

MOTOR ACCIDENT CASES AS CRIME & ALTERNATE DISPUTE RESOLUTION SYSTEM AS SOLUTION IN COVID PANDEMIC PERIOD

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ABSTRACT

An alternative dispute resolution method is a suitable and expeditious method of resolving motor accident cases involving compoundable & non-compoundable offenses, which helps the injured in a quicker, cheaper, and acceptable method. This Research Paper explores the possibilities to bridge the gap in law, making it easier for the insurers and insured to reach an agreement faster, cheaper, and which empowers the victims.

The Research Methodology used for this study is descriptive with analytical tools,based on the case laws,case studies,existing legislations,gazette & government orders studies.

The use of civil and criminal law procedures in Indian jurisprudence, in particular in the Motor Accident Claims Tribunal (MACT), are not consistently followed. The compliance with the law covered under the Motor Vehicle Act is also not enforced. According to various judgments of the Hon'ble Supreme Court and High Court, such as Sarla Verma v. D.T.C, Mr. Krishna Murty v. The New India Assurance Co. Ltd. (2019), to the recommendations and initiative in Munshilal Yadav v. Samit Yadav (2021), compensation should be made via virtual mode, in compliance with safety protocols, considering the Covid-19 pandemic. In this paper, we discuss how to resolve compensation disputes through alternative dispute resolution techniques that are extensive in the coliseum of motor insurance disputes.

Keywords: MACT- Motor Accident Claim Tribunals, ADR- Alternative Dispute Resolution, E-DAR - e-Detailed Accident Report

Research Objectives & Design

★ The purpose of this study is to assess the immediate and emerging demand for compensation in insurance claims, based on judicial and extrajudicial procedures, resulting from the Covid pandemic.

★ In the insurance industry, it is necessary to determine if mandatory mediation can be used to resolve disputes.

★ To propose ways to close the legal gap by proposing appropriate amendments to the laws, enabling claimants to obtain a fair, cost-effective form of compensation, and enabling the insured to negotiate and mediate their own settlement.

The Research Design used for this study is a descriptive method,and the tools are

analytical,based on the existing legislations,case laws and case studies.

“MOTOR ACCIDENT CASES AS CRIMES & ALTERNATE DISPUTE RESOLUTION SYSTEM AS SOLUTION IN COVID PANDEMIC PERIOD”

Introduction

In the common law, a person's right to claim damages in case of death did not exist. However, the right to claim damages was always recognised in case of personal injury. With the advent of rail and road transport, the Fatal Accidents Act of 1846 was introduced in England and deaths resulting from negligence made the tortfeasor liable for compensating the

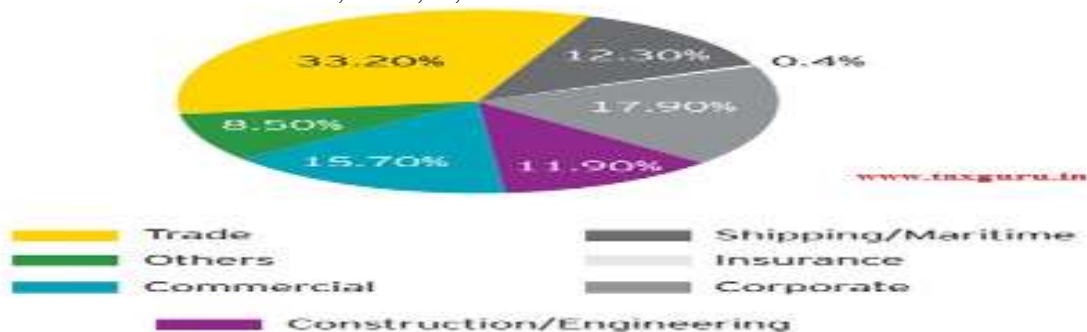
victim's family. Over time, the law evolved and the Fatal Accident Act was introduced in India in 1855. The Motor Vehicles Act, 1939 addressed specifically accidents resulting from the use of motor vehicles. By enacting the Motor Vehicle Act of 1988, the law regarding accidents caused by motor vehicles was consolidated and amended. The Legislature takes into account both the law as it was prior to the enactment of the consolidated law as well as the previous law when it enacts a law to consolidate and amend it. The purpose of this act is to regulate the use of Motor Vehicles, to compensate victims injured in accidents and to provide compensation to family members and dependents of deceased victims, it was amended in 1994.

