

PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF TRANSPORT
(TRANSPORT-II BRANCH)

NOTIFICATION

The 7th November, 2013

No.G.S.R. 60/C.A. 59/1988/Ss. 166, 169 and 176/Amd.(23)/2013.-

With reference to the Government of Punjab, Department of Transport Notification No. G.S.R.13/C.A.59/1988/Ss.166,169 and 176/Amd./2013, dated 19th February, 2013, and in exercise of the powers conferred by sections 166,169 and 176 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Motor Vehicles Rules, 1989, namely:-

RULES

1. These rules may be called the Punjab Motor Vehicles (Second Amendment) Rules, 2013.

2. In the Punjab Motor Vehicles Rules, 1989 (hereinafter called the said rules), for rule 215, the following rules shall be substituted, namely:-

“215. Application for claim for compensation - (1) Every application for claim of compensation to be made under section 166 shall be in FORM P.M.A.C.T.A(A), accompanied by spare copies (equal to the number of respondents cited in the claim application).

Sections 166
and 176.

(2) There shall be appended to every such application:-

(a) all the documents on which the applicant relies in context of his claim, entered in a properly prepared list of documents:

Provided that the Claims Tribunal may not allow the applicant to rely in support of his claim, on any document not filed with the application, unless it is satisfied that for good or sufficient cause, he was prevented from filing such document earlier;

(b) proof of identity of the applicant (s) to the satisfaction of the Claims Tribunal, unless exempted from doing so for reasons to be recorded by it in writing;

(c) passport size photograph(s) of the applicant(s) duly attested by an Advocate or a Gazetted Officer;

(d) reports obtained from investigating police officer, and registering authority; and if no such report(s) have been obtained, reasons thereof and

(e) medical certificate of injuries, or the effect thereof.

(3) The Claims Tribunal may also require the applicant to furnish the following information to satisfy itself that false or a collusive claim has not been preferred:-

(a) full particulars of all earlier accidents in which the applicant or the person deceased, as the case may be, has been involved;

(b) the amount of compensation paid in such earlier accidents, name and particulars of the victim, and of the person, who paid the damages; and

(c) connection of persons mentioned in clause (b), if any, with the applicant.

(4) Any application which is found defective on scrutiny, may be returned by the Claims Tribunal, for resubmission after removing the defects within a specified period but not exceeding two weeks' time.

(5) Every application for compensation shall be registered separately in the prescribed register.

215-A. Duties of investigating Police Officer in motor accident cases - (1) It shall be the duty of the investigating police officer to use modern technology while making investigation, including the following, as expeditiously as possible, to-

Section 176.

(a) get the scene of accident photographed from such angles as to clearly depict, and in case of inability to do so, prepare a site plan, drawn to scale, as to indicate the lay-out and width, etc. of the road(s) or place, as the case may be, the position of vehicle(s), or person(s), involved in an accident and such other facts as may be relevant, so as to preserve the evidence in this regard, for the purposes of proceedings before the Claims Tribunal;

(b) gather full particulars of the insurance certificate /policy in respect of the motor vehicle involved in the accident and to require the production of the documents mentioned in sub-section (1) of section 158 of the Act, and thereupon either to take the same in possession

against receipt, or to retain the duly attested photocopies of the same;

- (c) verify the genuineness of the documents mentioned in clause (b) by obtaining confirmation in writing from the office /authority purporting to have issued the same;
- (d) submit detailed report regarding an accident to the Claims Tribunals, in Part-I of FORM P.M.A.C.T.A. (D) by not later than thirty days of the receipt of order in FORM P.M.A.C.T.A (B), accompanied by requisite documents, which shall include copy of report under section 173 of the Code of Criminal Procedure, 1973(Central Act No. 2 of 1974), medico legal certificate, post-mortem report (in case of death), first information report, photographs, site plan, photocopies of documents mentioned in clause(c), report regarding confirmation of genuineness thereof, if received, or otherwise action taken;
- (e) furnish to the applicant all information and particulars about the accident in Part-I of FORM P.M.A.C.T.A (D) within thirty days, on receiving the application in FORM P.M.A.C.T.A (C), by the person, who wishes to make an application for compensation and who is involved in an accident, or his next of kin, or the legal representative of the deceased, or the insurance company, as the case may be;

Provided that such information shall be given to the insurance company on payment of a fees of rupees ten per page.

- (2) The provisions of sub-rule (1), shall be construed as duties given in section 47 of the Punjab Police Act, 2007, and the rules framed thereunder and any breach thereof, shall entail consequences envisaged in the said Act.

215-B. Investigation of Motor Accident Claims:-

Section 176.

Notwithstanding anything contained to the contrary in any other Rules in force, the motor accident claims shall be investigated by the police in the following manner-

- (1) On receipt of the information about a motor accident, the Investigating Officer shall visit the site of accident, make inspection of the site, take photographs of the site from all angles, prepare a site plan drawn to a scale, to indicate the lay-out of the road or place, as the case may be, the

position of vehicle or person as the case may be, such other facts, as may be relevant and shall also examine the eye-witnesses in order to preserve complete evidence with regard to the accident.

(2) The Investigating Officer shall collect complete particulars and documents:-

- (i) date, time and place of the accident;
- (ii) particulars of the persons injured or deceased in the accident;
- (iii) name and address of the driver of the offending vehicle;
- (iv) driving license of the driver of the offending vehicle;
- (v) names and address of the owner of the offending vehicle;
- (vi) certificate of registration of the offending vehicle;
- (vii) insurance policy or in the alternative cover note or certificate of insurance of the offending vehicle;
- (viii) fitness certificate and the permit (in the case of a commercial vehicle);
- (ix) names and addresses of the witnesses of the accident;
- (x) circumstances of the occurrence of the accident;
- (xi) in case of death of the victim:
 - (a) proof of age of the deceased;
 - (b) death certificate;
 - (c) post-mortem report;
 - (d) proof of income of the deceased;
 - (e) details of the dependents, (i.e. their age, occupation and marital status); and
 - (f) expenditure on treatment; and
- (xii) in case of an injury to the victim:
 - (a) Medico legal Certificate;
 - (b) proof of age of the injured;
 - (c) proof of income of the injured;
 - (d) nature of injuries suffered by such victim;
 - (e) treatment taken by the injured (including the discharge summary);

- (f) disability certificate (if issued by a Government Hospital);
- (g) expenditure on treatment, conveyance, special diet or on attendant etc; and
- (h) proof of absence from work (on the basis of which loss of income on account of injury is being assessed or claimed) such as certificate from the employer and extracts from the attendance register or log record or like records.

