



# The Mizoram Gazette

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No. STV. 109/83, the 29th May, 1991. In exercise of the powers conferred by sub-section (1) of Section 163 of the Motor Vehicles Act, 1988 (59 of 1988) the Governor of Mizoram is pleased to make the following scheme for payment of compensation to the victims of hit and run motor accident namely :-

1. **SHORT TITLE AND COMMENCEMENT** :- (1) This scheme may be called the Mizoram Solatium Scheme, 1991.

(2) It shall come into force on such date as the Government may, by notification in official gazetted appoint.

2. **DEFINITION** :- In this scheme, unless the context otherwise requires,  
(a) 'Act' means the Motor Vehicle Act, 1988 (59 of 1988);

(b) 'Claims Enquiry Officer' means any officer appointed as such by the Government for the purpose of this scheme.

(c) 'Claims Settlement Commissioner' means the Deputy Commissioner or the Collector or any other Officer not below the rank of Sub-Divisional Officer in the Civil Administration of the State Government of Mizoram.

(d) 'Clause' means clause of this scheme,

(e) 'District Level Committee means a Committee set up under clause 4.

(f) 'Form' means a form annexed to this scheme.

3. **DISTRICT LEVEL COMMITTEE** :-(1) There shall be a District Level Committee each in Aizawl, Lunglei and Chhimtuipui District consisting of the following members namely :-

- |                                    |            |
|------------------------------------|------------|
| (a) Claims Settlement Commissioner | - Chairman |
| (b) Claims Enquiry Officer         | - Member   |
| (c) District Transport Officer     | - Member   |

- (d) Any member of the public or voluntary organisation as nominated by the chairman. — Member.
- (e) Divisional Manager of Insurance Company one each for the three Districts as appointed by the Government of India. (Annexure 'A'). — Member Secretary.

(2) A person nominated as a member by virtue of an office shall cease to be a member when he ceases to hold that office.

(3) The term of officer nominated under sub-clause (b), (c) and (d) shall be one year.

#### 4. REMUNERATION OF MEMBER OF THE DISTRICT COMMITTEE :—

A member shall not be paid any remuneration except travelling and daily allowance at the rate admissible to him in his respective Department and be paid from the source he draws salary. A member nominated under clause (d) shall be paid Travelling allowances/Dearness allowance by General Insurance Corporation, at the rate as may be decided by the General Insurance Corporation.

5. POWERS AND FUNCTIONS OF DISTRICT LEVEL COMMITTEE :— The District Level Committee shall undertake all functions connected with the implementation of the scheme at the District Level. It shall also perform functions such as :

(a) to evaluate the progress of implementation of the scheme in the concerned District and take corrective steps, wherever necessary;

(b) to submit a report on quarterly basis. This report shall inter-alia include statistics monthwise, about the claim applications received, awarded, pending and reasons for pendency;

(c) to keep close liaison with other authorities in the District so as to ensure that scheme gets adequate publicity.

(d) to provide guidance/clarifications to concerned authorities wherever called for.

6. MEETING OF THE DISTRICT LEVEL COMMITTEE :— The District Level Committee shall meet at such time, date and at such place within the concerned District itself, as the Chairman may from time to time, appoint in this behalf;

Provided that the Committee shall meet at least once in each quarter.

7. QUORUM :— Not less than two members shall form a Quorum.

8. DECISION BY MAJORITY :— Every matter shall be determined by a majority of vote of the member present and voting. In case of equality of votes, the Chairman shall have a casting vote.

9. NOTICE OF MEETING :— (1) Notice shall be given by the member Secretary to each member of the time, date, and place fixed for the meeting at least seven days before such meeting and each member shall be furnished with a list of business to be disposed of at the said meeting:

Provided that when an urgent meeting is called by the Chairman, such notice shall not be necessary. However, member Secretary shall send an intimation to each member.

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairman.

10. MINUTES OF THE MEETING :— The proceedings of each meeting of the District Level Committee shall be circulated to all members and thereafter recorded in a minute book which shall be kept as a permanent record. The record of the proceedings of each meeting shall be signed by Chairman.

11. NOMINATION OF INSURANCE COMPANY :— General Insurance Corporation shall nominate any of its officers or an insurance company in each District for settlement of claims under section 161 of the Act and of this scheme.

12. PROCEDURE FOR MAKING THE CLAIM APPLICATION :— (1) The applicant shall submit an application seeking compensation under this scheme in Form I alongwith duly filled in discharge receipt in Form II and the undertaking in Form V to the Claims Enquiry Officer of the Sub-Division in which the accident takes place.

