



LEGAL SERVICES TO ROAD ACCIDENT VICTIMS (THROUGH LEGAL SERVICES AUTHORITIES) SCHEME, 2024

YEAR OF PUBLICATION : 2024

Prepared by :

JHARKHAND STATE LEGAL SERVICES AUTHORITY

Nyaya Sadan, Near A.G. Office, Doranda, Ranchi

Phone : 0651-2481520, Fax : 0651-2482397

Email : jhalsaranchi@gmail.com, Website : www.jhalsa.org

Legal Services to Road Accident Victims (Through Legal Services Authorities) Scheme, 2024

1. Name of the Scheme

This scheme shall be called the **Legal Services to the Road Accident Victims (through Legal Services Authorities) Scheme, 2024**.

2. Objective

The objective of the scheme is **to provide legal services to the road accident victims** as well as their family members in the matter of their treatment, prosecution of offender and compensation. The further objective of the scheme is to utilise the vast workforce namely: Para Legal Volunteers to create awareness about timely assistance to road accident victims and to impart basic first aid skills to them. The various directives of Hon'ble Supreme Court of India need to be percolated down to the last man so that the bystanders or passersby may not hesitate in helping the road accident victims. The intervention of Legal Services Authorities should be for sensitizing the general public through PLVs and panel lawyers about the guidelines and directions of Supreme Court for assistance to road accident victims, ensuring appropriate steps for medical treatment, institution of police case and payment of compensation. The thrust of the efforts by the **State Legal Services Authorities shall be for strengthening the help mechanism so that all those lives which could have been saved must be saved.**

3. Definition

Unless the context otherwise requires :-

- (i) **"Traffic Accident"** includes an accident involving at least one vehicle on a road open to public traffic in which at least one person is injured or killed.
- (ii) **"Road Traffic Accident (RTA)"** includes any injury due to crashes originating from, terminating with or involving a vehicle partially or fully on a public road.
- (iii) **"Accident Victims"** includes a person (including passenger) who has suffered any loss or injury or killed as a result of accidents in road traffic. The expression "victim" includes his or her guardian or legal heir.
- (iv) **"driver"** includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle.
- (v) **"golden hour"** means the term period testing one hour following a traumatic injury during which then is highest likelihood of preventary death by providing prompt medical care.
- (vi) **"motor car"** means any motor vehicle other than a transport vehicle, omnibus, road-roller, tractor, motor cycle or invalid carriage;
- (vii) **"motor cycle"** means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle;

- (viii) **“motor vehicle” or “vehicle”** means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding [twenty-five cubic centimetres];
- (ix) **“public place”** means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage;
- (x) **“State Government”** in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution;
- (xi) **“traffic signs”** includes all signals, warning sign posts, direction posts, markings on the road or other devices for the information, guidance or direction of drivers of motor vehicles;
- (xii) **“Central Authority”** means the National Legal Services Authority constituted under section 3 of the Legal Services Authorities Act, 1987;
- (xiii) **“District Authority”** means a District Legal Services Authority constituted under section 9 of the Legal Services Authorities Act, 1987;
- (xiv) **“High Court Legal Services Committee”** means a High Court Legal Services Committee constituted under section 8A of the Legal Services Authorities Act, 1987;
- (xv) **“legal service”** includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;
- (xvi) **“State Authority”** means a State Legal Services Authority constituted under section 6 of the Legal Services Authorities Act, 1987;
- (xvii) **“State Government”** includes the administrator of a Union territory appointed by the President under article 239 of the Constitution;
- (xviii) **“Supreme Court Legal Services Committee”** means the Supreme Court Legal Services Committee constituted under section 3A of the Legal Services Authorities Act, 1987;
- (xix) **“Taluk Legal Services Committee”** means a Taluk Legal Services Committee constituted under section 11A of the Legal Services Authorities Act, 1987.
- (xx) **“Panel Lawyer”** means the panel lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulation, 2010;
- (xxi) **“Para-Legal Volunteer”** means a para-legal volunteer trained under the National Legal Services Authority Scheme for Para Legal Volunteers and empanelled by a Legal Services Institutions;
- (xxii) **“Retainer Lawyer”** means a retainer lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010;

(xxiii) “**Secretary**” means the Secretary of the Legal Services Institutions;

(xxiv) “**Legal Services Institutions**” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Sub-Division Legal Services Committee as the case may be.

4. Background

1. Urgent need to encourage passersby or bystanders to rush the RTA victim to Hospitals within golden hours

Accident cases require fastest care and rescue which could be provided by those closest to the scene of the accident. Bystander’s clear support is essential to enhance the chances of survival of victim in the ‘**Golden Hour**’ i.e. the first hour of the injury. As per the **WHO India Recommendations**, 50% of the victims die in the first 15 minutes due to serious Cardiovascular or nervous system injuries and the rest can be saved through by providing basic life support during the ‘**Golden Hour**’. Right to life is enshrined under **Article 21** which includes right to safety of persons while travelling on the road and the immediate medical assistance as a necessary corollary is required to be provided and also adequate legal protection and prevention from harassment to good Samaritans. In letter dated 9.9.2004, Joint Secretary, Department of Road Transport and Highways addressed to all the State Governments and Union Territories, it has been highlighted that the WHO in its World Report on **Road Traffic Injury Prevention, 2004** has pointed out that “while in high-income countries, there is a 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 apart of intervention is also 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.” The letter further states that Research shows that a number of the accident victims can be saved if they receive immediate medical attention.” The letter also admits that due to fear of harassment people do not always come forward to attend them.” The people have the notion that touching the body could lend them liable for police interrogation. Passerby plays safe and chose to wait for the police to arrive whereas injured gradually bleeds to death. People are reluctant to come forward for help despite, desperate attempts to get help from passerby; by and large they turn blind eyes to the person in distress. Sometimes those who help are rebuked due to ignorance by the others on touching the scene. In the case of a convoy even when there are several vehicles in the convoy, people wait for the ambulance to arrive and also for the concerned police help . There are several desisting factors which are required to be taken care of such as fear of legal consequences if once action is ineffective or harmful to victim, fear of involvement in subsequent prolonged investigation and visit to the police station. There is need to evolve the system by promptly providing effective care system with certain ethical and legal principles. It is absolutely necessary that Good Samaritans feel empowered to act without fear of adverse consequence. There is need to provide certain incentives to Good Samaritans.

