STANDING ORDER NO. L&O/72/2024

INVESTIGATION OF ROAD ACCIDENTS OF CASES AND GUIDELINES REGARDING MOTOR ACCIDENT CLAIM TRIBUNAL

INTRODUCTION

In order to ensure quick response, proper and scientific investigation of road accident cases, following instructions are hereby laid down for strictly adherence by IOs and supervisory officers.

SECTION- I

1. PRELIMINARY STAGE

(i) INFORMATION ON ACCIDENTS

As soon as information of a road accident is received in the Central Police Control Room (CPCR), the same should be communicated to the nearest MPV quickly for the removal of the injured to the nearest hospital for immediate medical attention. In case the information is received directly in the police station, the nearest MPV should be dispatched immediately. In all accident cases, the Central Police Control Room (CPCR) shall immediately inform the Traffic Control Room which shall, in turn, direct the area Traffic Inspector/Zonal Officer to reach the accident site immediately. Any person, who brings an accident victim to a hospital or a nursing home for medical aid shall not be subjected to any harassment. In special cases, they should be recommended for suitable rewards. The concerned Police official(s) shall allow the Good Samaritan to leave after having informed the Police person about the accident. No further questions shall be asked if the Good Samaritan does not desire to be a witness in the matter. 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 ground of gender, religion, nationality, caste or any other grounds. Concerned IO will follow the Central Government Guidelines for protection of the Good Samaritan published on 21st January, 2016 in the Gazette notification in India. In cases where the injured persons are trapped in the vehicle, Disaster Management Cell should be immediately informed for safe evacuation and any other contingency including fire.

(ii) INVESTIGATION OFFICER KIT

The following equipment shall be carried by the IOs while proceeding to the scene of accident: -

- First Aid Box.
- Torch light (during night only).
- Measuring tapes cotton 100 feet.
- Steel measuring tapes.
- Crime Investigation Box.
- Sheets of Papers, pencils of various colors, carbon paper sand Fountain pen.
- Blank Case diaries.
- Camera fitted with flash light unit.
- Audio-video recording device preferably mobile phone for recording at accident site.

If the Crime Team is unavailable or delayed, the officers investigating accident cases may 'avail the services of a professional private photographer and take photographs of the site of the accident from all angles. Expenditure for the same may be met from the Imprest Fund.

(iii) INSPECTION OF THE SPOT

In all accident cases, whether fatal or simple - the professional and scientific Inspection of the spot is crucial.

The Skid-marks indicate the probable speed of vehicle(s) and can he of great help to investigating officers in arriving at some pertinent conclusions The direction(s) of the vehicles involved in the accident, condition of the road, whether one-way or two-way, road-curve, visibility at the time of the accident, existence of speed-breakers or potholes on the road, Skid-marks etc. should invariably find mention in the Spot Inspection Note **(Mauka-Mulahiza)** of the case diary. The Investigating Officer shall also conduct spot enquiry by examining the eye-witnesses/by standers, if any. The Crime team along with forensic expert be called on the spot for lifting samples, skid marks and other exhibits. CCTV footage of the Camera installed at the location, if any be also collected. The MPVs fitted with cameras shall also preserve their footage from the place of incidence. Scene of crime should be visited by the SHO/ Inspr. Investigation to guide the IO on the spot. The IOs should also collect the traces of paint imprints, for linkage with offending vehicles.

(iv) MECHANICAL INSPECTION

The mechanical inspection officer shall prepare separate Mechanical Inspection Report for each vehicle involved in the accident as

per Form No. IX of Scheme for Motor Accident Claim. As far as possible the mechanical inspection of the vehicles should be done at the spot itself. If the vehicle(s) involved in the accident are causing hindrance in the smooth flow of traffic, it is advisable to remove them to one side. The IO should note down the details of damages to the vehicles(s) involved in an accident, such as area of damage, extent of damage, point of impact between the vehicles, and see if there are paint-marks or any other evidence transferred from one vehicle to another at the time of impact. He should bring it on record through his observations mentioned in the endorsement of the ruqqa, statements of witnesses, photographs, video etc. The Mechanical Inspection Report should include the status of tyre condition, brake and whether the vehicle is fit for Road or otherwise.

If the Mechanical Inspector or any other expert is not readily available at the spot, it should be got done in the Police Station. The vehicles should be released only after their mechanical inspection has been completed. The Hon'ble High Court has directed the Transport Department, GNCT of Delhi to appoint Mechanical Inspectors for the inspection of the vehicle(s) involved in the accident. The process of their appointment is under consideration with GNCT of Delhi. Till their appointment, the present system of mechanical inspection will continue. There are professional private Mechanical Inspectors whose services can be availed and their fee may be got reimbursed from the investigation fund.

(v) FORENSIC EXAMINATION

In fatal accident cases, efforts should be made by the IOs to trace out and seize all relevant evidence in an appropriate manner. Where necessary, a forensic expert attached with the district or forensic expert from FSL, should be requisitioned at the spot to examine the scene of accident. The vehicle(s) and the exhibits should be collected carefully by the IO with the help of Crime Team and 'sent to the FSL for an opinion. In accident cases particularly fatal accident, where there are no eye witnesses such evidence could be crucial. This task shall be closely supervised by the SDPO/concerned ACP (Sub Division).

(vi) SITE PLAN

The Investigation Officer of Police Station shall inspect 'the site of accident and prepare a site plan, drawn to scale, as to indicate the lay-out and width, etc., of the road(s) or place, as the case may be, the position of vehicles (s), and person(s) involved, and such other facts as may be relevant so as to preserve the evidence in this regard. In the case of an accident, properly drawn site plan renders far more valuable evidence than the oral testimony of witnesses as the site plan speaks a lot of facts itself. A site plan shall be prepared according to scale which should indicate the positions and in which the vehicles were found, point

of impact, position of the deceased, skid marks (with dimensions}, width of the road, directions of vehicle(s) involved, central verge or road-divider, lamp-post, traffic lights/signals, CCTV camera, etc and position of CCTV camera, if any. The position of eye witness shall be specifically mentioned depending on the circumstances of the case in the site plan itself. The investigating officer may, if necessary, requisition the services of a qualified draftsman at the scene of accident. Different colour markings could also be used to describe any other circumstances/ evidence having. a bearing on the case. If the site plan has been prepared at the instance of an eye witness, their signature should be recorded on the site plan.

(vii) PHOTOGRAPHY AND VIDEOGRAPHY

An IO need to take photographs and video of the spot himself or he may take assistance of the official or a professional photographer. The relevant tyre marks/skid marks should be photographed & videographed after placing a chit near them bearing the details of the case and signatures of the witnesses present at spot for subsequent correlation. A scale bar to illustrate the length of the marks shall also be used while photographing. Damage caused by the vehicle's on account of the accident should also be photographed & videographed from all angles to fully illustrate the extent of damage. IO/Crime Team should also take the photographs & make video of the injured/deceased showing the injury on his/her body.

2. INVESTIGATION

(i) RECORDING OF FIR

If the condition of the injured person permits, his Statement should preferably form the basis of the FIR. The IO should keep in mind that the safety and life of the injured must receive precedence over any other task. The initial statement that forms the basis of the FIR and subsequent statements of witness(s)must mention the description of the accused, if identified including his name, mobile number, address and age. If accused is not found on the spot his approximate age, built, complexion, clothes worn be specifically mentioned. Description of the vehicles i.e make, registration number, colour etc. involved in the accident should be mentioned in the said information is known. The manner in which the driver of offending vehicle was rash and negligent be also specifically mentioned. No of passenger(s) in offending vehicles be also mentioned.