(3) The Investigating Officer shall verify the authenticity of the documents mentioned in Part – II of FORM P.M.A.C.T.A (D) by obtaining confirmation in writing from the office or authority or person purporting to have issued the same or by such further investigation or verification, as may be necessary, for arriving at a conclusion of authenticity of the documents in question (including but not limited to verifying the license of the driver and permit of the vehicle, where applicable), from the registering authority;

(4) The registering authority shall verify the registration certificate, driving licence, fitness and permit in respect of the offending vehicle within a period of fifteen days of the application being made by the Investigating Officer. The concerned hospitals shall issue the Medico legal Certificate and Post-Mortem Report to the Investigating Officer within a period of fifteen days of the accident.

(5) The Investigating Officer shall complete the process of collection of the aforesaid documents specified in sub-rules (3) and (4) and their date of verification and shall complete the investigation of the criminal case within a period of thirty days of the date of accident. The Investigating Officer shall file the Accident Information Report in FORM P.M.A.C.T.A(D) before the Claims Tribunal within a period of Thirty days of the date of accident. The Accident Information Report shall be accompanied by requisite documents (which shall include a copy of the report under section 173 of the Code of Criminal Procedure, 1973, First Information Report with the police, Medico legal Certificate, Post-Mortem Report (in case of death), photographs, site plan, mechanical inspection report, seizure memos and documents mentioned in Part – II of FORM P.M.A.C.T.A (D) and also a report regarding confirmation of authenticity thereof, if received or otherwise action taken. Copy of the Accident Information Report, shall simultaneously be sent to the Insurance Company, victim or their claimant of the accident and owner or driver of the offending vehicle.

(6) Upon receipt of copy of Accident Information Report, the Insurance Company shall appoint a Designated Officer within a period of ten days. The Designated Officer shall be responsible for dealing or processing of the case and to pass a reasoned decision in writing about the amount payable in accordance with law within a period of twenty days from the date of his appointment.

(7) Where the Investigating Officer is unable to complete the investigation of the case within a period of thirty days for reasons beyond his control, such as cases of hit and run accidents, cases where the parties reside outside the jurisdiction of the court, where the driving licence is issued outside the jurisdiction of the court, or where the victim has suffered grievous injuries and is undergoing treatment, the Investigating Officer shall approach the Claims Tribunal, for extension of time whereupon the Claims Tribunal shall suitably extend the time in view of the facts of each case.

(8) If the offending vehicle is found to be un-insured, the Investigating Officer, shall prosecute the owner and driver of the offending vehicle under section 196 of the Act.

(9) If the driving licence of the driver is found to be fake, the Investigating Officer shall prosecute the driver or such other persons involved in forging or issuance of a fake driving licence.

(10) The Investigating Officer, shall produce the driver, owner, claimant and eye-witnesses before the Claims Tribunal along with the Accident Information Report. However, if the police is unable to produce the owner, driver, claimant and eye-witnesses before the Claims Tribunal on the first date of hearing for reasons beyond its control, the Claims Tribunal, shall issue notice to them to be served through the Investigating Officer, for a date for appearance not later than thirty days time. The Investigating Officer, shall give an advance notice to the concerned Insurance Company about the date of filing of the Accident Information Report before the Claims Tribunal so that the nominated counsel for the Insurance Company could remain present on the date of hearing before the Claims Tribunal.

(11) The Claims Tribunal, shall examine whether the Accident Information Report, is complete in all respects, and shall pass an appropriate order in his regard. If the Accident Information Report is not complete, the Claims Tribunal shall direct the Investigating Officer to complete the said report and shall fix a date for the its completion.

(12) The Claims Tribunal, shall treat the Accident Information Report filed by the Investigating Officer, as a claim petition under section 166(4) of the Act. However, where the police is unable to produce the claimants on the first date of hearing, the Claims Tribunal shall initially register the Accident Information Report as a miscellaneous application, which shall be registered, as a claim petition after the appearance of the claimants.

(13) The Claims Tribunal, shall grant thirty day's time to the Insurance Company to examine the Accident Information Report and to take a decision as to the quantum of compensation payable to the claimants in accordance with law. The decision shall be taken by the Designated Officer of the Insurance Company in writing and it shall be a reasoned decision. The Designated Officer of the Insurance Company shall place the written reasoned decision before the Claims Tribunal within a period of as specified in sub-rule (6) from the date of receipt of the copy of Accident Information Report from the Investigating Officer.

(14) The compensation assessed by the Designated Officer of the Insurance Company, shall constitute a legal offer to the claimants and if the said amount is fair and acceptable to the claimants, the Claims Tribunal, shall pass a consent award and shall give thirty day's time to the Insurance Company to make the payment of the amount so awarded. However, before passing the consent award, the Claims Tribunal, shall ensure that the claimants are awarded just compensation in accordance with law. The Claims Tribunal shall also pass an order with respect to the shares of the claimants and the mode of disbursement.

(15) If the claimants are not in a position to immediately respond to the offer of the Insurance Company, the Claims Tribunal, shall grant them time not later than thirty days, to respond to the said offer.