2. Following is the figure showing no. of deaths in Road Traffic accidents in India :

Year	No of Road Accidents	Injured	Killed
2004	429910	464521	92,618
2005	439255	465282	94968
2006	460920	496481	1,05,749
2007	479216	513340	1,14,444
2008	484704	523193	1,19,860
2009	486384	515458	1,25,660
2010	430654	527512	1,26,896
2011	497686	511394	1,42,485
2012	490383	509667	138258
2013	486476	494893	137572
2014	489400	493474	139671
2015	501423	500279	146133
2016	480652	4,94,624	150785
2017	4,64,910	4,70,975	1,47,913
2018	4,67,044	4,69,418	1,51,417
2019	4,49,002	4,51,361	1,51,113
2020	3,72,181	3,46,747	1,38,383
2021	4,12,432	3,84,448	1,53,972
2022	4,61,312	4,43,366	1,68,491

Sources:

1. Accidents – State Police Authorities
2. Road Length – Basic Road Statistics, M/o Road Transport & Highways
3. Vehicles – Road Transport Year Book, M/o Road Transport & Highways
4. Data for Road Length and Registered Motor Vehicles is for the financial year upto 2019
3. Road accidents are a negative externality associated with expansion in road network, motorization and urbanization in the country. Road traffic injuries are recognized, globally, as a major public health problem, for being one of the leading causes of deaths, disabilities and hospitalization, imposing huge socio-economic costs. In case of India, road injuries is one of the top four leading causes of death and health loss among persons of age group 15-49 years.
4. During the calendar year 2019 the total number of road accidents is reported at 4,49,002 causing injuries to 4,51,361 persons and claiming 1,51,113 lives in the Country. This would translate, on an average, into 1230 accidents and 414 accident deaths taking place on Indian roads every day; or 51 accidents and 17 deaths every hour.
5. As compared to 2018, the numbers of road accidents and injured victims have declined in 2019 by 3.86 per cent and 3.85 per cent respectively. The number of persons killed in road crash has also decreased by 0.20 per cent over the previous year, i.e, 2018.
6. One of the important reasons behind the decline in accident & accident related deaths in since 2019 could be the implementation of the MVA 2019 which became effective from 1 September 2019. The Motor Vehicle Amendment Act 2019 included, inter-alia, provisions like stiff hike in penalties for traffic violations, electronic monitoring of the same, enhanced penalties for juvenile driving etc and hence had the desired impact

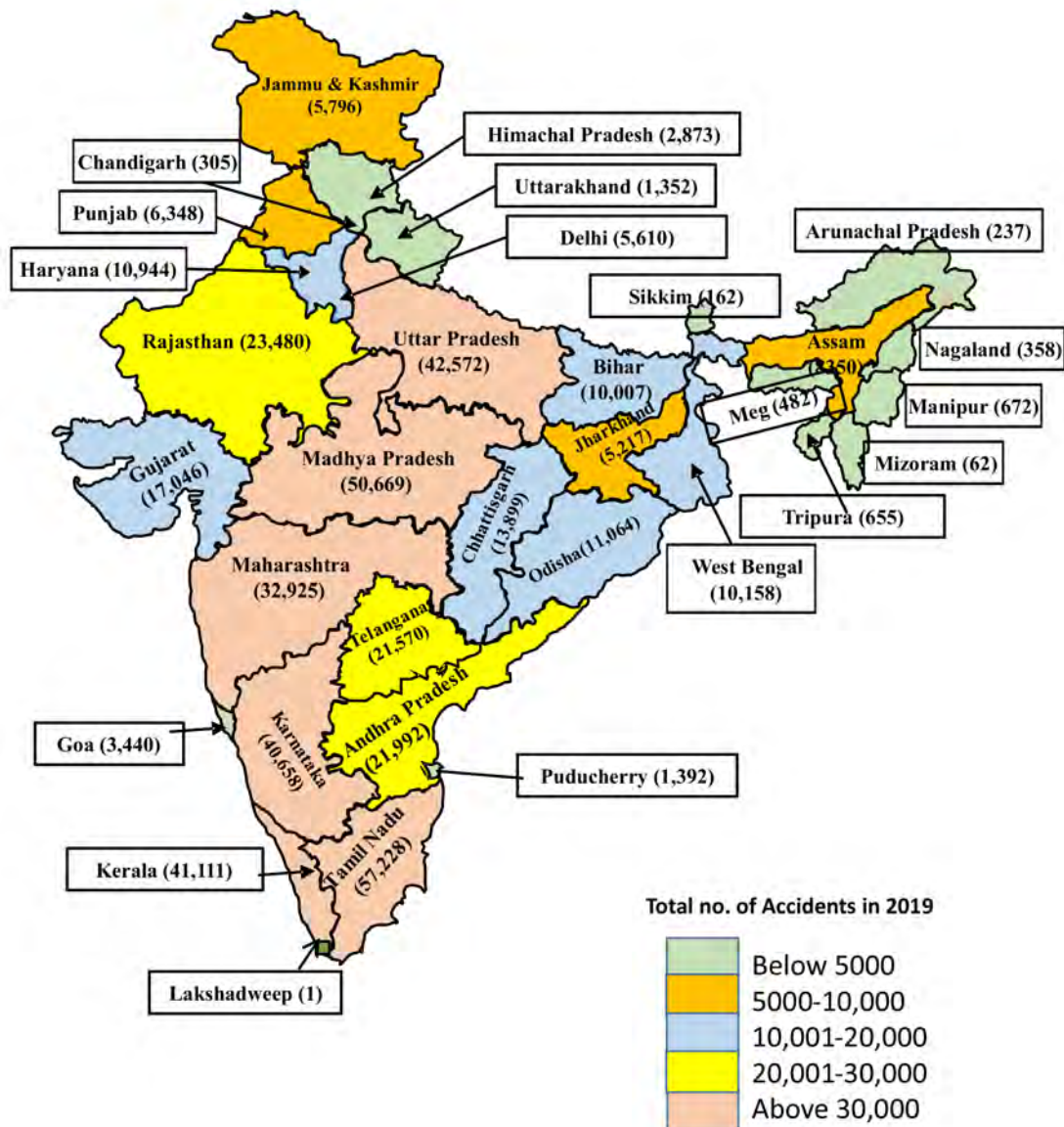
7. A comparison of the monthly data on accidents and fatalities post implementation of the MVA 2019 shows a perceptible decline in both accidents and fatalities with accidents registering a decline of 6.19% and fatalities a decline of 4.57% over the period Sept to Dec 2019
8. National Highways which comprises of 2.03 percent of total road network accounted for 30.6 percent of total road accidents and 35.7 percent of deaths in 2019. State Highways which account for 3.01% of the road length accounted for 24.3 percent and 25.5 percent of accidents and deaths respectively. Other Roads which constitute about 95% of the total roads were responsible for the balance 45% of accidents and 39% deaths, respectively.
9. Highways (both National and State) which accounted for about 5% of total road network witnessed a disproportionately large share of accidents of 55 % and accident related fatalities of 63% during the year 2019.
10. The State of Tamil Nadu recorded the highest number of road accidents (57,228) in 2019 while the highest numbers reported as killed in 2019 were in the State of Uttar Pradesh (22,655). Both these States have maintained their leads in terms of number of accidents and number of persons killed since 2016 despite the several road safety initiatives taken by both the Central and State Government.
11. Over-speeding accounts for the maximum share of road accident and road accident deaths (ranging between 63% to 74% for accidents and between 62% to 70% for road accident deaths) on all the categories of National Highways and thus follows the trend seen on all India basis.
12. Driving on wrong side/lane discipline and drunken driving are the other two traffic rule violations which together account nearly 10% to 12% of road accident and 9 % to 10% of road accident deaths on different categories of National Highways.
13. The number of Pedestrians killed by different categories of crime vehicles in 2019 was 25,858 which is 17 percent of the total road accident deaths. The leading three crime vehicles in terms of share of pedestrians killed are Two wheelers (26.8%), Cars, Taxis, Vans & LMV (25%) and Trucks & Lorries (16.7%) .
14. Cyclists accounted for 3 % of those killed with the major killer categories responsible for their killing being Cars, Taxis, Vans & LMV (22.7%) and Trucks & Lorries (19.1%) and Two Wheelers being 22.4%.
15. The number of victims on two wheelers killed were 56,136 which is around 37% of the total road accident deaths. In terms of percentage share, the three leading crime vehicles responsible include two wheelers (34.2%), Cars, Taxis, Vans & LMV (22.2%) and Trucks & Lorries (19.1%).
16. As many as 23,900 occupants of cars, taxis, Vans and LMV which is 16% of the total got killed in 2019 with collision with cars, taxis, Vans and trucks accounting for a share of 43 percent followed by Trucks/Lorries (20.2%) and Two wheelers (12.6%)
17. "Hit and run" accounted for the largest share of 19.4 % of the total persons killed in 2019, even registering an increase over the previous year of 2.6%. The MVA 2019 provides for