(ii) FATAL CASES

(a) Investigation by an Upper Subordinate of MACT Cell:- Fatal Accident Cases necessarily involve conducting inquest proceedings

and therefore, shall be investigated by an upper subordinate officer posted in MACT Cell of the district. The SHO shall ensure that the IO is well versed with the law and procedural requirements for conducting investigation of such cases.

(b) **Keeping dead bodies in body bags:-** The IO while proceeding to the spot of a fatal accident shall also carry body bags and gloves supplied by the Makhanas to handle and carry the dead bodies. In no case, the body of the deceased shall be allowed to remain uncovered. Dead Body bags/Shrouds to be kept in MPV vans and the Police stations shall be procured centrally by the P&L Unit and supplied to all Districts/Units and stocks be replenished as per requirement.

(c) **Post-Mortem Examination:-** Inquest papers i.e. brief facts, Form No. 25.35(B} PPR, identification statements, MLC, copies of FIR/DD entries, etc. should be filled in with due care and caution. The IO shall remain present at the time of the postmortem examination and after the same is over, the dead body be handed over to the relatives after re-identification under proper receipt. In all fatal hit and run cases where the offending vehicle is not known and also victim's identity is not known till the time of Post mortem, the ACP/Sub-Division shall satisfy himself that the case is of road accident and not related to any other crime. He shall also record the same on the inquest report of the case. In all cases where the victim is unidentified, intensive efforts be made to identify the victim before PM is conducted. In cases of fatal accidents, all necessary procedures regarding UIDB be followed meticulously in letter & spirit.

(d) **Documents to be collected by the Investigation Officer:-** The Investigating Officer shall collect the relevant evidence relating to the accident as well as the computation of compensation. The list of documents to be collected by the Investigating Officer is as under:

i. First Information Report.

ii. Site plan

iii. Photographs & Video of all the vehicles involved in the accident from all angles

iv. Photograph and specimen signature of the driver(s) of the offending vehicle(s)

v. Mechanical Inspection Report in terms of Form No. IX of Scheme for Motor Accident Claims formulated by Delhi High Court

vi. Driving license of the driver

vii. Proof of employment of driver such as appointment letter, salary slips, duty register, etc.

viii. Registration certificate of the offending vehicle(s)

ix. In case of transfer of vehicle, sale documents/ possession letter on any other document relating to transfer.

x. Insurance Policy of the offending vehicle(s).

xi. Permit (for commercial vehicle).

xii. Fitness Certificate (for commercial vehicles).

xiii. Report under Section 193 BNSS 2023.

xiv. Statements of the witnesses recorded by the police.

xv. Scientific report, if the driver was under the influence of liquor /drugs.

xvi. In case of Death:

(a) Post Mortem Report

(b) Death Certificate

(c) Photograph and proof of identity of the dead

(d) Proof of age of the deceased which may be in form of:- Birth Certificate, School Certificate, Certificate from Gram Panchayat (in case illiterate)

(e) Proof of Occupation and income of the deceased which may be in form of:- Pay Slip/Salary certificate for salaried employees, Bank statements of the last six months, Income Tax Returns, Balance Sheets

(f) Proof of the legal representatives of the deceased, Names, Age, Address, Relationship

(g) Photographs, specimen signature attested by the bank and identity proof of the legal representatives of the deceased.

(h) Bank Account number of the legal representatives of the deceased with name and address of the bank.

(i) Treatment record, medical bill and other expenditure

xvii. In case of Injury:

(a) MLC

(b) Multi angle photographs of the injured.

(c) Photographs, specimen signatures attested by the bank and identity proof of the injured.

(d) Proof of age of the injured which may be in form of:

-Birth Certificate-School Certificate
-Certificate from Gram Panchayat (in case illiterate)

(e) Proof of Occupation and-income of the injured at the time of the accident which may be in form of:

-Pay Slip/Salary certificate for salaried employees
-Bank statements of the last six months
-Income Tax Returns
-Balance Sheets

(f) Treatment record, medical bills and other expenditure In case of long term treatment, the SHO/IO shall also record the details so that the claimant may furnish documents before the Claims Tribunal.

(g) Disability Certificate

(h) Proof of absence from work, loss of income on account of Injury which is claimed, may be in the form of:-

-Certificate from the employer-Extracts from the Attendance Register

(i) Proof of reimbursement of medical expenses by employer or under a medical policy, if available.

(e) Any other relevant documents(s):-

(f) Verification of the documents:- The Investigating Officer shall verify the authenticity of the documents mentioned above by obtaining confirmation in writing from the office or authority or person purporting to have issued the same or by such further investigation or verification as may be necessary for arriving at this conclusion regarding the authenticity of the documents in question, including but not limited to, verifying the license of the driver, permit and fitness of the vehicle, where applicable, from the Registering Authority. The IO shall obtain the verification report about the genuineness of the registration certificate, driving license, fitness and permit in respect of the offending vehicle from the Registration authorities within 15 days of the application moved by him. The Hon'ble Delhi High Court has mandated that the Registering authority shall verify the documents within 15 days of the application moved by the IO.

(g) Collection of MLC and Post-mortem Report:- The Investigating Officer shall collect the MLC and Post-Mortem Report from the concerned hospital within 15 days of the accident. The Hon'ble Delhi High Court has mandated that the concerned hospital will issue the MLC and Post-mortem report within 15 days of the accident.

(h) Un-insured vehicle involved in accident:- If the offending vehicles is not covered by the policy of insurance against third party risks or the driver was not holding a valid driving license or if the registered owner fails to furnish copy of the insurance policy or the driving license of the driver, the motor vehicle involved in an accident resulting in death or bodily injury or damage to property shall not be released, unless and until the registered owner furnishes sufficient security to the satisfaction of the Court to pay compensation that may be awarded in a claim case arising out of such accident. On expiry of three months of the vehicle being taken in possession by the Investigation Officer, such motor vehicle shall be sold off in public auction by the Magistrate having jurisdiction over the area where accident occurred and proceeds thereof shall be deposited with the concerned Claims Tribunal within fifteen days for purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident. The investigation Officer shall prosecute the owner and driver of the un-insured offending vehicles under appropriate sections of the Motor Vehicles Act, 1988.

(i) Possession of fake driving license etc:- If the driving license of the driver is found to be fake, the Investigating Officer shall prosecute the driver for holding a fake driving license and/or other persons involved in forging the fake driving license. Investigating officer will also check from RTO, if the driving license has been revoked or suspended by them.

(j) Non-disclosure of information by driver(s), Owner(s), Insurance Company and/or Claimants:- In the event of failure of the driver(s), owner(s), Insurance Company and/or claimants to disclose the relevant information and documents required to complete the Detailed Accident Reports, the Investigating Officer shall seek necessary directions from the Claims Tribunal (Part X of the DAR format) whereupon the Claims Tribunal shall, in appropriate cases, direct the parties in default to disclose the relevant information on affidavit along with the original documents within 15 days.

3. PREPARATION OF CASE FILE

The I.O should ensure that the memos or fards and statements of the witnesses are properly recorded. The investigation of all accident cases shall be completed at the earliest and chargesheet be submitted

thereafter without delay. All other directions concerning investigation contained in the Bharatiya Nagarik Suraksha Sanhita 2023, Bhartiya Sakshya Adhiniyam 2023, MV Acts, Police Rules, Standing Orders, etc. shall be strictly complied with.

