



ORISSA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

POLICE CIRCULAR ORDER No. 323 /2006

Incidents of road accidents are increasing in the State day by day. Available ambulance or trauma care system is found to be inadequate to rescue/provide proper medical aid to road accident victims immediately. It is often seen that members of general public or medical practitioners do not come forward to help the road accident victims as they are reluctant to be involved in avoidable police procedures of investigation. Such systems often lead to neglect or delay in treatment, resulting in death of injured persons.

The Apex Court in their order dated 28.8.1989 in the case of Paramanand Katara-Vrs-Union of India, (AIR 1989 SC 2039) had observed that every injured citizen brought for medical treatment should instantaneously be given medical aid to preserve life and there after the procedural criminal law should be allowed to operate in order to avoid negligent death.

There can be no second opinion that the preservation of human life is of paramount importance.

In order to give effect to this order of the Supreme Court, the Union Govt. in 1994 added section 134 in the M.V. Act. 1988 stipulating there in

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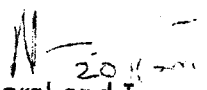
that it shall be the duty of every medical practitioner/qualified First Aid members/qualified para medics or the doctor on duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities. Failure to comply with this section is punishable u/s 187 M.V. Act 1988.

Sec. 134 of M.V. Act also states that the driver or owner of the Motor vehicle responsible for road accident is required to take all reasonable steps to secure medical attention to the injured by carrying him to the nearest medical practitioner or hospital unless it is not practicable to do so on account of mob fury or any other reasons beyond his control. Failure to comply with the provision of this clause of Sec.-134 is punishable u/s 187 M.V. Act which prescribes imprisonment for a term which may extend to three months or with fine which may extend to Rs.500/- (Rupees five hundred) or with both, if having been, previously convicted of an offence under this section, he is again convicted of an offence under this section with imprisonment for a term which may extend to six months, or with fine which may extend to Rs.1000/-(Rupees on thousand) only, or with both.

It is therefore impressed upon all police personnel that the field functionaries be suitably instructed to implement the orders of the Hon'ble Supreme Court and provision of Sec. 134 M.V. Act 1988 scrupulously so that medical professionals and members of general public who help road accident

victim in providing immediate medical aid or treatment are not harassed for their attention.

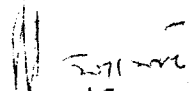
The copy of this circular may please be acknowledged.


Director General and Inspector
General of Police, Orissa, Cuttack

Memo No. 38919 /CID-SR' Misc

dt. 22.11.06

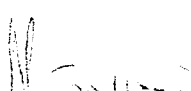
Copy forwarded to the Principal Secretary to Govt. of Orissa, Home Department, Bhubaneswar, for favour of information with ref. to Commerce and Transport (Transport) Deptt. Letter No.17916/T dt.29.12.05


Director General and Inspector
General of Police, Orissa, Cuttack

Memo No. 38920 /CID-SR' Misc

dt. 22.11.06

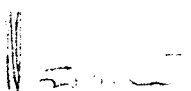
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Director General and Inspector
General of Police, Orissa, Cuttack

Memo No. 38921 /CID-SR' Misc

dt. 22.11.06

Copy forwarded to the All Heads of Police Establishments Orissa for information and necessary action.


Director General and Inspector
General of Police, Orissa, Cuttack

38922
22.11.06

- OD:- Copy to Section officer, Supply Section, SP, Hdqrs., Cuttack for information
ii) Copy to Guard File of M.O.B. Section of CID, CB, Cuttack.

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