

ITEM NO.3

COURT NO.6

SECTION X

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

Writ Petition(s)(Civil) No(s). 534/2020

**BAJAJ ALLIANZ GENERAL INSURANCE COMPANY
 PRIVATE LTD.**

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([FOR DIRECTIONS]MR. N. VIJAYARAGHAVAN, A.C.
 IA No. 52588/2020 - EX-PARTE AD-INTERIM RELIEF
 IA No. 36373/2022 - INTERVENTION APPLICATION)

Date : 31-03-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
 HON'BLE MR. JUSTICE M.M. SUNDRESH

Mr. N. Vijayaraghavan, AC
 Mr. Vipin Nair, AOR

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For Respondent(s) Mr. Jayant K. Sud, Ld. ASG
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Intervener

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UPON hearing the counsel the Court made the following
O R D E R

IA No. 36373/2022 – INTERVENTION

The concerns addressed must be shared with the learned ASG. The application stands disposed of.

We have perused the report dated 28.03.2022 by the learned Additional Solicitor General and seen the demonstration put forth by Mr. A. Mohan of the NIC and thus commend the work which has been done both on the technical side and by the Government and the insurance companies assisted by their respective counsels.

It is stated in the report that GIC has taken steps for development of a mobile App from a private developer and a web-based portal had already been developed under the aegis of the Ministry of Roads, Transport and Highways (MoRTH). The salient features of the e-Portal, as it works are:

i) For the digitalization of DAR, the portal would subsequently emerge as “e-DAR” which would have integration of all the forms, including the ‘Comprehensive Information Form’ and Integrated

Road Accident Database (iRAD). From iRAD applications more than 90% of the datasets are pushed directly to the e-DAR and the respective stakeholders like Police, Road Authorities, Hospitals etc. are required to enter very minimal information for the E-DAR forms. Thus, e-DAR will be an extension and e-version of iRAD.

ii) There will be multiple checks in the e-DAR portal to restrict fake claims linking the check with FIR No., vehicles involved in the accident, the date of accident and the portal would be interlinked with other Government portals i.e, Sarthi and Vaahan giving access to information with respect to licence of the drivers as well as the registration of the vehicle.

iii) The total of 19 forms are provided for various stakeholders and a PAN India Single 'Comprehensive Information Form' generated electronically will provide all the relevant information.

iv) The Geo tagging of exact accident spot along with site map will be done, which would also notify the Investigating Officer about his distance from the spot of the incidence in the event the portal is accessed from any other location and in case the Investigating Officer for some reason does not reach the spot, the Geo tagging feature will also

reflect the same.

v) The upholding of documents i.e, photos; video of accident spot; damaged vehicles, injured victims, eye-witnesses etc. would be uploaded immediately in the absence of internet facility on the mobile phone.

vi) The analysis of output will be done through Monitoring & Reporting Dashboard & Analytics Dashboard for easy understanding and accordingly forecasting & Decision Making by Apex Authorities for formulation of new policies and strategies.

vi) Apart from the state police, an engineer from the Public Works Department or the local body will receive an alert on his mobile device and the concerned official will then visit the accident site, to examine it, and feed the required details, such as the road design. Hotspots for accidents would also be identified so as to obtain solutions to avoid accidents at these hotspots.

The report suggests that data with respect to motor accidents for 24 States is already been uploaded and the GIC appear to suggest that there may not be a requirement of a mobile application in view of the web portal being developed and used. Some more time is requested to work out the remaining aspects.

There is a discussion which is ongoing with

the NIC on various aspects.

One of the issues which we have flagged is of the use of AI in this process, something which we are informed is already a work in progress of the AI Committee and the learned ASG states that he has requested the concerned Registrar to give an update on the same which would naturally be done.

We did put to learned counsels that apart from taking care of the future and ensuring that matters, instead of going to the Courts, can instead be resolved *inter se* the parties, so that they are able to see the immediate benefits and more so, in the context of legal principles having been set down is something which needs to be explored further. A large part of the task is now a mathematical formulation and the variables are only the income of the deceased/affected and the factum of the accident.

We are also flagging the issue of pending matters before the Courts and the need for mediation for the same. We did put to the learned counsel for the insurance companies that they are best suited to see as to which of their cases are amenable to immediate settlements and after making the list may inform the respective High Courts which can then hold lok adalats/mediations to

resolve at least those cases as in number of States the MACT cases are the highest single category of pendency.

Learned ASG states that on the other pending issues he will come back with a report as to what directions does he seek for providing an impetus to the path on which all of us have embarked.

The intervening summer recess is giving an excess time period to the parties to ensure compliances and not to put the matter in abeyance.

We make it clear that to obtain requisite data from the High Courts or otherwise, the learned ASG is free to obtain the same from the Courts concerned.

Mr. N. Vijayaraghavan, learned Amicus Curiae states that introduction of Chapter 11 from tomorrow will seamlessly integrate a lot of the aspects which have been flagged.

At request list on 21.07.2022.

Learned counsels for the parties who wish to join electronically for the next date would be facilitated.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)