

CrI. O.P. No. 18110 of 2016

Cholamandalam M.S. General Insurance Company Ltd. v. Inspector of Police

2017 SCC OnLine Mad 3860 : (2017) 5 CTC 355 : (2017) 5 LW 135 : (2017) 2
TN MAC 792 : (2017) 2 LW (Cri) 760

In the High Court of Madras
(BEFORE P.N. PRAKASH, J.)

Cholamandalam M.S. General Insurance Company Ltd. II Floor,
Dare House 2 NSC Bose Road Chennai 600 001 Petitioner
v.

1. The Inspector of Police Cuddalore OT Police Station Cuddalore
2. The Superintendent of Police Meenakshi Nagar Pudukkuppam
Cuddalore - 607 001
3. The Superintendent of Police CB-CID Cuddalore District
Respondents

CrI. O.P. No. 18110 of 2016
Decided on September 12, 2017

For petitioner Mr. N. Vijayaraghavan

For respondents Mr. C. Emalias Additional Public Prosecutor

ORDER

PREAMBLE

P.N. PRAKASH, J.:— It all began with this petition filed by a private insurer, M/s. Cholamandalam M.S. General Insurance Co. Ltd, seeking issue of a direction to respondents 2 and 3 to consider the complaint dated 06/05/2015 filed by the petitioner-insurer for re-investigation of FIR dated 14/05/2010, on the file of the first respondent, alleging fraud and fabrication in pursuing a motor accident claim by falsely implicating the vehicle said to have been insured with the petitioner. The private insurer relied upon a decision of this Court made in WP No. 7389/2005, which sought reference of false motor accidents claims to be investigated by Central Bureau of Investigation, New Delhi. The relief in this regard sought by a public sector insurance company, viz., National Insurance Co. Ltd., Coimbatore, was granted and a host of complaints from insurance companies were referred, re investigated, charges framed and decisions taken as a consequence. Thereafter, WP No. 7389/2005 was closed by order dated 22/12/2009. However, the Division Bench chose to create a permanent mechanism for such false motor accidents claims/complaints to be reported and investigated by Jurisdictional Crime Branch in these words:

"3. As regards the future cases, the complainants shall file the complaints before the Jurisdictional District Crime Branch. But we make it clear, in case if it is filed before any other branch, the same shall be forwarded to the Jurisdictional District Crime Branch".

SEQUENCE OF ORDERS

2. This petition was filed in the wake of the above said mechanism, seeking directions for re-investigation of the concerned FIR by the Jurisdictional Crime Branch, by registering the complaint dated 6/5/2015 filed by them. While pursuing this relief, the counsel for insurer brought to the notice of this court, the following passage in the order dated 13/5/2016 passed by the Apex Court in *Jai Prakash v. National Insurance Co. Ltd.*:

"We have also perused this procedure, which has placed before us as Annexure R5 with the response which, in our view, appears to be a comprehensive one and that we issue further directions to the Registrar General of Delhi High Court to ensure that the procedure is strictly followed insofar as Delhi is concerned and also circulate the said procedure to all the other High Courts and the Registrar General of all the other high courts are directed to ensure that the said procedure is implemented through the motor accidents claims tribunals in co-ordination with the Legal Service Authorities as well as the Director General of Police of the States concerned.

The Registry of the Supreme Court is directed to forward a copy of this order along with Annexure R5 (pages 32 to 65 in the response filed on behalf of the General Insurance Council) to all the High Courts including the Delhi High Court to ensure compliance of the present order.

On the remaining aspects, we will make further consideration after re opening on 12/7/2016."

3. It was this order of the Supreme Court dated 13/5/2016 that was brought to the notice of this court, in CrI. OP No. 18110/2016 and urged that the procedure mandated by the top court may be implemented in Tamil Nadu also. Being the law laid down by the Supreme Court vide Art.141 of Constitution of India, this Court deemed it proper by order dated 17/8/2016 to direct the Additional Public Prosecutor to take instructions from the Director General of Police, with regard to the directions of the Supreme Court of India dated 13/5/2016.