A well- established principle of motor accident law is to put claimants in the position they were in prior to the accident. A fair amount of damages must be awarded to ensure that the injured/claimant is put in the same position as if they had not suffered the losses due to the wrong of the respondent, but no amount of compensation can compensate for the loss of limb or pain. There were 4,49,002 motor accidents on Indian roads in 2019, and 1,51,113

lives were lost and 4,51,361 were injured. Road accidents in India are the highest in the world. There are more than 400 deaths per day, which means more than 15 per hour.

According to the Supreme Court of India in *M.R.Krishna Murthy v. The New India Assurance Co. Ltd.& ors*¹, traffic accidents are a “harsh reality” in India, and a huge number of accidents results in “phenomenal quantum leaps” in claim cases. According to the National Judicial Data Grid, the total number of automotive accidents in India is currently 8,95,194 or 17.11% of all civil litigation.

Life insurance laws in India are governed by the Insurance Act,1938, the Insurance Laws (Amendment) Act 2015, and the Life Insurance Corporation Act,1956. General Insurance Business Nationalization Act,1972 governs Insurance other than life insurance. Additionally, there is the Marine Insurance Act,1963, The Indian Insurance Development & Regulatory Authority Act,1999, the Insurance Ombudsman Rules 2017, and the modifications to the Motor Vehicle Act from 1988 to present.



Source:taxguru.in/wp-content/uploads/2019/11/ConstructionorEngineering

Accident According to IPC- Any act done with a lawful intention, in a lawful manner, with lawful means, without criminal intent or with knowledge constitutes as an accident, under the Indian Penal Code. Under chapter 4 of the IPC, there are some general defenses that exonerate a person from criminal liability, assuming that they committed the offense, but no criminal liability was established. It means that at the time of offense, the person was justified in his/her acts, or there was an absence of mens rea. However, it is not all acts that are to be punished. Sections 76 to 106 of the Indian Penal Code

(IPC), 1860 provide certain defenses. Exceptions such as mistake of fact, accident, and necessity can be applied when a person is unaware of certain facts and acts without criminal intent. According to Section 105 of the Indian Evidence Act, 1872, the burden of proof regarding the existence of a general defense rests with the accused.

Mistake of Fact: A mistake of fact arises when an accused misunderstands some fact that negates an element of crime. An accused person can use this legal weapon when the accused can

¹ Civil Appeal Nos.2476-2477(2019)

prove that he/she was mistaken or ignorant of the existence of certain facts. Such mistakes must pertain to facts, not law. Section 76 and 79 of the Indian Penal Code provide for the provision of mistake of fact. It is very important that the mistake must be reasonable and not against the law. The law says, "Ignorantia facti excusat, ignorantia juris non excusat." Ignorance of fact is an excuse, but ignorance of law is not an excuse. It is thus a basic requirement to protect oneself under this defense that the mistake must be of fact.

Section 76: No offense is committed if a person in good faith believes that he is bound by law to do it, or if they are bound by law and they believe they are by mistake of fact, and not by mistake of law..

Section 79: Anything done by someone who is justified in law, or that person believes himself justified in law because of a mistake of fact, or by mistake of law, in good faith, is not an offense, unless it is done by someone who is justified in law, or that person does not believe himself justified, in good faith, in doing so. In light of these facts, it becomes apparent that an act will not be viewed as an offense, if it is committed by a person by mistake of fact believing himself to be bound by law. Such a belief must be mistaken for fact, and must be based on good faith.