(16) If the offer of the Insurance Company is not fair and acceptable to the claimants or if the insurance Company has any defence available to it under law, the Claims Tribunal shall proceed to conduct an inquiry under sections 168 and 169 of the Act, and shall pass an award within a period of thirty days thereafter.

(17) If the offending vehicle is not covered by the policy of insurance against third party risks or the driver was not holding a valid driving licence or if the registered owner fails to furnish copy of the insurance policy or the driving licence of the driver, the motor vehicle involved in an accident resulting

in death or bodily injury or damage to property, shall not be released, unless and until the registered owner, furnishes sufficient security to the satisfaction of the court, to pay compensation that may be awarded in a claim case arising out of such accident. On the expiry of three months of the vehicle being taken in possession by the Investigating Officer, such motor vehicle shall be sold off in public auction by the Magistrate, having jurisdiction over the area where accident occurred, and proceeds thereof, shall be deposited with the Claims Tribunal having jurisdiction over the area in question, within fifteen days for purpose of satisfying the compensation that may have been awarded or may be awarded in a claim case arising out of such accident.

Provided there the vehicle involved in an accident is having issuance certificate and the driver of the said vehicle having a valid driving license then the Investigation Officer, shall release the vehicle on superdari at his own level.

(18) Any breach in duty by the police personnel shall be dealt with as provided in sub-rule (2) of rule 215-A.

215-C. Duties of the Registering Authority - It shall be the duty of the concerned registering authority to- Section 176.

- (a) submit a detailed report in FORM P.M.A.C.T.A (E) to the Claims Tribunal regarding a motor vehicle involved in the accident or about the licence of the driver of such vehicle, within a period of fifteen days of the receipt of order in FORM P.M.A.C.T.A (F);
- (b) furnish the requisite information in FORM P.M.A.C.T.A (E) within a period of fifteen days from the date of receipt of an application in FORM P.M.A.C.T.A (G) from the person, who wishes to make an application for compensation, or who is involved in an accident arising out of use of his next of kin, or to the legal representative of the deceased, or to the insurance company, as the case may be:

Provided that information shall be given to the insurance company on payment of rupees ten per page.

215-D. Duties of the Insurance Company - It shall be the duty of the Divisional Manager of an insurance company after receiving information about the accident, or on receipt of notice from the Claims Tribunals under rule 218, to- Section 176.

- (a) make an application in FORM P.M.A.C.T.A (C) to the

investigating police officer (with prescribed fees) to obtain complete information about the accident, at the earliest;

- (b) ascertain and verify the facts about insurance of motor vehicle(s) involved in the accident and inform about it to the Claims Tribunal within a period of from the date of receipt of notice of the claim case;
- (c) move application before the concerned registering authority in FORM P.M.A.C.T.A(G) to obtain information about the motor vehicle involved, and the driving licence held by the driver of such motor vehicle as per information available in FORM P.M.A.C.T.A (E);
- (d) deposit (with the written statement in the Claims Tribunal), the amount equivalent to the compensation awardable on the principle of no fault liability under section 140 of the Act, in such cases, where the information is received in FORM P.M.A.C.T.A (D) and FORM P.M.A.C.T.A (E) confirming either death or permanent disability, has been caused, as a result of the use of the motor vehicle so insured by such insurance company.

215-E. Presumption about reports - The contents of the reports sent to the Claims Tribunal in Part-I of FORM P.M.A.C.T.A(D) and FORM P.M.A.C.T.A (E) by the investigating police officer, the registering authority concerned, and the confirmation given under clause (b) of rule 215-C by the insurance company, shall be presumed to be correct and shall be read in evidence without formal proof till it is proved to the contrary. Section 176.

215-F. Police report and action thereon - (1) The police report under sub-section (6) of section 158, shall be in FORM P.M.A.C.T.A (D). Section 176.

(2) On receipt of report mentioned in sub-rule (1) accompanied by the verification reports of driving licence, registration certificate of motor vehicle, insurance, permit etc., the Claims Tribunal shall examine the same and it may call for such further information or material, as considered necessary, for proper disposal of the matter in accordance with the provision of sub-section (4) of section 166 of the Act.

(3) The Claims Tribunal after examination of the report, shall register the claim case and issue notice for appearance in FORM P.M.A.C.T.A (H) to all the parties concerned, which would include the victim of the accident, or

his legal representative, as the case may be, driver, owner and insurer of the vehicle involved.

(4) On receipt of notice under sub-rule (3) above, the parties shall put in their presence before the Claim Tribunal and declare claim case, if any, and if so, the police report shall be treated as claim case and be tagged to such claim case preferred independently by the parties.

(5) If the person injured or the legal representative of the person deceased do not appear after notice under sub-rule(4), the Claims Tribunal may presume that the said parties are not interested in pursuing the claim for any compensation and on such presumption it shall close the case.

(6) Unless the police report is treated as a claim case stands tagged to independent claim case preferred by the parties themselves, the Claims Tribunal shall call upon the person injured or legal representative of the person deceased, as the case may be, who have appeared in response to the notice, shall give before the Claim Tribunal statement in FORM P.M.A.C.T.A (A).

(7) If statement by the parties is given in the manner as specified in sub-rule(6), the case shall proceed further in the same manner as if parties have come directly before the Claims Tribunal for compensation.

(8) If the statement for claiming compensation has been given by the party, but subsequently commits default in appearance, in that case the provisions of Order IX of the Code of Civil Procedure, 1908(5 of 1908) shall apply:

Provided that in case accident in question involves more than one vehicle and persons connected to all such vehicles make claim for compensation, the police report treated as claim case, shall be presumed to be a claim case preferred by each of them and the absence by any one or more of such parties, shall not prejudice the claim of the party, which continues to appear.”

3. In the said rules, for rule 218, the following rule shall be substituted, namely:-

“218. Notice to parties involved. –If an application for claim is not dismissed under rule 217, the Claims Tribunal shall send the same to the person against whom the applicant claims relief, with a notice in FORM P.M.A.C.T.A (I) of the date, to put in their appearance before it and may ask them to file their written statement as per rule 219:

Sections 169
and 176.