4. To record the subsequent sequence of orders and proceedings, by order dated 23/9/2016, it was pointed out that in terms of the orders of the Apex Court, it was for the Director General of Police of Tamil Nadu to issue necessary circulars throughout the State directing Investigating Officers in the State to file Detailed Accident Reports (DAR) before both the Motor Accidents Claims Tribunals and the jurisdictional Magistrates, along with the final reports for the purpose of deciding just compensation under the Motor Vehicles Act, 1988 and such compensation under Section 357(A) of Cr.P.C. read with Tamil Nadu Victim Compensation Scheme, 2013.

5. Then, by order dated 15/11/2016, this Court granted three months time to the Police administration to issue appropriate circulars for implementation of the DAR regime. In line with the mandate of the Supreme Court read with the directions of this Court, circular dated 2/1/2017 was issued by the Office of the Director General of Police, as captured in the order of this Court dated 5/1/2017. The circular dated 5/1/2017 was in accord with the implementation of the DAR regime.

DETAILED ACCIDENT REPORT (DAR) - REGIME

6. The Supreme Court has taken note of the DAR regime or Agreed Procedure as it was christened, forming part of the order dated 13/5/2016 as Ex.R5 in *Jai Prakash v. National Insurance Co. Ltd.*, and made it applicable Pan India by virtue of its orders. This Court took note of the said development and directed the Director General of Police to implement the DAR regime within the State of Tamil Nadu also. It is in furtherance to these developments that circular dated 2/1/2017 came to be issued by the Office of the Director General of Police. The DAR regime was conceived and tweaked and implemented thanks to the proactive ways of the Delhi High Court and in particular the passionate involvement from Justice J.R. Midha, it became a practical reality within Delhi on and from 1/2/2015.

7. It is pertinent to note that Delhi High Court put together the DAR regime and devised the Agreed Procedure for implementation, not only for the purpose of expeditious disposal of motor accident claims but also to ensure that false and fabricated claims or manufacture of false records were avoided. While the Motor Vehicles Act, 1988, has provided the basic framework for the filing of a motor accident

claim in the pursuit of just compensation, it is the Delhi Motor Accidents Claims Tribunal Rules, 2008, which related to the actual procedure for conduct of the proceedings before the Claims Tribunals at Delhi.

8. The Delhi High Court conceived and devised DAR regime or Agreed Procedure, forming part of order dated 13/5/2016 in *Jai Prakash v. National Insurance Co. Ltd.* of the Apex Court as Ex.R5, now forms part of the Delhi MACT Rules, 2008, as notified by Delhi administration. It is this Ex.R5 which is now made applicable Pan India by the Supreme Court by its orders.

9. The DAR regime in Delhi is implemented physically. It is a manually devised procedure/regime which is in vogue in Delhi. It is gathered that there are only 6 Motor Accidents Claims Tribunals, in all, in Delhi and specific Police Stations which capture the FIRs relating to the accidents arising thereto. So, manual implementation of DAR is plausible and within a controllable geographical construct. But, in the course of these proceedings, the Tamil Nadu Police administration brought to the notice of this Court that already the State Crime Records Bureau, under the aegis of the Office of the Director General of Police, was already in the midst of developing a software, since 2014, for the purpose of registering FIRs and uploading data and controlling the regime related to it, on online basis in Tamil Nadu (on Tamil Nadu Police website-www.eservices.tnpolice.gov.in). SCRB was already in the course of fine-tuning this online regime, which was deemed fit and proper to tap into for an online DAR regime, for all practical purposes rather than a physical regime. This Court chose to allow the embracing of technology already in place, for implementing the DAR regime as the way to go. Such online mechanism did not, in any way, detract from the mandated implementation of the DAR regime and instead, it enhanced the value and utility arising from its operation. In the face of the fact that there are 1,827 Police Stations, including 200 All Women Police Stations (AWPS), 266 Traffic Police Stations and 27 Police Out Posts, as per Government of Tamil Nadu Tamil Nadu Police Policy Note-2016 and there are in all 1,014 courts in the State, of which, around 289 are Claims Tribunals, and also more than 1/3 of them as Judicial Magistrates, as per Government of Tamil Nadu Policy Note 2016-17, physical implementation of the DAR regime would stretch the available manpower and resources and make it difficult for sure and strict compliance. Incidentally, on enquiry, this Court is proud to be informed that after Delhi, pursuant to the orders of the Apex Court, only in Tamil Nadu, DAR regime has come to be implemented in the entire country and Tamil Nadu can pride itself of the technology marvel. Access to hundreds of Police Stations, Claims Tribunals, Judicial Magistrate Courts, Legal Service Authorities, a key to the efficacy of the implementation of DAR regime, has become a realizable reality thanks in the main to the online platform. The SCRB initiative, plugged into, needs commendation on every count.