(2) An application under clause (1) shall be made within a period of six months from the date of the accident.

Provided an application made after six months but not after 12 months from the date of the accident may be accepted by the Claims Enquiry Officer, if he is satisfied that there are reasonable grounds to condon the delay

(3) Where the Claims Enquiry Officer does not accept the grounds advanced by the applicant, he shall record speaking orders and communicate to the applicant reasons for not accepting the claims application.

13. PROCEDURE TO BE FOLLOWED BY THE CLAIMS ENQUIRY OFFICER :

(1) On receipts of claims application, the Claim Enquiry Officer shall immediately obtain a copy of the First Information Report inquest report, post mortem report or certificate of injury as the case may be, from the concerned authorities and hold enquiry in respect of claims arising out of hit and run motor accidents.

(2) It shall be the duty of the Claims Enquiry Officer - (a) to decide as to who are the rightful claimants, where there are more than one claimant.

(b) to submit, as early as possible, and in any case within a period of one month from the date of receipt of application a report in Form III alongwith duly discharge receipt in Form II and the under taking in Form V alongwith his recommendation.

(3) Where the Claims Settlement Commissioner has returned any report to the Claims Enquiry Officer for further enquiry under Sub-clause (2) of clause 14, the Claims Enquiry Officer shall make such additional enquiries as may be necessary and resubmit the report to the Claims Settlement Commissioner within 15 days for final order.

**14. SANCTIONING OF CLAIMS :** (1) On receipt of report of the Claims Enquiry Officer, the Claims Settlement Commissioner may, if satisfied with the report, sanction the claim, as far as possible, within a period not exceeding 15 days from the date of receipt of such report and communicate the sanction order in Form IV alongwith duly discharged receipt in Form II and the undertaking in Form V to the nominated office of the insurance company, with a copy of the following :—

- (a) The Claims Enquiry Officer;
- (b) The Claimant;
- (c) The concerned Motor Accident Claim Tribunal;
- (d) The concerned Transport Commissioner;
- (e) General Insurance Corporation Headquarters.

(2) Where the Claims Settlement Commissioner has any doubt in respect of the report submitted by the Claims Enquiry Officer he shall return to report to the Claims Enquiry Officer for further enquiry, indicating the specific points on which the enquiry is to be made.

**15. PAYMENT OF COMPENSATION :-** (1) In the case of claims arising out of death, the payment shall be made to the legal representatives of the deceased, as decided by the Claims Enquiry Officer.

(2) In the case of claim arising out of grievous hurt, the payment shall be made to the person injured.

(3) The nominated office of the insurance company, immediately on receipt of the sanction order in Form IV together with discharge receipt in Form II and the undertaking in Form V shall make the payment to the claimant and despatch a cheque/demand draft to the claimant through registered post with acknowledgement of delivery and simultaneously send intimation to all the concerned authorities to whom the copy of the sanction order is endorsed.

(4) The payment to the claimant by the insurance company shall be made within 15 days from the date of receipt of the sanction order together with discharge receipt and wherever delay occurs, reasons therefore shall be explained to the Claims Settlement Commissioner.

(5) Registered letters containing cheque/demand draft, if returned undelivered from claimant shall be placed before the Claims Settlement Commissioner for further directions.

(6) The nominated office of the insurance company shall furnish monthly return giving number and the date of the sanction order, date of receipt of sanction order, payments made, sanction order pending for payment, to the Claims Settlement Officer and General Insurance Corporation Headquarter Bombay.

16. ANNUAL REPORT :- The General Insurance Corporation shall prepare and place an annual report on the working of the scheme before the Standing Committee, and also forward a copy to the Central Government.

( ARVIND RAY )

Secretary to the Govt. of Mizoram,  
Transport Department.

