



HIT AND RUN

**MOTOR ACCIDENT
COMPENSATION
CLAIMS**

INFORMATION BOOKLET

HIT AND RUN MOTOR ACCIDENT COMPENSATION CLAIMS

Compiled by

Humayun Khan, Consultant - Motor and Legal

General Insurance Council

5th Floor, National Insurance Building, 14, Jamshedji Tata Road, Churchgate, Mumbai – 400 020

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The time is just before sunrise. An elderly man is on the road for his morning walk. Suddenly, even before he could realize, a car comes dashing in high-speed and hits him hard from behind and then zooms away. The poor man is thrown on the side of the road, grievously injured. There are hardly any witnesses on the road at this early morning hour. Someone did see the accident from a distance, but he could not identify the make, model or registration no. of the vehicle. He rushes to the spot and arranges to take the injured man to a nearby hospital. The man dies before he could reach the hospital. Police are informed. Post mortem of the victim confirms death due to road traffic accident. During investigations, police find that there were no CCTV cameras installed in the area. In spite of their best efforts, they are not able to trace the offending vehicle or its driver.

Above narrated incident is a typical example of Hit and Run motor vehicle road accident. Such road accidents, where the vehicles causing grievous injuries /

death to a person (s) cannot be identified or traced, are known as '**Hit and Run accident.**'

Victims of such road accidents cannot file a case for compensation in Motor Accident Claims Tribunal (MACT) because the registration number, owner's details or Insurance Company of the offending vehicle are not known.

The "Compensation to Victims of Hit and Run Motor Vehicles Accident Scheme - 2022" comes to the rescue of such an unfortunate victim, if he is grievously hurt or for his dependent family member or legal heir in case of his death, by way of ensuring payment of a fixed sum of compensation.

The Hit & Run Scheme was first introduced in 1982 by an amendment in the MV Act, 1939. Later, when the MV Act 1988 was passed the same was through a Solatium Scheme, 1989. The amount of compensation had last undergone revision in 1994.

Under the provisions of the MV (Amendment) Act 2019, and as per the details laid down under Central Government notification no. GSR 163 (E), dated 25th February, 2023, the compensation payable under the "Compensation to Victims of Hit and Run Motor Vehicle Accidents-2022" has now been revised to **Rs. 2 lakhs** for death and **Rs. 50,000/-** for grievous hurt. This scheme has come in to effect from 1st April 2022.

The HIT & RUN Compensation Scheme is in respect of victims of Road accidents by an unidentified vehicle that has hit the victim and run away and the Police and other Authorities despite best efforts have been unable to identify and locate the offending vehicle or its owner/driver that caused the grievous hurt or death of the victim. Victims of other Hit & Run accidents, where the vehicle could be identified are required to file claim for compensation with MACT and cannot claim under this scheme.

For a full understanding of the provisions of the Scheme one should refer to the Motor Vehicles Act 1988 with the amendments passed and made effective by the Motor Vehicles (Amendment) Act, 2019 especially Chapter XI along with the Central Government notification no. - G.S.R. 163 (E) dated 25th February 2022 issued in the Gazette of India.

HOW TO CLAIM COMPENSATION FOR HIT AND RUN

- Such claim should be filed in Form I of the Scheme and submitted to the Claims Enquiry Officer [i.e., the Sub-Divisional Officer, Tehsildar, or any officer in charge of a revenue sub-division of a Taluka of the revenue District of the State] where the accident took place.
- The Form I shall be filled in in all respects and signed by the claimant (injured victim or legal representative of deceased victim). Bank Account details should be stated under point 6 of the form.
- Following supporting claim documents should be submitted to the Claim Enquiry Officer along with duly completed Form I (application for compensation) and Form IV (undertaking for refund of claim):
 1. Copy of the Passbook of the Bank account (which gives the Bank account holder's name, account no., Branch name, IFSC Code) of the claimant
 2. Copy of the cashless treatment bill, if any, of the Hospital that treated the victim.
 3. Copy of the document for ID & address proof of victim
 4. Copy of the document for ID & address proof of claimant
 5. Copy of Police FIR
 6. Post Mortem Report in case of death.
 7. Death Certificate or Injury Report as applicable.

The Claims Enquiry Officer shall, after receipt of the Claim Application and after due investigation as to the correctness of the FIR, submit his report in Form II complete in all respects within one month to the Claims Settlement Commissioner. Special attention should be given to point no. 4, 5 & 6 of Form II. He should also decide the rightful claimant for the compensation.