10. In Delhi, the Police authorities are required to compile the DAR regime documentation and physically hand them over to the stake holders, be it the insurance companies or transport corporations and/or the Legal Services Authorities and/or the Claims Tribunals and/or the victims or claimants related to the motor accidents and/or owners/drivers of motor vehicles involved in the accidents. It is this compilation, when delivered at the Claims Tribunals, physically, which triggers the filing of a Motor Accidents Claim Petition and the Police authorities themselves, as liaison, are required to serve notices on the respective stakeholders of each claim and the DAR compilation serves as the base for implementing the Agreed Procedure for early disposal of the claims, to the eternal gratitude of unfortunate victims of motor accidents. The DAR compilation is given a claim petition number and date is fixed for hearing and appearance of the claimants/victims, insurance companies, owners/drivers of the motor vehicles, as the case may be, before the Claims Tribunals. Since the DAR compilation is put together by the Police administration, from its independent

standpoint, there is credibility and authenticity to the information/documents/evidence compiled and the stakeholders are placed in a comfortable position to decide on even early compromise of the claims. Or it enables the Claims Tribunal to identify and isolate the areas of dispute and conduct trial on merits for the resolution of the limited dispute and award just compensation also, as early as possible.

SOFT VERSION OF DAR REGIME

11. While so, as far as Tamil Nadu is concerned, SCRB was already engaged in developing its online platform in relation to criminal law jurisdiction, right from the registration of FIRs and beyond. When the order of this court dated 17/8/2016 came, it was a timely one for the SCRB and the Office of the Director General of Police to tweak the developing online platform to cater to the implementation of the DAR regime. This Court saw immense merit in the said practice and readily allowed the dispensation to go online as a soft version of the DAR regime, for all round benefit.

12. SCRB took the trouble of demonstrating its online platform as captured in the circular dated 2/1/2017 of the Office of the Director General of Police to this Court and this Court was satisfied, as duly recorded, in its order dated 5/1/2017 that DAR regime was an online platform based implementation in lieu of the physical or manual version of it, as practised in Delhi. A run through of the DAR compilation, in its online avatar of SCRB, would reveal that every syllable or information required to be compiled (as per Annexure Ex.R5) identified in order dated 13/05/2016 of Supreme Court in *Jai Prakash v. National Ins Co. Ltd.* is put together online itself. The DAR regime as implemented in Tamil Nadu is nothing but a soft version of the hard version of it in Delhi.

13. Technology is the way to go. Digitisation is the key for advancement in the lives of human beings too. E-Courts are here to stay. Ordinary litigants are able to access the case details and status thereof and even tuck into the daily orders or final orders, have easy access, from the confines of their homes. There is a certain element of open and transparent regime infusing the needed dose of it in the administration of justice. Motor accidents claims require a huge dose of it, no doubt about the same. Victims of motor accidents or claimants, as the case may be, already traumatized would hugely benefit if the compilation of documents required to pursue a claim for just compensation are readily accessible to them. Equally, if the stakeholders thereto, be it owners/drivers of motor vehicles or insurance companies or transport corporations, are provided ready access, the documentation, investigated independently and verified for veracity, it would go a long way in enabling early closure of claims, even by way of compromise. That is actually the purport and import of the order dated 13/5/2016 made in *Jai Prakash v. National Insurance Co. Ltd.* of the Apex Court. That is more than adequately achieved by the DAR regime and when it is an online platform and technology-driven, its impact could be immediate and immense.