In **Chirangi versus State**², the accused, in a moment of delusion, thought that his son was a wild animal and attacked him with an axe. The court held that it was not harsh punishment since he mistook a human for an animal and could not be held accountable for his actions. If the act committed is illegal, a mistake of fact does not qualify as a defense.

In **R versus Princes**³, the accused was found to have bona fide and reasonable beliefs that the 16-year-old girl was older than 16 years of age. On the grounds that abduction is an immoral and wrongful act, the defense was found to be invalid. The defense applies only when a person acts in good faith and has good intention, as well as believing that his act is justified by law.

In **Kesho Sahu versus Saligram Shah**⁴, the Court held that the accused was in good faith and

believed that the smuggling of rice was going on in the plaintiff's house, so he brought the cart and cartman to the police station. During the investigation, it was proved that his suspicions were incorrect. As long as the accused is doing the act in good faith and believes that it is justified by law, he can claim a mistake of fact as a defense.

In **Dhaki Singh versus State**⁵, the accused shot an innocent person mistaking him for a thief, despite expecting to catch him. As the officer found, he wasn't in a position to apprehend him. Therefore, he cannot claim mistake of fact as the act he did was not justified.

Accident: This defense allows a person to escape criminal liability, as long as the act occurs as a result of an accident. An act of person must be devoid of intentionality. The law does not punish a man for something that he has no control over. Section 80 of the Indian Penal Code talks about accidents as a general defense.

Section 80: accident sustained in the execution of a lawful act - Nothing constitutes an offense if it takes place by accident or misfortune, and without any criminal intention or knowledge, in the execution of a lawful act in a lawful manner using lawful methods and with sufficient care and caution.

An accident occurs when something unintentional and unexpected happens, which could not be predicted by a prudent man. An accident is defined as an act done without criminal intent or knowledge in a lawful manner with legal means. While in a lawful manner, an act must be performed in a lawful manner with legal means. Nevertheless, if the harm is not due to the act, then there may be no liability.

In **State of Orissa v. Khora Ghasi**⁶, the defendant shot the victim with an arrow with the legitimate belief that he was shooting a bear that entered into the fields to destroy his crops, leading to the defendant's death. This death was considered an accident if it occurred during the commission of an illegal act. Section 80 of the Indian Penal Code shall not apply to such an act.

In **Jogeshwar versus Emperor**⁷, the accused was delivering the first blow to the victim when

² Cri.L J 1212 (1952)

³ LR 2 CCR 154 (1875)

⁴ Cri. L J 1725 (1977)

⁵ AIR 1955 All 379

⁶ Cri. L J 1305 (1978)

⁷ 24 Cri. L J 789

he accidentally struck the child's head, which resulted in the child's death. It was decided that even though the child was hit by accident, the act was not legal, done by lawful means, or in a legal manner.

Necessity: During an emergency situation, a person may commit a crime or criminal act in order to prevent greater harm. This is known as the defense of necessity, through which the accused can escape criminal liability since he/she had the intention to prevent a situation that would cause more harm than the crime committed by the accused.

Section 81: Act which causes harm, but is done without criminal intent, and with the aim of preventing other harm. An act is not criminal if it is done knowing it will cause harm. When an accused acts to prevent greater harm without a criminal intent, it falls under the category of necessity. Such acts must be done in good faith to avoid great harm happening. Motive does not matter as long as there is positive evidence in favor of the accused.

In **Gopal Naidu versus Emperor**⁸ held that police officials could plead justification under the defense of wrongful confinement for disarming a drunken man carrying a revolver in his hand. Since the offense was non cognizable without a warrant, the offense of public nuisance could be plead under this defense. This case was handled by the Madras High Court, which held that the person or property to be protected may be either the accused himself or others. The word harm is used in this section to mean 'physical injury'.