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(KRTK 22, 1935 SAKA)

Provided that, if documents produced along with the written statement by the applicant are voluminous, the Claims Tribunal may dispense with the requirement to send copies thereof to the opposite party.”

4. In the said rules, for rule 219, the following rule shall be substituted, namely:-

“219. Appearance and examination of the parties.— (1) The opposite party, shall, at or before the first hearing, or within such further time as the Claims Tribunal may allow, file a written statement which shall become part of the Claim Tribunal’s record.

Sections 169
and 176.

(2) The opposite party shall file all the documents in support of facts on which he relies in its defence along with the written statement and shall duly prepare a list of documents and a copy thereof shall give to the applicant:

Provided that the Claims Tribunal may not allow the opposite party to rely in support of its defence any document, not filed along with the written statement, unless it is satisfied that, for certain good or sufficient reasons, it was prevented from filing such document earlier.

(3) If the opposite party contests the claim, the Claims Tribunal may, if no written statement has been filed by it, it shall, proceed to examine him qua the claim and shall reduce the statements writing.

(4) The Claims Tribunal may also require the opposite party to furnish the following information:-

- (a) full particulars of all earlier accidents in which it was involved and in which cases the claims have been awarded either wholly or in part; and
- (b) the amount of compensation paid in such earlier accidents, the name and address of the victims and the persons to whom the damages have been paid and their relation, if any, with the opposite party.”

5. In the said rules, for rule 220, the following rule shall be substituted, namely:-

“220. Summoning of witness.— If an application is made by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall, on payment of the expenses involved, if any, issue summons for the appearance of such witness unless it considers that their appearance is not necessary for

Sections 169
and 176.

a just decision, of the case:

Provided that where the Claims Tribunal is of the opinion that, party is unable to bear the expenses to summon witnesses, it may not insist for such payment of the expenses and in that case the same shall be borne by the Government:

Provided further that in case where the party succeeds claim in whole or in part, the expenses so incurred by the Government, shall be directed to be paid to the Government.”.

6. In the said rules, for rule 222, the following rule shall be substituted, namely:-

“222. Local inspection.— (1) The Claims Tribunal, may, at any time during the course of any proceedings before it, visit the site, at which such accident has occurred for the purpose of making a local inspection or examination of any person, who gives information relevant to the claims.

Sections 169
and 176.

(2) Any party to a proceeding or a representative of any such party, may accompany the Claims Tribunal, for local inspection.

(3) The Claims Tribunal, after making a local inspection, shall note briefly in a memorandum the facts observed and such memorandum shall form part of the record of the proceedings.

(4) The memorandum under sub-rule (3), may be shown to any party to the proceedings who desires to see it, and a copy thereof, may be supplied to any such party on application, at the rate of rupees two per page.

(5) The Claims Tribunal, may, if any journey is undertaken under this rule at the instance of a party, require the party, to deposit an amount equivalent to the actual expenses likely to be incurred by it and its staff before hand and it shall draw only the amount so deposited by the parties, to meet all the incidental expenditure in connection with such journey.”.

7. In the said rules, after rule 225, the following rules shall be inserted, namely:-

“225-A. Obtaining of supplementary information and documents.— The Claims Tribunal shall, obtain whatever supplementary information and documents, which are found necessary, from the police, medical and other authorities and proceed to adjudicate upon the claim, whether the parties who

Sections 169
and 176.

were given notice appear or not, on the appointed date.

225-B. Power to direct medical examination.- The Claims Tribunal may, if it considers necessary, direct in FORM P.M.A.C.T.A (J), any medical officer or any board of medical officers in a government or municipal hospital, to examine the injured and issue certificate indicating the degree and extent of the disability, if any, suffered as a result of the accident, and it shall be the duty of such medical officer or board to submit the report within fifteen days of receipt of such direction.”.

Sections 169
and 176.

8. In the said rules, for rule 229, the following rule shall be substituted, namely:-

“229. Determination of issues.- (1) After framing the issues, the Claims Tribunal shall, proceed to decide such issues after allowing both parties to cross examine each other in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908).

Sections 169
and 176.

(2) The Claims Tribunal may, if it appears to it to be necessary for just decision of the case, allow the parties to adduce such further evidence as it may desire:

Provided that no such further opportunity shall be permitted unless it is shown that such further evidence could not be adduced earlier despite exercise of due diligence by or that such evidence was not within the knowledge of the party relying on it.”.

9. In the said rules, for rule 231, the following rules shall be substituted, namely:-

“231. Judgment and award of compensation.- (1) The Claims Tribunal while passing order, shall record concisely in a judgment the findings on each of the issues framed giving reasons for such findings, and make an award specifying the amount of compensation, to be paid by the insurer and also the person, to whom compensation shall be paid.

Sections 169
and 176.

(2) Where compensation is awarded to two or more person, the Claims Tribunal shall also specify the amount payable to each of them.

(3) The procedure of adjudicating the liability and award of compensation may be set apart from the procedure of disbursement of compensation to the legal heirs in a case of death, and where the Claims Tribunal feels that the actual payment to the claimant is likely to take some time because of the

identification and determination of legal heirs of the deceased, the Claims Tribunal may call for the amount of compensation awarded to be deposited with it, and, then, proceed with the identification of the legal heirs, for disbursing payment of compensation to each of the legal heirs equitably.

(4) The Claims Tribunal shall, obtain a receipt from the claimant in duplicate out of which, one copy shall be issued to the person, who makes the payment, and the other copy to be retained on the record."

231-A. Securing the interest of claimants.— (1) Where any lump sum amount deposited with the Claims Tribunal, is payable to a person under legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of such person, during his disability, in such manner as the Claims Tribunal may direct, to be paid to any dependent of the injured or heirs of the deceased or to any other person, whom the Claims Tribunal thinks best fit to provide for the welfare of the injured or the heir of the deceased, as the case may be.

