form in the MACT account of the Tribunal as per the directions in the award within 30 days of passing of the award failing which it will be liable to pay interest @ 12% P.A. for the delayed period.
An attested copy of the award be given to both parties.
3. The parties are informed that the court fee, if any, paid by any of them shall be refunded.
4. Statements recorded during Lok Adalat Pre-sitting shall form part of the award.

ASSOCIATE MEMBER

JUDGE , LOK ADALAT

ANNEXURE E

MINUTES OF THE 2ND MEETING OF IMPLEMENTATION COMMITTEE

(CONSTITUTED FOR IMPLEMENTATION OF DIRECTIONS OF THE HON'BLE HIGH COURT OF DELHI IN "FAO NO.842/2003", TITLED "RAJESH TYAGI & ORS. VS. JAIBIR SINGH & ORS.")

MINUTES OF MEETING DATED 11.05.2021

VENUE : Held through Video Conferencing

QUORUM:

1. **Hon'ble Mr. Justice J.R. Midha**, Judge, High Court of Delhi - Chairperson
2. **Mr. Kanwal Jeet Arora**, Member Secretary, DSLSA - Convener
3. **Mr. Sanjay Singh**, Special Commissioner of Police (Law & Order) - Member
4. **Mr. Amit Varadan**, Joint Secretary, Ministry of Road Transport and Highways, Govt. of India - Member
5. **Mr. M.N. Sharma**, Secretary General, General Insurance Council - Member

IN ATTENDANCE:

1. **Mr. Surinder S. Rathi** - Officer on Special Duty-cum-Registrar, Delhi High Court
2. **Mr. Sanjay Aggarwal** - Principal Secretary (Law & Justice), GNCTD
3. **Mr. Gautam Manan** - Special Secretary, DSLSA
4. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA
5. **Mr. Rajesh Deo** - Deputy Commissioner of Police

(Legal Cell), Delhi Police

- | | | | |
|-----|-----------------------------|---|---|
| 6. | Mr. Piyush Jain | - | Director, Ministry of Road Transport & Highways |
| 7. | Ms. Nandita Rao | - | Additional Standing Counsel, GNCTD |
| 8. | Ms. Gayatri Virmani | - | Advocate |
| 9. | Mr. Akshay Chowdhary | - | Advocate |
| 10. | Ms. J. Anita | - | From IRDA |

BACKGROUND:

1. Hon'ble High Court of Delhi in "***FAO No.842/2003***", titled "***Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors.***" vide order dated **08.01.2021** formulated a new **Scheme for Motor Accident Claims** thereby modifying the earlier ***Claims Tribunal Agreed Procedure***.
2. Hon'ble High Court of Delhi to supervise and oversee the implementation of this new Scheme so as to ensure speedy dispensation of justice and early grant of compensation to the victims of road accidents, constituted an "**Implementation Committee**" consisting of the following members:
 - (i) *Hon'ble Mr. Justice J. R. Midha, Judge, Delhi High Court as Chairperson;*
 - (ii) *Sh. Kanwal Jeet Arora, Member Secretary, DSLSA as Convener;*
 - (iii) *Sh. Sanjay Singh, Special Commissioner of Police (Law & Order) as Member;*
 - (iv) *Sh. Amit Varadan, Joint Secretary, Ministry of Road Transport and Highways as Member;*
 - (v) *Sh. M. N. Sharma, Secretary General, General Insurance Council (GIC), as Member.*
3. To supervise and oversee the implementation of this new Scheme as per directions of Hon'ble High Court, this Committee held its **first meeting on 08.04.2021 at Round Table Conference Room, Third Floor, Extension Block, Delhi High Court**, which was held in hybrid manner as all its members attended the meeting *physically except Shri M.N. Sharma, Secretary General, GIC, who joined through video conferencing.*

The Committee held its **second meeting today, through video conferencing mode.**

4. The meeting commenced with formal welcome of **Hon'ble Mr. Justice J.R. Midha**, Judge, High Court of Delhi/Chairperson of this Committee. Sh. Kanwal Jeet Arora, Member Secretary, also welcomed other participants including Members as well as Special Invitees.

5. Sh. Kanwal Jeet Arora, Member Secretary, DSLSA apprised all the participants that during last meeting of Implementation Committee held on 08.04.2021, it was resolved to initiate an ambitious **Pilot Project** in New Delhi District from **01st May, 2021** onwards. For the said purpose a **Fast Track Committee** was constituted comprising of the following:

- a. **Mr. Kanwal Jeet Arora** - Member Secretary, DSLSA
- b. **Mr. Surinder S. Rathi** - OSD-cum-Registrar to
Hon'ble the Chief Justice, Delhi High Court
- c. **Mr. Manoj Nagpal** - Special Judge, CBI
- d. **Mr. Gautam Manan** - Special Secretary, DSLSA
- e. **Ms. Namrita Aggarwal** - Additional Secretary, DSLSA
- f. **Mr. Harjyot Singh Bhalla-** Presiding Officer, MACT
- g. **Mr. Rakesh Kumar Singh-** Joint Registrar (Judicial), Delhi High Court
- h. **Ms. Nandita Rao** - Additional Standing Counsel,
GNCTD
- i. **Mr. Rajesh Deo** - DCP (Legal Cell), Delhi Police
- j. **Mr. M. N. Sharma** - Secretary General, GIC