The Claims Settlement Commissioner [i.e., District Magistrate/ Dy. Commissioner /Collector / Officer in charge of the Revenue District] shall, after satisfying

himself/herself of the claim, pass an order in Form III within 15 days of the receipt of the Enquiry Report.

1. However, if the Claims Settlement Commissioner feels that further enquiry is called for, he/she may ask the Claims Enquiry Officer (CEO) to make further enquiries and resubmit the report within 15 days for final order.
2. In case of a claim arising out of grievous hurt, the compensation shall be paid to person injured.
3. The Compensation effective for accidents occurring on or after 1st April in Hit & Run cases is **Rs. 2,00,000/-** in case of death and **Rs. 50,000/-** in case of grievous hurt. Compensation payable to the victims of hit & Run accident on or before 31st March 2022 shall be as per old Solatium Fund Scheme, 1989 that is Rs. 25,000/- in case of death and Rs. 12,500/- in case of grievous hurt
4. The amount, if any, paid under Section 162 (Golden Hour Scheme - Cash less treatment) of the Motor Vehicles Act 1988 as amended shall be deducted from the amount for Hit & Run Compensation scheme and only the balance as applicable is payable. This should be specified in the order.
5. The Claims Settlement Commissioner (CSC) shall deduct the amount spent on hospitalization under Golden Hour Cash less treatment, if any, and pass necessary order to pay the balance in Form III after satisfying himself/herself of the genuineness of the claim.
6. In case the amount paid under Section 162 (Golden Hour Scheme Cash less treatment) of the Motor Vehicles Act 1988, as amended, is equal to or more than the amount of Hit & Run Compensation i.e., Rs. 2 lakh or Rs. 50,000/-, as the case may be, nothing shall be payable to the claimant. However, the details of the claim be sent to General Insurance Council.
7. The copy of the order in Form III with Form I & II and IV with enclosed supporting documents shall be sent to General Insurance Council at- **5th Floor, National Insurance Building; 14, Jamshedji Tata Road, Churchgate, Mumbai 400020** by

post or by email to: the dedicated e-mail ID: of General Insurance Council: HitandRunSchemeClaims@gicouncil.in. Copy of order, in Form III, should also be sent to Claims Enquiry Officer, Claimant, GIC nominated Insurance Official of DLCC, concerned MACT and the concerned Transport Commissioner.

8. GI Council, immediately on receipt of sanction order in form 3 and the forms and documents, shall make the e-payment to the bank account as provided within 15 days from the date of receipt of the sanction order.
9. In case of any missing/ deficiencies in documents, non-confirmation of Bank account detail, clarifications, G I Council shall raise request with the district authorities for completion of requirement
10. Provided the payment may be made within a further period of 30 days, for reasons to be recorded in writing to the Claims Settlement Commissioner.
11. If the vehicle that caused the accident is identified, then the injured victim or legal representatives of the deceased victim cannot claim under the Hit & Run Compensation Scheme but should file the claim with the Claims Tribunal as per the Motor Vehicles Act 1988 as amended.
12. In case the victim or claimant has already got compensation under the Hit & Run Compensation Scheme, the claimant shall refund the amount to the Motor Vehicles Accident Fund - Hit & Run Compensation Account, if he gets compensation from MACT.
13. Only cases of grievous hurt, as per section 320 of the Indian Penal Code, 1960 or death caused in a road accident the victim or legal representative of the victim can claim compensation under the Hit & Run Compensation Scheme 2022. Other injuries are not covered in the scheme.
14. The amount shall be transferred by the GI Council directly from the MVA Fund for Hit & Run Scheme to the Bank account of the injured victim or the legal Representative specified in the order of Claims Settlement Commissioner.

23. The details of the claims approved and found in order by Claims Settlement Commissioner discussed in DLC be sent to GI Council for cross tallying to ensure no payment is left out.

24. For full details reference may be made to the Gazette Notification dated 25.2.2022 on Hit and Run Compensation Scheme 2022 issued by Ministry of Road Transport & Highways.

Important Note:

This information booklet is based on Motor Vehicles (Amendment) Act, 2019 - especially Chapter XI, Central Government notification no. - G.S.R. 163 (E) dated 25th February 2022 and relevant insurance laws and practices. In case of any difference, dispute or contradiction, the M. V. Act 1988 as amended and the Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022 shall prevail.