It is advisable that in all fatal accidents, the Investigating Officer should visit the family of the victim(s) if they are located in Delhi, to inform them about the progress of the investigation of the case and the action taken by the police. If the victim resides out of Delhi, they may be informed telephonically about the progress of the investigation. The 10shall also record a Case Diary to this effect

The SHOs/Inspectors Investigation will ensure that all officers of police station detailed for investigation work shall make themselves fully conversant with the provisions of the SO. They shall also arrange for equipment required to be carried by the IOs detailed on this duty. These articles should be kept ready/handy with the Duty Officer to avoid delay. In addition to the equipment indicated above stretchers shall also be taken to the spot, if necessary. These arrangements should be made by all the SHOs without fail.

Fatal accidents or simple accidents involving physical injuries are to be necessarily dealt with u/s 281/106 of BNS 2023 or 281/125 of BNS 2023 as the case may be. After this, the vehicles are to be seized, the defaulting driver arrested, the mechanical inspection of vehicles done, Judicial TIP got conducted, if required. Finally, the charge sheet should be prepared and submitted in the Court. The following points are required to be taken note of while preparing charge sheet u/s 193 of BNSS 2023 in accident cases:

(i) Permissible speed on the road where accident has taken place.

(ii) Site plan indicating exact position of the vehicle and the victim involved in the accident.

(iii) Condition of the street lights and whether sufficient light was there or otherwise.

(iv) Number of vehicles and other road users on the road at the time of accident, viz. whether the road was crowded or otherwise.

(v) Lane of the vehicle in which the accident took place

(vi) Approximate speed of the erring vehicle.

(vii) Whether the driver of erring vehicle was listening to mobile or he was talking to someone else sitting beside him.

(viii) Width of the road and whether it had a central verge or otherwise.

(ix) Was there any speed breaker in close proximity.

(x) Condition of the road including presence of potholes, dry or slippery due to rain etc.

4. MAINTENANCE OF STATISTICS

The Traffic Unit shall maintain all statistics relating to road accidents in Delhi and prepare a monthly review suggesting preventive measures. The SHO shall ensure timely dispatch of the accident reports to the DCP/Traffic (HQ), Dev Prakash Shastri Marg, Pusa, New Delhi.

(i) Daily Diary of Accident Report: This report shall be furnished by the SHO in **Annexure-1** to cover 24 hours period of all the accident cases. This diary shall include fatal, grievous injury, simple injury, simple collisions and non-injury accidents. In other words, this diary shall contain information about registered cases, cases in which only challans under Motor Vehicles Act were 'prepared following the occurrence of any road accident and also cases where challans under Motor Vehicles Act were not considered necessary and only reports were lodged in Police Station Daily Diary. These reports shall be sent by the SHO daily by 10 AM to the District DCP office who will in turn compile information of the entire district in the prescribed proforma and a copy of the same will be sent to the office of DCP/Traffic (HQ), Dev Prakash Shastri Marg, Pusa, New Delhi by 5 PM every day. The copies of FIRs shall also be attached along with these reports.

(ii) Report by Traffic Inspector: The Traffic Inspector and the Zonal Officer of the Traffic Unit shall also collect required information from the Police Station or the Investigating Officer and submit to the DCP/Traffic(HQ), Dev Prakash Shastri Marg, Pusa, New Delhi. All necessary information for analysis of cause of accident etc. will be provided by SHO to the Traffic Inspector.

5. MISCELLANEOUS INSTRUCTIONS:

(i) Accident in which no injury is caused to any person but only vehicle(s) are damaged, can either be dealt with u/s 281 BNS 2023 or u/s 184/185 MV Act 1988 (as amended in 2019). These sections have almost the same thrust and effect. Though in cases where impact is quite severe causing heavy damages, the action should normally be taken u/s 281 BNS 2023. However, in simple accidents, prosecution u/s 184/185 MV Act 1988 (as amended in 2019) or other provisions of the MV Act should be preferred, so that unnecessary harassment is not caused to the concerned individuals. Such cases may not be many and can be easily identified by the supervisory officers.

(ii) The police officer has no power to accept a compromise or ask the parties to enter into a compromise. The offence u/s 281 BNS 2023

and 184/185 MV Act 1988 (as amended in 2019) and other provisions of the MV Act, etc. is against the State and non-compoundable in Courts.

(iii) Report / information of road accident, involving C.D. (diplomatic). cars, is to be sent to the Principal Secretary (Home), Govt. of N.C.T. of Delhi.

(iv) All police officers and PCR vans should rush the accident victims to the nearest hospital or trauma center.

(v) It is the duty of the police officer to ensure that the treatment of the accident victim starts immediately as soon as a victim is brought to the hospital and it need not wait for police formalities.

(vi) The vehicles of the victims and/or complainants seized by the police as case property may be released to the owner on furnishing a surety bond after completing necessary investigation such as getting the vehicle photographed, mechanical inspection etc. This was observed in Criminal Writ Petition No. 1476/ 2007 Arun Handa Vs. Govt. of NCT of Delhi& Ors.

(vii) It has been observed by the Hon'ble High Court of Delhi that owners and drivers of uninsured vehicles are not prosecuted u/s 196 of the Motor Vehicle Act, 1988 (as amended in 2019) in cases registered under relevant sections of the IPC pertaining to motor vehicle accident. Thus, if a motor vehicle which is involved in an accident uninsured, then section .196 of the Motor Vehicle Act,1988 (as amended in 2019) should be added. In case the driver does not have a valid license or has consumed alcohol beyond the permissible limit, appropriate sections of M.V. Act 1988(as amended in 2019) will also apply. The SHOs and ACsP forwarding the charge sheet to Court shall check the case carefully & ensure that charge sheet is prepared under the relevant sections of laws.

6. DIRECTIONS OF HON'BLE HIGH COURT OF DELHI

To ensure that police officers investigating accident cases conduct investigation in a professional manner, the Hon'ble High Court of Delhi, in a Revision Petition (Cri.) No. 114 of 2006 - Abdul Subhan Versus State (NCT of Delhi), has also issued certain directions for proper investigation of road accident cases. For the benefit of IOs, these guidelines are reiterated as under:

(i) In most of the cases the site plans are not produced or the same are of a very unsatisfactory nature. It is imperative that the investigating officer should be provided with maps of the roads drawn to scale so that accurate site plans can be produced as

evidence before Courts. The exact point of impact as well as tyre skid marks and the point at which vehicles come to rest after the collision should be demarcated clearly. The length of the tyre skid marks of the vehicles involved in the impact indicate the speed at which the vehicles were travelling. This would enable the Courts to examine the evidence in a much more objective manner and the Courts would not have to face vague and subjective expressions, such as 'high speed

(ii) The case mechanical inspection reports that are prepared, in a majority of the cases are very superficial and of a cursory nature. The inspection ought to be conducted by qualified personnel who are able to indicate in their reports the exact physical condition of the vehicles. They should be able to point out exactly the damage suffered by the vehicles as a result of the impact during the accident. The mechanical inspection report should indicate all the tell-tale signs of the collision such as the paint of one vehicle rubbing off on the other. It should also indicate as to whether the vehicles were mechanically sound or not prior to the impact so as to enable the Court to arrive at a conclusion as to whether the collision took place due to human rashness or negligence or due to mechanical failure beyond human control.

