

The Rajasthan State Road Transport Corporation Motor Vehicles Third Party Liability Insurance Fund Rules, 1967

RAJASTHAN

India

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Rule

THE-RAJASTHAN-STATE-ROAD-TRANSPORT-CORPORATION-MOTO of 1967

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The Rajasthan State Road Transport Corporation Motor Vehicles Third Party Liability Insurance Fund Rules, 1967Published vide Notification No. F. 13(5)(60) HB Gr. 1/64. dated 17-4-1967. Published in Rajasthan Gazette, Part 4-C, dated 14-6-1967In exercise of the powers conferred by proviso to sub - section (3) of the section 94 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and with a view to provide for exemption of Rajasthan State Road Transport Corporation Motor Vehicles from the necessity for insurance against Third Party risk, and also to provide for expenditure settlement of claims for compensation for bodily injury and damage to property or person caused by such vehicles, the Government of Rajasthan hereby makes the following Rules, the same having been previously published in the Rajasthan Rajpatra, dated 4-8-1966, Part 3 (Kha), namely:-

1. Short title and commencement.

- These rules shall be called the Rajasthan State Road Transport Corporation Motor Vehicles Third Party Liability Insurance Fund Rules, 1967.

2. Definitions.

- In these Rules, unless there is anything repugnant in the subject or context:-(a)"Fund" means the Motor Vehicles Third Party Liability Insurance Fund.(b)"Undertaking" means the Rajasthan State

Road Transport Corporation.(c)"Corporation" means Rajasthan State Road Transport Corporation established under section 3 of Road Transport Corporation Act.(d)"Financial year" means the Financial year of the Undertaking.(e)Word and expressions used but not defined in these rules shall have the meanings assigned to them in the Motor Vehicles Act and the Rules framed thereunder.

3. Establishment of Fund.

- The Corporation shall establish a Fund by contributing to it every year such sum as may be specified by Government from time to time, to meet any liability arising out of the use of any vehicles of the Undertaking which the Undertaking or any person in the employment of the Undertaking may incur to Third Parties.

4. Use of the fund.

- The Fund shall be used generally for meeting all Third Parties liabilities in respect of:-(a)all claims including claimant's costs and expenses for which the Corporation shall become legally liable to pay, lodged against the Corporation in respect of :-(i)death or bodily injury to any person or passenger caused by or arising out of the use (including the loading and/or unloading) of the Motor Vehicles:(ii)damage to property caused by the use (including the loading and/or unloading) of the motor vehicles:(iii)any liability arising under the provisions of the Workmen's Compensation Act, 1923, in respect of the death of, or bodily injury to, any paid employee engaged in driving or otherwise in attendance or being carried in a motor vehicle;(iv)payment of medical expensed in respect of treatment of bodily injury to any paid employee engaged in driving or otherwise in attendance or being carried in a motor vehicle:(v)damage to property belonging to or held in trust by, or in the custody or control of the Corporation or an employee of the Corporation or being conveyed by a motor vehicle;(b)but shall not be used to meet:-(i)liability in respect of death, injury or damage caused or arising out in connection with the bringing of the load to the motor vehicle for loading thereon or the taking away of the load from the motor vehicle after unloading therefrom;(ii)liability in respect of death or bodily injury to, any person in the employment of the Corporation arising out of, and in the course of such employment except so far as is necessary to meet requirements of section 95 of the Motor Vehicles Act (as amended by Act 100 of 1956);(iii)liability in respect of death or bodily injury, to any person other than a passenger carried by reason of, or in pursuance of, contract of employment being carried in or upon or entering or mounting or alighting from the motor vehicle at the time of the occurrence of the event out of which any claim arises except so far as is necessary of the event out of which any claim arises except so far as is necessary to meet the requirements of section 95 of the Motor Vehicles Act (as amended by Act 100 of 1956);(iv)liability in respect of damage to any bridge and/or way bridge and/or viaduct and/or to any road and/or anything beneath by vibration or by the prescribed weight of the motor vehicle or by the prescribed load carried by the motor vehicle.

5. Procedure in case of accidents etc.

(a)As soon as an accident takes place the driver of the vehicle or other official of the Corporation will lodge a report at the nearest Police Station where the details of accident shall be recorded by the

