



HIT AND RUN

**MOTOR ACCIDENT
COMPENSATION
CLAIMS**

INFORMATION BOOKLET

HIT AND RUN MOTOR ACCIDENT COMPENSATION CLAIMS

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15th August '2023

HIT AND RUN MOTOR ACCIDENTS

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. Despite 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 Tribunals 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.
15. 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.
16. In case of any missing/ deficiencies in documents, non-confirmation of Bank account detail, clarification regarding Hit and Run claim, G I Council shall raise request with the District authorities for completion of requirement
17. 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.
18. 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.
19. 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.
20. 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.

21. 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. Such transfer shall be done immediately but not later than 15 days from the date of the receipt of the order duly completed.
22. Details of payment shall be intimated immediately to the authorities to whom the sanction orders were sent.
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.

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.

1. FORM I
[Paragraph 20 (1)]

FORM OF APPLICATION FOR COMPENSATION FROM HIT AND
RUN COMPENSATION FUND

I, _____, son*/daughter*/widow* of Shri
_____ residing at _____
_____ having
been grievously injured in motor vehicle accident hereby apply for
grant of compensation for the grievous injuries sustained.
Necessary particulars in respect of the injury sustained by me are
given below:-

OR

I, _____, son of/daughter of/widow of* Shri
_____ residing _____ at
_____ hereby apply as a
legal representative for the grant of compensation on account of
death/ injuries sustained by Shri/Shrimati/Kumari
_____ son of/daughter of/widow* of Shri
_____ who died/had sustained injuries in
a motor vehicle accident on _____ at _____.
Particulars in respect of accident and other information are given
below: —

1. Name and father's name of person injured / dead (husband's name in case of married woman or widow):
2. Address of the person injured/dead:
3. Age: _____ Date of Birth: _____
4. Sex of the person injured/dead: _____

5. Aadhaar Number of the claimant in case of grievous hurt or Aadhaar Number of legal representative.
6. Copy of Passbook of the bank account of person injured/ legal representative of the deceased.
7. Place, date and time of the accident:
8. Occupation of the person injured/dead:
9. Nature of injuries sustained:
10. Name and address of Police Station in whose jurisdiction accident took place or was registered:
11. Name and address of the Hospital/Medical Officer/Practitioner who attended on the injured/dead:
12. Name and address of the claimant/claimants:
13. Relationship with the deceased:
14. Copy of bill given by the Hospital which has provided cashless treatment as per Scheme framed under section 162 of the Act.
15. Any other information that may be considered necessary or helpful in the disposal of the claim:

I hereby swear and affirm that all the facts noted above are true to the best of my knowledge and belief.

SIGNATURE OF THE CLAIMANT

*Strike out whichever is not applicable.

FORM II

[Paragraph 21 (2) (b)]

CLAIMS ENQUIRY REPORT TO BE SUBMITTED BY THE CLAIMS ENQUIRY OFFICER TO THE CLAIMS SETTLEMENT COMMISSIONER

1. Name and address of the person dead/injured:
2. Place, time and date of the accident:
3. Particulars of the Police Station in which the accident was registered:
4. Particulars of the Hospital/ Medical Officer/ Practitioner who examined the dead/injured:
5. Particulars of persons summoned and examined:
6. Whether the fact of death/injury by hit and run motor accident has been established or not and the reason for coming to that conclusion:
7. The name and address of claimant(s) eligible for payment of compensation:
8. Amount spent on cashless treatment of the victim.
9. The amount of compensation recommended for payment to the claimant. (In case of more than one claimant the amount each one of the claimants is eligible for, and the reasons thereof shall be specified).
10. Any other information or records relevant or useful for the settlement of the claim.

*Signature, designation
of the Claims Enquiry Officer.*

Seal:

Date:

FORM III
[Paragraph 22 (1)]

Serial No _____
Claims Settlement Commissioner
District _____

ORDER

I hereby sanction Rs. _____ (Rupees _____ only) as compensation in respect of the death of _____ (Name of deceased) /grievous hurt to _____ (Name of the injured) resulting from hit and run motor accidents which took place at _____ (Name of place) on _____ (Date) to Shri/Shrimati/Kumari _____ (Name of person to whom payment is to be made) as legal representative of the deceased (_____) or to _____ (Name of injured).