Sections 169.

(2) Where on application made to the Claims Tribunal in this behalf or otherwise, the Claims Tribunal is satisfied that on account of neglect of the children by their parents or on account of change of circumstances of any dependent or for any other sufficient cause, an order of the Claims Tribunal as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested or applied or otherwise dealt with, ought to be varied, the Claims Tribunal may make such further orders for the variation of the former order, as it may think just in the circumstances of the case.

(3) The Claims Tribunal shall, in the case of a minor, order that amount of compensation awarded to such minor be invested in fixed deposits till such minor attains majority. The expenses incurred by the guardian or the next friend, may be allowed to be withdrawn by such guardian or such next friend, from such deposits, before the same are deposited.

(4) The Claims Tribunal shall, in the case of illiterate claimants, order that the amount of compensation awarded, be invested in fixed deposits for a minimum period of three years, but if any amount is required for effecting purchase of any moveable or immoveable property for improving the income of the claimant, the Claims Tribunal may consider such a request after being satisfied that the amount would be actually spent for the purpose.

(5) The Claims Tribunal shall, in the case of semi-literate person, opt the procedure for the deposit of award amounts given in sub-rule (4) unless it is satisfied, for reasons to be recorded in writing that the whole or part of the amount is required for the expansion of any existing business or for the purchase of some property as specified in sub-rule (4), in which case the Claims Tribunal shall ensure that the amount has been invested for the purpose, for which it was prayed for.

(6) The Claims Tribunal may in the case of literate persons may also opt the procedure for deposit of the awarded amount specified in sub-rules (4) and (5), if the age, financial background etc. of the claimant, with a view to ensuring the safety of the compensation awarded, thinks it necessary and pass such order as it may deem fit.

(7) The Claims Tribunal, may in personal injury cases, if further treatment is necessary, pass an order in writing, permitting to draw such amount, as is necessary for meeting the expenses of such treatment.

(8) The Claims Tribunal shall, in the matter of investment of money, with a view to have maximum return for the claimant, pass orders to deposit the same with public sector undertakings of the State or Central Government, which offers higher rate of interest.

(9) The Claims Tribunal shall, in investing such money, direct that the interest on the deposits be paid directly to the claimants or the guardian of the minor claimants by such institutions under intimation to the Claims Tribunal.”.

10. In the said rules, for rule 233, the following rule shall be substituted, namely:-

“233. Form and manner of appeals against the award of the Claims Tribunal.— (1) An appeal against the judgment of the Claims Tribunal, shall be preferred in the form of a memorandum signed by the applicant or by an advocate duly empowered by such applicant in this behalf, before the High Court.

Sections 169
and 176.

(2) The memorandum shall concisely specify the grounds of appeal without any argument or narration and such grounds shall be numbered consecutively.

(3) Save as provided in sub-rules (1) and (2), the provisions of Order XLI and XXI in the First Schedule to the Code of Civil Procedure, 1908, (5 of 1908), shall mutatis mutandis apply, to the appeals referred above”.

11. In the said rules, for rule 234, the following rule shall be substituted, namely:-

“234. Fees.— (1) No court fee shall be leviable on an application under section 176. section 166 for payment of compensation.

(2) The amount of the court fee to be charged for inspecting the files shall be twenty rupees for first hour and ten rupees for every subsequent hour in each case.

(3) The carbon copies of the evidence shall be given to the parties concerned, if asked for, on payment of court fee of rupees two per page and application for obtaining such copies shall bear court fee of rupees ten.

(4) An amount of rupees two per page shall be charged in the form of court fee, for obtaining an attested copy of the award on final order or an intermediate order of any documents filed with the Claims Tribunal”.

12. In the said rules, after rule 235, the following rule shall be inserted, namely:-

“235-A. Custody and preservation of records, Registers and certified copies.— (1) The necessary documents and records relating to the cases, shall be preserved in the record room for a period of six years of the satisfaction of the award, if any, granted or for a period of twelve years after the judgment and award become final, whichever is earlier. Section 176.

(2) The Claims Tribunal, shall maintain in addition to all registers required to be maintained by the court of an Additional District and Sessions Judge, the following registers, namely:-

(i) for applications for interim award on principle of no fault liability; and

(ii) for deposit of payments in the Tribunal through cheques.

(3) Claim petitions on the ground of death, permanent disability, injury and damage to property shall be entered in a separate register.

(4) The rules relating to the issue of a certified copy, followed by the courts subordinate to the High court, shall mutatis mutandis apply to the Claims Tribunal”.

13. In the said rules, for Form ‘P.M.A.C.T.A’, the following forms shall be substituted, namely:-

APPLICATION FOR COMPENSATION BEFORE THE MOTOR
ACCIDENT CLAIMS TRIBUNAL

To

The Motor Accidents Claims Tribunal,

Photograph
of
claimant(s)

Sir,

I, _____, son/daughter/wife/widow of _____
residing at _____ having been
injured in motor vehicle accident hereby apply for the grant of compensation
for the injury sustained. Necessary particulars in respect of the injury, vehicle,
etc. are given below:-

I/We _____ father/mother/son(s)/daughter(s)/
widow of _____ residing at _____
hereby apply as legal representative(s) for the grant of compensation on
account of death of Shri/Shrimati/Kumari _____/injury sustained by
Shri/Shrimati/Kumari _____, who died/ injured in a motor
vehicle accident. Necessary particulars in respect of the deceased/injured
and the vehicles, etc., are given below:-

1. Name and father's name of the person injured/died. (Husband's name
in the case of married woman) _____.
2. Full address of the person injured/died _____.
3. Age of the person injured/died _____.
4. Occupation of the person injured/died _____.
5. Name and address of the employer of the deceased, if any, _____.
6. Monthly income of the person injured/died _____.
7. Does the person in respect of whom compensation is claimed pay income
tax? If so, state the amount of the income tax (to be supported by
documentary evidence) _____.