E - TECHNOLOGY IN COURTS

14. It is not out of place to advert to the recent news reports of July, 2 2017, when the Supreme Court reopened after summer recess. "It is easier to function without paper files", the then Chief Justice of India Hon'ble Mr. Justice J.S. Khehar (now retired) told advocates on the first day of the Supreme Court's experiment with digitisation under which courts are supposed to go paperless. "We are learning...and you are also learning. But it's easier to function without paper files," the Hon'ble Chief Justice of India told advocates present in Court No. 1, "It is good for you (lawyers) as we are not in a hurry. Those heaps of files brought us in a hurry. But now we hear you in a relaxed manner as we don't see those files," the then Hon'ble CJI Khehar commented. The top court had, on 2nd July, 2017, clarified that "At the first instance, only fresh matters listed in the first five courts will be accessed by the Hon'ble Judges

digitally on an interactive display device." The CJI's Court actually functioned as a paperless court with both Justice Khehar and his brother judge on the Bench Justice D.Y. Chandrachud accessing files digitally on an interactive display device".

BENEFITS OF E-PLATFORM

15. We live in technological times. Law may be last and lagging in embracing technology. But benefits of tapping into technology would enhance the benefits flowing from judicial administration. It may be trite to lay down the benefits as they are too well known and obvious. This Court is aware of the decision in *United India Insurance Co. Ltd. v. Sagikor Capital Life Insurance Co. Ltd.* [2013 (2) CTC 408 (Mad.)] where a suggestion was made by this Court for payment of court fees online. Taking cue, Notifications have been issued pursuant to the amendments to the law for payment of court fees online. Yet, it is reported that E-payment of court fee regime is not in yet, and it may be time for the powers that be to complete the circle for ushering in the era of transparency in a key area. No wonder, this Court, vide dated 20/7/2015 in *Royal Sundaram Alliance Ins Co. Ltd. v. E Priya* (CMA No. 1298/2015) and in *Oriental Insurance Co. Ltd. v. Rajesh* (CMA No. 428/2016 dated 11/3/2016), has mandated the use of Digital transfer or NEFT/RTGS transfer of compensation payable by insurance companies and transportations to be deposited into the accounts of the courts directly and also disbursement of compensation to claimants/victims also by a similar transfer to their bank accounts. The claimants are required to furnish as part of the claim documents, their bank account details and even PAN Card and Aadhaar details (where they are possessed of it) and this enables Direct Bank Transfer to the accounts of the claimants/victims. The claimants/victims get to handle the compensation sums by themselves and exercise full control of it, without fear of 'leakage' which was rampant in this jurisdiction. In fact, this Court feels that be it a motor accident claim or a land acquisition claim or even a matrimonial dispute or any litigation involving the need for deposit and disbursement, time may have come to digitize the operations for easy and smooth transfer and an open, transparent regime. Sunlight, they say, is the sure and certain disinfectant. It may be a fit and proper circumstance for the Hon'ble Chief Justice and Court administration to come up with a comprehensive directive for implementing this Direct Benefit or Bank transfer regime, across all jurisdictions involving and requiring similar deposit of sums and disbursement of it akin to motor accident claim jurisdiction and also expedite the E-court Fee regime and possibly an E filing of cases too. This suggestion is placed with utmost respect before the Hon'ble Chief Justice for appropriate consideration.

16. In addition to the above, in the field of motor accidents claims, this Court has also introduced a regime of reference of injured claimants to District Medical Boards for issuance of certificate of disability for uniform, consistent assessment. By order in CMA No. 2380/2015 dated 12/4/2016 in *Tata AIG General Ins Co. Ltd. v. Prabhu*, this new dispensation was put in place as of 1/8/2016. While clarifying the purport and import of the said order, by order dated 25.11.2016, this Court, while reiterating and commending the regime, also suggested use of digital way for transfer of medical records and receipt of certificates of disability. The utility of a techno-savvy platform was highlighted.

17. A combined reading/implementation of DAR regime - which is a technology platform, allied with reference of the victims to Medical Board, as a matter of rule for availing certificates of disability, and on grant of just compensation, the transfer of the same as digital transfer to the bank accounts of the victims, would be a huge and transformational change. Providing such avenues may not suffice. The stakeholders need to be made aware of and be ready and willing to take full advantage of it. Once there is exposure and experience of this well-oiled systemic change, the benefits that flow to ease the lives of the traumatized victims would be immense and deserving. In fact, this Court feels that the courts below, which are the beneficiaries to this ready

access, need to be sensitized to its uses and benefits and SCRB even took the initiative of a Lecture-Demonstration to Judicial Officers in Chennai and its suburbs at the Tamil Nadu State Judicial Academy. May be, it would make sense to introduce and familiarize the concerned Judicial Officers, elsewhere in Tamil Nadu also, with this new technological regime, which if accessed by them with intent and alacrity, would enable them to advance in their careers too with a better performance. Ultimately, Justice Hand could be falsified by Courts of Law turning into "Courts of Justice" after all.