(iii) The photographs and video of the scene ought to be taken not only of the vehicles involved in the collision but also of the site and-surrounding areas so that the exact topography can be easily understood by the Courts.

(iv) The prevalent weather conditions must be noted and mentioned by the investigating officer. This would establish situations like whether the road was slippery due to rain or otherwise, whether there was poor visibility due to fog or mist, etc. or otherwise.

(v) The path of movement of the vehicles must be sought to be established during the course of investigation and should not be ambiguous and doubtful.

(vi) The drivers of the vehicles involved must also be subjected to tests to reveal whether they had consumed any intoxicants.

(vii) All elements of subjectivity need to be eliminated and the investigation should be such that, when a charge sheet is filed, the Court is presented with a case which when taken objectively should lead to the inescapable conclusion that a conviction is maintainable.

7. SUPERVISION OVER INVESTIGATION

The concerned SHO and ACP shall be responsible for supervising the investigation and proper pairvi of such cases in Court. In fatal accidents, the scene of occurrence shall be visited by the concerned SHO/Inspector Investigation and concerned Traffic Inspector immediately or at the earliest.

SECTION –II

1. RELEASE OF VEHICLES BELONGING TO ACCIDENTS VICTIMS:

A. While disposing of Crl. WP No. 1476/2007, Arun Handa vs Govt. of NCT of Delhi & Ors., the Hon'ble High Court of Delhi has observed on 10.1.2008 that the petitioner was the victim of an accident while he was coming on his motorcycle and a bus overtaking the petitioner from the left, squeezed the petitioner between road divider and its body. The petitioner was saved but his motorcycle suffered damages. Subsequently, a FIR was registered at PS Sarojini Nagar, the motorcycle of the petitioner was seized he was told to get it released form the court of Ld. MM.

B. As the motorcycle of the petitioner was kept at Police Station for several days, he filed the aforesaid Criminal Writ Petition with the prayer that, where a victim of accident reports to the police about being hit by a bus and damage caused to his motorcycle, the same should be released to him after completing all formalities and furnishing a surety bond for producing the motorcycle before the trial Court as and when required. The Court observed that in all accident cases, the police should release the vehicle of the victim on executing a surety bond that he/she shall produce the same in the court as and when required and shall not dispose off the vehicle till the case is over. The police can give directions to the victim that he should execute a similar bond before the Court when the challan is filed. The Court has observed that if an accused in case u/s 281/125 or even 106 BNS 2023 can be released by the police on bail, then why cannot the vehicle of a complainant be released on the basis of surety given by him. The Court underscored that there has to be a different treatment given to the accused and the victim. A victim cannot be treated in the category of an accused.

C. The issue of decongestion of Malkhanas of Police Stations and expeditious disposal of case properties has been deliberated upon by the Hon'ble Supreme Court of India as well as Hon'ble High Court of Delhi in various judgments.

D. Hon'ble Supreme Court in Sunderbhai Ambalal Desai v. State of Gujarat and in General Insurance Council v. State of A.P. has clearly

held that the production of the vehicle during trial is not necessary and the photographs of the vehicle would be sufficient to be proved in evidence. Also, the Hon'ble High Court of Delhi vide its judgment dated 10.09.2014 passed in Manjit Singh Vs. State, while relying upon the aforementioned judgments of Apex Court, has emphasized the need for expeditious disposal of case properties including vehicles to decongest the overcrowded. Malkhanas of Police Stations.

E. Hence, embracing the spirit of judgments passed by Hon'ble Supreme Court of India as well as Hon'ble High Court of Delhi and to ensure its compliance by the field formations in true letter and spirit, all ACsP/SHOs are directed that the vehicles of the victims/complainants seized by the police as case property, may be released to the owner on furnishing a surety bond after completing necessary investigation such as getting the vehicle photographed, mechanical inspection etc. All concerned should ensure compliance of the above-mentioned orders of the Hon'ble High Court. These instructions must be explained to all the IOs immediately. Vehicles belonging to victims in accidents cases of the past lying in police stations may be released at the earliest after taking action as mentioned above.

SECTION- III

1. OBLIGATIONS OF POLICE REGARDING MOTOR ACCIDENTS CLAIM TRIBUNAL & GUIDELINES REGARDING MOTOR ACCIDENTS CLAIM TRIBUNAL:

(A) According to section 158(6) of Motor Vehicle Act, 1988 (as amended in 2019), it is mandatory for the police (Investigating Officer) to send the Accident Information Report to the concerned Motor Accident Claims Tribunal (MACT) within 30 days of registration of the FIR. Copies of the Accident Information Report are also required to be sent to the insurer and the owner of the offending vehicle with in the same time period. The Hon'ble Supreme Court of India in their order dated 9.7.2007 in writ petition (C) No. 282 of 2007 "General Insurance Council & others Vs. State of Andhra Pradesh and others have specifically directed that the report should be sent within the shortest possible time but not later than 30 days of registration of FIR. The Hon'ble Supreme Court further observed that "the Motor Vehicles Act, 1988 (as amended in 2019) is a beneficent/benevolent piece of legislation, seeking to provide quick monetary compensation to persons who sustain bodily injury/disablement, permanent or partial or to the legal heirs of the persons who die or sustain fatal injuries due to the use of motor vehicles in a public place."

Hit and Run cases' details will be sent to concerned SDM within 30 days for compensation in view of GSR no. 163(E) issued by Ministry

of Road transport & Highways vide notification dated 25.02.2022 and judgement passed by Hon'ble Supreme Court of India in (W.P (C) No. 295 of 2012 titled as S. Rajaseekaran vs Union of India & Ors, judgement dated 12.01.2024).

(B) This Accident Information Report was originally supposed to be sent to MACT in the proforma prescribed in Form 54 of the Central Motor Vehicle Rules, 1989. However, the Hon'ble Delhi High Courtin case No. FAO 842/2003 in the matter of Rajesh Tyagi & Or versus Jaibir Singh & Ors has laid down scheme for motor accident claims. In the said judgment dated 08.01.2021 duties have been cast upon police regarding preparation and submission of FAR and DAR before MACT and the following guidelines have been laid down by the Hon'ble Delhi High Court.

The obligations cast upon police and guidelines laid down by the Hon'ble Court are given below: -

(i) Investigation of Road Accidents by Police:

On receipt of the information of a road accident, the Investigating Officer shall immediately inspect the site of accident; take photographs & Video of the scene of the accident and' the vehicle(s) involved in the accident and prepare site plan, drawn to scale, as to indicate the layout and width, etc., of the road(s) or place(s), as the case may be; the position of vehicle(s) and person(s) involved; and such other facts as may be relevant. In injury cases, the Investigating Officer shall also take the photograph(s). of the injured in the hospital. The Investigating Officer shall conduct an on-the-spot enquiry by examining the eye witnesses/by standers.

(ii) Form-I- First Accident Report (FAR) to be submitted by the Investigating Officer to the Claims Tribunal within 48 hours:

The Investigating Officer shall intimate the accident to the Claims Tribunal by submitting First Accident Report (FAR)in Form-I within 48 hours of the receipt of intimation of the accident. If the particulars of insurance policy are available, the intimation of the accident in Form-I shall be given to the Nodal Officer of the concerned Insurance Company of the offending vehicle. The Investigating Officer shall furnish the copy of FAR to the victims. The Investigating Officer shall furnish the copy. of FAR. to Delhi State Legal Services Authority (DSLSA). The Investigating Officer shall upload FAR of the accident on the website www.dpacciclaim.in of Delhi Police.

