

POLICE CIRCULAR ORDER NO. 234/1979

SUBJECT : Insurance of Motor Vehicles against third party risk.

Chapter VIII of the Motor Vehicles Act, 1939 makes provision for insurance of Motor Vehicles against third party risks, that is to ensure that third parties who suffer on account of the user of the motor vehicle would be able to get damages for injuries suffered and that their ability to get the damages will not be dependent on the financial condition of the driver. While the Police do register and investigate into all such accident causes and bring the offenders to justice, the innocent third parties who are entitled to compensation in respect of accident of involving the deaths, or bodily injury to person or damages to properties arising out of such accidents, under the provisions of this Chapter are seldom aware of the remedies available to them under the law, or are unable to file their claim applications before the appropriate Motor Accident Claims Tribunal within the specified time limit of six months from the date of the accident, as required under section 110-A(3), for want of particulars regarding the name and address of the aware of the vehicle involved in the accident, the name and address of the accused driver, the policy number and the name and address of the Insurance Company with whom the vehicle was insured, as required in the application form prescribed under the Motor Vehicles (Accidents Claims Tribunals) Rules, 1960.

In this connection attention is invited to section 109 of the M.V. Act, 1939 under which the O.I.C. of the P.S. if required by the injured or his legal heirs is bound to furnish certain information to the insurance company against whom a claim of compensation has been made or to any other person who is entitled to claim compensation on account of the accident arising out of the use on the motor vehicle. In order, therefore, both to comply with the duties cast on him under the law and also to help the innocent third parties to lay their claims in time before the appropriate Motor Accident Claims Tribunal the O.I.C. should keep on record either in the seizer list or in case diary or else where, full particulars regarding the owner and driver of the motor vehicle concerned and also the name and address of Insurance Company together with the policy number and period of its validity and furnish the information to any person who is entitled to claim compensation under section 110-A (1) of the M.V. Act or to the insurer concerned on requisition and payment of Rs.1 as fee vide Rule 15 Motor Vehicles (3rd party insurance) Rule, 1946. The said fee should be deposited in the treasury under head Demand No. 1—0555—Police (d) other receipts—(B) Miscellaneous receipts and a copy of the chalan should be enclosed with the application for furnishing the required information.

Further it is also hereby enjoined on all Police Officers that in order to help the poor and innocent victims of such accidents to lay their claims before the concerned tribunal in time, the O.I.C. or the Investigating Officer should invariably inform the legal heirs of the deceased or the injured himself of his right to claim for such compensation under section 110-A (1) of the Act and note the fact in the station diary.

All Ss.P. area, therefore, requested to being the contents of the circular to the notice of all these officers and traffic staff and see that the orders contained herein are meticulously followed by all concerned, with immediate effect. Supervising officers during supervision of M.V. Accident cases will ensure that the third parties are made aware of these provision of law.

(M.V. 33/77)

B.K.ROY
Inspector-General of Police, Orissa