INITIAL IMPLEMENTATION OF DAR REGIME

18. By order dated 13/4/2017, this Court while recording the chronology of events, also adverted to the role that technology played and could play in the administration of justice vis a vis a series of verdicts from the Supreme Court as well. It therefore readily commended the SCRB on line platform for implementing the DAR regime. The online platform has gone live from 1/3/2017 and it has been opened up for insurance companies and transport corporations. Till date, this Court is informed that 13 insurers have registered themselves and are regularly making use of the uploaded data. Transport Corporations, to whom also this service was extended, have also sought registration for availing this facility. As far as Motor Accidents Claims Tribunals are concerned, 289 of them have been given links, as well as 58 Legal Service Authorities by SCRB till date, thanks to the IT efforts of this Court and the service is available for them for free. Equally, it is gathered that between 1/3/2017 and 11/09/2017, around 18,000 claims related data, have been uploaded and made accessible to the stakeholders, in question. DAR compilation as mandated by law, is an online reality and instead of the physical version as in Delhi, now, the version in Tamil Nadu is a soft one. Counsel for insurance companies have expressed satisfaction at the performance of the platform thus far and readily admit that it has enabled the insurers to handle claims better, with confidence, and made it possible to seek closure also early.

19. The order dated 13/5/2016 of the Apex Court made in *Jai Prakash v. National Insurance Co. Ltd.* vide implementation of the DAR regime, is now a reality in Tamil Nadu, not in the physical or hard copy format but an online version of it. This Court is immensely satisfied that the online version is an improved version and not a belittled version and DAR compilation is in accord with the legal mandate. Instead of physically compiling the documents and capturing the information, SCRB is uploading the data for ready access of the stakeholders. Even assuming that the Claims Tribunals were actually not registering claims upon such uploaded DAR regime, they have no hurdle to download the compilation, register the case, give it a number and issue notices to the parties therein and process and dispose of the claim as if a claim petition was filed, wherever claims have not already been filed. The physical filing of the DAR compilation is replaced in Tamil Nadu by the online avatar, in precept, but, in practice, it is but implementation of DAR regime as it is perceived and mandated to be. SCRB deserves wholehearted appreciation for its readiness to comply with the legal mandate and tweaking their online platform to put in place a version to accommodate the DAR regime without any let or hindrance. Hats off to all those who are involved and engaged in this noble endeavour for the larger interest of the affected victims.

20. Motor accidents jurisdiction is quite peculiar from the point of view of specialised practitioners in Tamil Nadu. It has been brought to the notice of this Court in course of demonstration of DAR compilation and settlement of 7 claims on that basis and the Delhi regime where the DAR report when filed being registered as a claim petition, that in Tamil Nadu, scope or need for such filing/registration of MCOPs based on DAR compilation, seems otiose or meaningless. Even well before the DAR compilation is made and uploaded, however fast, within even 30 days and 60 days in many a case, already claim petitions get filed before Claims Tribunals and advocates are already on record. It is as if along with first-aid to the traumatized victims,

vakalats are obtained and claims filed in Tamil Nadu, as a matter of rule and the Police administration is even put on notice of the advocates-on-record even while they upload the data in this DAR regime. So, this Court is satisfied that online implementation of DAR does not, in any way, detract from the merits of the DAR regime from its physical filing format. Hence, the online version of DAR regime, as implemented in Tamil Nadu, passes the crucible of being an online version of DAR regime (in line with Ex.R5 as in order dated 13/05/2016 of the order of the Supreme Court in *Jaiprakash v. National Ins. Co. Ltd.*) In fact, as times move, this Court is inclined to believe that this online version may be the way to go for implementation of DAR regime and SCRB may have a 'saleable product' on their hands to offer to other States across India, who also may come within the binding mandate for implementation of the DAR regime. Possibly, if the Apex Court was put on notice of this online version of DAR regime implementation, they may well commend its replication for rest of India, considering the keenness of the Apex Court in embracing technology.

