

# **STANDARD OPERATING PROCEDURE**

**FOR POLICE**

**WITH REGARD TO THE COMPENSATION TO VICTIMS OF HIT  
AND RUN MOTOR ACCIDENTS SCHEME 2022:**



**AIZAWL TRAFFIC POLICE**

**AIZAWL, MIZORAM**

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## **I. PURPOSE**

The purpose of this Standard Operating Procedure (SOP) is to lay out general information on The Compensation to Victims Of Hit And Run Motor Accidents Scheme 2022 and to provide guidance to police officers, who are the first responders in such Hit and run cases, on the steps to be taken by them vis-a-vis this scheme.

## **II. INTRODUCTION**

The Ministry of Road Transport and Highways notified a new scheme for compensation of victims of Hit and Run motor accidents vide notification dated 25th February, 2022 to cater to enhanced compensation (from Rs 12,500 to Rs 50,000 for grievous hurt and from Rs 25,000 to Rs 2,00,000 for death). The process of application for compensation and the release of payment to victims has also been made time bound. This scheme superseded the Solatium Scheme, 1989 and was made effective from 1st April, 2022 onwards. The Ministry also published rules on 25.2.2022 regarding creation, operation, sources of fund etc. of the Motor Vehicles Accident Fund. This fund is used for providing compensation in case of Hit &Run Accident, treatment for accident victims and any other purpose, as may be specified by the Central Government.

## **III. DEFINITIONS**

Clause (d) of Section 145 MV Act defines a 'hit and run' accident. An accident involving a motor vehicle can be considered as a hit and run accident, provided the identity of the vehicle that caused the accident cannot be ascertained despite reasonable efforts.

## **IV. LEGAL PROVISIONS**

Section 161 MV Act highlights the special provisions as to compensation in case of hit and run motor accident:

(1) Notwithstanding anything contained in any other law for the time being in force or any instrument having the force of law, the Central Government shall provide for paying in accordance with the provisions of this Act and the scheme made under sub-section (3), compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents.

(2) Subject to the provisions of this Act and the scheme made under sub-section (3), there shall be paid as compensation:

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of Rs.200000 (two lakh rupees) or such higher amount as may be prescribed by the Central Government;

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of Rs.50000 (fifty thousand rupees) or such higher amount as may be prescribed by the Central Government.

#### **V. SUPREME COURT RULING:**

On January 12<sup>th</sup>, 2024, Supreme Court Ruling I.A. No.71387 of 2023 in Writ Petition (C) No. 295 Of 2012 (S. Rajaseekaranunion Of India & Ors) was issued, which, inter-alia, stated that:

‘When a motor accident occurs, the injured or the legal representatives of the deceased may not be aware of whether it is a hit and run accident. After a motor accident, a report is registered by the officer in charge of the jurisdictional Police Station. Obviously, reasonable efforts must be made by the Police Station which registers the accident. If the Police conclude that it is a case of hit and run accident, **the Police must inform the victim or the legal representatives of the victim, as the case may be, about the availability of the Scheme.** There are cases where the Police, as well as the Claims Enquiry Officer, are aware of the fact that a hit and run accident has occurred. However, no efforts are made to ensure that the persons entitled to seek compensation file their claims. An appropriate direction will have to be issued, which will ensure that the victims or the legal representatives of the victims, as the case may be, who are entitled to seek compensation under the Scheme, are informed about the availability of the Scheme and that they are assisted in filing the claims.’

#### **VI. STEPS TO BE TAKEN BY INVESTIGATING OFFICERS**

On the basis of the aforementioned SC ruling, the following SOP is listed out as steps to be followed for police officers investigating a Hit and Run incident:

**Step 1:** If the particulars of the vehicle involved in the accident are not available at the time of registration of the report regarding the accident, the police officer should make reasonable efforts to find out those particulars **within a period of one month** from the date of registration of accident report.

**Step 2:** If the particulars of the vehicle involved in the accident cannot be ascertained after making reasonable efforts to do so, the police officer **shall inform in writing to the injured or the legal representatives of the deceased, as the case may be, that compensation can be claimed under the Scheme.** The contact details such as e-mail ID and office address of the jurisdictional Claims Enquiry Officer shall be provided by the Police to the injured or the legal representatives of the deceased, as the case may be.

**Note:** The Claims Enquiry Officer is the SDO (Sadar) of the District. Each District has its own District Level Committee for this Scheme which is headed by the Chairperson/Claims Settlement Commissioner, the DC of the District (vide Govt of Mizoram Notification NO.B.12025/7/2022-TRP dated Aizawl the 28<sup>th</sup> April, 2022 – Copy Enclosed).