FORM - 1

(See clause 12(1))

FORM OF APPLICATION FOR COMPENSATION FROM SOLATIUM FUND

I, \_\_\_\_\_ son of/daughter of/widow of/Shri \_\_\_\_\_  
\_\_\_\_\_ residing at \_\_\_\_\_ having been grievously  
injured in major vehicle accident here by apply for grant of compensation for the  
grievous injury sustained. Necessary particular in respect of the injury sustained  
by me are given below :

I, \_\_\_\_\_ son of/daughter of/widow of Shri \_\_\_\_\_  
residing at \_\_\_\_\_ hereby apply as a legal representative/agent for the  
grant of Compensation on account of death/injuries sustained by Shri/Shri-  
mati/Kumari \_\_\_\_\_ son of/widow of/daughter of Shri \_\_\_\_\_ who  
died/had sustained in injuries in a motor accident on \_\_\_\_\_ at  
\_\_\_\_\_ Particulars in respect of accident and other information  
are given below :-

1. Name and father's name of person injured (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. Place, date and time of the accident:
6. Occupation of the person injured/dead:
7. Nature of injuries sustained:
8. Name and address of Police Station in whose jurisdiction accident took place or was registered:

9. Name and address of the Medical Officer/Practitioner who attended on the injured/dead:
10. Name and address of the claimant/claimants:
11. Relationship with the deceased:
12. 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 beliefs.

**SIGNATURE OF THE CLAIMANT**

\*Strike out whichever is not applicable,

**F O R M — II**

(See clause 12 (1))

Annexure  
SANCTION ORDER NO.  
Dated :

**DISCHARGE RECEIPTS**

Received with thanks from \_\_\_\_\_ Insurance Co. Ltd., a sum of Rs. \_\_\_\_\_ being the compensation under hit and run provisions of the Motor Vehicles Act in full and final settlement of my claims for the accident occurred to me/to the deceased person: \_\_\_\_\_ (name of deceased) on \_\_\_\_\_ at \_\_\_\_\_  
(Date of Accident) (Name of place)

WITNESS :

Signature on revenue stamp by  
Beneficiary/Victim.

**F O R M — III**

(See clause 12(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 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 reasons for coming to that conclusion :
7. The name and address of claimant (s)/eligible for payment of compensation :
8. The amount of compensation recommended for payment to the claimant. (In case of more than one claimant the amount to each one or the claimants is eligible and the reasons thereof shall be specified) :
9. Any other information or useful for the settlement of the claim :

Signature, Designation of  
the Claims Enquiry Officer.

F O R M — IV

(See clause 14 (1))

Serial No. \_\_\_\_\_  
Claims Settlement Commissioner  
District \_\_\_\_\_

O R D E R

I hereby sanction Rs. \_\_\_\_\_ as compensation in respect of the death of \_\_\_\_\_ /grievous hurt to \_\_\_\_\_ resulting from hit and run motor accidents which took place at \_\_\_\_\_ on \_\_\_\_\_ to Shri/ Shrimati/Kumari \_\_\_\_\_ as the legal representative of the deceased \_\_\_\_\_ or to \_\_\_\_\_.

(Name of deceased) (Name of injured)  
(Name of place) (Date)

(Name of injured)

Claims Settlement Commissioner.

## FORM - V

(See clauses. 12 (1), 13 (2) (b), 14 (1) and 15 (3))

(Under Section 162 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 awarded to me/us under sanction order No. \_\_\_\_\_ dated \_\_\_\_\_ by the Claims Settlement Commissioner \_\_\_\_\_ to the insure in case I/we/am/are awarded any other compensation or amount in lieu of or by way of satisfaction 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 representatives of the deceased/injured person.

## LIST OF OFFICE DESIGNATION TO ADMINISTER PASS AND HIT SCHEME ANNEXURE - 'A'

National Insurance Co. Ltd.

DISTRICT	Designated Branch Office Address/Telephone/Telex/Gram.	Designated/Controlling Divisional Office Address/Telephone/Telex/Gram.	Controlling Regional Office Address/Telephone/Telex/Gram.
STATE : MIZORAM AIZAWL		Silchar D.O Mala Road Malugram, Silchar.	North Eastern R.O. G.S. Road, Bhangagarh, Gauhati, ASSAM.
		PIN. 788002 Tel-21524 Tix Grm. NOCDIV.	PIN. 781005 Tel. 87474 Tix 235-279 NIGGrm. NICNERO
LUNGLEI		Silchar D.O. Mala Road, Malugram, Silchar.	North Eastern R.O. G.S.Road Bhangagarh, Guwahati Assam.
		PIN. 788002 Tel. 21524 Grm. NICDIV Tls.	PIN. 781005 Tel. 87474 Tix 235-279 NIGGrm. NICNERO
CHHIMTUIPUI		Silchar D.O. Mala Road, Malugram, Silchar.	North Eastern P.O. C.S. Road, Bhangagarh, Guwahati, Assam.
		PIN. 788002 Tel. 21524 Tls. Grm. NICDIV.	PIN. 781005 Tel 87474 Tlx.235-279, NIGGrm. NICNERO