



**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)*



**Sub Committee on FastDAR 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 21<sup>st</sup> 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 12<sup>th</sup> December, 2014 modified the *Claims Tribunal Agreed Procedure*; which was directed by the Hon'ble Supreme Court, vide its order dated 06<sup>th</sup> 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 07<sup>th</sup> December, 2018 further modified the *Claims Tribunal Agreed Procedure*. **Further**, on 14<sup>th</sup> February, 2020, Hon'ble Delhi High Court directed the **Pilot Project** mentioned in order dated 13<sup>th</sup> December, 2018 to be implemented in respect of Death cases in motor accidents in New Delhi District w.e.f 15<sup>th</sup> 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 15<sup>th</sup> April, 2020 **due to COVID-19**. Thereafter, vide Judgment dated 08<sup>th</sup> January, 2021 the Hon'ble Delhi High Court again directed the Delhi Police to implement the **Pilot Project** w.e.f. 02<sup>nd</sup> April 2021.

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

Vide order dated 8<sup>th</sup> 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 8<sup>th</sup> April, 2021 a Sub Committee was constituted for devising this SOP for amicable resolution of MACT cases in fatal accidents within 10 days of the Accident. The Sub 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 1<sup>st</sup> 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. Fatal Accident with Death on spot or declared brought dead;
- ii. Driver found Negligent and has valid DL;
- iii. Offending Vehicle insured with valid fitness and permit (if applicable);
- iv. Identity of Claimants, income proof etc. not disputed.

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 8<sup>th</sup> 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.*

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## **FastDAR FORM**

*(to be filled by IO)*

<b>S. No</b>	<b>Particulars</b>	<b>Details</b>
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.	<p><b><u>Documents required in Death case</u></b></p> <p>(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.</p>	
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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.