**Step 3:** Within one month from the date of the accident, the police officer should forward the FAR (First Accident Report) to the Claims Enquiry Officer. The names of the victims in case of injury and the names of the legal representatives of the deceased victim (if available) shall also be forwarded to the Claims Enquiry Officer.

The police officer should also ensure that **in fatal cases, a post-mortem examination (PME) is mandatorily carried out**, and such PME Report should also be forwarded along with the FAR.

**Note:**

i) A First Accident Report (FAR) is sent by the Investigating Officer to the Claims Tribunal along with a copy of the FIR. Rule 150A of the Central Motor Vehicle Rules, 1989 ("CMVR") read with Clause 2 of Annexure XIII of the CMVR mandates the Investigating Officer to intimate the accident to the Claims Tribunal within forty-eight (48) hours of the accident, by submitting the First Accident Report (FAR) in Form I (Annexure).

ii) Such FAR is sent to the MACT (Motor Accidents Claims Tribunal) by district police officers as follows:

Aizawl, Serchhip, Mamit, Saitual	- Presiding Officer, MACT Aizawl District
Lunglei, Lawngtlai, Siaha, Hnahthial	- Presiding Officer, MACT Lunglei District
Champhai, Khawzawl	- Presiding Officer, MACT Champhai District
Kolasib	- Judge, Fast Track Court

**Step 4:** Assistance should be given by the police officer as far as possible to the victims to enable them to file their claim successfully.

The Compensation to Victims Of Hit And Run Motor Accidents Scheme 2022 can be downloaded from the Ministry of Road Transport and Highways (MoRTH) website - [www.morth.nic.in](http://www.morth.nic.in).

# FORM-I

## FIRST ACCIDENT REPORT (FAR)

By Investigating Officer to Claims Tribunal  
Within 48 hours of the receipt of intimation of the Accident  
Copy to Victim(s), Insurance Company and DSLSA

FIR No.	
Date	
Under Section	
Police Station	

1.	Date of Accident	
2.	Time of Accident	
3.	Place of Accident	
4.	Source of Information	<input type="checkbox"/> Driver/Owner <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Hospital <input type="checkbox"/> Good Samaritan <input type="checkbox"/> Police <input type="checkbox"/> Others (Specify)
	Name, mobile number & address of the Informant	
	Name	
	Mobile No.	
	Address	
5.	Nature of Accident	<input type="checkbox"/> Injury <input type="checkbox"/> Fatal <input type="checkbox"/> Damage/loss of the property <input type="checkbox"/> Any other loss/injury
	Number of Vehicles involved	
	Whether Registration Number of the Offending Vehicle known	<input type="checkbox"/> Yes <input type="checkbox"/> No

	Whether offending vehicle impounded by the police	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Whether the driver of the offending vehicle found on the spot	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Number of Fatalities		
	Number of Injured		
6.	<b>Details of the Hospital where victim(s) taken</b>		
	Hospital Name		
	Address		
	Doctor's Name		
7.	<b>Availability of CCTV Footage</b> If yes, CCTV Footage be preserved and be filed with DAR	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8.	<b>Details of Owner(s), Driver(s) and Insurance of the Vehicle(s)</b>		
	<b>Details</b>	<b>Vehicle 1 (Offending vehicle)</b>	<b>Vehicle 2</b>
	<b>Vehicle Details</b>		
	Vehicle Registration No.		
	<b>Driver Details</b>		
	Name of the Driver		
	Address of Driver		
	Mobile No. of Driver		
	<b>Owner Details</b>		
	Name of the Owner		

	Address of Owner		
	Mobile No. of Owner		
	<b>Insurance Details</b>		
	Insurance Policy No.		
	Period of Insurance Policy		
	Name of Insurance Company		
	Address of Insurance Company		
9.	<b>Details of Victim(s)</b>		
	<b>Name</b>	<b>Deceased/Injured</b>	<b>Address &amp; Contact Details</b>
(i)			
(ii)			
(iii)			
(iv)			
(v)			
(vi)			

ਸ਼ਹੀਦੀ ਫ਼ਤਵਾ

S.H.O./I.O

P.I.S. No. : \_\_\_\_\_

Phone No. : \_\_\_\_\_

P.S. : \_\_\_\_\_

Date : \_\_\_\_\_

**Documents to be attached:**

- (i) Copy of FIR



**ANNEXURE  
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.*

PROFORMA FOR INVESTIGATING OFFICER TO PROVIDE INFORMATION ON  
COMPENSATION SCHEME TO VICTIMS OF HIT AND RUN MOTOR ACCIDENTS

To,

\_\_\_\_\_  
\_\_\_\_\_  
Sir/Madam,

It is to inform you that since \_\_\_\_\_ (Full Name and particulars of victim) has been \_\_\_\_\_ (grievously injured/deceased) in a Hit and Run accident, whereby the accident occurred at \_\_\_\_\_ (details of accident) and despite repeated efforts, the vehicle involved could not be identified within one month since registration of the accident report, you are eligible to claim compensation for the same under the Compensation to Victims Of Hit And Run Motor Accidents Scheme 2022.

