

## Rescue of Accident Victims

Reproduced below is a letter addressed to the States  
**GOVERNMENT OF INDIA**  
**MINISTRY OF SHIPPING, ROAD TRANSPORT & HIGHWAYS**  
**DEPARTMENT OF ROAD TRANSPORT & HIGHWAYS**  
**(ROAD SAFETY CELL)**

Transport Bhawan,  
1, Parliament Street,  
New Delhi - 110 001

No. RT-25028/2/2003-RSC

Dated the 9<sup>th</sup> September 2004

To

- (1) The Principal Secretary (Transport)/ Secretary (Transport) of all States / UTs.
- (2) Secretary, Home (Transport), Government of Tamil Nadu, Chennai and Gujarat, Gandhinagar.
- (3) Transport Commissioner of all States / UTs.

Subject: Need to build confidence in public for helping road accident victims.

Sir,

The World Report on Road Traffic Injury Prevention released by the World Health Organization on the World Health Day (7<sup>th</sup> April, 2004) has highlighted that nearly 12 lakh people are known to die each year in road accidents globally. Keeping in view the increasing global concerns about the growing impact of road traffic accidents, the United Nation General Assembly and World Health Organization have declared the year 2004 as the year of road safety.

2. The report highlighted the interventions required at various stages relating to post crash care. The Report points out that while in high-income countries, there is reasonably well-organized ambulance based rescue system, in middle and low-income countries, assistance by bystanders is most common. In our country, while organizing of trauma care is a part of intervention required, there is another factor namely, relative ignorance on part of public to come forward to help the road crash victims, for apparent fear that they might be involved in police cases. It is with this intention that we had sent a circular to Transport Secretaries / Commissioners with a copy to Director General of Police of all States / UTs regarding the need to build confidence in public for helping road accident victims. A copy of aforesaid circular issued on 19<sup>th</sup> February 2004 is enclosed for ready reference.

3. Research shows that a number of the accident victims can be saved if they receive immediate medical attention. The Hon'ble Supreme Court in the case of Pt. Parmanand Katara vs. Union of India has also stressed that the victims of road crashes need to be provided medical aid in the first instance and thereafter, the procedural laws could operate. However, due to fear of harassment people do not always come forward to attend them. A brief paper on the subject is annexed with a request that wide publicity may kindly be given thereto.

4. It is requested that wide publicity may be given to the above, duly endorsing copies to all the RTOs also.

Yours faithfully,  
(ALOK RAWAT)  
Joint Secretary to the Government of India  
Tel. No. 23717294

Copy to:

Director General of Police of all States / UTs with a request that copies may be sent to all districts for dissemination of information at Police Station levels.

(ALOK RAWAT)  
Joint Secretary to the Government of India  
Tel. No. 23717294

**Need to build confidence in public for helping road accident victims**

In the case of Pt. Parmanand Katara vs Union of India in Criminal Writ Petition No. 270 of 1988, D/-28.8,1989, [AIR 1989 Supreme Court 2039]. The Hon'ble Supreme Court had observed:

- Every injured citizen brought for medical treatment should instantaneously be given medical aid to preserve life and thereafter the procedural criminal law should be allowed to operate in order to avoid negligent death. There is no legal impediment for a medical professional when he is called upon or requested to attend to an injured person needing his medical assistance immediately. The effort to save the person should be the top priority not only of the medical professional but even of the police or any other citizen who happens to be connected with that matter or who happens to notice such an incident or a situation".
- There are no provisions in the Indian Penal Code, Criminal Procedure Code, Motor Vehicles Act, which prevents doctors from promptly attending to serious injured persons and accident cases before arrival of the police and their taking into cognizance of such cases, preparation of F.I.R. and other formalities by Police.

[Para 6]

- There can be no second opinion that preservation of human life is of paramount importance. This is so on account of the fact that once life is lost, the status quo ante cannot be restored, as resurrection is beyond the capacity of man.

[Para 7]

2. Following the Supreme Court order in 1989, the Motor Vehicles Act was amended in 1994, to make it mandatory on both the driver/owner of the vehicle to take the accident victim to the nearest doctor, and the doctor to treat the victim without waiting for any formalities.

**The duty of the driver of the vehicle involved in an accident?**

- The driver or the owner of a vehicle involved in any accident that has caused injury or damage to any person is required to secure medical aid for the injured person, by

- taking him to the nearest doctor.
- He shall report the matter to the nearest police station within 24 hours, and
  - Also inform the insurance company about the occurrence of the accident, namely, insurance policy number and period of its validity; date, times and place of accident; particulars of the persons injured and / or killed in the accident' and name of the driver and particulars of his driving licence.

**Is the duty of the driver mandated by any law?**

Yes, Section 134 of the Motor Vehicles (MV) Act, 1988 states that the driver and / or the owner of the motor vehicle responsible for a road accident is required to take all reasonable steps to secure medical attention for the injured person by conveying him to the nearest medical practitioner or hospital, unless it is not practicable to do so on account of mob fury or any other reason beyond his control.

