

SOLATIUM SCHEME, 1989

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SOLATIUM SCHEME, 1989

¹1 . Published in the Gazette of India, Extraordinary, Part II, Section 3 (ii), dated June 12, 1989. S.O. 440(E)-(Dated June 12, 1989)- In exercise of the powers conferred by sub-section (1) of Section 163 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following scheme for the 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 Solatium Scheme, 1989.
- (2) It shall come into force on the first day of July, 1989.

2. Definitions :-

In the scheme unless the context otherwise requires,-

- (a) 'Act' means the Motor Vehicles Act 1988 (59 of 1988);
- (b) "Claims Enquiry Officer" means the Sub-Divisional Officer, Tehsildar, or any other officer in charge of the revenue subdivision of a Taluka in each revenue district of a State or such other officer not below the rank of Sub- Divisional Officer or a Tehsildar, as may be specified by the State Govern- ment.
- (c) "Claims Settlement Commissioner" means the District Magistrate, the Deputy Commissioner, the Collector or any other officer-in-charge of a revenue district in a State appointed as such by a State Government.
- (d) "Clause" means clause of this scheme.
- (e) "District-level Committee" means a Committee set up under clause 11.
- (f) "Form" means a Form annexed to the Scheme.
- (g) "Standing Committee" means a Committee set up under clause 3.
- (h) "Transport Commissioner" means an officer appointed as such by the State Government and includes the Director General of Transport, Director of Transport or the Controller of Transport, appointed by the State Government.

3. Standing Committee :-

(1) There shall be a Standing Committee consisting of the following members, namely:-

- (a) Joint Secretary (Transport)Chairman
- (b) Joint Secretary (Insurance)Member
- (c) General Manager, General Insurance Corporation Member
- (d) General Manager of each of Insurance Companies for the time being carrying on general insurance business in India Member
- (e) Transport Commissioners one each from three States, nominated by the Central Government by rotation Member
- (f) Director/Deputy Secretary (Finance Division) Ministry of Surface

Trans- port -. Member

(g) An officer of General Insurance Corporation, of the rank of Deputy General Manager (Accounts) Member Secretary

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

(3) The term of office of the members nominated under sub-clause (a) of clause (1) shall be for a period of one year.

4. Remuneration of members of Standing Committee :-

A member shall not be paid any remuneration, except travelling and daily allowance at the rates admissible to him and be paid from the source he draws salary.

5. Powers and functions of the Standing Committee :-

The Standing Committee shall

(i) periodically review the working of the scheme and its implementation and direct corrective steps, wherever necessary;

(ii) considering the issues raised in the report of the District-level Committee and provide guidance or directions, wherever called for.

(iii) framing regulations for conduct of business by Standing Committee and District- level Committee.

6. Meeting of the Standing Committee :-

The Standing Committee shall meet at such time, date and at such a place as a Chairman may, from time to time, appoint in this behalf: Provided that the Committee shall meet at least twice a year.

7. Quorum :-

Not less than three members shall form a quorum : Provided that if at any meeting there is no quorum, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and sending notices to other members that he proposes to dispose of the business at the adjourned meeting, whether there is a quorum or not and he may thereupon dispose of the business at such adjourned meeting.

8. Decision by majority :-

Every matter shall be determined by the majority of votes of the members present and voting and 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 every member of the time, date and place fixed for each such meeting at least seven (jays 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 Standing Committee shall be circulated to all members and thereafter recorded in a minutes book which shall be kept as permanent record. The record of the proceedings of each meeting shall be signed by the Chairman.

11. District Level Committee :-

(1) There shall be a District Level Committee in each District consisting of the following members, namely :-

(a) Claims Settlement Commissioner Chairman

(b) Claims Enquiry Officer, nominated by the State Government. ...
Member

(c) The Regional Transport Officer or any other officer of Motor Vehicles Department as nominated by the State Government
Member

(d) Any member of the public or, a voluntary organisation connected with the road safety aspects nomination by the
Chairman

(e) Divisional Manager of the Insurance CompanyMember-
Secretary

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

1 [(3) The term of office of the members nominated under items (b), (c) and (d) of sub-clause (1) shall be determined by the State Government.]

1. Published in the Gazette of India. Extraordinary, Pan II. Section

3(i), dated 12th September, 1991.

12. Remuneration of Member of the District Level 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 allowance/dearness allowance by General Insurance Corporation, at the rate as may be decided by the General Insurance Corporation.

13. 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 :

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

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

(iii) to keep close liaison with other authorities in the district so as to ensure that scheme gets adequate publicity;

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

14. 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.

15. Quorum :-

Not less than two members shall form a quorum.

16. Decision by majority :-

Every matter shall be determined by a majority of vote of the members present and voting. In case of equality of votes, Chairman shall have a casting vote.

17. Notice of meeting :-

(1) Notice shall be given by member-Secretary to each member of

the time, date and place fixed for the meeting at least seven days before such a 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.

18. 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.

19. Nomination of insurance company :-

General Insurance Corporation shall nominate any of its office or an insurance company in each District for settlement of claims under Section 161 of the Act and of this scheme.

20. 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 H and the undertaking in Form V to the Claims Enquiry Officer of the Sub-Division or Taluka in which the accident takes place.

(2) ¹

(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 claim application.

1. Omitted for "(2) An application under clause (1) shall be made within a period of six months from the date of the accident : Provided that 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 condone the delay." by the Solatium (Amendment) Scheme, 2000

21. Procedure to be followed by the Claims Enquiry Officer :-

(1) On receipt of claims application, the Claims Enquiry Officer shall immediately obtain a copy of the FIR, 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 claimants;

(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 discharged receipt in Form-II and the undertaking in Form-V alongwith his own 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 22, 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.

22. Sanctioning of claims :-

(1) On receipt of report of the Claims Enquiry Officer, the Claims Settlement Commissioner shall sanction the claim, as far as possible, within a period not exceeding fifteen days from the date of receipt of the report and communicate the sanction order in Form-IV alongwith duly discharge receipt in Form-II and the undertaking in Form-V to the nominated officer of the insurance company, with a copy to 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 the report to the Claims Enquiry Officer for further enquiry, indicating the specific points on which the enquiry is to be

made.

23. Payment of compensation :-

(1) In the case of claims arising out of the death, the payment shall be made to the legal representatives of the deceased decided by the Claims Enquiry Officer.

(2) In the case of claims 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 undertaking in Form-V shall make the payment to the claimant and dispatch cheque/demand draft to the claimant through registered post AD and simultaneously send intimation to all the concerned authorities to whom the copy of the sanctioned 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 therefor shall be explained to the Claims Settlement Commissioner.

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

(6) The nominated officer of the insurance company shall furnish money return giving number and the date of the sanction order, date of receipt of sanctioned order, payments made, sanction order pending for payment to the Claims Settlement Commissioner with a copy to Claims Enquiry Officer and General Insurance Corporation Headquarters, Bombay.

24. Annual report :-

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