6. Sh. Kanwal Jeet Arora, Member Secretary, DSLSA further informed the participants that the Fast Track Committee held its meetings on **27.04.2021, 30.04.2021, 04.05.2021, 06.05.2021, 07.05.2021** and **08.05.2021** to finalize **Standard Operating Procedure (SOP)** to be followed by all the stakeholders i.e. Police Officers, Insurance Companies, and Motor Accident Claims Tribunals for successful implementation of the **Pilot Project**.

7. The Fast Track Committee formulated **FastDAR** "**Annexure A1**" to be filed by the Investigating Officer within **5 days** of the occurrence of the accident whereupon the insurance company would submit their response within **three days** and Motor Accident Claims Tribunals shall decide the case within next **two days** by constituting Special Lok Adalat.
8. The Hon'ble Chairperson of the Committee was further informed that the Fast Track Committee identified its **First Pilot Project Case** in **FIR No. 78/2021, P.S. Vasant Vihar** of New Delhi District. The brief facts of the case are

*"on 01st May, 2021, at about 03:45 A.M., there was a road accident at the police picket **Vasant Vihar**" in which the Honda CRV car rammed into the police barricade and hit the **Constable Munshi Lal** which resulted in **fatal injuries**. The police registered **FIR No.78/2021** at **P.S. Vasant Vihar**."*

9. Members of Committee were apprised that this case was taken up as the **First Test Case** under **FastDAR SOP**. The Investigating Officer intimated the accident to '**Insurance Claims Cell**'. Honda CRV was insured by Bajaj Allianz GIC Limited. The investigator and the officers of Insurance Company immediately joined the investigation. The Investigating Officer verified the driving licence as well as insurance policy of the vehicle. The Insurance Company **immediately approached** the family of the **victim** to **verify** the ***name, age, occupation and income of the victim***. The police filed the **FastDAR** after verifying all the documents within **five days** of the accident whereupon the Insurance Company submitted their response. DSLSA provided a **Legal Aid Counsel** to the family of the victim.
10. The **Motor Accident Claims Tribunal (MACT)** convened a **Pre-Lok Adalat sittings** on **07.05.2021** and **08.05.2021**. Upon deliberations the Insurance Company offered a fair **compensation** of **Rs.32,00,000/- (Thirty Two Lacs only)** which was accepted by the family of the victim. The Insurance Company has agreed to deposit the compensation amount with the Claims Tribunal for being **disbursed** to the claimants **within two days**. The Fast Track Committee filed its Final Report which is annexed herewith as **Annexure-A2**.

11. Sh. Kanwal Jeet Arora, Member Secretary, DSLSA, apprised the participants that the present matter titled "*Rajesh Tyagi & Ors. vs. Jaibir Singh & Ors.*" is coming up next before Hon'ble High Court on **12.05.2021**. It was unanimously resolved that the report of Fast Track Committee (**Annexure A2**) submitted by it be made part of the minutes of this meeting and a consolidated report of this Committee be submitted before the Hon'ble Court on 12.05.2021.

12. It was also resolved that the Investigating Officer in the fatal motor accident cases shall identify all those cases which fulfill the five conditions as mentioned below and forward these cases for information to DCP and shall file **FastDAR** within **five days**. The said case, immediately on identification shall be recommended to the Implementation Committee to be treated as the **Pilot Project** case. The five conditions to be fulfilled for a case to fall under the category of Pilot Project case are:

- a) Death of the victim
- b) Rash and negligent driving of the offending vehicle by its driver
- c) Valid driving license
- d) Proper insurance of the offending vehicle
- e) Valid Fitness and Permit

13. It was unanimously agreed that proper publicity should be given to the **Pilot Project** and the conditions to be fulfilled for a case to fall under the category of **Pilot Project** case so that

a common man becomes aware about the provisions for grant of early compensation in fatal motor accident cases and can also avail benefit of the same.

14. Ld. Chairperson appreciated the efforts put in by all the stakeholders in effective implementation of the first case of **Pilot Project** by ensuing grant of compensation to the family of the deceased in the **record time of 10 days** in a cost-effective manner.

Meeting ended with a vote of thanks to the Chair.

Minutes of Meeting be implemented in anticipation of signatures of its members.

**Member
Secretary,
DSLISA/Convener**

**Special
Commissioner
of Police
(Law & Order),
Delhi Police/
Member**

**Joint Secretary,
Ministry of Road,
Transport and
Highways,
Govt. of India/
Member**

**Secretary General,
General Insurance
Council/Member**

HON'BLE CHAIRPERSON