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8. Place, date and time of the accident _____.
9. Name and address of police station in whose jurisdiction the accident took place or was registered _____.
10. Was the person in respect of whom compensation is claimed traveling by the motor vehicle involved in the accident? If so, give the name and place of starting of journey and destination _____.
11. Nature of injuries sustained and disablement, if any, caused _____.
12. Name and address of the Medical Officer/Practitioner, if any, who attended on the injured/died _____.
13. Period of treatment and expenditure, if any, incurred thereon (to be supported by documentary evidence) _____.
14. Registration No. and the type of the motor vehicle involved in accident _____.
15. Name and address of the insurer of the motor vehicle _____.
16. Name and address of the owner of the motor vehicle _____.
17. Has any claim been lodged with the owner/insurer? If so, with what result _____.
18. Name and address of the applicant _____.
19. Relationship with the deceased/injured _____.
20. Title to the property of the deceased/injured _____.
21. Amount of compensation claimed and basis thereof _____.
22. Whether report in prescribed form has been obtained from the police and registering authorities? (if so, to be annexed) _____.
23. Whether documents mentioned in rule 215 are being annexed duly indexed (give details) _____.
24. Any other information that may be necessary/helpful in the disposal of the claim _____.
25. Reasons or grounds for the late submission of the claim application on which condonation of delay is claimed _____.

26. Cause of accident with brief description _____

Signature or thumb-impression of the applicant(s).

VERIFICATION

Verified at _____ this _____ day of _____ that the contents
of the above application are true and correct to my/our knowledge and belief.

Signature or thumb-impression of the applicant(s).

Notes:-(1) Applicant shall furnish spare copies of the application equal to the
number of respondents cited in the claim application for sending the same
with notices to the respondents.

(2) The application is to be filed within six months of the occurrence of
the accident and reasons be given for late submission of the application.

(3) The applicants may send their claim/applications through registered
A.D. to the Motor Accidents Claims Tribunal.

FORM P.M.A.C.T.A (B)

(See rule 215-A(d))

ORDER TO INVESTIGATING POLICE OFFICER

BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PUNJAB

Case No: _____

TITLE: _____ Vs _____

Subject: F.I.R. No. _____

To

Station House Officer,

P.S. _____

ORDER

Whereas the claim petition above mentioned seeking payment of compensation has been preferred in this Claims Tribunal in connection with the accident which is stated to be subject matter of investigation by you through FIR particulars stated above;

And whereas the law enjoins upon you to make available to the parties concerned under the provisions of section 160 of the Motor Vehicles Act, 1988 and to this Tribunal under the provisions of sub-section (6) of section 158 of the said Act read with rule 150 of the Central Motor Vehicles Rules, 1989 and rule 215-A of the Punjab Motor Vehicles Rules, 1989, document in the nature of-

- (1) Identification marks and other particulars of the vehicle, which caused the accident;
- (2) Name and address of the person, who was driving/using the same at the time of accident;
- (3) Name and address of the person, who was injured or description of property damaged;
- (4) Copy of the FIR;
- (5) Report under section 173 of the Code of Criminal Procedure, 1973, along with documents annexed thereto viz., report/postmortem report, mechanical Inspection report, photograph taken, site plan prepared,

driving licence, registration certificate, permit, insurance policy, verification, if any, etc.;

(6) Any other relevant document seized.

Now, therefore, you are hereby directed to send to this Claims Tribunal, information in FORM P.M.A.C.T.A(D), with clear legible photocopies of all the aforesaid documents duly attested under your personal signatures and bearing your official seal within fifteen days of the receipt of this communication.

Given under my hand and Seal, this _____ day of _____

MACT

FORM P.M.A.C.T.A (C)
(See rules 215-A(e) and 215-D(a))
APPLICATION TO INVESTIGATING POLICE OFFICER

Case No: _____

TITLE: _____ Vs. _____

Subject: F.I.R. No. _____

To

Station House Officer,

P.S. _____

Sir,

Whereas the applicant is a party, being the claimant/insurance company, in the claim petition above mentioned seeking payment of compensation in connection with the accident which is stated to be the subject matter of investigation in the FIR particulars of which have been given above,

And whereas, the law enjoins upon you to make available to the parties concerned under the provisions of section 160 of the Motor Vehicles Act, 1988 read with rule 150 of the Central Motor Vehicles Rules, 1989 and rule 215-A of the Punjab Motor Vehicles Rules, 1989, documents in the nature of,

(1) Identification marks and other particulars of the vehicle, which caused the accident;

- (2) Name and address of the person, who was driving/using the same at the time of accident;
- (3) Name and address of the person, who was injured, or description of property damaged;
- (4) Copy of the FIR;
- (5) Report under section 173 of the Code of Criminal Procedure, 1973 with documents annexed thereto viz., report/postmortem report, mechanical inspection report, photograph taken, site plan prepared, driving license, registration certificate, permit, insurance policy, verification, if any, etc.;
- (6) Any other relevant document seized.

The under-signed, therefore, requests that the requisite information in FORM P.M.A.C.T.A(D) may kindly be furnished to him within fifteen days of the receipt of this communication .

