

All about Claims Tribunal, Offences and Penalties under Motor Vehicles Act, 1988 By Yuvashree Baskaran

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Q1. What is meant by MACT?

- MACT - Motor Accidents Claims Tribunal has been created by the Motor Vehicles Act, 1988. It is constituted to provide speedier remedy to the victims of accident by motor vehicles.
- Civil courts have its jurisdiction to deal with the matter of MACT.

Q2. Claim Tribunal Constitutes of?

- State Government may, by notifying in its Official Gazette, constitute one or more MACT for such area as may be specified under section 165. It is to be decided by the State Government for the appointment of members in Claims Tribunal.
- One has to be appointed as a chairman and other person shall not be qualified for appointment as a member of a Claims Tribunal unless he

(a) Is, or has been, a Judge of a High Court, or

(b) Is, or has been, a District Judge, or

(c) Is qualified for appointment as a High Court Judge or as a District Judge.'

- Appeals lie under the High Court which is limited by time, has to be filed within 90 days from the award of claim tribunal.
- The High Court entertains the appeal, after the expiry of the period only when the court is satisfied by the reasons given by the appellant. (section 173)

Q3. Application for Compensation under Section 166 may be made by?

- The person who has sustained injury;
- The owner of the property which has suffered damage;
- The legal representative of the deceased who died in the accident;
- Any agent duly authorized by the injured person.

The victim, who is below the age of 18, can't file for compensation without the help of their advocates which has to make before the Claim Tribunal. No Civil courts can question about the claim for the compensation in which the claimant has to prove rash and negligent driving on the part of the respondent.

Q4. Award of the claims Tribunal?

- The person who is required to pay any amount in terms of such award shall, passed by the Tribunal within thirty days of the date of announcing the award
- The entire amount of the award has to be deposited in such manner as the Claims Tribunal may direct.
- Award is based on the grievous injury which is done by the respondent to the claimant based on the Pecuniary damages (Special Damages) and Non-pecuniary damages (General Damages) along with the interest claim made by the claimant.

Q5. Can the insurer be implied in the case?

- Insurer can be claimed in the cases under Section 146, it is compulsory for the owner of the vehicle to get his vehicle insured against the third party risk. The Claimant is the third party as he is neither First Party i.e. the Insurer (the Insurance Company) nor he is Second Party i.e. the Insured (Owner of the Motor Vehicle).
- Insurance is made compulsory and non-compliance with Section 146 has been made punishable with imprisonment, or fine, or both under Section 196. Thus it is for the benefits for the monetary security of the victim

Q6. Unauthorized person allowed to drive vehicle, unlawfully would bound on?

- If an owner allows an unauthorized person to drive the vehicle without driving license, owner is liable for the levy a penalty of RS.1000/- or imprisonment up to 3 months.
- Under section 5r/w of 180 of MV act.
- Whoever takes or drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both under section 197 of MV act.

Q7. Punishments for the abettor?

- A person driving without a valid license shall have to pay a penalty of Rs. 500/- or imprisonment for 3 months under section – 181
- A person allow to drive his vehicle to the other person who is not having a valid license shall have to pay a penalty of Rs. 1000/- or imprisonment for 3 months under section – 180
- A person not caring all his documents shall be liable to pay a penalty Rs. 100/- under

section177

- A person driving without a valid insurance shall be liable to pay a penalty of Rs. 1000/- or imprisonment for 3 months under section – 177
- A person driving without a valid permit shall be liable to pay a penalty of Rs.5000/- which could not be less than Rs. 2000/- under section – 177
- A person without a valid R.C shall be liable to pay a penalty of Rs. 2000/- under section – 192
- A minor drives the vehicles shall be liable to pay a penalty of Rs. 500/- under section – 181
- Allowing an unauthorized person to drive the vehicle shall levy to penalty of Rs. 1000/-

Q8. What is meant by breath test?

- Any person having in his blood, alcohol which exceeding 30 mg per 100ml, of blood as detected in a test by a breath analyzer, or being under the influences of drugs which leads to incapable of exercising his vehicle properly i.e out of his control, thus he is liable to be charged for impaired driving under section 185 of MV act.
- Punishment for drunken driving – imprisonment up to 2 years or fine up to Rs. 3,000/- or both. The driver can be arrested on the spot.

Q9. Whether arrest made under MCOP is Cognizable?

- MCOP is a Non- cognizable one which does not need an arrest warrant.
- If the payment is not made to the claimant after award passed by the Tribunal then the court directs to arrest the respondent, thus it is a civil arrest.
- Causing death by negligence - whoever causes the death of any person by doing any rash or negligent act, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both then it is a cognizable one.
- A police officer in uniform may arrest without the warrant of any person who comits an offence punished under section 184 or 185 or 197, if such person refuses to give his name and address. Under section 202

Q10. Powers and procedure of police officer in impounding documents and detaining the vehicles?

- When the person submits or provide a false document can seize the vehicle under section 464 of IPC.
- Even the police officer reasons to believe that the driver of a motor vehicle which is charged with any offence of the act- abscond, or avoid the service of the summons, seize the licence held by such driver can be forwarded to the court to take it as a cognizance offence
- Surrendering the license with the temporary acknowledgment shall authorized to the driver i.e the holder, until the license has been returned to him.

Q11. If the excessive speed is to be punishable?

- A person found of doing with excessive speed or urgency or hurried or dangerous driving shall be held liable to pay a penalty of Rs.1000/- Or with the imprisonment which is depends on the seriously or gravity of the fault

Q.12. when a person drives a vehicle with the knowledge that he is unfit to drive?

- If a person drives a vehicle when mentally or physically unfit to drive, he/she shall be punishable for the offence with fine up to Rs. 200/- and Rs. 500/-

Whoever drives a motor vehicle in any public place when he is to his knowledge vehicle to be a source of danger to the public, shall be punishable for the first offence with fine which may extend to two hundred rupees and for a second or subsequent offence with fine which may extent to five Hundred rupees. Under 186 of MV act.