MOTOR VEHICLE ACT 1988
मोटर वाहन अधिनियम, 1988

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CHAPTER X / अध्याय 10
LIABILITY WITHOUT FAULT IN CERTAIN CASES
कुछ मामलों में त्रुटि के बिना दायित्व

140. Liability to pay compensation in certain cases on the principle of no fault / त्रुटि न होने के सिद्धान्त पर कतिपय मामलों में प्रतिकर का संदाय करने का दायित्व 162
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144. Overriding effect / अध्यारोही प्रभाव 165

Sec. 140 :
<1> Owner/Owners, Jointly या Severally liable होंगे Compensation Pay करने के लिए।
<2> Amount of Compensation [Death → 50,000/- (Fixed)
Permanent Disablement → 25,000/- (Fixed)]
<3> Claimant को Owner की Negligency plead करने की Requirement नहीं है।
<4> Deceased या Injured Person की Negligency, default etc के कारण :-
- Claim for Compensation defeat नहीं होगा।
- Quantum of Compensation Reduce नहीं होगा।
<5> Owner, किसी Other Law में ~~of~~ Compensation Pay करने के लिए Liable हो सकता है।
[As Reduced by Compensation u/s 140 or 163A under this Act]

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"Policy of Insurance includes Certificate of Insurance."

s. 145(d)

मोटर यान अधिनियम (अनुक्रमणिका) (i

CHAPTER XI / अध्याय 11

INSURANCE OF MOTOR VEHICLES AGAINST THIRD PARTY RISKS

मोटर यानों का पर-व्यक्ति जोखिम बीमा ↳ s. 145(g) "Third Party includes Government"

धाराएं

145. Definitions / परिभाषाएं 1
146. Necessity for insurance against third party risk / पर-व्यक्ति जोखिम बीमा के लिए आवश्यकता 1 — See Note 146(1)
147. Requirements of policies and limits of liability / पालिसियों की अपेक्षाएं तथा दायित्व की सीमाएं (Note ①) 1
148. Validity of policies of insurance issued in reciprocating countries / व्यतिकारी देशों में दी गई बीमा पॉलिसियों की विधिमान्यता — Notwithstanding s. 147, Sub to. s. 164 shall be effective throughout the for which Common Route Arrangement made
149. Duty of insurers to satisfy judgments and awards against persons insured in respect of third party risks / पर-व्यक्ति जोखिमों की बाबत बीमाकृत व्यक्तियों के विरूद्ध हुए निर्णयों और अधिनिर्णयों की तुष्टि करने का बीमाकर्ताओं का कर्त्तव्य 1
150. Rights of third parties against insurers on insolvency of the insured / बीमाकृत व्यक्ति के दिवालिया होने पर बीमाकर्ताओं के विरुद्ध पर-व्यक्तियों के अधिकार ↳ Right Against Insurer will be transferred to Third Party.
151. Duty to give information as to insurance / बीमा के बारे में जानकारी देने का कर्तव्य ↳ Insured Person is duty bound to give Info. about any Ins. Policy he has in this regard.
152. Settlement between insurers and insured persons / बीमाकर्ताओं और बीमाकृत व्यक्तियों के बीच समझौता — Third Party को Party बनाए बिना, Insurer & Insured का Settlement Valid नहीं है।
153. Saving in respect of sections 150, 151 and 152 / धारा 150, धारा 151 और धारा 152 के बारे में व्यावृत्ति ✗ other Policy of Insurance ✗ Co. wound up Voluntary, for Reconstruction Purpose
154. Insolvency of insured persons not to affect liability of insured or claims by third parties / बीमाकृत व्यक्तियों के दिवाले से बीमाकृत व्यक्ति के दायित्व या पर-व्यक्तियों के दावों पर प्रभाव न पड़ना
155. Effect of death or certain causes of action / कुछ वाद-हेतुकों पर मृत्यु का प्रभाव → No effect/Bar on Third Party's Right
156. Effect of certificate of insurance / बीमा-प्रमाण-पत्र का प्रभाव → Conclusive in all respects
157. Transfer of certificate of insurance / बीमा प्रमाण-पत्र का अंतरण — Deemed to be transferred along with Transfer of Ownership of MV w/in 14 Days → Apply for change in RC.
158. Production of certain certificates, licence and permit in certain cases / कतिपय दशाओं में कुछ प्रमाण-पत्रों, अनुज्ञप्ति और परमिट का पेश किया जाना — See Note — IC/RC/DL/FC* (Transport) — M.V. Act: Driver (Transport Vehicle) — by when Req. by Police Officer in Uniform
159. Production of certificate of Insurance on application for authority to use vehicle / यान का उपयोग करने के प्राधिकार के लिए आवेदन करने पर बीमा प्रमाण-पत्र पेश किया जाना
160. Duty to furnish particulars of vehicle involved in accident / दुर्घटनाग्रस्त यानों की विशिष्टियां देने का कर्तव्य — ['Identity cant be Ascertained' in spite of Reasonable effort]
161. Special provisions as to compensation in case of hit and run motor accident / टक्कर मार कर भागने संबंधी मोटर दुर्घटना के मामले में प्रतिकर के बारे में विशेष उपबंध ✓ Victim May Apply u/s 166(1). — Compensation: Death (25000 Fixed); Grievous Hurt (12500 Fixed)
162. Refund in certain cases of compensation paid under section 161 / धारा 161 के अधीन संदत्त प्रतिकर का कतिपय मामलों में प्रतिदाय → Where Any other Compensation is Awarded under this Act or other Law,