In **R vs Dudley and Stephens**⁹, three adults and one minor were stranded in a ship and without food or water when a shipwreck took place 7 days before the storm and it went without water for 5 days. Dudley wanted the minor sacrificed as he was too weak and Brook refused. On the 20th day Dudley and Stephens without the consent of Brooks killed the boy as he was close to death and had no family. All three fed on the boy and were rescued 4 days later. In this case defence of necessity was not held valid and they were convicted for Murder.

Practice And Procedure In Motor

Accident Claims

As the Motor Accident Claims Tribunal stands composed under section 165 of the Act, a claim petition for compensation filed in regard to a motor accident (by the injured or dependent family members in the event of death) is not a suit or an adversarial lis in the traditional sense. Courts/Tribunals should not admit into evidence photocopies of documents. Documents will be required to be proved. This is a proceeding in terms of, and governed by, Chapter XII of the Act and is a complete Code in itself.

The Evidence Act is strictly not applicable. When dealing with Claim Cases, it may be difficult to get witnesses, much less eye witnesses. Because of this, exceedingly strict proof of facts in accordance with the provisions of the Indian Evidence Act may not be strictly followed. There is some flexibility in these cases, but it cannot be said that a complete go-by of the Indian Evidence Act is to be given.

The Motor Vehicles Act was passed with the intention and object of facilitating the Claimant/Victim to get redress at an early date for loss of a family member or injury. While money cannot be substituted for it, it may have some soothing effect in the long run. Hence, it would be desirable to adopt a more pragmatic, liberal and realistic approach.

If there are high damages sought in a case involving an injury, then the doctors treating the victim must be examined to prove the percentage of disability. Once the doctors are examined, they must try to prove that the disability is relative to the entire body or relative to a particular limb. Efforts should be made to record the doctor's evidence on commission, after ascertaining their convenient times. Medical evidence can be recorded without delay, ensuring that no doctor will be required to wait. Doctors may be given specific time for testimony before the Tribunal, ensuring that the doctor's certificate is not contested. If the doctor's certificate is not contested, it may be marked by consent, displacing oral evidence.

Also, in Injury Cases, the Petitioner must provide a disability certificate, original bills of medicines, and documents relating to the accident and treatment, before framing the claims issues. The claimants ought to be ordered

⁸ 1 L R 46 Bom 605 (1923)

⁹ 14 QBD 273 DC (1884)

to try as many claims as possible together in cases where more than one petition arises from one accident. District Judges are responsible for ensuring that all claim petitions related to the same accident are assigned to the same MACT. If more than one claim petition is submitted regarding the death of the same person, then the tribunal is responsible for ensuring all claims are heard and decided together. When the Tribunal discovers that another claim petition regarding the death of the same person is pending before another tribunal, it must ensure that only the one proceeding will be continued.

A motor accident case before the Tribunal can be initiated on an application for compensation filed by the persons harmed (claimants) under section 166 (1) or section 163A of the Act, or suo moto by the Tribunal., any report of accident forwarded to the tribunal under section 158(6) of the Act, will be treated as an application for compensation under section 166(4) of the Act. The rules of pleadings do not apply strictly as the claimant is required to make an application in a format prescribed by the Act. When the proceedings are initiated suo moto by the Tribunal, there is no pleading. In a suo moto proceeding, the owner and driver are the respondents.

Insurers are not respondents, but must be notified under section 149(2) of the Act. Where someone has been injured or a death has occurred in a motor accident, the driver and the owner must be notified. Insurers need not be implead as a party to a claim. However, they can also be implead as a party respondent. The Tribunal is required to issue a notice under section 149(2) of the Act when they are not impleaded as a party. If the insurer is impleaded as a party, the notice is issued as a regular notice of the proceedings. According to section 168, 'receipt of a compensation application' refers not only to applications filed by claimants seeking compensation, but also to suo moto applications registered under the section 166(4) of the Act based on the report of an accident described in section 158(6) of the Act.

Tribunals adjudicate on claims and determine compensation, but not as in a traditional adversarial dispute. Section 149(2) of the Act requires the Tribunal to give notice to the insurer

upon receipt of an application (whether from the applicant or suo moto registration), It provides an opportunity for the parties to the claim petition as well as the insurer to be heard, holds an inquiry into the claim, and makes an award as to the amount of compensation which it believes to be just¹⁰.

