ITEM NO.301 COURT NO.5 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.295/2012

S.RAJASEEKARAN Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. Respondent(s)

[MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS CURIAE]..... [ONLY D.NO. 39789/26 AND D.NO. 40407/26 ARE LISTED UNDER THIS ITEM]

WITH

Diary No. 39789/2026 (PIL-W)
FOR APPLICATION FOR EXEMPTION FROM FILING THE RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT ON IA 199190/2026 IA No. 199190/2026 - APPLICATION FOR EXEMPTION FROM FILING THE RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT

Diary No. 40407/2026 (PIL-W)
FOR APPLICATION FOR EXEMPTION FROM FILING THE RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT ON IA 195113/2026 IA No. 195113/2026 - APPLICATION FOR EXEMPTION FROM FILING THE RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT

Signature Not Verified
Digitally signed by CHANDRESH
Date: 2026.10.17 12:00:09 IST
Reason:

Date : 16-10-2026 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

Mr. Gaurav Agrawal, Amicus Curiae

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UPON hearing the counsel the Court made the following

O R D E R

Item No.-301.1 Diary No. 39789/2026

1. The applicant (petitioner in contempt) appearing-in-person has preferred this Contempt Petition in the main matter bringing it to our notice that the order passed by this Court dated 17.4.2025 in I.A. No.260997 of 2024 has not been complied with till this point of time. The order, referred to above, reads thus:-

> ***"11. The learned ASG states that the process of publication of Annual Report on road accidents in 2023 is going on. We grant time to the MoRTH to publish the by the end of August 2025. We also direct the MoRTH to ensure that such annual reports are published within a period of six months from expiry of every calendar year. Only if such reports are published with promptness, the same can be useful.***
>
> ***12. The Application is, accordingly, disposed of."***

2. It appears that this Court said something about the process of publication of annual report on road accidents in

2023 which was an ongoing process. This Court granted time to *MoRTH* to publish the same by the end of August, 2025. *MoRTH* was also directed to ensure that such annual reports are published within a period of six months from expiry of every calendar year. This Court laid emphasis on the fact that only if such reports are published with promptness, the same would be useful.

3. Issue notice, returnable on 25.11.2026.

4. Union to reply as to why this direction issued by this Court has not been complied with so far and what they propose to do.

<u>Item No. 301.2-Diary No. 40407/2026</u>

1. The applicant (petitioner in contempt) has preferred this Contempt Petition in the main matter bringing it to our notice that despite there being a specific order passed by a Coordinate Bench of this Court dated 28.4.2025 in I.A. No.76249 of 2024, no steps have been taken by the Central Government to frame a scheme for grant of interim relief to the claimants.

2. Section 164A of the Motor Vehicles Act, 1988 provides for a Scheme for Interim Relief for claimants.

3. The order dated 28.4.2025, referred to above, reads thus:-

> ***"4. Section 164A of the MV Act reads thus:***
> ***164-A. Scheme for interim relief for claimants.—(1) The Central Government, may make schemes for the provision of interim relief to claimants praying for compensation under this Chapter.***
>
> ***(2) A scheme made under sub-section (1) shall also provide procedure to recover funds disbursed under such scheme from the owner of the motor vehicle, where the claim arises out of the use of such motor vehicle or other sources as may be prescribed by the Central Government.***
>
> ***5. Though Section 164A was brought into force on 1st April, 2022, for a period of three years, the Central Government has not implemented the same by framing a scheme for interim relief for the claimants. Under the earlier Motor Vehicles Act, the Tribunals were empowered to grant such interim relief. Such an important provision like Section 164A has remain unimplemented for last three years. This failure has to be deprecated. We, therefore, direct the Central Government to frame a scheme under Section 164A of the MV Act as expeditiously as possible and, in any event, within a period of four months from today.***
> ***6. The Application is disposed of."***

4. Mr. Vikramjit Banerjee, the learned ASG appearing for the Union brought to our notice that the Government of India in its Ministry of Road Transport and Highways has framed the Scheme under Section 164A of the Act, 1988 titled "Compensation to Victims (Interim Relief) Scheme, 2026". He invited our attention, more particularly to clause 6 of the

Scheme. Clause 6 reads thus: -

"6. Procedure for receiving interim compensation

6.1. The claimant (victim or the legal heir/s of the deceased) shall make an application seeking interim compensation in Form I, through electronic portal designated by the Central Government along with the details of application for compensation filed/pending before the Claims Tribunal.

6.2. The application form shall also include undertakings, to be signed by the claimant(s), affirming that they are the rightful claimant(s) and accepting the liability to return the amount received as interim compensation, in case the Claims Tribunal passes an order against the claimant(s).

6.3. Upon receipt of the application for interim relief on the portal, the same shall be electronically transmitted to both the Department of Financial Services ("DFS"), Ministry of Finance, Government of India and to the concerned Investigating Officer. DFS shall electronically transmit the application to the Insurance Company of vehicle involved in the accident.

6.4. The investigating officer shall upload the DAR on the aforementioned designated portal, within 90 days from the date of accident, as prescribed under clause 12 of the Annexure XIII of Central Motor Vehicles Rules, 1989 ("CMVR").

6.5. The Insurance Company shall, within thirty days from the date of uploading of the DAR on the aforementioned designated portal by the Investigating Officer, either accept the application or reject the same, with reasons recorded in Form II. If the insurance company neither accepts nor rejects the application within the said time and subsequently accepts liability, the payment shall be made along with interest at a rate determined by the Central Government. Form II shall be uploaded on the portal and the details shall also be submitted to the Claims Tribunal before which the application for compensation, is pending.