Note: ① S. 147 (1) Requirements ⌐ Authorised Insurer
⌐ Insure Against: Death/Body Injury / Damage to III Party (Inc. Passenger, if Pub. Service Vehicle)

Not Required

(i) Death/Bodily Injury out of/During Employment. [Except:- Under Workmen Compensation Act, 1923 → Engaged in Driving / Conductor (if Pub. Serv. Vehicle) / Being carried in Goods carriages.]

(ii) Contractual liability.

147(2): Limit ⌐ Actual Liability Incurred.

See 147(2) Proviso (3)(a).

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Notes

- **Section 146:**

146(1): "इस Chapter के Req. के According "Insurance Policy" के बिना कोई Person, न तो Public Place में MV चलाएगा न ही किसी और को अपना MV चलाने देगा।"

(If MV carries dangerous or Hazardous Goods :-
↳ Public Liability Insurance Act, 1991 के तहत भी एक Insurance Policy होनी चाहिए

146(2) "Non Applicability"
S. 146(1) will not Apply to
↳ Vehicle owned by CG/SG & used for Govt. Purpose. [Unconnected with any Commercial Enterprise]

146(3) "Exemption"
Sub. to Estt of a Fund by following Authority to Cover Third Party Risk, CG may exempt for Req. u/s 146(1) :-
(i) CG/SG [Govt. Purpose Connected with Commercial Enterprise]
(ii) Local Authority
(iii) State Transport Undertaking

S. 147

147(3): Prescribed form में अगर Certificate of Insurance issue नहीं हो रखा है तो, इस Chapter के Purpose के लिए Policy का कोई effect नहीं है।

147(4): if, Cover Note → Not followed by Policy of Insurance
↳ Insurer shall w/- 7 Days of expiry of validity of Cover Note notify the Fact to Registering Authority.

147(5):- Insurer → Liable to Indemnity (Irrespective of any Law provides otherwise) → Person/class of Persons named in Policy.

S. 158: (3): No conviction if Produce the Required Certificate produced within 7 Days. (यह Privilage Transport Vehicle के Driver को Available नहीं है।

158(6): Officer In Charge द्वारा जो Report तैयार की जाएगी, उसे Claim Tribunal को Forward किया जाएगा। (w/- 30 Days)
(By Police or By Insured)