(iii) Form-II- Rights of Victim(s) of Road Accident and Flow Chart of this Scheme to be furnished by the Investigating Officer to the Victim(s) within 10 days:

The Investigating Officer shall furnish Form-II containing the description of Rights of Victim(s) of road accidents and flow chart of this Scheme to the victim(s) (injured/legal representatives of deceased) within 10 days of the accident against a written acknowledgement. Copy of Form-II containing the acknowledgement of the victim(s) shall be filed by the Investigating Officer before the Claims Tribunal along with Detailed Accident Report (DAR).

(iv) Form-III- Driver's Form to be submitted by the driver to the Investigating Officer within 30 days:

The driver of the vehicle(s} involved in the accident shall furnish their relevant information namely his name, age, gender, income, driving license, period of validity of license, vehicle registration number, particulars of the owner and insurance of the vehicle, etc., to the Investigating Officer in Form-III within 30 days of the accident. (The Investigating Officer shall provide blank Form-III to the driver who shall fill up their relevant particulars and furnish the same to the Investigating Officer.)

(v) Form-IV- Owner's Form to be submitted by the owner to the Investigating Officer within 30 days:

The owner of the vehicle(s) involved in the accident shall furnish the relevant information namely particulars of the driver, particulars of the insurance policy, particulars of permit and fitness etc. in Form-IV to the Investigating Officer within 30 days of the accident. (The Investigating Officer shall provide blank Form-IV to the owner of the vehicles involved in the accident whereupon the owner shall fill up the Form and furnish the same to the Investigating Officer.)

(vi) Form-V-Interim Accident Report (IAR) to be submitted by the Investigating Officer to the Claims Tribunal within 50 days:

The Investigating Officer shall submit Interim Accident' Report (IAR) in Form-V before the Claims Tribunal within 50 days of the accident. The Interim Accident Report (IAR) shall be accompanied with the documents mentioned therein. The copy of the Interim Accident Report (IAR) along with the documents shall be furnished to the Insurance Company, victim(s) as well as Delhi State Legal Services Authority (DSLSA).

(vii) Verification of the Driver's Form and Owner's Form by the Investigating Officer as well as the Insurance Company:

The Investigating Officer as well as the Insurance Company shall verify the information and documents furnished by the driver and owner of the vehicle(s) involved in the accident in Form-III and

Form-IV, respectively, through information available on VAHAN or by obtaining confirmation in writing from the Authority/or person purporting to have issued the same or by such further investigation or verification as may be deemed necessary. The Investigating Officer shall file the Verification Report in Form-X before the Claims Tribunal along with the Detailed Accident Report (DAR).

(viii) Form-VIA-Victim's Form to be submitted by the victim(s) to the Investigating Officer within 60 days:

The Victim(s) of the accident shall furnish the relevant information and the documents in Form-VIA to the Investigating Officer within 60 days of the accident. (The Investigating Officer shall provide blank Form-VIA to the Victim(s) who shall fill up the relevant information /attach there levant documents and submit the same before the Investigating Officer).

(ix) Form-VIB-Victim's Form to be submitted by the Victim(s) in respect of the minor children to the Investigating Officer within 60 days:

In case of any minor child/children of the Victim(s) of the accident, the Investigating Officer shall provide blank Form-VIB to the victim(s), who shall fill up the relevant information/attach the relevant documents and submit the same to the Investigating Officer within 60 days of the accident. The Investigating Officer shall send the copy of the Victim's Form-VIA and VIB along with DAR to Child Welfare Committee within 30 days of receiving the aforesaid Form-VIA and VIB from the victim(s), to ascertain if the child is a Child in Need of Care and Protection (CNCP) as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Investigating Officer shall also send copies of Form-VIA and VIB along with the DAR to the Delhi State Legal Services Authority (DSLSA) to assign a lawyer to assist the child/children to avail their legal remedies/rights, including education, within 30 days of receiving the aforesaid Form-VIA and VIB from the victim(s).

(x) Verification of the Victim's Forms by the Insurance Company:

The Investigating Officer shall furnish the copy of the Victim's Forms along with the documents to the Insurance Company of the offending vehicle along with DAR whereupon the Insurance Company shall verify the information and-documents furnished by the victim(s) within 30 days of the receipt of the DAR.

(xi) Investigation of the criminal case to be completed by the police within 60 days of the accident:

The Investigating Officer shall complete the investigation of the criminal case and file the Report u/s 193 BNSS 2023. before the Metropolitan Magistrate within 60 days of the accident. The Investigating Officer shall submit the copy of the Report under Section 193 BNSS 2023 before the Claims Tribunal along with the Detailed Accident Report (DAR).

(xii) Form-VII - Detailed Accident Report (DAR) to be submitted by the Investigating Officer before the Claims Tribunal within 90 days:

The Investigating Officer shall complete the verification of the information and documents furnished by the driver and owner of the vehicle(s) involved in the accident and submit the Detailed Accident Report (DAR) with the Claims Tribunal in Form-Vil within 90 days of the accident. The Detailed Accident Report (DAR) shall be accompanied with the documents mentioned in Form-VII including the Site Plan in Form-VIII, Mechanical Inspection Report in Form-D and Verification Report in Form-X.

(xiii) Copy of DAR to be furnished to victim(s), owner/ driver of the offending vehicle(s), Insurance Company and Delhi State Legal Services Authority:

The Investigating Officer shall furnish the copy of the DAR to victim(s) of the accident, owner/driver of the offending vehicle and the Nodal Officer of the Insurance Company. Copy of the DAR (with proper pagination and index) shall be sent to the Insurance Company and others. The Investigating Officer shall also furnish a copy of Detailed Accident Report (DAR) along with the complete documents to Delhi State Legal Services Authority (DSLSA). Delhi State Legal Services Authority (DSLSA) shall assist the Claims Tribunal in determination of the just compensation pay able to the claimant(s) in accordance with law.

(xiv) Investigating Officer to seek necessary directions from the Claims Tribunal:

In the event of failure of the driver(s), owner(s), Insurance Company and/or claimant(s) to disclose any relevant information and/or documents, the Investigating Officer shall seek necessary directions from the Claims Tribunal whereupon the Claims Tribunal shall, direct the parties in default to submit the requisite Form i.e. Driver's Form-III, Owner's Form-IV or Victim's Form-VIA and VIB, along with the relevant documents directly with the Claims Tribunal within15 days.

(xv) Extension of time to file IAR and DAR:

If the Investigating Officer is unable to file IAR within 50 days and/or DAR within 90 days for reasons beyond his control, such as cases of hit and run accidents; cases where the parties reside outside the jurisdiction of the Court ; where the driving license is issued outside the jurisdiction of the Court, or where the victim(s) suffered grievous injuries and is/are undergoing continuous treatment, the Investigating Officer shall approach the Claims Tribunal for extension of time to file IAR/DAR where upon the Claims Tribunal shall extend the time as it considers appropriate according to the facts and circumstances of each case.

