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ORISSA POLICE.
CID, CRIME BRANCH, CUTTACK.

CIRCULAR NO. 1 /CB-PS

DATED. 29 .01.2010

During hearing of Petitions for Special Leave to Appeal (Civil) Nos. 11801-11804 of 2005 filed by Shri Jai Prakash Vrs. National Insurance Co. Ltd & Others, the Hon'ble Supreme Court of India have been pleased to issue interalia the following directives vide its Order Dated 17.12.2009 with a view to redressing the problems frequently faced in Motor Accident cases under the Motor vehicles Act, 1988.

- (i) Accident Information Report in Form No.54 of the Central Motor Vehicles Rules, 1989 shall be submitted by the police (Station House Officer) to the jurisdictional Motor Vehicle Claims Tribunal, within 30 days of the registration of the FIR. In addition to the particulars required to be furnished in Form No.54, the police should also collect and furnish the following additional particulars in the Accident Information Report to the Tribunal : (i) The age of the victims at the time of accident; (ii) The income of the victim; (iii) The names and ages of the dependent family members.
- (ii) The Accident Information Report shall be accompanied by the attested copies of the FIR, site sketch/mahazar / photographs of the place of occurrence, driving license of the driver, insurance policy (and if necessary, fitness certificate) of the vehicle and postmortem report (in case of death) or the Injury/Wound certificate (in the case of injuries). The names / addresses of injured or dependent family members of the deceased should also be furnished to the Tribunal.

- (iii) Simultaneously, copy of the Accident Information Report with annexure thereto shall be furnished to the concerned insurance company to enable the Insurer to process the claim.
- (iv) The police shall notify the first date of hearing fixed by the Tribunal to the victim (injured) or the family of the victim (in case of death) and the driver, owner and insurer. If so directed by the Tribunal, the police may secure their presence on the first date of hearing.

9. Implementation of Section 158 (6) of M.V.Act may be carried out in three stages. In the first stage, all police stations/claims Tribunal in the NCT Region and State Capital regions by end of April, 2010. In the second stage, all the police stations/claims Tribunals in district headquarters regions by the end of August, 2010. In the third stage, all police stations / Claims Tribunals by the end of December, 2010.

In compliance to the Order of the Hon'ble Supreme Court of India, all Ss.P./Ss.P.P. and D.Cs.P. of the State are directed to supply necessary forms and infrastructural support to all Is.I.C./Os.I.C. under their control to give effect to Section 158 (6) of the Act. In case of further requirement, they may submit proposal to the State Police Hdqrs. for allotment of funds.

10. Section 196 of the Act provides that whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of Section 146 shall be punishable with imprisonment which may be extended to three months, or with fine which extent to Rs. 1000/- Though the statute requires prosecution of the driver and owner of uninsured vehicles, this is seldom done. In view of the order of the Hon'ble

Supreme Court, all Is.I.C./Os.I.C. are directed to prosecute drivers and owners of uninsured vehicles under Section 196 of the Act. The Ss.P./Ss.R.P./D.Cs.P. should ensure this.

All Ss.P./Ss.R.P. and D.Cs.P. should circulate the guidelines of the Hon'ble Supreme Court of India to all S.D.P.Os/Is.I.C./Os.I.C. under their control and ensure that these directives are scrupulously followed with. They should also review the implementation of the above order during the monthly Crime meeting regularly and if any instance of non compliance comes to their notice, stringent action should be taken against the erring police officials.

Expeditious action may be taken in the matter under intimation to this office.

L. Sanyal
27/1
D.G. & I.G. of Police,
Orissa, Cuttack.

Memo No. 3975 /CB-PS

Dated 29.1.2010

Copy forwarded to all district Ss.P. including Ss.P. Berhampur/Rourkela /Ss.R.P. Cuttack /Rourkela and D.Cs.P. Cuttack / Bhubaneswar for favour of information and necessary action/compliance please.

N. Ray
29.01/10
Supdt. of Police, CID, CB,
Orissa, Cuttack.

Memo No. 3976 /CB-PS

Dated 29.1.2010

Copy forwarded to the Commissioner of Police, Twin City, Bhubaneswar/all Range Is.G.P./D.Is.G.P. & I.G. of Police, Rlys, Orissa, Cuttack for favour of information and necessary action please.

N. Ray
29.01/10
Supdt. of Police, CID, CB,
Orissa, Cuttack.