enhanced rates of Rs 2,00,000 on the death of a victim in Hit and Run as against Rs 25,000 earlier.

18. The category of Hit and run was followed by “Hit from the Back” accounting for 18.4% of the total persons killed, followed by “Head on collision”, accounting for 17.7% of persons killed in 2019. A hit from the back or a rear-end collision occurs when a vehicle crashes into the one in front of it. Common factors contributing to rear-end collisions include driver's inattention or distraction, tailgating (back to back) at junctions, panic stops, and reduced traction due to wet weather or worn pavement.
19. Head-on collisions are known to occur on roads with narrow lanes, sharp curves, no separation of lanes for the opposing traffic and high volumes of traffic. Normally, the roads with the greatest risk of head-on collision are busy single-carriageway roads outside urban areas where speeds are highest. The greatest risk reduction in terms of head-on collision comes through the separation of oncoming traffic, through the insertion of a median separation.
20. Other categories like “Run” off the Road could happen due to loss of control by the driver due to excessive or inappropriate speed, distraction, misjudging a curve, attempting to avoid colliding with another road user or an animal.
21. The category which registered the maximum increase in terms of persons killed in 2019 was collision with “fixed objects”. In the year 2019, in terms of persons killed the most significant decrease was in the category “Head on collision” (-9.7%).
22. Road accident victims largely constitute young people in the age groups of 18 - 25, 25 - 35 and 35 - 45 and this age profile has remained the same in all the three years i.e. 2017, 2018 and 2019 underscoring major implications on economic cost of road accidents, apart from their emotional and psychological impact.
23. During 2019, like the previous two years young adults in the age group of 18 - 45 years accounted for nearly 69.3 percent of road accident victims. The working age group of 18 - 60 accounted for a share of 84.3 percent in the total road accident deaths.
24. During the calendar years 2017 to 2019 the share of males in number of total accident deaths hovered around 85% to 86% while the share of females hovered around 13-14 percent.
25. Amongst the road user categories, two-wheelers with a share of 37% constitute the largest number of road accident deaths (56,136) in 2019, just as in the previous year. Cars, taxis, Vans & LMVs are next highest contributor with a share of 16 percent though their absolute numbers and percentage share in the total road user category has declined as compared to 2018.
26. The number of pedestrians killed in road accidents has increased from 22,656 in 2018 to 25,858 in 2019 which is an increase of about 14.13 per cent. Further, Pedestrians accounted for 17.1% and Cyclists contributed to another 2.8% of the Road Users killed in 2019.
27. Truck and Lorries account for a share of 9.0 percent in total person killed in 2019 with its share and as well as the absolute numbers of deaths having declined in 2019 as compared

to 2018. Similarly, the absolute number and share of Buses, Other motor vehicles (including e-rickshaw) have also declined in 2019 as compared to 2018. However, the share of Auto-Rickshaws has increased marginal in 2019 as compared to 2018.

(Based on Govt of India Report- ROAD ACCIDENTS IN INDIA – 2019)



5. Legal Basis

I. National Road Safety Policy

The major initiatives under the Policy are as follows:

- To promote awareness about road safety issues.
- To ensure safer road infrastructure by way of designing safer road, encouraging application of Intelligent Transport System etc
- To ensure fitment of safety features at the stage of designing, manufacture, usage, operation and maintenance.

- (d) To strengthen the system of driving licensing and training to improve the competence of drivers.
- (e) To take measures to ensure safety of vulnerable road users.
- (f) To take appropriate measures for enforcement of safety laws,
- (g) To ensure medical attention for road accident victims.
- (h) To encourage human resource development and R&D for road safety.
- (i) To strengthen the enabling legal, institutional and financial environment for promoting road safety culture in the Country.

II. Hon`ble Supreme Court of India in *Jai Prakash v. National Insurance Company Limited (Special Leave to Appeal(C) Nos.11801-11804/2005)*

has been pleased to observe that in cases of death, where the liability of the insurer is not disputed, the insurance companies should, without waiting for the decision of the Motor Accidents Claims Tribunal or a settlement before the Lok Adalat, endeavour to pay to the family (legal representatives) of the deceased, compensation as per the standard formula determined by the decisions of this Court. Presently the procedure suggested in Paragraph 23 is being followed by the Insurance Companies in Delhi by way of a **Scheme called Claims Tribunal Agreed Procedure which was formulated by the Delhi High Court in the judgment dated 16.12.2009 passed in FAO No.843 of 2003 in Rajesh Tyagi & Ors. v. Jaibir Singh & Ors.** Tribunal as well as the Legal Service Authority is taking effective steps to implement the said procedure, which is being carried out in the National Capital Territory of Delhi. Since this procedure has been successful in Delhi it can be extended on pan India basis. Hence the Hon`ble Court has issued direction to 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 coordination with the Legal Service Authorities as well as the Director General of Police of the States concerned.

III. Modified Claims Tribunal Agreed Procedure as approved by the Hon`ble Delhi High Court Vide Order Dated 07th December, 2018 wherein following directives have been given in respect of Legal Services Institutions:

- The Investigating Officer of the Police shall also furnish a copy of Detailed Accident Report (DAR) along with complete documents to Secretary, Delhi State Legal Services Authority, Central Office, PreFab Building, Patiala House Courts, New Delhi. Delhi State Legal Services Authority shall examine each case and assist the Claims Tribunal in determination of the just compensation payable to the claimant(s) in accordance with law*.
- The Claims Tribunal shall send a certified copy of the award to the Delhi State Legal Services Authority. In the event of delay in passing of the award caused due to delay or deficiency on the part of the Investigating Officer or the Designated Officer of the Insurance Company, the Delhi State Legal Services Authority shall take up the matter with the Police and/or Insurance Company, as the case may be*.

* The procedure is applicable throughout the country by virtue of order of Hon`ble Supreme Court of India passed in *Jai Prakash v. National Insurance Company Limited (Special Leave to Appeal (C) Nos. 11801-11804/2005)*.