Yours faithfully

()

Fill name and address

Dated:

FORM P.M.A.C.T.A (D)
(See rule 215-B)
ACCIDENT INFORMATION REPORT
PART - I

1. FIR No., date of FIR & Sections
Charged _____
2. Name of the Police Stations _____
3. Date, time and place of accident _____
4. Name, father's name and address
of the person injured / dead _____
(Husband's name in the case of _____
Married woman and widow. _____
5. Name and address of the driver
of the offending vehicle(s) _____

6. Particulars of driving licence of the driver of offending vehicle(s) _____
 - a. Driving Licence No. _____
 - b. Period of validity of the licence _____
 - c. Issuing Authority _____
7. Name and address of the owner of the offending vehicle(s): _____
8. Particulars of the offending vehicle(s):
 - a. Registration No. and type of vehicle(s) Involved in the accident: _____
 - b. Engine No. _____
 - c. Chasis No. _____
 - d. Address of registering authority _____
 - e. Particulars of permit and fitness incase of commercial vehicle _____
9. Particulars of the Insurance of the offending vehicle(s):
 - (i) Policy / Cover Note No. _____
 - (ii) Period of validity of the Policy _____
 - (iii) Name and address of the Insurance Company _____
10. Age of the person injured / dead _____
11. Occupation of the person injured / dead _____
12. Monthly Income of the person injured / dead _____
13. Does the person in respect of whom compensation is claimed pay income tax? If so, state the amount of the Income Tax. _____
14. In case of death, names, age, address and relationship of the legal representatives of the deceased _____

15. In case of injury, nature of injuries sustained, treatment taken and disablement, if any, _____
16. Name and address of the Medical Officer / Practitioner, who attended on the injuries: _____
17. Any other additional information _____

PART-II
DOCUMENTS TO BE ATTACHED TO THE ACCIDENT
INFORMATION REPORT

1. Report under Section 176 Cr.P.C.
2. FIR
3. MLC
4. Photographs
5. Site Plan
6. Mechanical Inspection report
7. Seizure memos

In case of Death

8. Proof of age of the deceased which may be in form of:
 - i. Birth certificate
 - ii. Matriculation certificate
 - iii. Certificate from gram panchayat (in case of illiterate)
 - iv. Photo ID card of the deceased
9. Death certificate and post mortem report of deceased
10. Proof of income of the deceased which may be in form of:
 - i. Pay slip / salary certificate for salaried employees.
 - ii. Bank statements of the last six months.
 - iii. Income Tax Returns
 - iv. Balance Sheets
11. Proof of the legal representatives of the deceased
 - i. Names
 - ii. Age

- iii. Address
 - iv. Relationship
12. Treatment record, medical bills and other expenditure.

In case of Injury

13. Proof of age of the injured which may be in form of:
- i. Birth certificate
 - ii. Matriculation certificate
 - iii. Certificate from Gram Panchayat (in case of illiterate)
 - iv. Photo-ID card of the injured.
14. Proof of Income of the injured at the time of the accident which may be in form of
- i. Pay slip / salary certificate for salaried employees.
 - ii. Bank statements of the last six months of the deceased.
 - iii. Income Tax Returns
 - iv. Balance Sheets
15. MLC
16. Treatment record, medical bills and other expenditure – the SHO/IO shall also record the details (in case of long term treatment) so that the claimant may furnish such bills before the Claims Tribunal.
17. Disability certificate
18. Proof of absence from work where loss of income on account of injury is being claimed, which may be in the form of:
- i. Certificate from the employer
 - ii. Extracts from the attendance register
19. Report regarding confirmation of genuineness of the above documents.

(Station House Officer)

Verification

Verified at _____ on this _____ day of _____
_____ that the contents of the above Report are true and correct to my knowledge and belief and the documents mentioned in Part II are verified to be correct.

(Station House Officer)

FORM P.M.A.C.T.A (E)

(See rule 215-C(a) and (b), 215-D(c) and (d), 215-E)

REPORT OF THE REGISTERING AUTHORITY

Case No: _____

TITLE: _____ Vs. _____

To

Motor Accidents Claims Tribunal,

Sir,

This is with reference to the order/application dated _____ in the above mentioned case. The requisite information is given below:-

1. Particulars of the vehicle:
 - a) Registration No:
 - b) Type of vehicle:
 - c) Make and model:
 - d) Engine No:
 - e) Chassis No:
 - f) Full name and address of the registered owner of the vehicle:
2. Particulars of driving licence:
 - a) Driving License No. and date of issue/expiry:
 - b) Name and address of license holder:
 - c) Particulars of issuing Authority:
 - d) Badge No. in case of public service vehicle:
 - e) Detailed report if the particulars mentioned are found not genuine:
3. Particulars of route permit:
 - a) Permit No. and date of expiry:
 - b) Name and address of permit holder:
 - c) Type of permit:

(Registering Authority)

Verified that the contents of above report are correct as per records of this office.

Date:

(Registering Authority)

"FORM P.M.A.C.T.A (F)

(See rule 215-C(a))

ORDER TO REGISTERING AUTHORITY

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL _____,
PUNJAB

Case No: _____

TITLE: _____ Vs _____

Subject: (i) Verification of Registration Certificate of Vehicle
No _____, and Driving Licence No. _____ in
respect of _____ valid up to _____ issued by the
_____ Licensing Authority.

To

Registering Authority

ORDER

Whereas the claim petition mentioned above seeking payment of compensation has been preferred in this Clams Tribunal in connection with an accident allegedly involving motor vehicle, particulars of which are captioned above;

And whereas the vehicle is stated to have been registered by office under your control, and the driving licence/permit aforesaid is stated to have been issued by office under your control;

And whereas the records relating to the said registration/driving licence/permit are required to be maintained by said officer under your control under the Central Motor Vehicles Rules, 1989;

And whereas requisite information relating to the said documents is required by this Claims Tribunal for the purposes of inquiry under the provisions of section 168 of the Motor Vehicles Act, 1988, which you are bound to furnish in terms of rule 149 of the Central Motor Vehicles rules, 1989 read with rule 215-B of the Punjab Motor Vehicles Rules, 1989.

Now, therefore, you are hereby directed to furnish to this Claims Tribunal, the full information regarding registration certificate/driving licence/permit aforesaid, with copies of documents in support duly attested by an authorized official and bearing official seal within fifteen days of the receipt of this communication.