**Is failure to comply with this action punishable?**

Yes. Under Section 187 of MV Act 1988, whoever fails to comply with the provisions of the clauses of Section 134, shall be punishable with imprisonment for a term which may extend to 3 months, or with fine which may extend to Rs. 500, or with both. If it is the second time for the person concerned, then the penalty is harsher. The imprisonment may extend to 6 months, or with fine, which may extend to Rs.1000, or with both.

**Can a doctor/ hospital refuse medical care to emergency cases?**

Every doctor whether at a Government hospital or otherwise has the professional obligation to extend his services with due expertise for protecting life. No law or State action can intervene to avoid / delay the discharge of the paramount obligation cast upon members of the medical profession. The obligation being total, absolute and paramount, laws of procedure whether in statutes or otherwise which would interfere with the discharge of this obligation cannot be sustained and must, therefore, give way".

[Para 8]

**Should the doctors / hospitals wait for the police to arrive or any legal formalities before attending to a road accident victim?**

No. "The treatment of the patient should not wait for the arrival of the police or completion of legal formalities. All hospitals and doctors are required to provide immediate medical aid to all the cases, whether medico-legal or not".

[Para 3]

GOVERNMENT OF INDIA  
DEPARTMENT OF ROAD TRANSPORT & HIGHWAYS  
(ROAD SAFETY CELL)

Transport Bhavan  
1, Paliament Street, New Delhi 110001

No RT- 25028/2/2003-RSC  
Dated 19<sup>th</sup> February, 2004

To

1. The Principal Secretary(Transport)/Secretary(Transport) of all States/UT's
2. Secretary, Home (Transport), Government of Tamil Nadu, Chennai.
3. Transport Commissioner of all States

**Subject:** Need to build confidence in public for helping road accident victims.

Sir,

A copy of a Circular issued by the police authorities in Delhi in this regard is enclosed for information. It is suggested that action on similar lines may be considered by the States and UTs.

Yours faithfully,

-sd-

((ALOK RAWAT)

Joint Secretary to the Government of India,

Tel No 23717294.

Copy to: Director General of Police of all States/U.Ts.

Encls: As above.

**CIRCULAR**

It has come to notice that on many occasions, the victims of road side accidents remain unattended for a longer time without medical aid or any help from the members of pub. till the arrival of police at the spot. The members of the public though basically have got an indifferent attitude in such situations, but due to the unnecessary involvement in the accidental cases, they in turn hesitate to remove the injured to the hospitals to which results in the loss of human life and the image of the police fades in the eyes of the public.

2. Keeping in view the unnecessary loss of human life, it becomes imperative to train our police personnel undergoing training in various courses (induct ional and promotional) on the following lines. The police personnel on duty either in police stations or in the hospital should politely put the following questions to the person who brings the injured to the hospital.

(i) Where have you brought this person?

(ii) Do you know anything about the case of the injury of the person?

(iii) May I have your particulars?

3. It is likely that the person would answer the first question, may not have an answer for the second and hesitate to reply the third in which case it should not be insisted upon. The escorts should, under no circumstances, be detained in the hospital for interrogation. On the other hand, he should be treated with courtesy.

4. At times the District Staff and the PCR vans also delay the removal of the injured to the hospital on account of various jurisdictional formalities or other duties regarding photographs etc. Instructions, therefore, need to be re-iterated once again that even a minor delay can mean a question of life or death for the injured. Without waiting for the photographer etc. the injured has to be removed to the hospital by the quickest means. Even in case of fatal accidents the first effort should be to take the injured to the hospital rather than declaring him dead on the spot by the PCR or the District Staff.

5. It is emphasized that the members of the public, who rendered voluntary help to persons injured in accidents, should not unnecessarily be questioned and detained at police stations. It has been observed that these orders are not being complied with.

6. It is, therefore, once again emphasized upon all concerned that people who bring accident victims to hospitals but treated with utmost courtesy and should not be harassed in any way. Even if they are unwilling to give their particulars, the same should not be insisted upon.

7. The local police should pay the transportation expenses to the public man who brings the victims to the hospital his given address in accordance with Delhi Administration's letter No. F.1/6/82-AC, dated 29.7.87, which empowers the Head of Office to reimburse the hire charges of vehicles up to Rs. 100/- in each case. This will help in acquiring public help to save the human life.

8. It is, therefore, impressed upon that the above said instructions may be included in the syllabi of all the courses run by Delhi Police.

9. This has approval of Commissioner of Police, Delhi.

Sd/-

(Kartar Singh)  
Addl. Commissioner of Police (Trg.), Delhi  
\*Rana\* 19/11/87

Dated, Delhi, the 20<sup>th</sup> of Nov. 1987.

No. 16518-70/AP - III

Copy to :-

1. All Addl. CsP in Delhi for Information.
2. P.A. to C.P., Delhi for the information of C.P.
3. The Principal, PTS, DCs P/4<sup>th</sup> & 7<sup>th</sup> Rns DAP/Delhi/New Delhi for including the above instructions in the syllabi of the courses run by their units.
4. All DCsP/HQ (I) & (II)
5. ACsP/HQ(P), (G) & (C&T).
6. All Inspectors/Head Assistants in PHQ including HAC&T/PHQ