IV. THE MOTOR VEHICLES (AMENDMENT) ACT, 2019 NO. 32 OF 2019 [9th August, 2019 has made certain provisions as under:

- Sec. 161 (1) Notwithstanding anything contained in any other law for the time being in force or any instrument having the force of law, the Central Government shall provide for paying in accordance with the provisions of this Act and the scheme made under sub-section (3), compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents. (2) Subject to the provisions of this Act and the scheme made under sub-section (3), there shall be paid as compensation,— (a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of two lakh rupees or such higher amount as may be prescribed by the Central Government; (b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of fifty thousand rupees or such higher amount as may be prescribed by the Central Government. (3) The Central Government may, by notification in the Official Gazette, make a scheme specifying the manner in which the scheme shall be administered by the Central Government or General Insurance Council, the form, manner and the time within which applications for compensation may be made, the officers or authorities to whom such applications may be made, the procedure to be followed by such officers or authorities for considering and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the scheme and the payment of compensation under this section. (4) A scheme made under sub-section (3) may provide that,— (a) a payment of such sum as may be prescribed by the Central Government as interim relief to any claimant under such scheme; (b) a contravention of any provision thereof shall be punishable with imprisonment which may extend to two years, or with fine which shall not be less than twenty-five thousand rupees but may extend to five lakh rupees or with both; (c) the powers, functions or duties conferred or imposed on any officer or authority by such scheme may be delegated with the prior approval in writing of Central Government, by such officer or authority to any other officer or authority.
- Sec. 162. (1) Notwithstanding anything contained in the General Insurance Companies (Nationalisation) Act, 1972 or any other law for the time being in force or any instrument having the force of law, the insurance companies for the time being carrying on general insurance business in India shall provide in accordance with the provisions of this Act and the schemes made under this Act for treatment of road accident victims, including during the golden hour.

(2) The Central Government shall make **a scheme** for the cashless treatment of victims of the accident during the golden hour and such scheme may contain provisions for creation of a fund for such treatment.
- Sec. 163. (1) The payment of compensation in respect of the death of, or grievous hurt to, any person under section 161 shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law for the time being in force or otherwise, so much of the other compensation or

other amount aforesaid as is equal to the compensation paid under section 161, shall be refunded to the insurer.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor vehicle under any provision of this Act other than section 161 or any other law for the time being in force, the Claims Tribunal, court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under section 161 or an application for payment of compensation is pending under that section, and such Tribunal, court or other authority shall— (a) if compensation has already been paid under section 161, direct the person liable to pay the compensation awarded by it to refund to the insurer, so much thereof as is required to be refunded in accordance with the provisions of sub-section (1); (b) if an application for payment of compensation is pending under section 161 forward the particulars as to the compensation awarded by it to the insurer. Explanation.—For the purpose of this sub-section, an application for compensation under section 161 shall be deemed to be pending— (i) if such application has been rejected, till the date of the rejection of the application; and (ii) in any other case, till the date of payment of compensation in pursuance of the application.

- Sec. 164A. (1) The Central Government, may **make schemes for the provision of interim relief to claimants praying for compensation under this Chapter.**

(2) A scheme made under sub-section (1) shall also provide for procedure to recover funds disbursed under such scheme from the owner of the motor vehicle, where the claim arises out of the use of such motor vehicle or other sources as may be prescribed by the Central Government.

- Sec. 164B. (1) The Central Government shall **constitute a Fund** to be called **the Motor Vehicle Accident Fund** and thereto shall be credited— (a) payment of a nature notified and approved by the Central Government; (b) any grant or loan made to the Fund by the Central Government; (c) the balance of the Fund created under scheme framed under section 163, as it stood immediately before the commencement of the Motor Vehicles (Amendment) Act, 2019; and (d) any other source of income as may be prescribed by the Central Government. (2) The Fund shall be constituted for the purpose of providing compulsory insurance cover to all road users in the territory of India. (3) The Fund shall be utilised for the following, namely:— (a) treatment of the persons injured in road accidents in accordance with the scheme framed by the Central Government under section 162; (b) compensation to representatives of a person who died in hit and run motor accident in accordance with schemes framed under section 161; (c) compensation to a person grievously hurt in a hit and run motor accident in accordance with schemes framed under section 161; and (d) compensation to such persons as may be prescribed by the Central Government. (4) The maximum liability amount that shall be paid in each case shall be such as may be prescribed by the Central Government. (5) In all cases specified in clause (a) of sub-section (3), when the claim of such person becomes payable, where amount has been paid out of this Fund to any person, the same amount shall be deductible from the claim received by such person from the insurance company. (6) The Fund shall be managed by such authority or agency as the Central Government may specify having regard to the following:— (a) knowledge of insurance business of

the agency; (b) capability of the agency to manage funds; and (c) any other criteria as may be prescribed by the Central Government. (7) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. (8) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him. (9) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Fund under this Act shall have the same rights, privileges and authority in connection with such audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority. (10) The accounts of the Fund, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of the Parliament. (11) Any scheme framed under sub-section (3) of section 161, as it stood immediately before the commencement of the Motor Vehicles (Amendment) Act, 2019, shall be discontinued and all rights and liabilities accruing there under shall be met out of the Fund with effect from the date of commencement of this Act

VI. i) Hon'ble Supreme Court of India in Writ Petition (Civil) No 295 of 2012 (S. Rajaseekaran Vs Union of India & Ors (Author- Hon'ble Mr Justice Ranjan Gogoi, J)) has been pleased to hold that The Working Group on Emergency Care took note of the fact that a large number of potentially salvageable patients die needlessly due to delay in retrieval and inadequate or ineffective treatment. In its report the Working Group had **enumerated the following problems in accident** and emergency care delivery in India :

- (i) The general public does not possess basic first aid skills.
- (ii) There is no standardized toll free access number to call emergency medical help.
- (iii) Non availability of appropriate and safe transport for injured patient in the form of road ambulances, air ambulances etc.
- (iv) The ambulances are inappropriately/ inadequately equipped.
- (v) There is lack of awareness regarding Hon'ble Supreme Court of India's directives regarding the right to emergency care for RTA victims and the legal protection available to good Samaritans who offer help to a victim of a road accident.
- (vi) There is no provision to ensure adequate compensation to an RTA victim in case the accident causing vehicle does not have a third party insurance.

The Hon'ble Apex Court has further observed that:

Insofar as road safety education is concerned the following extract from the report of the Working Group on Road Safety Education would highlight the dimensions of the issue :

“On an average, 20 percent of all people killed in road accidents in developing countries are under the age of fifteen. This is twice as high as in the developed world. In India, there is one road accident every minute, and one fatal accident every fourth minute. There are as many as thirty five accidents per thousand vehicles, and the drivers involved in road crashes are in the age group 20-40 years. Two wheelers and cars contribute to 50 percent of the total accidents. Road crashes cost approximately one to three percent of a country’s GDP. Other than road engineering issues, most of the accidents are caused by the drivers fault. While some experts say it is around 50 percent, the MoRTH said that it was around 80 percent. Whatever be the exact figure, we do need to focus on education and enforcement for improving driver performance.” **“Road Safety Education** should not remain a matter of words. Students must be educated in a way that brings them alive to the issues of road safety. The report further states that, **“Enforcement has a key role** in encouraging improved road users behavior. The general deterrence provided by enforcement authorities will promote public perception that **“compliance everywhere all the time”** is the best way of avoiding penalties and improving safety. Often fear of the stick works better than the stick itself.