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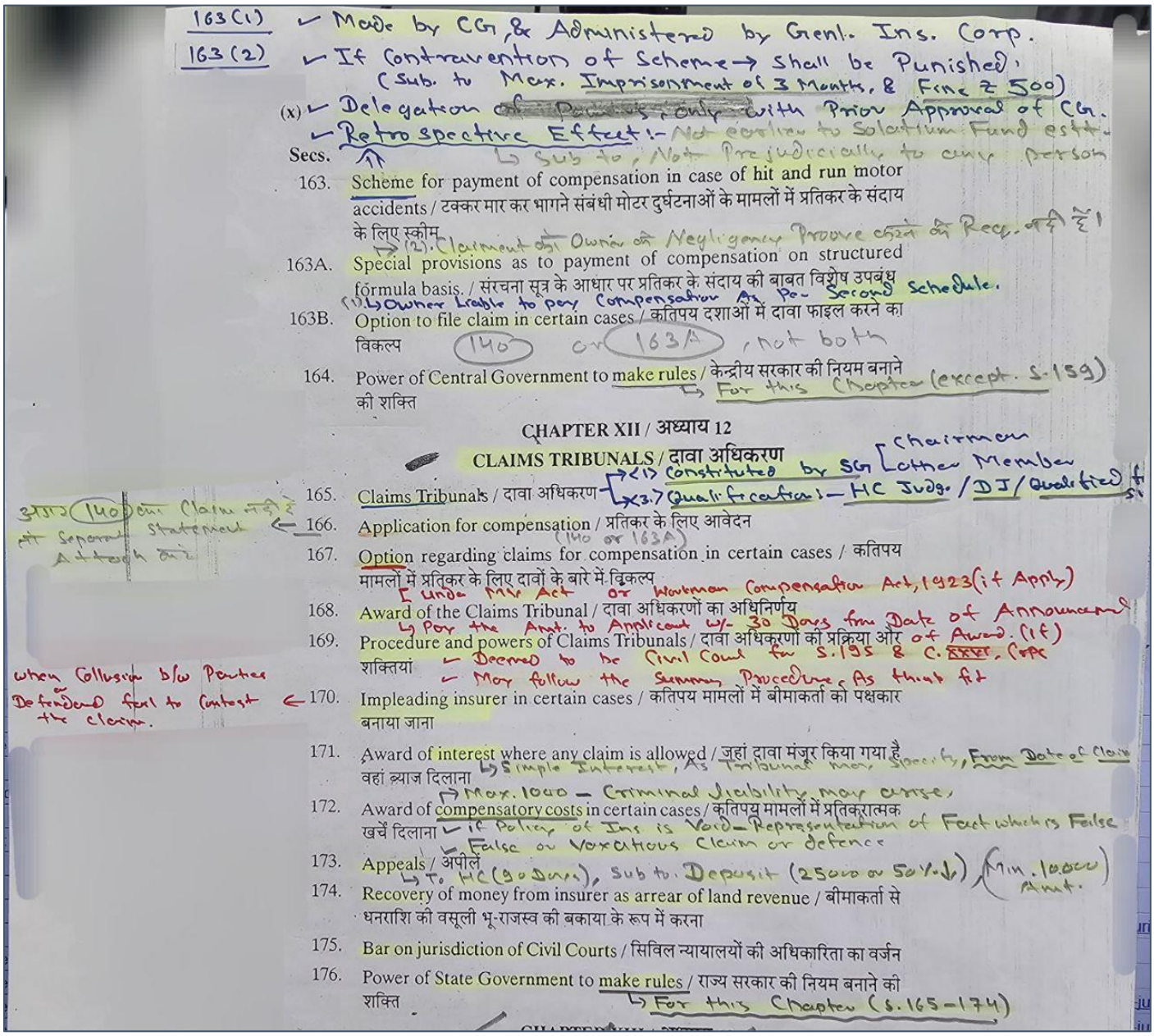

163(1) ↳ Made by CG, & Administered by Genl. Ins. Corp.
163(2) ↳ If Contravention of Scheme → Shall be Punished, (Sub. to Max. Imprisonment of 3 Months, & Fine ₹ 500)
(x) ↳ Delegation of Powers only with Prior Approval of CG.
↳ Retrospective Effect :- Not confirm to Solatium Fund estt.
↳ Sub to, Not Prejudicially to any person

Secs.

163. Scheme for payment of compensation in case of hit and run motor accidents / टक्कर मार कर भागने संबंधी मोटर दुर्घटनाओं के मामलों में प्रतिकर के संदाय के लिए स्कीम
(2). Claimant को Owner की Negligency Prove करने की Req. नहीं है।

163A. Special provisions as to payment of compensation on structured formula basis. / संरचना सूत्र के आधार पर प्रतिकर के संदाय की बाबत विशेष उपबंध
(1) ↳ Owner Liable to pay Compensation As Per Second Schedule.