FULL FLEDGED IMPLEMENTATION OF DAR REGIME:

21. While the Motor Accidents Claims Tribunals were afforded access first, and then Legal Services Authorities, and then insurance companies and transport corporations, SCRB took time to provide access to the victims/claimants and owners/drivers (who could be christened as accused at one level). SCRB has now completed the circle by providing access to the last segment also at a low price on and from 31/8/2017, within the promised dateline or mandated timeline of this Court. It adds a feather to the cap of SCRB for not only conceiving this facility but ensuring its implementation without any time overruns as well. Tamil Nadu Police can take pride that they have met the mandate of law and leading the way as the first and only State as on date in implementation of DAR regime.

22. The claimants/victims and owners/drivers, when they are registered and their details captured with mobile numbers, are given an One Time Password (OTP) with which they can have access to the uploaded DAR compilation for a small fee of Rs. 10/- per document. In fact, if there is proper marketing of this dispensation and the ordinary citizen becomes aware, possibly, just possibly, the sale and purchase of victims as commodities may cease and the claimants/victims may get full control over their lives and claims to seek their own counsel and file claims of their choice, rather than being peddled as commodities for a price, immediately upon an accident, and being more often than not compelled, to file claims through a select community of practitioners who dominate the jurisdiction. So, the benefits flowing from this DAR regime are limitless except that it is for the stakeholders to appreciate, assimilate, understand and utilize it to their benefit. SCRB may be doing their job by uploading the data and offering it on a platter to the stakeholders, all of them, in particular, the claimants/victims, at their door step. If the claimants/victims become aware of this facility and wait a wee bit, they can avoid themselves being sold as "commodities", since access to documentation under the DAR regime is within their grasp to take full control of their claims. But, if the claimants/victims fail or refuse to take advantage of this wonderful dispensation, we would still not be failing in our duty, for claimants/victims may be failing themselves. We can take the horse to the water but it is for the horse to drink for we cannot coerce it into doing so.

EXTENSION OF DAR REGIME TO VICTIM COMPENSATION SCHEME:

23. Thus, SCRB seems to have complied with the mandate of law in the implementation of the DAR regime. This Court sought to tweak the DAR regime for the benefit of the victims in relation to Sec.357-A of Cr.P.C. vis-a-vis Tamil Nadu Victim Compensation Scheme, 2013 as well. SCRB has merely to provide access to the Judicial Magistrates handling the crimes relating to motor accidents for them to make

use of the same in assessment and award of compensation. In effect, any which way the DAR regime could be implemented effectively and put in place, in its online avatar, as distinguished from the physical form as enacted in Delhi, has been accomplished thanks to the innovative and endeavouring ways of SCRB.

TAMILNADU MOTOR VEHICLE ACCIDENT CLAIMS TRIBUNAL RULES, 1989

24. It is pertinent to note the DAR regime, also known as, Agreed Procedure vide Ex.A5 as identified annexure to the decision of the Supreme Court dated 13/5/2016 in *Jai Prakash v. National Ins. Co. Ltd.*, is now part and parcel of the Delhi Motor Accidents Claims Tribunal Rules, 2008 as per Notification of the Delhi Administration. It is true that by virtue of the orders of the Apex Court, DAR regime is now a reality Pan India and it has been implemented as law of the land. However, it may be in the fitness of things for the State of Tamil Nadu also to introduce the DAR regime or Agreed Procedure as part of the Tamil Nadu Motor Vehicles Accident Claims Tribunal Rules, 1989, to lend it a support for good. The State of Tamil Nadu, represented by the State Public Prosecutor, has committed to consider this suggestion of the Court and steps would be initiated in this regard. The consent of the State of Tamil Nadu to consider this suggestion is appreciated and hopefully, they will expedite the process and make it a reality as soon as is practically possible. The Government of Tamil Nadu is directed to bring forth necessary amendments to the Tamil Nadu Motor Vehicles Accident Claims Tribunal Rules, 1989, for giving legal imprimatur to the online platform that has now been put in place.

