

No.U6-10730/2020/PHQ,
Police Headquarters,
Thiruvananthapuram,
Dated, 21-01-2020.

Circular No. 05/2020

Sub: - Avoidance of delay in furnishing information to the Claims Tribunal
– Sections 159, 160 and 166(3) of the Motor Vehicles Act, 1988 as
amended by the Motor Vehicles (Amendment) Act, 2019 –
instructions – reg.

Ref: - The Motor Vehicles (Amendment) Act, 2019 (Central Act 32 of
2019).

The Motor Vehicles (Amendment) Act, 2019 has come into force with effect from the 1st September, 2019. Chapter XI of the Motor Vehicles Act, 1988, relating to the “Insurance of Motor Vehicles against Third Party Risks” has been substituted by the Amendment Act. The newly added sections 159 and 160 in Chapter XI and the newly inserted sub-section (3) of section 166 in Chapter XII of the Act are highly relevant for the Police as they describe the action of Police with regard to the accident in question and the time limit now fixed by law in filing an application before the Claims Tribunal, respectively.

The text of the above amended provisions is re-produced below for information of all officers concerned:-

159. Information to be given regarding accident.-The police officer shall, during the investigation, prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed.

160. Duty to furnish particulars of vehicle involved in accident.-A registering authority or the officer-in-charge of a police station shall, if so required by a person who alleges that he is entitled to claim compensation in respect of an accident arising out of the use of a motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any motor vehicle, furnish to that person or to that insurer, as the case may be, on payment of the prescribed fee, any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it and the property, if any, damaged in such form and within such time as the Central Government may prescribe.

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166. Application for Compensation.-

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(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.

It is clear from the above legal provisions that delay in submitting final report by the Police before the Court in Motor accident cases would be detrimental to the accident victims. **Hence, in supersession of all existing Circulars and orders in this regard, it is instructed that,-**

(I) During the investigation of an accident case, the SHO of the Police Station should prepare an "accident information report" to facilitate the settlement of claim to the victim in such form and manner and submit to Claims Tribunal and such other agency as may be prescribed, **within three months** as per section 159 of the MV Act, 1988.

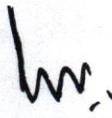
(ii) The registering authority or SHO of the Police Station should furnish the particulars of the vehicle involved in the accident, on payment of the prescribed fee, u/s 160 of the MV Act, 1988,-

1. to the person who alleges that he is entitled to claim compensation in respect of an accident and who requires it; or
2. to the insurer against whom a claim has been made in respect of any motor vehicle, if so required by him.

(iii) As the application for compensation will not be entertained by the Claims Tribunal unless it is filed **within six months of the occurrence of the accident**, the final report of the case shall be submitted by the Police at the earliest possible.

Inspectors of Police/SHOs of Police Stations should give personal attention to comply with the above instructions based on the newly added legal provisions. SDPOs concerned should review the accident cases personally and ensure that the above instructions are complied with in all the accident cases reported on monthly basis.

If any laxity or negligence is noticed on the part of officers concerned in complying with the above directions, strict disciplinary action will be initiated against such officers.


LOKNATH BEHERA, IPS,
Director General of Police &
State Police Chief.

To

1. All SHOs in all Police Stations including the Crime Branch - for information and urgent necessary action.
2. All Officers in List B- for information and urgent necessary action.
3. CAs to all Officers in PHQ/DD,PR.

Copy to: Circular Register, Kerala Police Website.