(xvi) Examination of FAR, IAR and DAR by the Claims Tribunal:

The Claims Tribunal shall examine whether FAR, IAR and DAR are complete in all respects. If the DAR is complete in all respects, the Claims Tribunal shall fix a date for appearance of the driver(s}, owner(s), claimant(s} and the eyewitness(es) and the Investigating Officer shall produce them on the date so fixed. The Investigating Officer shall intimate the date so fixed by the Claims Tribunal to the Nodal Officer of the Insurance Company and the Insurance Company shall ensure appearance on the date fixed. If the DAR is not complete, the Claims Tribunal shall direct the Investigating Officer to complete the same and shall fix a date for its completion.

(xvii) Duty of the Investigating Officer to produce the driver(s), owner(s), claimant(s) and eye witness {es) before the Claims Tribunal:

The Investigating Officer shall produce the driver(s),owner(s), claimant(s} and the eye witness (es) before the Claims Tribunal, after the order of the Claims Tribunal that the DAR is complete in all respects. However, if the Investigating Officer is unable to produce the owner(s),driver(s), claimant(s) and eye witness(es) before the Claims Tribunal on the date fixed by the Claims Tribunal for reasons beyond his control, the Claims Tribunal shall issue notice to them to be served through the Investigating Officer for a date for appearance not later than 30 days. The Investigating Officer shall give an advance notice to the Nodal Officer of the concerned Insurance Company about the date of filing of the DAR before the Claims Tribunal so that the nominated counsel for the Insurance Company can remain present on the first date of hearing before the Claims Tribunal.

(xviii) In case of an un-insured vehicle. the offenders to be prosecuted under Section 196 of the Motor Vehicles Act:

In case of an un-insured offending vehicle, the Investigating Officer shall prosecute the person(s) liable for violation of Section 196 of

the Motor Vehicles Act, including the driver, owner and any person who allowed the un-insured vehicle to be driven.

(xix) <u>In case of fake driving license/permit/fitness/ insurance policy, appropriate action to be taken in accordance with law:</u>

If the driving license/permit/fitness/insurance policy is found to be fake, the Investigating Officer shall take appropriate action in accordance with law.

(xx) <u>Un-insured vehicle not to be released to the owner:</u>

If the offending vehicle is not covered by the policy of insurance against third party risks; or if the driver was not holding a valid driving license; or if the registered owner fails to furnish copy of the insurance policy or the driving license of the driver, the offending vehicle involved in the accident shall not be released, unless the registered owner furnishes sufficient security to the satisfaction of the Court to pay compensation that may be awarded. On expiry of three months of the vehicle being taken in possession by the investigating Officer, such vehicle shall be sold off in a public auction by the Magistrate having jurisdiction over the area where the accident occurred and proceeds there of shall be deposited with the concerned Claims Tribunal within 15days for satisfying the compensation that maybe awarded by the Claims Tribunal.

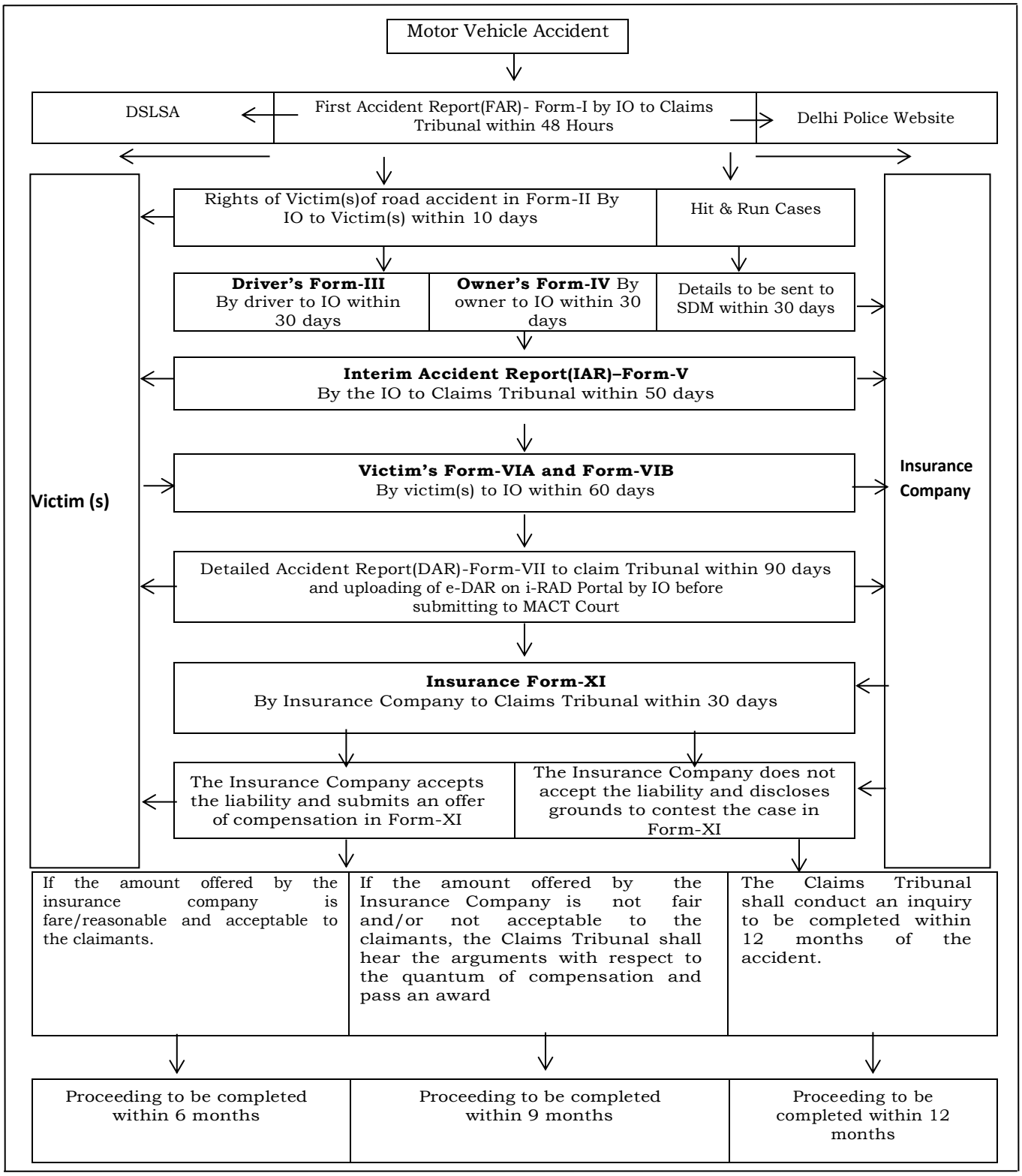
(xxi) <u>Duties of Police shall be construed to be part of State Police Act:</u>

The duties of police enumerated above shall be construed as if they are included in the respective State Police Act and any breach there of shall entail consequences envisaged in that law.

(xxii) All ACsP and SHOs will ensure that every investigation officer of accident cases submit the accident cases to MACT court only after uploading them on i-RAD (Integrated Road Accident Database) by way of filling e-DAR.

[The Integrated Road Accident Database (iRAD)/ e-DAR, Portal is an initiative of the Ministry of Road Transport and Highways (MoRTH), Government of India, with objective to improve road safety in the country and assist various stake holders in checking the claims].