SUMMATION:

25. The journey this Court set off on 17/8/2016 has now culminated with a Status Report from SCRB dated 08/09/2017. In paragraph no. 10 of the status report, it is indicated that, as directed by this Court, extension of services is being made to State Transport Corporations also. While so, letter dated 08/09/2017 in Rc. No. D-X/2386/SCRB/2016, has been brought to the notice of this Court that such services have now been extended to State Transport Corporations also. This letter shall form part and parcel of the status report. Hence, the circle is now complete. It is now a recorded and realistic fact that DAR regime is in vogue, up and running as mandated by the order of the Supreme Court dated 13/5/2016 and as triggered within this State by orders of this Court. The DAR regime, as practiced and implemented with SCRB at the apex, is a vastly improved and improvised version of the DAR regime as on online platform. It is no different from the DAR regime in its physical format, in content. The online platform vis-a-vis DAR regime went live from 1/3/2017. It has granted access to Claims Tribunals, Legal Services Authority and insurance companies and transport corporations on and from 1/3/2017 itself. Thereafter, now, SCRB has completed the compliance with their obligation by providing access to the claimants/victims and owner/drivers as well on and from 31/8/2017. It is good that the implementation of the DAR Regime and allied facility, have been publicized on 31/8/2017 in all districts of Tamil Nadu and in Chennai on 1/9/2017, under the leadership of the respective Commissioners of Police. Good causes should never shun publicity and instead, ought to embrace it for widening the base and its sphere of influence, in public interest. The online platform, SCRB suggests is running well and the stakeholders are by and large satisfied. Insurance companies appear to be the largest beneficiaries in having DAR regime documentation on their tables at the click of a key and it is only but fair that they use it not to their advantage exclusively but be forthcoming to try and compromise as many accident claims as possible to ease the pressure on the existing pendency. Hope the insurers would reciprocate the benefits that have come their way since the litigation they mounted has culminated in these developments. In any new concept and compliance, with a high end technological tweak, there is bound to be technical glitches which SCRB promises will be attended to all the time. They have as a permanent fixture provided the name, address and identity of the entity who would

be available on line to attend to grievances and redressal thereof.

26. In fine, this Court is more than satisfied that SCRB has, in fact and reality, implemented the DAR regime as they were obliged to, but as an online platform. The form is different from Delhi, which is physical. In all other respects, the content being one and the same, the SCRB effort is a sure shot improved one and possibly worth replicating Pan India. In fact, if the Apex Court becomes aware of this online venture of the implementation of DAR regime, it may even consider recommending its implementation across India, as being paperless is the way to go, as the Apex Court has itself demonstrably noted on 3rd July, 2017, going paperless itself on a trial run basis. SCRB has done a commendable job of what it was directed to do and one fervently hopes that all the stakeholders would take full advantage of what is on offer for the lasting benefit of the community of motor accidents victims, to seek early closure of their claims for just compensation and to come out of a traumatized event and circumstances, as early as possible and possibly rid the jurisdiction of the pernicious practice of false and fabricated motor accidents claims and falsification of records. A successful uploading and implementation of DAR regime would be testimony to the orders of the Apex Court in commending its application throughout India.

27. With these words, this Court commends the application of DAR regime as proposed for the entire State in its online version as constituting full compliance with the mandate of the decision of the Supreme Court dated 13/5/2016 in *Jai Prakash v. National Insurance Co. Ltd.* and as per the directions of this Court commencing from 16/8/2016 and culminating in this order. This Court commends the efforts of all those involved in implementation of the DAR regime and taking strenuous efforts to make a success of the regime for the lasting benefit of the innocent motor accidents victims to deliver on the promise of social justice as a Constitutional principle.

OPEN ENDED OPTION

28. While closing these proceedings with these observations, this Court is alive and aware to keep it open to stakeholders or any person who may have a reasonable cause, with the option to approach this Court for seeking modifications or clarifications, if and when necessary, for the better implementation of the DAR regime as it is conceived and intended to be.

29. With this, the curtain is drawn and this petition stands closed with a direction to the Government of Tamil Nadu to amend the Tamil Nadu Motor Vehicle Accident Claims Tribunal Rules, 1989 and give legal sanctity to the online platform that has now been put in place by the SCRB.