Police in the prescribed Road Accident Report Form (Annexure I). (b) The local officer of the Corporation will send a report in duplicate, in the form appended to those rules as Annexure II to the District Magistrate of the district in which the accident has occurred, and retain one copy of the report submitted to the District Magistrate in his own office for record and submit another copy to his Head office. (c) The District Magistrate will depute a First Class Magistrate to make an enquiry into the accident and to draw the report recording all the facts connected with the accident. The Magistrate may seek the assistance of a representative of the Rajasthan State Road Transport Corporation and a Police officer not below the rank of a Sub-Inspector in charge of a Police Station. (d) The Magistrate shall give his findings as to whether the Corporation (Rajasthan State Road Transport Corporation) is liable to pay any compensation or not and if he is satisfied that such liability is established then the amount of compensation is also to be mentioned. His report shall also state the amount claimed by the party involved in the accident, and compensation for injury, loss or damage to property will be recommended only on production of satisfactory proof of the accident and value of the loss or damage. The Magistrate shall also state as to whether the driver of the vehicle is to be held responsible for the accident and if so, to what extent, the driver has been guilty for negligence, rashness, dereliction of duty or drunkenness etc. (e) In making the enquiry, the Magistrate deputed by the District Magistrate shall allow the aggrieved party to represent his case at the time of the enquiry. (f) It is essence that all the enquiries in this behalf shall be completed as expeditiously as possible. (g) On receipt of the Magistrate's report the District Magistrate will forward it, with his comments, to the General Manager, Rajasthan State Road Transport Corporation and shall retain one copy of this report in the District officer for record.

6. Settlement of claims.

- All claims lodged and/or established against the undertaking and to be met out of the Fund, shall be settled as under:- (a) The General Manager shall ordinarily accept the findings of the Magistrate on the question of the liability of the Undertaking to pay the compensation. The General Manager need not, however, accept the figure of amount of compensation fixed by the Magistrate. If a case can be compromised for a sum not exceeding Rs. 500/-, he may sanction the compromise and compound the case. (b) Where the sum sought to be paid as compensation exceeds Rs. 500/- or more and where the General Manager thinks in his opinion, the Magistrate's finding on the question of the liability of the Undertaking to pay compensation is not correct, a reference shall be made to the Corporation. (c) Where the case involves the payment of a sum exceeding Rs. 500/- it shall be considered by Corporation in consultation with the Legal Remembrancer to the Government of Rajasthan, if necessary? Final sanction of Government shall be obtained in such cases before making payment. (d) Payments of awards under a decree or judgment of a Court in such cases, shall be made in accordance with the directions of the Court, but any amount which shall have been paid by the Undertaking previously shall be deducted from such amounts.

7. No compensation shall be paid under these rules.

- (i) When the party concerned is entitled to indemnity under any other law. (ii) When the liability for death, injury, loss or damage arises out of conditions of War, Civil War, Riot or Civil Commotion or cause like flood, storm etc., beyond the control of the Undertaking. (iii) Where the accident or loss or

damage to property arises out of the violation of any rule or direction of the Undertaking or of the Traffic Regulations by the party concerned.(iv)In exceptional cases, however, where the Corporation is satisfied that the question of liability cannot be clearly and distinctly determined and where serious hardship is involved to the victims of the accident the Corporation may order an exgratia payment by way of compensation.

8. Budget provisions.

- The cost on account of any compensation awarded by the authorities prescribed in these rules, shall be met out of, the Fund for which provision shall be made in the budget of the Undertaking.

9. Mode of payment.

(a)The Assistant Regional Manager of the region concerned or the General Manager shall draw the amount of compensation from the State Bank of Jaipur and Bikaner quoting the number and date of the order of sanction for payment on the Contingent Bill form, attaching thereto an attested copy of the sanction.(b)The payment of the compensation shall be made through the District Magistrate of the district in which the claimant resides and the District Magistrate making such payment shall obtain a receipt in full satisfaction of his claim.

10. Debiting of expenditure.

(a)All reasonable expenditure including legal fees and other allied expenses incurred on any or all of the purposes, mentioned in rule 4 above shall be debited to this Fund.(b)All legal and medical expenses etc., shall be incurred by the various authorities as under:-(i)upto Rs. 50/ - by the Assistant Regional Manager.(ii)Rs. 51/ - to Rs. 100/ - by the General Manager.(iii)Rs. 101/ - and above but not exceeding Rs. 500/ - by the Chairman, of the Corporation.(iv)Rs. 500/ - and above by the Corporation with the sanction of Government:Provided, however, that any amount incurred for immediate First - aid and other medical facilities etc., to any person involved in the accident, shall be reimbursed to the Undertaking from out of the Compensation sanctioned to the party concerned.

11. Investments.

- (i) All monies to the credit of the Fund shall at the end of the financial year after meeting liabilities in respect of items provided for in rules 4 and 7 (iv) above, shall, after leaving balance of Rs. 15,000/ - for current requirements, be invested in Government securities or in such other manner as may be approved by the Government.(ii)Interest realised on investments made out of the Fund shall be recouped from the Fund and profit on sale of investments made out of the Fund shall be credited to the fund.

12. Operation of the Fund.

- The Fund shall be operated separately and a separate account shall be maintained in the books of Undertaking.