Hon’ble Court has been pleased to further direct:

Education

The importance of education on road safety cannot be gainsaid. Such consciousness needs to be developed amongst all citizens and should be inculcated from a young age. The importance of informing and educating the citizens of the virtues of road safety lies in the fact that, in the last resort, it is such realization alone that can lead to better and safer use of roads and vehicles. It is heartening to note that serious consideration on this aspect of road safety has been expended by the Union Government details of which measure have been noted earlier. We direct the Union Government to continue to expend its efforts and all such measures shall also be implemented by the State Governments. Emergency 30. In so far as emergency is concerned there is perhaps no denial of the fact that many deaths and loss of limbs and serious disfiguration of victims can be saved by timely medical attention. Lack of adequate number of good samaritans; squabbles between police stations and administrative authorities over jurisdiction; **lack of quick response in removing the victims to hospitals** and centres of medical care due to lack of necessary infrastructure like ambulances; absence of adequate and well spread out number of hospitals and medical centres; the poor condition and lack of adequate infrastructure in government run hospitals and health centres and the prohibitive costs of health care facilities in the more advanced centres of medical care besides insistence of large deposit of money by such advanced health care centres in the private sectors are some of the problems that have seriously plagued post trauma/accident care in the country. As already noted, limited attempts have been made on experimental basis and that too on national highways alone to provide better amenities and also to take care of the fund requirements for the first 48 hours following the accident.

VII. i) Notification dated 12.5.2015 issued by the Ministry of Road Transport and Highways containing guidelines for protection of good Samaritans to be in force till appropriate legislation is framed by Union Legislature, is extracted hereunder:

“No.25035/101/2014-RS.—Whereas the Hon’ble Supreme Court in the case of Savelife Foundation and another V/s. Union Of India and another in Writ Petition (Civil) No. 235 of

2012 vide its order dated 29th October, 2014, interalia, directed the Central Government to issue necessary directions with regard to the protection of Good Samaritans until appropriate legislation is made by the Union Legislature; And whereas, the Central Government considers it necessary to protect the Good Samaritans from harassment on the actions being taken by them to save the life of the road accident victims and, therefore, the Central Government hereby issues the following guidelines to be followed by hospitals, police and all other authorities for the protection of Good Samaritans, namely:-

1. (1) A bystander or good Samaritan including an eyewitness of a road accident may take an injured person to the nearest hospital, and the bystander or good Samaritan should be allowed to leave immediately except after furnishing address by the eyewitness only and no question shall be asked to such bystander or good Samaritan.
- (2) **The bystander or good Samaritan shall be suitably rewarded or compensated** to encourage other citizens to come forward to help the road accident victims by the authorities in the manner as may be specified by the State Governments.
- (3) The bystander or good Samaritan shall not be liable for any civil and criminal liability.
- (4) A bystander or good Samaritan, who makes a phone call to inform the police or emergency services for the person lying injured on the road, shall not be compelled to reveal his name and personal details on the phone or in person.
- (5) The disclosure of personal information, such as name and contact details of the good Samaritan shall be made voluntary and optional including in the Medico Legal Case (MLC) Form provided by hospitals.
- (6) The disciplinary or departmental action shall be initiated by the Government concerned against public officials who coerce or intimidate a bystander or good Samaritan for revealing his name or personal details.
- (7) In case a bystander or good Samaritan, who has voluntarily stated that he is also an eye-witness to the accident and is required to be examined for the purposes of investigation by the police or during the trial, such bystander or good Samaritan shall be **examined on a single occasion** and the State Government shall develop standard operating procedures to ensure that bystander or good Samaritan is not harassed or intimidated.
- (8) The methods of examination of witness may either be **by way of a commission** under section 284, of the Code of Criminal Procedure 1973 or formally on affidavit as per section 296, of the said Code and Standard Operating Procedures shall be developed within a period of thirty days from the date when this notification is issued.
- (9) **Video conferencing** may be used extensively during examination of bystander or good Samaritan including the persons referred to in guideline (1) above, who are eye witnesses in order to prevent harassment and inconvenience to good Samaritans.

- (10) The Ministry of Health and Family Welfare shall issue guidelines stating that all registered public and private hospitals are not to detain bystander or good Samaritan or demand payment for registration and admission costs, unless the good Samaritan is a family member or relative of the injured and the injured is to be treated immediately in pursuance of the order of the Hon'ble Supreme Court in Pt. Parmanand Katara vs Union of India & Ors [1989] 4 SCC 286.
 - (11) Lack of response by a doctor in an emergency situation pertaining to road accidents, where he is expected to provide care, shall constitute "Professional Misconduct", under Chapter 7 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation, 2002 and disciplinary action shall be taken against such doctor under Chapter 8 of the said Regulations.
 - (12) All hospitals shall publish a charter in Hindi, English and the vernacular language of the State or Union territory at their entrance to the effect that they shall not detain bystander or good Samaritan or ask depositing money from them for the treatment of a victim.
 - (13) In case a bystander or good Samaritan so desires, the hospital shall provide an acknowledgement to such good Samaritan, confirming that an injured person was brought to the hospital and the time and place of such occurrence and the acknowledgement may be prepared in a standard format by the State Government and disseminated to all hospitals in the State for incentivising the bystander or good Samaritan as deemed fit by the State Government. ***(Hon'ble Apex Court clarified-acknowledgement be issued on official letter-pad etc. and in the interregnum period, if so desired by Good Samaritan, mentioning the name of Samaritan, address, time, date, place of occurrence and confirming that the injured person was brought by the said Samaritan.)***
 - (14) All public and private hospitals shall implement these guidelines immediately and in case of noncompliance or violation of these guidelines appropriate action shall be taken by the concerned authorities.
 - (15) A letter containing these guidelines shall be issued by the Central Government and the State Government to all Hospitals and Institutes under their respective jurisdiction, enclosing a Gazette copy of this notification and ensure compliance and the Ministry of Health and Family Welfare and Ministry of Road Transport and Highways shall publish advertisements in all national and one regional newspaper including electronic media informing the general public of these guidelines.
2. The above guidelines in relation to protection of bystander or good Samaritan are without prejudice to the liability of the driver of a motor vehicle in the road accident, as specified under section 134 of the Motor Vehicles Act, 1988 (59 of 1988).