2. FLOW CHART OF SCHEME FOR MOTOR ACCIDENT CLAIMS



3. Most of the information required to be furnished in the FAR has to be provided by the vehicle owner/driver. At times, under one pretext or the other some information is not being furnished. The IO, Inspector Investigation and SHO shall vehemently oppose the release by the Court of any vehicle on superdari on the grounds that information required to be submitted to the MACT in Form III has not been furnished and emphasize before the Hon'ble Court that no orders for releasing of vehicle be passed unless such information is made available to the police. While doing so, the directions of the Hon'ble Supreme Court of India may also be brought to the notice of the concerned Court. This is a mandatory requirement under law (section158(6) of MV Act, 1988) as well as under the directions of the Hon'ble Supreme Court of India in their order dated 09.07.2007 in Writ Petition (C) No. 282 of 2007 "General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors". There is no scope for non-compliance.

4. **Monitoring mechanism regarding accidents cases and submission of FAR and DAR before Claim Tribunal:** -

The Hon'ble Delhi High Court vide order dated 8.6.09 (FAO842/2003) Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors had accepted the monitoring mechanism formulated by Commissioner of Police, Delhi. The guidelines are again retreated in view of the recent judgment of Hon'ble Delhi High Court dated 08.01.2021 in the said matter, The following monitoring mechanism shall be followed to ensure compliance of the orders of Hon'ble Delhi-High Court: -

(i) A register shall be maintained at the Police Station indicating the FIR No., date of registration. of case, date of dispatch of FAR (Form I) to the MACT (within 48 hours of the receipt of information of the incident). If the particulars of insurance policy are available, the intimation of the accident in Form-I shall be given to the Nodal Officer of the concerned Insurance Company of the offending vehicle. The Investigating Officer shall furnish the copy of FAR to the victims and Delhi State Legal Services Authority (DSLSA). Format of the is enclosed at Annexure -1.

(ii) In the Index of all FIRs pertaining to accident cases, a noting shall be made in 'red ink' indicating the date on which the report in FAR (Form I) has been sent to MACT. This will enable easy checking by supervisory officers.

(iii) Officers conducting six monthly inspections of Police Stations shall mandatorily check FAR (Form 1) dispatch records during the course of the inspection and reflect it in the inspection report.

(iv) No accident case shall be finalized and put in Court unless information as required to be submitted in FAR (Form I) of the Central Motor Vehicle Rules 1989 and as laid down by Hon'ble Delhi High Court in case No. FAO 842/2003 in the matter of Rajesh Tyagi & Ors versus Jaibir Singh & Ors, has been duly sent to the victim, MACT, Insurer and DSLSA. The SHO shall not sign a final report and the ACP shall not forward the same unless the requirements of the MACT, Hon'ble Courts and the Standing Order are complied with.

(v) A MACT Monitoring Cell headed by an Inspector will function in each District to monitor delivery of FAR (Form [) and other action to be taken as per directions of the Hon'ble Courts/Standing Order in time.

(vi) The ACP/PG Cell (In charge of MACT Monitoring Cells) in a district shall meet with the presiding judge of the Claims Tribunals on monthly basis and apprise them of action being 'taken by the police, problems, if any and also ascertain whether the Courts are satisfied regarding compliance of the provision of 158(6) MV Act 1988 (as amended 2019) and directions of the Hon'ble Supreme Court of India and Delhi High Court.

(vii) A Naib Court shall be appointed in each Motor Accident Claim Tribunal by the District DCsP.

(viii) The District DCsP shall review the pendency of FAR (Form I) and other action to be taken in the weekly law and order meetings.

(ix) Monitoring of timely delivery of FAR (Form I) through new computerized system of Police Station. This system ensures that:

a. At the time of registration of an accident case, a mandatory initial entry is made on the website and FAR number generated. This FAR number will be recorded in the FIR of the accident. This ensures that the website contains the information about all the cases of accidents registered in Delhi.
b. The Monitoring Module generates alert e-mails for the senior officers from the rank of SHO to Joint CP/Ranges. The e-mail includes all those accident cases wherein the complete information is not uploaded on _ the computerized system. Thus the module indicates where remedial action is required.

(x) The FAR (Form I) shall be updated on the website so that it can be downloaded by the Claims Tribunals, Insurance Companies and claimants.

(xi) MACT Cell will investigate all the fatal cases. Officers shall be drawn from other Police Stations and posted to this cell under the supervision of an Inspector.

(xii) All SHOs and supervisory officers including ACP Sub-Division, ACP in charge of MACT monitoring Cell, District DCsP and Jt.CsP Ranges shall ensure through this monitoring mechanism that the First Accident Report (FAR) and Detailed Accident Report (DAR) is sent within the prescribed time limit to MACT, Insurer and owner of the offending vehicle.

(xiii) In compliance of the earlier directions of the Hon'ble Supreme Court of India order dated 9.7.2007 in writ petition (C) No.282 of 2007 "General Insurance Council & others Vs. State of Andhra Pradesh 'and others", periodical. checking shall be. done by the concerned Joint Commissioner of Police to ensure that the requirements are being complied with. In case there is non-compliance, appropriate action shall be taken against the erring officials as directed in the Apex Court order dated09.07.2007. It is, therefore, essential that the SHOs ensure that the relevant forms are sent on time and acknowledgement of the receipt by the MACT, victim, Insurer and DSLSA is also taken and put in record. A monthly report of compliance in sending FAR & DAR shall be sent to the ACP, Incharge Sub-Division, District DCP and Joint CP/Range.

(xiv) It shall be the responsibility of the ACP, in charge Sub-Division to check during their visits to the Police Stations, the accident cases registered in the police stations and ensure dispatch of FAR within the stipulated time to MACT, victim, Insurance Company and DSLSA. The District DCsP should also check the same from time to time

(xv) In case victim and the insurer are not located in Delhi, the relevant documents may be sent vide registered post with acknowledgement due and the receipt of the same may be fixed in the register as proof of dispatch.

(xvi) The above directions of Hon'ble Delhi High Court shall be implemented in all accident cases under investigation with the police.

(**xvii) Annexures: Forms I-[IX as described in the scheme above can be downloaded from the following link(https://delhicourts.nic.in/ Circulars/2021/Feb21/8e.pdf)**

5. IMPLEMENTATION OF FastDAR SCHEME FOR AMICABLE SETTLEMENT OF MACT CLAIMS WITHIN 10 DAYS :-

The Hon'ble Delhi High Court vide judgement dated 12.05.2021 in FAO No. 842/2003 titled 'Rajesh Tyagi & Ors. Vs. Jaibir Singh & Ors., approved the Fast DAR Scheme for resolving the compensation claim cases of road accident deaths within 10 days of the accident.

Modalities of the Fast DAR Scheme are as under :-

A. Identification of cases: Selection of cases under Fast DAR Scheme would be carried out by DCP concerned where the following conditions are met:-

(i) The death is due to the rash and negligent driving of the offending vehicle.
(ii) The driver of the offending vehicle is holding a valid driving license.
(iii) The offending vehicle has a valid insurance at the time of the accident.
(iv) In case of commercial vehicle, there is a valid permit and fitness certificate, and
(v) There is no violation of the insurance policy such as drunken driving or the vehicle being driven by a minor.

However, Detailed Accident Report (DAR) in other accident cases shall be filed as per the "New Scheme for Motor Accident Claims" formulated by the Hon'ble Delhi High Court in its judgement dated 08.01.2021.

B. Stakeholders involved in settlement of claims: Following Authorities are stakeholders:

(i) Police
(ii) General Insurance Council
(iii) Insurance Companies
(vi) Medical Authorities
(v) Transport Authority /MoRTH
(vi) Legal Services
(vii) MACT Tribunal
(viii) Claimants/Legal Heirs
(ix) SDM in Hit and Run cases [W.P (C) No. 295 of 2012 S. Rajaseekaran vs union of India, judgement dated 12.01.2024 & GSR no. 163(E) issued by MoRTH vide notification dated 25.02.2022.]