6.6. Where the insurance company accepts the liability, the payment shall be made before the Claims Tribunal within 30 days from the date of acceptance on the portal in Form II and the said Tribunal shall record such payment.

6.7. If the claimant and the insurance company agree upon a settlement and payment under Section 149(3)(a) or no fault

liability disbursement under Section 164, then the pending application for interim compensation shall lapse.

6.8. The amount of interim compensation paid shall be deducted from the amount of settlement recorded subsequently between the insurance company and the claimant under point 6.7, at the time of award of settlement.

6.9. The amount of interim compensation paid shall be taken into account by the Claims Tribunal in case it passes an award under Section 168 granting compensation. Any interim compensation amount so paid shall be deducted from the final compensation awarded by the Claims Tribunal.

6.10. If any amount for interim relief has been paid to the claimant and subsequently, the Claims Tribunal passes an order against such claimant, the interim relief amount shall be recoverable. In such cases, the Claims Tribunal shall be competent to pass an order for recovery from the claimant to whom such interim relief was paid, in favour of the insurance company that has paid such interim relief."

5. He also invited our attention to a letter dated 23.2.2026 addressed by the Director (MVL) to the Chief Secretaries/Administrators of States/Union Territories and other departments with the subject circulation of "Compensation to Victims (Interim Relief) Scheme 2026".

6. Mr. Gaurav Agrawal, the learned *Amicus* as well as the applicant would submit that they had no idea about this scheme being framed by the Union. However, the learned *Amicus,* and the applicant appearing in person brought to our notice that this scheme is applicable only in cases of claims arising out of the use of Motor Vehicles which are insured.

7. To put it in other words, the amount for interim compensation would be paid by the authorised insurer of the vehicle involved in the accident. According to both, this scheme does not take care of uninsured vehicles where the driver of the vehicle can be asked to pay the compensation.

8. We request Mr. Banerjee to take appropriate instructions in this regard as to whether this Scheme would also include non-insured vehicles or not. Besides, we want the Union to ensure that people at large come to know about this Compensation Scheme, 2026. People should know because it is a beneficial piece of legislation. A common man will not come to know unless made aware that he has a right under the Scheme to pray for compensation by way of interim relief. What steps should be taken in this regard is for the Union to look into. However, we direct the Union to give wide publicity about this Compensation to Victims (Interim Relief) Scheme, 2026.

9. We may draw the attention of the Union to Section 212 of the Act, 1988. Section 212 provides for publication, commencement and laying of Rules and notifications. Sub-section 2 of Section 212 provides that all rules made under this Act shall be published in the Official Gazette, and shall unless some later date is appointed, come into force on the

date of such publication. Sub-section 3 of Section 212 provides that every rule made by any State Government shall be laid, as soon as may be after it is made before the State Legislature. This Scheme is a statutory scheme because it is framed under statutory provision of Section 164A of the Act, 1988. Section 2 (38-A) defines the term Scheme- it means a Scheme framed under this Act. This being a statutory scheme framed under Section 164A of the Act, the same would be covered under Section 212 of the Act, 1988.

10. Union shall see to it that the Scheme is published in the Official Gazette at the earliest.

11. By the next date of hearing, Union shall give us a fair idea how they propose to make it operational.

12. The applicant-in-person has some suggestions which the Union may consider for effective implementation of this particular Scheme. The suggestions are as under:-

> ***"(i) Collection and publication of data by MoRTH: MoRTH may be directed to collect district-wise data from the State Governments/UTs, the High Courts, IRDAI and insurers on:***
>
> ***a) claims pending before the Motor Accident Claims Tribunals under Section 166 of the MV Act;***
>
> ***b) appeals pending before the High Courts under***

Section 173 of the Act;

c) proceedings pending for recovery of compensation awarded; and

d) awards of the Tribunals and orders of the High Courts that remain unsatisfied.

(ii) Identification of Bottlenecks: The State Governments/UT /authorities concerned shall furnish the above information to MoRTH in the prescribed form within thirty days of the end of each quarter. MoRTH shall, in turn, publish consolidated district-wise, State/UT-wise and national statistics every quarter, within forty-five days of the end of the quarter. MoRTH and the State Governments/UTs shall examine these statistics. The aim is to identify bottlenecks and make the system efficient, time-bound and result-oriented, so that compensation actually reaches victims and their dependents without delay.

(iii) Infrastructure for Claims Tribunals: The State Governments shall, in consultation with the respective High Courts, provide adequate infrastructure for the efficient functioning of the Claims Tribunals, including presiding officers, supporting staff, courtrooms and digital facilities. The need is acute in States such as Uttar Pradesh, where claims take on average more than five years to be decided and the Tribunals are reported to face serious infrastructural constraints."

13. Union shall look into the same and revert by the next date of hearing.

<u>I.A.No.18487/2026 in Writ Petition (C)No.295/2012</u>

1. Issue notice.

2. Respondents to file an appropriate reply to this I.A. by the next date of hearing.

<u>I.A.No.64319 of 2024 in Writ Petition (C)No.295/2012</u>

List this I.A. also on the next date of hearing.

List the Contempt Petitions and I.As along with main matter on 25.11.2026 at 2.00 p.m. before the same bench.

(CHANDRESH) **(POOJA SHARMA)**
ASTT. REGISTRAR-cum-PS **COURT MASTER (NSH)**