You may be informed that the Scheme provides for a fixed sum of Rs.2,00,000 (two lakh rupees) and Rs.50,000 (fifty thousand rupees) in respect of death and grievous hurt respectively, to any person resulting from a hit and run motor accident.

You may contact your Claims Enquiry Officer \_\_\_\_\_ (Name of SDO (Sadar) of the District) at \_\_\_\_\_ (Office address of SDO (Sadar)) or write to him at \_\_\_\_\_ (Email ID of SDO (Sadar)) for further guidance on the necessary steps to be taken to file your claim.

Yours faithfully,

\_\_\_\_\_  
\_\_\_\_\_  
(Name and Designation  
of Investigating Officer)  
(Police Station)

\_\_\_\_\_ Ph. No. \_\_\_\_\_

(Proforma for Investigating Officers to provide information to the victims/relatives regarding claim of compensation under the CVHRMVA Scheme, 2022)

\_\_\_\_\_ **Police Station**

\_\_\_\_\_ **District, Mizoram**

To

Subject: \_\_\_\_\_  
Update on Hit and Run Accident Case and Information on Compensation Scheme

Ref: \_\_\_\_\_ PS Case No.

Sir/Madam,

I am writing to provide an update regarding the hit and run accident case referred above which occurred on [date of the incident] at [location of the incident] in which [full name and particulars of the victim] had died/was grievously injured.

Despite our dedicated efforts and thorough investigation over the past month, we regret to inform you that we have been unable to trace or locate the vehicle or the driver involved in the accident at this time. However, we are continuing our efforts to locate and bring the offender(s) to justice.

While we understand that this news may be disappointing, we want to inform you that you are eligible to claim compensation under the "Compensation to Victims of Hit and Run Motor Vehicle Accidents Scheme 2022." This scheme has been established to provide financial assistance to victims or their families in cases where the offender(s) remains unidentified for one month from the date of registration of the case.

For further details on the application process and to obtain the necessary forms, you may contact this police station at [official phone number of PS] at any time or contact the Claims Enquiry Officer [Name of SDO (Sadar) of the District] at [Office Address of SDO (Sadar) with contact number/email]. We are more than willing to provide any assistance you may require and do not hesitate to reach out to us with any questions or concerns.

Yours faithfully,

(Name and designation of the Investigating Officer)

[Seal of the Police Station]

(MIZO VERSION)

\_\_\_\_\_ Police Station

\_\_\_\_\_ District, Mizoram

To

\_\_\_\_\_  
\_\_\_\_\_

Subject: Accident case a police hmalakna leh Zangnadawmna dil theih hriattirna.

Ref: \_\_\_\_\_ PS Case No.

Ka Pu/Ka Pi,

A chung a accident case kan tarlan, ni [accident thlen ni] a [accident thlenna hmun] ah lirthei pakhatin [victim hming leh address kimchang] a sut avanga a boral/hliam na tak a tawrh chungchangah hian tun thla kalta chhung khan thil tisualtu lirthei leh a khalhtu zawngchhuak turin ngawrh takin hnuchhui hna thawh a ni a. Amaherawhchu, vanduaithlak takin tun hun thleng hian lirthei emaw a khalhtu hi hriat theih a ni hrih lo a, ngawrh taka chhuizui reng a ni.

Hetianga a nih rual hian, Police in pawikhawihitu thlakhat chhunga kan chhuichhuah theihloh avangin, sorkar laipuiin dan a lo duan tawh "Compensation to Victims of Hit and Run Motor Vehicle Accidents Scheme 2022" hnuaiah hian sorkarah zangnadawmna (compensation) dil theih a ni tih kan rawn hriattir nghal che a ni.

Zangnadawmna dilna form leh a dil dan tur chungchanga hriattur tul te chu, \_\_\_\_\_ police station [official phone number of PS] ah hian engtiklai pawha zawhfiah theih reng a ni. Tin, he zangnadawmna chungchang hi Claims Enquiry Officer [District SDO (Sadar) hming] chu a office-ah [Office Address of SDO (Sadar) with contact number/email] zawhfiah theih a ni bawk.

Police chuan i mamawhna apiangah puih che kan inhuam reng a, thil mamawh leh zawhfiah duh i neih pawhin inthlahrung hauh lo a police station hi be pawp zel turin kan in hriattir bawk a ni.

I rintlak,

(Name and designation of the Investigating Officer)

[Seal of the Police Station]