C. Role and responsibilities of Delhi Police:

(i) As soon as an information of a road accident (fatal) is received at a Police Station, the Investigation Officer shall rush to the scene of occurrence and inform details of the accident i.e. location of the accident, date and approximate time of the accident, vehicles numbers involved, IO's name, contact number and Police Station to General Insurance Council Call Centre. It is pertinent to mention here that so far GIC has not established a Call Centre, therefore, for time being the information may be sent to Shri M.N. Sharma , Secretary General Insurance Council at his mobile number 9177166155, to Shri Arvind Shenoy, General Insurance Council at his mobile numbers 9136875672 and 9423694850 (Whats app), who shall immediately instruct the Insurance Investigators to rush to the spot of the accident for verification of all relevant facts relating to the accident. Above information may also be sent to email Ids of GIC i.e.roadaccidents@giccouncil.in and arvindshenoy@gic council.in. The Insurance Investigator shall carry out their work without interfering in the work of the Investigating Officer. Investigating Officer shall not wait for Insurance Investigators to arrive at the spot and shall continue investigation work as per the prescribed procedure.

(ii) The investigating Officers shall report all accidents in which the above mentioned five conditions are satisfied to the DCP concerned, within 03 days of the accident, whereupon the DCP shall forward the same to DCP (Legal Cell) for being placed before the Committee.

(iii) Police/IO shall collect Post-Mortem Report, get the vehicles mechanically inspected and collect the reports, verify the Driving License/Registration Certificate of the offending vehicles from Transport Authorities concerned, besides collecting the details of family members of deceased and proof of his/her income, age and fill up the Fast DAR form. It is pertinent to mention here that the Investigating Officer shall first check the availability of a Motor Vehicle Inspector of GNCTD and if the Motor Vehicle Inspector is unavailable the inspection shall be got done from a private Inspector or Motor Vehicle Engineer /Inspector.

(iv) The Investigating Officer shall submit the Fast DAR Format before the Claims Tribunal as well as before the Committee within five days of the accident.

(v) Investigating Officer shall ensure to collect all relevant documents as required for Fast DAR within the stipulated time.

D. Timeline to be followed by each Stake Holder:

SOP lays down a maximum period of 10 days for amicable resolution of the claim in select fatal accident cases and disbursal of the compensation amount to the family of the deceased. The 10 days timeline shall be divided between Police, Insurance Companies and Tribunal in the ratio of 5:3:2 days, commencing from the day of the occurrence of the fatal accident. In the event of any delay in resolution of a compensation claim of a road accident death, the claims tribunal shall make an endeavor to complete the proceedings as visualized in the order dated 14t February,2020 and Judgement dated 8% January, 2021.

E. Forms For Fast DAR: Form for filing of Fast DAR as described in the scheme above for Motor Accident Claims formulated by Delhi High Court is enclosed at Annexure-2.

SUPERSESSION CLAUSE

This Standing Order supersedes the previous Standing Order No. L&O/72/2022 issued vide No. 30701-30850/Record Branch/PHQ dated 27.05.2012 and Addendum issued vide No. 54051-200/Record Branch/PHQ dated 15.10.2022.

DISCLAIMER

It is made clear that this Standing Order is exclusively for internal smooth functioning of Police Department.

12/7/24

(SANJAY ARORA)
COMMISSIONER OF POLICE:
DELHI.

No. 3101-3250/Record Branch/PHQ dated Delhi, the 12/7/24.

Copy forwarded to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi including Jt. Director, Delhi Police Academy, Delhi/New Delhi.
3. All Additional Commissioners of Police, Delhi.
4. All Deputy Commissioners of Police, Districts/Units including PHQ, C.P. Sectt., FRRO and Deputy Director/Delhi Police Academy, Delhi/New Delhi.
5. DCP/HQ (IV)/PHQ with the direction to upload the

Standing Order on Intra-DP

6. OSD to C.P., Delhi.
7. LA to CP and FA to C.P., Delhi.
8. All ACsP/Insprs./PHQ.
9. PS/Reader to C.P., Delhi.
10. HAR/PHQ.
11. Librarian/PHQ.

ANNEXURE-1

Daily Traffic Accident Report

POLICE STATION_____ **TO**_____ **DATE**_____

Date and time of accident	Exact place of occurrence	Vehicles involved (Give Registration No.)	Nature of accident (a)Collision with or avoidance of or (b) other kind i.e. hitting fixed objects over-turning etc.	No. of persons killed / injured (grievous / simple injury) etc.	Aged, sex of person dead or injured.	DD/FIR No., u/s and date of cases with brief facts results of Investigation until the times of dispatch of the report.

ANNEXURE-2

FastDAR FORM

(to be filled by IO)

S. No	Particulars	Details
1.	FIR No., date and under Section	
2.	Police Station/ District	
3.	Date, time and spot of the accident	
4.	Source of Information of Accident (Name, Address, Occupation & Tel. No.)	
5.	Nature of the accident: (a) Whether resulted in death or injury or both? (b) Number of injured/fatal	
6.	Brief facts leading to the accident	
7.	Name and address of the injured/deceased	
8.	Details of the hospital (MLC/PM/Death Certificate details)	
9.	Regn. No. of the vehicle(s) involved in the accident (i) Offending Vehicle (ii) Other Vehicle	

10.	Name, address and contact no. of the owner(s) of the vehicle(s) (i) Offending Vehicle (ii) Other Vehicle	
11.	Name, address and contact no. of the driver of the vehicle(s) (i) Offending Vehicle (ii) Other Vehicle	
12.	(i) Name and address of the Policy issuing office of the offending Vehicle (ii) Policy Number (iii) Policy Period	
13.	(i) Name and address of the Policy issuing office of the other Vehicle (ii) Policy Number (iii) Policy Period	
14.	<u>Driving license</u>: (a)Driving License No.(b)Period of validity (c)Issued by (d)Class of vehicle (e)Whether license suspended or cancelled?	
15.	In case of commercial vehicle: (a) Particulars of fitness (b) Particulars of permit	

16.	**Death Case:** (a) Name and address of the deceased (b) Age (c) Gender (d) Education (e) Occupation (f) Income (monthly) (g) Legal heirs/Guardian: (i) Name (ii) Relationship (iii) Age (iv) Address (v) Contact No.	
17.	**Documents required in Death case** (a) Site Plan (b) Post Mortem Report (c) Death certificate (d) Photo ID proof of the deceased (e) Proof of age of the deceased (f) Proof of Occupation and income of the deceased (g) Particulars of the deceased's family (i) Names (ii) Age (iii)Address (iv)Relations hip (v) Contact no.	

Name and contact no. of the Investigating Officer

S.H.O./I.O. .....

P.S. .....

Date.....

Enclosed

- Copy of the FIR
- Copy of Site Plan/ Photographs/ Video Clips
- Copy of Mechanical Inspection Report
- Copy of Section161 CRPC Statements
- Copy of DL/ Insurance/ Fitness/Permit
- Copy of Vehicle Documents
- Copy of MLC/Post-Mortem Report with opinion on cause of death
- Details of family members of claimants
- Details of deceased's employer, income, ITR with documents, if available.