Sd/- Jt. Secy."

ii) The Central Government, Ministry of Road Transport and Highways issued another notification on 21.1.2016 which is as under:

"No. RT-25035/101/2014-RS.—Whereas, the Hon'ble Supreme Court in the case of Save Life

Foundation and another Vs Union of India and another in Writ Petition (Civil) No. 235/2012 vide its order dated 29th October 2014, inter-alia, directed to issue necessary directions with regard to the protection of Good Samaritans until appropriate legislation is made by the Union Legislature;

And whereas, the Central Government published the guidelines in the Gazette of India, Extraordinary, Part I, Section I dated 12th May 2015 for protection of the Good Samaritans, i.e. a person who is a bystander or a passer-by, who chooses to assist an injured person or a person in distress on the road;

And whereas, as per para 1 (7) and (8) of the said guidelines dated 12th May, 2015, Standard Operating Procedures are to be framed for the examination of Good Samaritans by the Police or during trial;

And whereas, the Central Government considers it necessary to issue Standard Operating Procedure for the examination of Good Samaritans by the Police or during trial and here by issue the following standard operating procedure, namely:—

1.
 - i. The Good Samaritan shall be treated respectfully and without any discrimination on the grounds of gender, religion, nationality, caste or any other grounds.
 - ii. Any person who makes a phone call to the Police control room or Police station to give information about any accidental injury or death, except an eyewitness may not reveal personal details such as full name, address, phone number etc.
 - iii. Any Police official, on arrival at the scene, shall not compel the Good Samaritan to disclose his / her name, identity, address and other such details in the Record Form or Log Register.
 - iv. Any Police official or any other person shall not force any Good Samaritan who helps an injured person to become a witness in the matter. The option of becoming a witness in the matter shall solely rest with the Good Samaritan.
 - v. The concerned Police official(s) shall allow the Good Samaritan to leave after having informed the Police about an injured person on the road, and no further questions shall be asked if the Good Samaritan does not desire to be a witness in the matter.
2. Examination of Good Samaritan by the Police
 - i. In case a Good Samaritan so chooses to be a witness, he shall be examined with utmost care and respect and without any discrimination on the grounds of gender, religion, nationality, caste or any other grounds.
 - ii. In case a Good Samaritan chooses to be a witness, his examination by the investigating officer shall, as far as possible, be conducted at a time and place of his convenience such as his place of residence or business, and the investigation officer shall be dressed in plain clothes, unless the Good Samaritan chooses to visit the police station.
 - iii. Where the examination of the Good Samaritan is not possible to be conducted at a time and place of his convenience and the Good Samaritan is required by the

Investigation Officer to visit the police station, the reasons for the same shall be recorded by such officer in writing.

- iv. In case a Good Samaritan so chooses to visit the Police Station, he shall be examined in a single examination in a reasonable and time-bound manner, without causing any undue delay.
- v. In case the Good Samaritan speaks a language other than the language of the Investigating Officer or the local language of the respective jurisdiction, the Investigating Officer shall arrange for an interpreter.
- vi. Where a Good Samaritan declares himself to be an eye-witness, he shall be allowed to give his evidence on affidavit, in accordance with section 296 of the Code of Criminal Procedure, 1973 (2 of 1974) which refers to Evidence in Formal Character on Affidavit.
- vii. "The affidavit of Good Samaritan if filed, shall be treated as complete statement by the Police official while conducting the investigation. In case statement is to be recorded, complete statement shall be recorded in a single examination."

("The complete statement or affidavit of such Good Samaritan shall be recorded by the Police official while conducting the investigation in a single examination."- The Guideline which was substituted by the Apex Court as above as Vii.)

- viii. In case the attendance of the Good Samaritan cannot be procured without delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, or his examination is unable to take place at a time and place of his convenience, the Court of Magistrate may appoint a commission for the examination of the Good Samaritan in accordance with section 284 of the Code of Criminal Procedure, 1973 (2 of 1974) on an application by the concerned.
3. The Superintendent of Police or Deputy Commissioner of Police or any other Police official of corresponding seniority heading the Police force of a District, as the case may be, shall be responsible to ensure that all the above mentioned procedures are implemented throughout their respective jurisdictions with immediate effect.

Sd/- Jt. Secretary."

VIII. Hon'ble Apex Court in WRIT PETITION (CIVIL) NO. 295 OF 2012 (Dr. S. Rajaseekaran (II)Petitioner Versus Union of India & Ors.Respondents) has been pleased to to issue following direction on 30-11-2017 (Author- Hon'ble Mr Justice M.B.Lokur) :

- 1. Road Safety Policy: Most of the State Governments and Union Territories have already framed a Road Safety Policy. Those that have not framed such a policy namely Assam, Nagaland, Tripura, Delhi, Lakshadweep, Dadra and Nagar Haveli and Andaman and Nicobar Islands, must now formulate the Road Safety Policy by 31 st January, 2018. All States and Union Territories are expected to implement the Road Safety Policy with all due earnestness and seriousness.

2. **State Road Safety Council:** All States have already constituted a Road Safety Council in terms of Section 215 of the Motor Vehicles Act, 1988. The Union Territories of Daman and Diu, Dadra and Nagar Haveli and Andaman and Nicobar Islands have not constituted the Road Safety Council as yet. We direct these Union Territories to constitute the State Road Safety Council on or before 31 st January, 2018. The responsibility and functions of the Council will be as recommended by the Committee on Road Safety. The State Road Safety Councils should periodically review the laws and take appropriate remedial steps wherever necessary.
3. **Lead Agency:** Only a few States have established the Lead Agency as recommended by the Committee on Road Safety in its communication of 23 rd December, 2014. The States and Union Territories that have not done so should establish the Lead Agency on or before 31 st January, 2018 in terms of the recommendations made by the Committee on Road Safety. It may be mentioned that the Lead Agency will act as the Secretariat of the State Road Safety Council and coordinate all activities such as licensing issues of 33including issues of driving licences, registration of vehicles, road safety and features of vehicles, along with other allied matters including emission norms and other activities as mentioned in the communication dated 23 rd December, 2014.
4. **Road Safety Fund:** Some of the States have already established a Road Safety Fund. Those States and Union Territories that have not yet established the Road Safety Fund should do so not later than 31 st March, 2018 and report back to the Committee on Road Safety. The corpus of the Road Safety Fund will be from the fines collected for traffic violations and the Fund will be utilized for meeting expenses relating to road safety.
5. **Road Safety Action Plan:** The purpose of a Road Safety Action Plan is to reduce the number of road accidents, as well as the fatality rate. The MoRTH has already requested all the States and Union Territories to prepare a Road Safety Action Plan but it appears that the response to this has been somewhat lukewarm. The State Governments and Union Territories are therefore directed to urgently prepare a Road Safety Action Plan by 31 st March, 2018 and put it into action after giving it due publicity.
6. **District Road Safety Committee:**

A District Road Safety Committee is required to be set up by the State Government for every district in terms of Section 215(3) of the Motor Vehicles Act, 1988. As suggested by the learned Amicus and agreed to by the MoRTH, the District Road Safety Committee should be put in place by 31 st January, 2018 and should be headed by the Collector of the District and should include amongst others the Superintendent of Police, Health Officers, Engineers of the Public Works Department, representatives of the National Highways Authority of India, the Road Transport Officer of the District and members of civil society from the District. The District Road Safety Committee must hold regular and periodic meetings to review road safety issues and take corrective measures.
7. **Engineering Improvement:** It appears that one of the main reasons for road accidents is the poor quality of roads, improper design, etc. The MoRTH is of the opinion that the protocol for road design and identification of black spots needs to be reviewed and enforced. Accordingly, it is directed that the MoRTH should publish a protocol for identification and rectification of black spots and take necessary steps for improving the design of roads to make them safe.