The Tribunal may follow the summary procedure it deems appropriate. It may appoint one or more persons with extensive knowledge or experience in matters related to the subject matter of the inquiry to assist the Tribunal in conducting the inquiry¹¹. Accordingly, the Tribunal's award should specify the person/s to whom compensation should be paid as well as the amount to be paid by the insurer, vehicle owner, or driver, or by all of them. Within 15 days of the date of the award, the Tribunal should provide copies of the award to the parties concerned¹².

A delay in filing the FIR is not grounds for dismissing a claim petition under the Motor Vehicle Act. Only the provisions of the CPC that are specifically mentioned in the Act apply to the proceedings under the Act. Motor accident compensation claims do not require proof of the case, as they do in criminal cases.

Accident Information Report - Sections 158(6) and 166(4) M.V. Act

As directed by the Supreme Court, the Tribunals must follow the procedure under sections 158 (6) and 166 (4) of the Motor Vehicle Act, as it would minimize the time required to dispose of claims against them, when they are filed. Otherwise, the Tribunals can convert AIRs into claim petitions. In *Jai Prakash vs. National Insurance Company Limited*¹³, the directions were also issued

Section 163-A

In this section compensation for injuries is paid on the basis of no fault liability. This section has special provisions related to structured formulas for payment. If a claimant dies, they must show that they are the legal heirs, the amount of his income, and the age of the deceased. The claimant must show disability, if any, and

¹⁰ Section 168 M.V.Act (1988)

¹¹ Section 169 M.V.Act (1988)

¹² Section 168(2) M.V.Act (1988)

¹³ 2 SCC 607 (2010)




expenses of treatment. Compensation under this section can only be awarded to those who earn less than Rs. 40,000/- per year. Under Section 163-A, a claim for the death of a co-owner and an insured person is not maintainable.

There are several cases that may be useful in this regard. For vicarious liability, the owner may be held liable for the acts of others, such as the driver. The case of *New India Assurance Co. Ltd. vs. Lachmi Devi*¹⁴, *Jawahar Singh vs Bala Jain*¹⁵. However, the Supreme Court decided that in the case of *National Insurance Company Ltd. Vs. Sinitha*¹⁶ the provisions of section 163-A are based on "fault liability". Compensation may only be awarded in accordance with the Second Schedule of the Act. No amount outside the Schedule may be awarded.

The Motor Vehicle Act, 1988 and its Amendments upto 2019

In accordance with the Motor Vehicle Act, 1988 and its amendments, claims concerning motor vehicle accidents are resolved by the Motor Accident Claims Tribunal. Claims arising from self-inflicted or third-party disputes are handled by this tribunal, which outlines its own process and follows a summary procedure for adjudicating the claims. A claimant is someone who has been injured or suffered damages. They can either make the claim themselves or bring a third-party claim to the appropriate tribunal in the location in which they normally reside or carry out their business.

STATUS REPORT

IPC CRIME 	2019			2020		
	Incident	Victims	Crime Rate %	Incident	Victims	Crime Rate %
Murder (302 IPC)	1,745	1826	2.3	1,661	1,741	2.2
Culpable homicide not amounting to murder (304 IPC)	68	76	0.1	72	75	0.1
Causing death by negligence (304 A IPC)	10,637	11,785	14	8,365	8,960	11
Deaths due to negligence relating to road accidents	10,259	11,343	135	8,076	8,665	10.6
Hit and Run	1,013	1,054	1.3	618	653	0.8
Attempt to murder (307 IPC) 	2,478	2,697	3.3	2,548	2,783	3.3
Attempt to Suicide (309 IPC)	138	0	NA	151	0	NA
Hurt (simple + grievous)	39,050	41,190	51.5	36,569	38,081	48
Assault on women with intent to outrage her modesty	803	805	2.1	892	907	2.3
Sexual Harassment (354 A IPC)	87	87	0.2	115	115	0.3
Assault on Women (354 IPC) 	656	658	1.7	701	715	1.8
Kidnapping and Abduction	898	908	1.2	765	792	1
Rape	362	362	1	389	390	1