163B. Option to file claim in certain cases / कतिपय दशाओं में दावा फाइल करने का विकल्प
140 or 163A, not both

164. Power of Central Government to make rules / केन्द्रीय सरकार की नियम बनाने की शक्ति
↳ For this Chapter (except S.159)

CHAPTER XII / अध्याय 12

CLAIMS TRIBUNALS / दावा अधिकरण

165. Claims Tribunals / दावा अधिकरण
(1) Constituted by SG [Chairman Other Member
(3) Qualification :- HC Judge / DJ / Qualified for

अगर 140 पर Claim नहीं है तो Separate Statement ← 166. Application for compensation / प्रतिकर के लिए आवेदन
Attach करें (140 or 163A)

167. Option regarding claims for compensation in certain cases / कतिपय मामलों में प्रतिकर के लिए दावों के बारे में विकल्प
[Under MV Act or Workmen Compensation Act, 1923 (if Apply)

168. Award of the Claims Tribunal / दावा अधिकरणों का अधिनिर्णय
↳ For the Amt. to Applicant w/- 30 Days from Date of Announcement of Award. (if)

169. Procedure and powers of Claims Tribunals / दावा अधिकरणों की प्रक्रिया और शक्तियां
↳ Deemed to be Civil Court for S.195 & C. ~~XXXVI~~, CrPC
↳ May follow the Summary Procedure, As they fit

When Collusion b/w Parties or Defendant fail to Contest the claim. ← 170. Impleading insurer in certain cases / कतिपय मामलों में बीमाकर्ता को पक्षकार बनाया जाना

171. Award of interest where any claim is allowed / जहां दावा मंजूर किया गया है वहां ब्याज दिलाना
↳ Simple Interest, As Tribunal may specify, From Date of Claim

172. Award of compensatory costs in certain cases / कतिपय मामलों में प्रतिकरात्मक खर्चे दिलाना
↳ Max. 1000 — Criminal Liability may arise.
↳ If Policy of Ins is Void — Representation of Fact which is False
↳ False or Vexatious Claim or Defence

173. Appeals / अपील
↳ To HC (90 Days), Sub to Deposit (25000 or 50% of) (Min. 10000 Amt.)

174. Recovery of money from insurer as arrear of land revenue / बीमाकर्ता से धनराशि की वसूली भू-राजस्व की बकाया के रूप में करना

175. Bar on jurisdiction of Civil Courts / सिविल न्यायालयों की अधिकारिता का वर्जन

176. Power of State Government to make rules / राज्य सरकार की नियम बनाने की शक्ति
↳ For this Chapter (S.165-174)

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Schedule II (R/w Sec.163A)

"Compensation for Third Party Fatal Accidents/Injury cases"

I. Fatal Accidents

1. Compensation

Age Group	Upto 15	15-20	20-25	25-30	30-35	35-40	40-45	45-50	50-55	55-60	60-65	Above 65
Multiplier	15	16 +	17 +	18 +	17 -	16 -	15 -	13 --	11 --	8 ---	5 ---	5
~~Rs.('000')~~ Anuual Income	------For exam point of view no need to learn ------											

- Compensation = Annual Income (x) Multiplier. [Amount of compensation shall not be less than Rs.50,000/-.]
- The Amount of compensation so arrived at in the case of fatal cident claims shall be reduced by 1/3rd in consideration of the expenses which the victim would have invurred towards maintaining himself had he been alive.

2.General Damages :

✓ DEATH CASE	
1. Funeral Expenses	Rs.2000/-
2. Loss of consrtium (If beneficiary is spouse)	Rs.5,000/-
3. Loss of Estate	Rs.2,500/-
4. Medical Expenses	Actual Expenses incurred before death (not exceeding Rs.15,000/-) (supported by bills/voucher)

✓ INJURY AND DISABILITES CASE		
i.	Pain and Sufferings	
	a. Grivious Injuries	Rs. 5000/-
	b. Non-Grivous Injuries	Rs. 1000/-
ii.	Medical Expenses	Actual Expenses incurred (not exceeding at one time payment Rs.15,000/-,supported by bills/voucher)

II. Non-Fatal Accidents(i.e. Injury Cases)

1. **Compensation** :
   - ✓ *Loss of Income(if Any) :- for Actual Period of Disablement not exceeding 52 weeks.*

   (+)

   - ✓ *Either of Followings:*

(A.) Permanent Total Disablement		(B.) Permanent Partial Disablement
Annual Loss of Income (x) Multiplier	Or	Specified % of compensation in case of (A).

[Note: Injuries deemed to result in Permanent otal disablement/Permanent Partial Disablement and percentage of loss of earning capacity shall be as per Schedule I under Workmen's Compensation Act,1923]

III. Notional Income for compensation

(To those who had no Income prior to Accident)

i.	Fatal And Disability in Non-Fatal Accidents	a. Non-earning persons Rs.15,000/- per year. b. Spouse : 1/3rd of income of the earning/surviving spouse
ii.	In case of other injuries	Only General Damages 'As Applicable'

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