13. Audit of the Fund.

- The audit of the accounts of the Fund shall be made in the same manner as that of other accounts of the Undertaking except that yearly audited statement showing:-(a)The position of the Fund at the beginning of the year;(b)the contributions received by it during the year;(c)the claims paid out of it during the year and the position of the Fund at the end; and(d)the position of the investments of the Fund at the end of the year shall be furnished to the Corporation in the form, appended to these rules as Annexure II.

14.

The decision of Government shall be final in all matters connected with the Fund.

15.

The Government shall be competent to modify or to make additions to the above rules and to frame any supplementary rules, found necessary for the working of the Fund from time to time. Annexure I[See rule 5 (a)]Accident Report Form(Form to be filled in by the Local officer of the Department of which the vehicle is involved in the accident.)Dated.....Name of Department.....Instructions to Driver and ConductorEvery accident, however, slight, must be reported to the police and nearest Depot.Do not move the vehicle from the scene of accident. Obtain the names and addresses of at least three witnesses, if possible.Preferably these should be persons not riding in the vehicle.Report this information to your Assistant Depot Manager or Depot Manager concerned. Get witness to check measures of position and wheel marks.In the case of accident involving personal injuries to passengers and staff, arrange to remove them to Civil Hospital.

Your Vehicle RegisteredNo.....	Type.....
Department.....	No. of passengers on Board.....
Driver's name.....	Badge no.....
Licence No.....	Conductor's name.....
Badge No.....	Was your vehicles damaged ?.....
If so, state nature and extent of damage.....	
Particulars of accident	
Date.....	Time.....
Route No.....	
Exact place.....	
Direction of your vehicle.....	
Direction of other vehicle.....	

Speed of your vehicle..... Speed of other vehicle.....

Was horn sounded ?.....

State of weather.....

Condition of road..... Width of road.....

What lights, if any were burning on your vehicle ?.....Was your vehicle on near side on Road ?If not state exact position.....Witnesses:- Give names and addresses of witnesses -

On Your Vehicle Other Witnesses

1. 1.....

2 2.....

3. 3.....

Did any policeman on Patrol ?.....(a)Witness the accident ?.....(b)Take particulars ?.....If so, give names and addresses.....

Personal injuries	Name of injured	Address	Name of injury	State if passengers on your own or other vehiclepedestrian, cyclist etc.
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1.

2.

3.

4.

5.

6.

7.

Name and address of Doctor (if any) in attendance.....Name of Hospital (if any) in which injured were taken.....Third PartyOther vehicleRegistered

No.....Make.....Type.....Nature and extent of damage.....Name and address of owner.....Name and address of driver.....Other Property etc.Nature of Property damaged.....Nature of extent of damage.....Name and address of owner.....If animals concerned, give description.....Did Third Party admit liability.....Sketch(Position of vehicles at the time of accident should be clearly shown)

to be used in reporting accident :-N.S.=Near side (i.e. the left side of the vehicle).NSR=Near side Rear.NSF=Near side Front.O.S.=off side (i.e. the right side of the vehicle).

II[See rule 5 (b)]Full Statement of what Occurred

statement.....DatedSignature of the DriverStatement of conductor or other official in the vehicleDateSignature of the conductor, or other officialWitness.StatementsDated Signature of witnesses

actual damage caused by Accident to your vehicle(1)Was brake test taken ?(2)If so what is the opinion of the M.V.I. ?(3)Was vehicle put on road or sent to garage after accident ?.....Date.....

of Local official making this report.....Brief Remarks by Depot Manager, Rajasthan State Road Transport CorporationDate.....Signature of Depot Manager.....Brief Remarks by foreman ? Assistant Mechanical Engineer or Regional Mechanical Engineer (if any)Date vehicle arrived in workshop.....Date repaired.....Estimated cost of repairs..... .Date.....Service Manager.....Brief Remarks by Assistant Regional Manager.....Date.....Assistant Regional Manager.

of the Enquiry made by the Magistrate

of the Magistrate as to Liability

of Magistrate as to amount of compensation and the Name and Address of person in full to whom compensation should be paid.....

of the District MagistrateNo..... Magistrate.....Dated.....Forwarded to the General Manager, Rajasthan State Road Transport Corporation, Jaipur for necessary action.District Magistrate.Statement "A"

Third Party Liability Insurance Fund

Amount brought for ward from the previous year(opening balance)	Amount transferred from Revenue amount	Total of column No. 1and 2	Amount expended	Balance (Total of column No. 3 minus account incolumn 4)
1	2	3	4	5

Statement "B"

Third Party Liability Insurance Fund

Opening balance of investment	Amount invested	Total (Addition of columns 1 and 2)	Cost of investment sold	Net amount of investments (Total of column 3minus column 4)	Uninvested balance	Total balance in the fund uninvested balance inthe net amount of investment
1	2	3	4	5	6	7