Source: Times of India, Sep 16, 2021

There are several important amendments to the 2019 Transport Act, including Centralized Transport Licensing System, Registration of Automobiles through Sales-purchase Agencies or Dealers, Common Transportation Policy for the entire country, accumulation of transportation, recalls of unfit vehicles, and the safety of children during expeditions and outings., states have power to ensure the safety of pedestrians and parasite transport, to hold engineers accountable for inaccurate

engineering, maintenance and design of roads, to enforce road safety and to monitor electronic systems., the fine for dangerous driving, which may extend up to Rs 10,000, or one year imprisonment, can be imposed by the National Statutory Body for Road Safety, as well as amendments to the Grant of Award in Hit and Run cases.

¹⁴ ACJ 496 (1996)

¹⁵ SLP(C) No.8660 (2009)

¹⁶ SLP (C) No.6513(2007)

Insurance Claims & Disputes

Disagreements between an insured and an insurer tend to arise when an insured's claim is rejected, either entirely or in part. Usually, disputes arise over the scope and periphery of the policy, the nature of the case and the cause of action, the delay in the claim submission, and the insufficient documentation., Document validity, the quantum of the dispute and how much compensation is paid, exclusion clauses, regulatory and legal non-compliances, and the non-adherence to the terms and conditions all contribute to the disputes. The Supreme Court is gradually crystallizing rulings that govern the interpretation of insurance policies and terms..

Mediation in Insurance Disputes

Mediation in Insurance is the process where the two parties to the dispute get a perception through a neutral third person, known as a Mediator. The Mediator is an Insurance expert, and the style adopted herein is either explanatory or productive, or a mix of both, based on the Mediator's assessment of what is best to serve the purpose for a final determination. Policy holders and Insurers' counsel need to completely understand the dispute in its entirety, including facts, circumstances, findings, exclusions, limitations, jurisdictions, documents, etc. before Mediation assistance is offered. Mediations with multiple insurance companies and parties are more complex than normal, so it is more important for the legal counsels to act more functionally for proper guidance, especially where there are multiple defendants with reimbursement and subrogation claims.

Motor Accident Mediation Authority

In *M Krishna Murthy v. The New India Assurance Company*, the Supreme Court of India ruled in a civil appeal in 2019, the Government of India has been urged to amend the Motor Vehicle Act, 1988 in order to include mandatory mediation, and to utilize the National Legal Service Authority (NLSA), to develop a module for MAMA (Motor Accident Mediation Authority). Prior to the formulation of MAMA, the Supreme Court instructed all MACTs to

mandate referral of motor accident cases to the District Mediation Authority for early resolution of disputes.

Motor Accident Mediation Cell (MAMC) has been established by the District Legal Services Authority (DLSA) for the settlement of motor accident claim cases through mediation—a new initiative to speed up the resolution of pending and new claims by mediation.

Latest Report of Ministry of Road Transport and Highways

Supreme Court of India, in a civil appeal dated 2019 of *M.R. Krishna Murthy v. The New India Assurance Co. Ltd*, India's Government was urged to amend the Motor Vehicle Act, 1988 to include mandatory mediation and a National Legal Services Authority (NLSA) was recommended to work on developing a module for the Motor Accident Mediation Authority (MAMA). The Lok Adalat is a platform for pre and post trial cases to be resolved in all courts, from the Supreme Court to town courts, in a single day. It is held on a quarterly basis.