8. Traffic Calming Measures: It is suggested by the learned Amicus that traffic calming measures must be adopted at accident prone areas. This is agreed to by the MoRTH. However, such measures will need to be studied and then put in place. This is an on-going exercise which must be carried out by the Road Safety Committee with the assistance of the MoRTH and other stakeholders.
9. Road Safety Audits: There is agreement, in principle, between the learned Amicus and the MoRTH to carry out Road Safety Audits. However, there appears to be a dearth of qualified auditors in Road Safety Engineering. The MoRTH supports the idea of capacity building. It is, therefore, directed that necessary steps be taken by the Committee on Road Safety as well as by the MoRTH to work in this direction since there can be little doubt that an audit of road safety is essential to reduce the possibility of road accidents through corrective measures.
10. Engineering Design of New Roads: The MoRTH is of the view, and the learned Amicus is also in agreement, that the Road Safety Audit as mentioned above should include the design stage audit of new road projects of 5 kms or more, rather than being based on the cost of the project. It is ordered accordingly.
11. **Working Group on Engineering:**

The Working Group on Engineering (Roads) has already submitted a Report which is available with the Road Safety Committee as well as the MoRTH. This Working Group was constituted pursuant to the decision taken in the meeting of the 12 th National Road Safety Council held on 25 th March, 2011. The recommendations of the Working Group should be implemented in the terms prayed for by the learned Amicus as well as those accepted by the MoRTH. These will, of course, be in the nature of interim directions since the National Road Safety Board is likely to be created as proposed in the Motor Vehicles (Amendment) Bill, 2017.
12. Drivers' Training: This is the subject matter of the Motor Vehicles (Amendment) Bill, 2017 and no orders are required to be passed in this regard.
13. Lane Driving: The MoRTH has already issued Motor Vehicles (Driving) Regulations, 2017 vide G.S.R. 634 (E) dated 23 rd June, 2017. The Notification should be implemented by the State Governments and Union Territories strictly.
14. Road Safety Equipment: The Bureau of Police Research and Training has already prepared a Report on the subject and has submitted it to the Road Safety Committee in September, 2015. The recommendations in the Report should be implemented including acquisition of cameras and surveillance equipments in detecting traffic and identifying violators. It is also necessary to set up special patrol forces along the National Highways and State Highways for which necessary steps must be taken by the State Governments and Union Territories.
15. Alcohol and Road Safety: The MoRTH has already written to the States to comply with orders of this Court in this regard. The MoRTH may issue further advisories in this regard on a quarterly basis during the calendar year 2018 so as to serve as a reminder to the State Governments and Union Territories to implement the directions of this Court.
16. Road Safety Education: The learned Amicus as well as MoRTH are in agreement that road safety education and counselling should be incorporated in the curriculum by the

State Boards by 1 st April, 2018. It is directed that the State Governments may seriously consider this recommendation and include Road Safety Education and Counseling as a part of the school curriculum at the earliest.

17. Speed Governors: Guidelines in this regard have already been issued by the MoRTH. The MoRTH has agreed to upload the Unique Identification Number of the speed governors in the VAHAN database. This should be followed up by the MoRTH with expedition.
18. Emergency Medical Care: There is agreement that at least one Trauma Care Centre should be set up in every district with necessary facilities and an ambulance. The State Governments and Union Territories should take up this recommendation at the earliest since it is on record that treatment soon after a road accident is crucial for saving the life of the victim. In this context, it may also be mentioned that this Court has issued certain directions in Pt. Parmanand Katara v. Union of India which should be followed.
19. Universal Accident Helpline Number: The MoRTH has stated that there is already a call centre number, that is, 108 provided by the National Health Mission. Due publicity must be given to this so that an ambulance can be activated at the earliest whenever necessary.
20. Permanent Road Safety Cell: All State Governments and Union Territories have already been requested by the MoRTH to set up Road Safety Cells. The State Governments and Union Territories should establish Permanent Road Safety Cells by 31 st January, 2018.
21. Data Collection: The MoRTH has already taken steps for recording accident data and reports through computerised data entry. The State and Union Territories have been asked to take further action in this regard and make the data public for the information of all stakeholders. This needs to be followed up and no further orders are necessary in this regard.
22. GPS : The MoRTH has already notified vide G.S.R. No. 1095 (E) dated 28 th November, 2016 mandating the fitment of vehicle location tracking devices in all public service vehicles subject to some exceptions. Since this has cost implications, the MoRTH may assist the State Governments and Union Territories to ensure that to the maximum extent possible and within the shortest time frame, location tracking devices must be fitted in all public service vehicles as notified.
23. Bus/Truck–Body Building Code: This has already been notified by the MoRTH with regard to buses vide G.S.R. No. 287 (E) dated 27 th April, 2014 and with regard to trucks vide G.S.R. No. 1034(E) dated 2 nd November, 2016. No further orders are necessary in this regard.
24. ABS, Air Bags and Headlights: The MoRTH has already notified for fitment of ABS in motor cycles vide G.S.R. No. 310(E) dated 16 th March, 2016 and for four wheelers vide G.S.R. No. 120(E) dated 10 th February, 2017. As far as air bags are concerned a standard AIS-145 has already been notified. As regards automated headlights, the MoRTH has notified vide G.S.R. No. 188(E) dated 22 nd February, 2016 for fitment of “Automated Headlights On” in two wheelers manufactured on or after 1st April, 2017. No further orders are required in this regard except the faithful implementation of the various notifications issued by the MoRTH.
25. Crash Test: This too has been notified by the MoRTH and the test for all light motor vehicles

is required to be conducted by the testing agency notified under Rule 126 of the Central Motor Vehicles Rules, 1989. No further orders are required in this regard except the faithful implementation of the notifications and crash standards issued by the MoRTH.

- IX.**
1. Central Government's Scheme for Grant of Award to Good Samaritan who has saved life of a victim of a fatal accident involving a motor vehicle by administering immediate assistance and rushing to Hospital/ Trauma Care Centre within the Golden Hour of the Accident to provide Medical Treatment.
 2. Good Good Samaritan Policy, 2020
 3. Standard Operating Procedure for providing Reward and Appreciation to Good Samaritan (Gazette Notification dated 23.09.22 of Government of Jharkhand)

6. Strategic Intervention by the Legal Services Authorities

The strategy for intervention by the Legal Services Authorities for helping the victims of road accident shall be on the following lines:

1. Organising sensitisation programme and workshop for police officers and personnel to impart them the contemporary guidelines and rules.
2. Organising workshop/sensitisation programme for doctors and para medicals for removing the misconception that no treatment without "FIR" is the best policy. The golden hour treatment is capable of saving the lives and that golden hour ought not to get wastage at any cost.
3. Capacity building in Para Legal Volunteers and through Para Legal Volunteers any common public to instill basic first aid skills in them. Identifying the location/areas/ locality where road accident often occurs and taking appropriate measures to address the issue.
4. Preparing pamphlets/leaflets, short documentaries to create awareness regarding the right to emergency care for road traffic accident victims and legal protection available to the persons who offer help to road accident victim. Legal awareness programme at bus/truck/tempo/other vehicles depots.
5. Assisting the victims/family of victim in lodging of FIR, receiving treatment and getting compensation. Assisting the victims to get the benefits of motor accident claims.
6. Attention should be drawn towards Section-357A of the Code of Criminal Procedure for getting victim compensation due to rash and negligent driving which is an offence under the existing laws including Section-279 and 304A of the Indian Penal Code.
7. All endeavour shall be made through State Legal Services Authorities to involve corporate sector with their fund under corporate social responsibility for getting immediate medical facilities such as well equipped Ambulances and a Panel of Expert Doctors for taking the road accident victims to trauma centre and providing best possible treatment.