Claims Settlement Commissioner

CC to: —

1. Trust and General Insurance Council
2. The Claimant;
3. Motor Vehicles Accident Claims Tribunals;
4. Claims Enquiry Officer;
5. Member - Secretary of the Standing Committee.

FORM IV
[Paragraph 20(1)]

UNDERTAKING FOR REFUND OF CLAIM

(Under section 163 of the Motor Vehicles Act, 1988)

I/We _____ as legal representative(s) of the deceased/ injured _____ hereby give undertaking that I/we shall refund the amount of compensation that may be awarded to me/us under section 161 of the Act, to the Hit and Run Compensation Fund of the Motor Vehicle Accident Fund in case I/we am/are awarded any other compensation or amount in lieu of or by way of satisfaction of a claim for compensation in respect of death or grievous hurt to _____ under any other provisions of the Motor Vehicles Act, 1988 or any other law for the time being in force or otherwise.

*Signature of the legal representative
of the deceased/injured person.*

प्ररुप 1

[पैरा २०(1)]

टक्कर मार भागना प्रतिकर निधि से प्रतिकर के लिए आवेदन हेतु प्ररुप

मैं..... पुत्र*/पुत्री*/विधवा* श्री

निवासी

..... मोटर

यान दुर्घटना में गंभीर रूप से क्षतिग्रस्त होते हुए करीत गंभीर क्षतियों के लिए प्रतिकर प्रदान किये हेतु आवेदन करती/ करता हूँ। मुझे कारित गंभीर क्षतियों की बाबत आवश्यक विशिष्टिया नीचे दी गई हैं:-

मैं.....पुत्र*/पुत्री*/विधवा* श्री

.....

निवासीश्री/श्रीमती/कुमारी

..... पुत्र/पुत्री/विधवा

जो..... पर.....

को मोटर यान दुर्घटना में मार गई/ गया हैं या उसे क्षति करीत हुई हैं, उसकी मृत्यु/कारित क्षति के लिए प्रतिकर प्रदान करने हेतु विधिक प्रतिनिधित्व के रूप में आवेदन करती/ करता हूँ। दुर्घटना के संभव में विशिष्टियां और अन्य सूचना नीचे दी गयी हैं:-

१. क्षतिग्रस्त/मृत व्यक्ति का नाम और पिता का नाम (विवाहित महिला या विधवा की दशा में पति का नाम):

२. क्षतिग्रस्त/मृत व्यक्ति का पता:

३. आयुजन्म तारीख

४. क्षतिग्रस्त/मृत व्यक्ति का लिंग:
५. घोर उपहति की दशा में दावाकर्ता की आधार संख्या या विधिक प्रतिनिधि की आधार संख्या:
६. क्षतिग्रस्त/मृत व्यक्ति के विधिक प्रतिनिधि के बैंक खाते की पासबुक की प्रति:
७. दुर्घटना का स्थान , तारीख और समय :
८. क्षतिग्रस्त/मृत व्यक्ति का व्यवसाय:
९. करीत क्षतियों की प्रकृति:
१०. उस पुलिस ठाणे का नाम और पता जिसकी अधिकारिता में दुर्घटना हुई थी या रजिस्ट्रीकृत की गई थी:
११. उस अस्पताल/चिकित्सा अधिकारी/व्यवसायी का नाम और जिसने क्षतिग्रस्त/ मृत व्यक्ति की देखभाल की:
१२. दावाकर्ता/ दावाकर्ताओं का नाम और पता:
१३. मृतक के साथ नातेदारी:
१४. उस अस्पता द्वारा दिए गे बिल की प्रति, जिसने अधिनियम की धरा 162 के अधीन विरचित स्किम के अनुसार नगदी रहित उपचार प्रदान किया है:
१५. कोई अन्य सूचना जो दावे के निपटान के लिए आवश्यक या सहयोगी समझी जाए ।

दावाकर्ता के हस्ताक्षर

* जो लागू न हो उसे काट दें ।

प्ररूप २

[पैरा 21(2)(ख)]