In accordance with the required security protocol of all SLSA and DLSA during the organization of the Lok Adalat, the last National Lok Adalat of 2020 was conducted on 12/12/2020 in both virtual and physical modes nationwide. Due to the Covid-19 pandemic, and to make this ADR forum more accessible to diverse groups of people, the Legal Services Authority introduced the virtual Lok Adalat and thus E-Lok Adalat in 2020. Millions of people have used E-Lok Adalat to settle their disputes. As of November 2020, there have been 3,00,200 cases adjudicated through the said E-Lok Adalats.

Concept of DAR

The concept of a detailed accident report (DAR) was developed on the basis of guidelines issued by the Hon'ble High Court of Delhi in *Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors.*¹⁷, 2009. A DAR should be submitted by the investigating officer with his name and contact information. There are copies of the FIR, site plans/photos/video clips, section 161 Crpc

¹⁷ FAO No.842/2003, DELHI HIGH COURT

statements, driving license/insurance/fitness permit, vehicle documents, a PMR with an opinion regarding cause of death, details of the deceased and their family members, deceased's employer, income, and ITR, which may include documents if available.

Fast DAR Scheme for Road Accidents Death Cases

On 1st May, 2021, this scheme was launched based on recommendations of the Committee and a virtual Lok-Adalat organized by DSLSA in the case of Munshilal Yadav & Ors. Vs Samit Yadav & Ors. The proceedings will be conducted via Video Conferencing in accordance with directions issued by the Hon'ble High Court of Delhi vide Order No. 5/R/RG/DHC/2021 dated 23/4/2021, decided on 8/5/2021.

The E-DAR file was submitted by the Investigating Officer in fast format since this above case has been designated as a pilot case for the quick disposal of MACT cases. The Tribunal treated the Fast DAR as a claim petition. To resolve claims cases of road accident deaths within 10 days of the accident, the Fast Track Committee worked in collaboration with the Implementation Committee to develop the Fast DAR Format and the Standard Operating Procedure (SOP) for the implementation of the Fast DAR Scheme quickly and with the participation of stakeholders. Therefore, the Fast DAR program is being expanded to include compensation claims for all Delhi road accident deaths, provided the following five conditions are met:

1. The driver of the offending vehicle was driving recklessly and negligently when the accident occurred.
2. The driver held a valid driver's license at the time of the accident.
3. The offending vehicle was insured.
4. A commercial vehicle must have a valid permit and certification of fitness.
5. In addition, there is no violation of the insurance policy, such as drink and drive or a minor driving.

By using artificial intelligence in MACT cases,

we can create an e-DAR dashboard, and an e-DAR Dashboard is dedicated to the AI Tools Application, ready for CIS to use in AI enabled working environments for MACT cases, such as reviews of documents such as driver's license, registration cover, insurance policy, autopsy report, MLC, Aadhar card, and PAN card.

The eDAR dashboard streams real time data and is assessed by the Ministry of Home Affairs (MHA), CCTNS (Crime and Criminal Tracking Network System), and the Ministry of Road Transport (MORTH). It is also assessed by the Insurance Information Bureau of India (IRDA), MedLEaPR (Medical Law Enforcement Agency) and the Ministry of Health. A substantial reduction in the amount of time needed to review documents like DLs, R.Cs, insurance policies, Aadhars, etc. will result from all these technological innovations.

Recommendations and Conclusion

Defending a person from criminal prosecution is paramount to establishing the parameters for crimes. The Indian Penal Code recognizes that all acts are not punishable. Acts with no Mens Rea are exempt from criminal liability. There are several steps that can be taken to enhance the quality of the alternate dispute resolution procedures, such as creating full-time monitoring committees, enforcing the empanelment process, punishing the ADR counsels who prematurely withdraw or reject the services for the ADR, and ensuring transparency and accountability in the procedure operation of the Alternative Dispute Resolution System, and the appointment of ADR counsels on a tenure-based basis. Mediation, combined with arbitration, can help resolve disputes in the domain specific segment of motor vehicle Insurance by more quickly, more effectively, and cheaper. ADRs can change India's outdated judicial practices and law that are governed by outdated MACT regulations. The Supreme Court of India has proposed that resolution methods be institutionalized under one roof.