Given under my hand and seal, this _____ day of

MACT

FORM P.M.A.C.T.A (G)
(See rules 215-C(b) and 215-D(c))
APPLICATION TO REGISTERING AUTHORITY

Case No: _____

TITLE: _____ Vs _____

To

The Registering Authority,

Subject: Vehicle No. _____, Permit No. _____, Driving
Licence No. _____, in respect of _____.

Whereas the undersigned has been impleaded as is a party in, the claim petition mentioned above seeking payment of compensation in connection with an accident allegedly involving Motor Vehicle, particulars of which are captioned above;

And whereas the vehicle aforesaid is stated to have been registered by office under your control, the driving licence/permit aforesaid is stated to have been issued by office under your control (Strike out whichever is not applicable).

And whereas the records relating to the said registration/driving licence/permit are required to be maintained by your office under the Central Motor Vehicles Rules, 1989;

And whereas requisite information relating to the documents aforesaid are required by this Claims Tribunal for the purposes of inquiry under the provisions of section 168 of the Motor Vehicles Act, 1988, which you are bound to furnish in terms of rule 149 of the Central Motor Vehicle rules, 1989 read with rule 215-B of the Punjab Motor Vehicles Rules, 1989.

Now therefore, the undersigned, requests that complete information regarding registration certificate/driving licence /permit aforesaid, with copies of documents in support duly attested under your personal signatures and bearing your official seal may be furnished within fifteen days of the receipt of this application.

(Applicant)

(Full name, particulars and address to be given)

FORM P.M.A.C.T.A (H)

(See rule 215-F(3))

NOTICE FOR APPEARANCE TO THE PARTIES

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL _____
PUNJAB

Case No: _____

TITLE: _____ Vs _____

NOTICE

In RE: Police Report under section 158(6) of the Motor Vehicles Act, 1988
treated as Claim case under section 166(4) of the Motor Vehicles Act, 1988.

Reference FIR No. _____ of P.S. _____

To

(Name, Description and Place of residence)

Whereas a report under section 158(6) of the Motor Vehicles Act, 1988, has
been received from Station House Officer of the said Police Station with
reference to FIR regarding an accident involving use of a motor vehicle;

AND WHEREAS the aforesaid report has been treated by this Claims Tribunal,
as a claim case in accordance with the provisions of section 166(4) of the
Motor Vehicles Act, 1988, in which it appears necessary to call upon you to
appear before the under signed for further proceedings in the matter at
_____ AM/PM on _____ (date).

Now, therefore, you are hereby asked to appear before this Claims Tribunal in
person or by a pleader duly instructed and able to answer all material questions
relating to the claim case aforesaid on aforesaid date and time.

AND as the date fixed for your appearance is appointed for hearing of the
claim a case and you are required to file on or before that date, an undertaking
disclosing full particulars of the claim case, which may have either been
preferred or being preferred in respect of the same cause of action by or
against you.

Take notice that in default of your appearance on the date and time
aforementioned, the claim case will be heard and determined in your absence.

Given under my hand and seal of this Tribunal on this _____ day
of _____.

MACT

FORM P.M.A.C.T.A (I)

(See rule 218)

NOTICE TO OPPOSITE PARTY

BEFORE MOTOR ACCIDENT CLAIMS TRIBUNAL _____
PUNJAB

Case No: _____

TITLE: _____ Vs _____

NOTICE

To

(Name, description and place of residence)

Whereas _____ has instituted a Motor Accident Claim Case impleading you as Respondent _____ (Copies of the application along with documents filed enclosed), which case has been directed to be listed before this Claims Tribunal, for hearing at _____ AM/PM on _____ (date).

Now therefore you are hereby asked to appear before this Claims Tribunal, in person or through a pleader duly instructed and able to answer all material questions relating to the claim case on the aforesaid date and time.

And as the date fixed for your appearance is appointed for hearing of the claim case, you may, therefore, file on or before that date, a written statement dealing with the claim raised in the application, along with all the documents in support of all facts on which you rely in your defence of the application, duly entered in a list of documents, where after it shall not be permissible to rely on any further documents, except as provided in rule 219 of Punjab Motor Vehicles Rules, 1989.

Take notice that in default of your appearance on the date aforementioned the claim case will be heard and determined in your absence.

Given under my hand and seal of this Tribunal, this _____ day of _____

MACT

FORM P.M.A.C.T.A (J)
(See rule 225-B)

DIRECTION FOR MEDICAL EXAMINATION

BEFORE MOTOR ACCIDENT CLAIMS TRIBUNAL _____
PUNJAB

Case No: _____

TITLE: _____ Vs _____

To

Photograph
of
claimant(s)

ORDER

Whereas the aforesaid claim petition seeking payment of compensation has been preferred in this Claims Tribunal in connection with an accident involving use of motor vehicle and the claimant _____
S/o, D/o, W/o _____
aged _____ r/o _____,
whose photograph bearing his specimen signature /thumb impression is affixed above, is alleged to have suffered injuries as a result of the said accident, which are stated to have been recorded in Medico Legal Certificate No. _____ dated _____
in _____ (name of hospital);

And whereas for the purpose of inquiry into the claim petition, this Claims Tribunal considers it necessary to ascertain the degree and extent of disability, if any, suffered as a result of the said accident by the said claimant;

Now, therefore, in exercise of powers vesting in this Claims Tribunal, in terms of rule _____ of the Punjab Motor Vehicles Rules, 1989, the undersigned directs you to get the said claimant examined by a Medical Officer/Board of Medical Officers in your Hospital and submit report on above aspects to this Claims Tribunal within a period of fifteen days of the receipt of this direction.

PUNJAB GOVT. GAZ. (EXTRA), NOVEMBER 13, 2013 1378
(KRTK 22, 1935 SAKA)

Given under my name and seal of this Tribunal, this _____ day
of _____.

MACT."

S.S. CHANNY,

Principal Secretary to Government of Punjab,
Department of Transport.

0360/11-2013/Pb. Govt. Press, S.A.S. Nagar