7. Machinery for Legal Services

The State Legal Services Authorities shall establish a core group in all the districts under the control of the chairperson of the District Legal Services Authorities to bring into account the event of a road accident attend legal assistance to the victim/survivor and continue the sensitisation and capacity building programme throughout the year.

The core group shall consist of a senior judicial officer, panel lawyers, medical doctors preferably Orthopaedician and Neurosurgeon nominated by the local branch of the Indian medical association, PLVs, persons from the civil society and NGO. The Secretary of the District Legal Services Authority shall coordinate the functioning of this core group.

8. Training programme for the core group

The District Legal Services Authority shall impart training to the members of the core group established under this scheme. On basic first aid skills, road safety guidelines, basics of M.V. Act and rules, various directions of Hon'ble Supreme Court including the right to emergency care for road accident victims and legal protection available to the person who offer help to road accident victims. The resource persons may include the medical doctors including Orthopaedician and Neurosurgeon, road traffic safety experts, representative from the leading commercial vehicle, psychiatrist, senior insurance officer, police officer and senior judicial officer.

9. Strategy for legal services to the road accident victims

Every DLSA shall identify the vulnerable place/area or road and will affix hoardings with material regarding right to emergency care for RTA victims and legal protection available to the person who offer help to road accident victim. Such hoarding shall be affixed in all the hospitals by the side or in the vicinity of the highway so that the hospital as well as road accident victim may clearly know the right to emergency care as also emergency protection. The core group shall help in institution of police case as also the claim before the motor accident tribunal. In the event of death in road accident, the core group shall ensure timely payment of interim compensation as also final compensation.

10. Coordinating different departments/institutions for bringing immediate relief

The State Legal Services Authority at the apex level shall get in touch with the health department of the State, the police department and civil societies of the State to bring about desired result and quick response in ensuring medical treatment to road accident victims. The underlying principle shall be not to waste a single minute in rushing the victims of road accident to the hospital.

11. Specialised Training for PLVs

State Legal Services Authorities shall conduct specialised training programme for the PLVs focussing on the needs of the road accident victims with prime focus on saving the life through the help of passersby or bystanders.

12. Seminar for Drivers

District Legal Services Authority shall organise Seminars/Workshops for making the drivers of LMV/HMV aware of the Road Safety Rules and need to adhere to the same.

13. Key Principles

The key principles that should be kept in mind by Legal Services Institution at all levels are :

1. Best Interest of the Road Traffic Accident (RTA) Victim lies in providing basic first aid and medical treatment within the golden hour.

2. RTA Victim has right to emergency care.
3. Good Samaritans should often help to RTA Victim as legal protection available to him.
4. RTA victim has Right to compensation under Motor Accident Claims law.
5. RTA victim has right to file a criminal case against the offender.

14. MAINTENANCE OF RECORDS :

It shall be duty of the Secretary, DLSA to maintain the records of the :

- Persons assisted.
- Kind of assistance.

22. ANY PERSON IN NEED OF ASSISTANCE MAY CONTACT :

Member Secretary, JHALSA on his Mobile No. 8986601912 (this is whatsapp no. as well) NALSA Tollfree No. 15100 or on email - jhalsaranchi@gmail.com

Name of DLSA	Emails	Contact No of Secretary
DLSA bokaro	< dlsabokaro@gmail.com >	Ms. Nibha Ranjan Lakra, 9431350936
DLSA Chaibasa	< dlsachaibasa@gmail.com >	Mr. Rajeev Kumar Singh, 6204956312
DLSA Chatra	< dlsachatra@gmail.com >	Ms. Pragya Bajpai, 7970710663
DLSA Deoghar	< deoghardlsa@gmail.com >	Sri Mayank Tushar Topno, 9693912400
DLSA Dhanbad	< dlsa.dhanbad@gmail.com >	Ms. Nitasha Barla, 9471725596
DLSA Dumka	< dlsadumka@gmail.com >	Sri Bishwanath Bhagat, 7250576706
DLSA Garhwa	< dlsagarhwa@gmail.com >	Sri Kumar Vipul, 9955684686
DLSA Giridih	< dlsagiridih@gmail.com >	Sri Saurav Kumar Gautam, 7319853377
DLSA Godda	< dalsagodda@gmail.com >	Sri Pradeep Kumar, 9431516559
DLSA Gumla	< dlsagml38@gmail.com >	Sri Parth Sarthi Ghosh, 9835572177
DLSA Hazaribag	< dlsahazaribag@gmail.com >	Sri Gaurav Khurana, 9939201624
DLSA Jamshedpur	< jamshedpurdlsa@gmail.com >	Sri N N Sanga, 9430780325
DLSA Jamtara	< dlsajamtara@gmail.com >	Sri Abhinav, 8102955079
DLSA Khunti	< khuntidlsa@gmail.com >	Sri Manoranjan Kumar No. 1, 8789697778
DLSA Koderma	< dlsakoderma@gmail.com >	Sri Abhishek Prasad, 6200981332
DLSA Latehar	< dlsalatehar@gmail.com >	Ms. Swati Vijay Upadhyay, 8987736366
DLSA Lohardagga	< dlsalohardaga@gmail.com >	Sri Rajesh Kumar No. II, 9431318932
DLSA Pakur	< dlsapakur@gmail.com >	Ms. Shilpa Murmu, 8521495262
DLSA Palamau	< dlsapalamu123@gmail.com >	Sri Arpit Srivastava, 8757269596
DLSA Ramgarh	< secretarydlsaramgarh.court@gmail.com >	Sri Dileep Rajeshwar Tirkey, 8252485344
DLSA Ranchi	< dlsaranchi@gmail.com >	Sri Rakesh Ranjan, 9431319907
DLSA Sahibganj	< dlsasahibganj@gmail.com >	Sri Dharmendra Kumar, 9471521725
DLSA Seraikella	< dlsaseraikellakharswan@gmail. >	Ms. Kavitanjali Toppo, 9334810361
DLSA Simdega	< dlsasimdega@gmail.com >	Sri Manish Kumar Singh, 9955561008





Prepared by :

JHARKHAND STATE LEGAL SERVICES AUTHORITY

Nyaya Sadan, Near A.G. Office, Doranda, Ranchi

Email : jhalsaranchi@gmail.com, Website : www.jhalsa.org