दावा जाँच अधिकारी द्वारा दवा निपटान आयुक्त को प्रस्तुत की जाने वाली दावा जाँच रिपोर्ट

१. क्षतिग्रस्त/मृत व्यक्ति का नाम और पता :
२. दुर्घटना का स्थान , तारिख और समय:
३. उस पुलिस ठाणे की विशिष्टियां जिसमें दुर्घटना रजिस्ट्रीकृत की गई थी:
४. उस अस्पताल/चिकित्सा अधिकारी/व्यवसायी की विशिष्टियां जिसने मृत/क्षतिग्रस्त व्यक्ति की परीक्षा की थी
५. समन और परीक्षित किए गए व्यक्ति की विशिष्टियां:
६. क्या टक्कर मारकर भागना मोटर दुर्घटना द्वारा मृत्यु/क्षति के तथ्य स्थापित हुए हैं या नहीं और उस निष्कर्ष तक पहुँचने के कारण:
७. प्रतिकर के संदाय के लिए पात्र दावाकर्ता (दावाकर्ताओं) का नाम और पता:
८. पीड़ित द्वारा नगदी रहित उपचार पर खर्च की गई रकम:
९. दावाकर्ता को संदाय के लिए सिफारिश की गई प्रतिकर की रकम (एक से अधिक दावाकर्ता होने की दशा में वह रकम जिसके लिए प्रत्येक दावाकर्ता पात्र हैं और उसके कारण विनिर्दिष्ट किए जाएं):
१०. कोई अन्य सूचना या अभिलेख जो दावे के निपटान के लिए सुसंगत या उपयोगी है :

मुद्रा:
तारीख
पदनाम

हस्ताक्षर,
दावा जाँच अधिकारी का

प्ररूप ३

[पैरा २२ (१)]

क्रम संख्या.....

दावा निपटान आयुक्त

जिला

आदेश

मैं, टक्कर मारकर भागना मोटर यान दुर्घटना जो(स्थान का नाम)

पर तारीखको हुई थी, के परिणामस्वरूप

..... (मृतक का नाम) की मृत्यु/

..... (क्षतिग्रस्त व्यक्ति का नाम) को हुई घोर

उपहति के संभव में मृतक के विधिक प्रतिनिधि के रूप में श्री/श्रीमती /कुमार

.....

या..... (क्षतिग्रस्त व्यक्ति का नाम) को प्रतिकर के रूप में

रु.....

(..... रुपये मात्र) मंजूर करता हूँ ।

दावा निपटान आयुक्त

प्रति:-

१. न्यास और साधारण बीमा परिसर:

२. दावाकर्ता:

३.मोटर यान दुर्घटना दावा अधिकरण :

४. दावा जाँच अधिकारी :

५. सदस्य- सचिव, स्थाई समिति ।

प्ररुप ४

[पैरा २०(१) देखे]

दावे के प्रतिदाय के लिए वचनबंध

(मोटर यान अधिनियम, १९८८ की धरा १६३ के अधीन)

मैं / हम मृतक/क्षतिग्रस्त व्यक्ति
..... विधिक प्रतिनिधि(प्रतिनिधियों) के रूप में वचनबंध
करती/करता/करते हैं की मैं/ हम यदि मोटर यान अधिनियम १९८८ या तत्समय प्रवृत्त किसी विधि के
किन्हीं उपबंधों के अधीन या अन्यथा की मृत्यु या
घोर उपहति की बाबत प्रतिकर के दावे के बजाय रकम अथवा उसके समाधान के माध्यम से कोई
अन्य प्रतिकर या रकम प्रदान किए जाने की दशा में मोटर यान दुर्घटना निधि की टक्कर मार कर
भागना प्रतिकर निधि अधिनियम की धारा 161 के अधीन मुझे/हमें प्रदान किए जाने वाले प्रतिकर की
रकम का प्रतिदाय करूंगी/करूंगा/करेंगे ।

क्षतिग्रस्त व्यक्ति/
मृतक के विधिक प्रतिनिधि
के हस्ताक्षर