

Investigation of Road Traffic Accidents in India Current Status Vs. What should be

Dr. Rohit Baluja Director: College of Traffic Management President: IRTE











College of Traffic Management





DEPARTMENTS OF COLLEGE OF TRAFFIC MANAGEMENT





Department of Traffic Engineering



Department of Traffic Enforcement



Department of Forensic Science



Department of Driver Training





Department of Public Health for Road Safety Department of Law

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Department of Forensic Science





Department of Law

DEPARTMENT OF LAW





Road Traffic Legislation

- Study of Motor Vehicles laws/ Rules of various States within India
- Study of Motor Vehicles laws of various Countries
- Search of various Amendments of Supreme Court & High Court



- The Department of Law at the institute of Road Traffic Education was incepted in the year 2000 and write then it is working incessarily towards research on Road Traffic Laws of India and South EastAsia.
- It is one of the most prominent department of HTE which works jointly with rest of the departments and academics in order to safeguard their interests and to achieve the HTE's objectives and ansares that the IRTE's activities are in conformity with the well-defined laws and regulations.
- IRTE's Low department is working with United Nations. Government of India & States towards suggesting: drafting improvement of legal instruments dealing with Truffic Management.
- The Law department facilitates various training programmes for Police, Transport, Engineers and Road Authorities in association with Ministry of Road Transport & Highways, Ministry of Enternal Affairs and Bureau of Police Research & Development.
- The department is further responsible for development and upgradation of Course Curriculum for Training in Belds of Traffic Management, Road Accident Invastigation and Driver Training & Assessment.
- Law department flass a high degree of accountability and visibility within the organization.
- The department is responsible for handling illigation, legal compliance and appropriate department elrabage and management approach. The department vigorously strive to safeguard the interest of the organisation against all the oxisemal parties.
- If further provides legal consultation and achies as wall as inviewing the rules, contracts and agreements generated by other departments. Duties of the legal department include drafting agreements. WOU's, resolutions, letters, memos and participating in balanced administrative decision-making.
- It looks after the joining and setting formalities of shaft mambars which is another area of responsibility of the Law Department.
- Recarrity Road Salvity Court of Justice has been launched under the aegis of the Department of Law at the College of Traffic Management where we are planning to initiate training of Justicea officies.

DEPARTMENT OF LAW



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Accident Investigation

Why Investigate Road Accidents: What is the Basis?

Is to complete a formality by writing a FIR?

Is it to gather basic data for NCRB/ MoRT&H?

Is the priority to provide Compensation to the Victim?

Is it for Fault or Guilt Finding?





CTM

Who Investigates the Accident ?

Is this person or system accountable ?

Is he trained to do so ?

Does he understand the basis of investigation and the repercussions of his enquiry





Can we compare

Accident Investigation to Diagnosis of a disease ?





What is Diagnosis?

- The identification by the medical provider of a condition, disease, or injury made by evaluating the symptoms and signs presented by a patient.
- The act or the process of identifying or determining the nature and cause of a disease or injury through evaluation of patient history, examination, and review of laboratory data.





Evidence

Do the Investigating Officer understand the basis of forensic evidence?

Should He /She continue to work on presumptive evidence ?

Can evidence be corelated to a fact finding solution?

Do He /She understand the basics of forensic photography ?

Evidence Vs. Diagnostics

• Can we compare

Evidence to Pathology or Diagnostics











What is Diagnostics?

- Diagnostics is defined as the identification of disease by the examination of symptoms and signs and by other investigations an opinion or conclusion so reached.
- Through analysis of facts or problems in order to gain understanding and aid future planning an opinion or conclusion reached through such analysis.



Our Commitment Today हमारी हमारी प्रतिबद्धता आज।

• That even one accidental death, is one too many

• यहां तक कि एक आकस्मिक मौत, एक बहुत अधिक है।





© Institute of Road Traffic Education



Road Environment at the Crash site













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March March 1981

24 kids die in Kangra bus mishap Christenewes Invours SC restructuring toutner -Two teachers, driver killed too, magisterial probe on; local youths come to rescue

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चंबा में गिरी निजी बस 14 की मौत, 31 जख्मी

खैरी-सुंडला-डलहौजी मार्ग पर दर्दनाक हादसा, कई घायलों की हालत गंभीर

• मंजीत मन्हास, दईनाला (बनीखेत)

खेरी-संडला-डलहीजी मार्ग पर शुक्रवार शाम एक निजी बस के अनियंत्रित होकर गहरी खाई में गिरने से 14 यात्रियों की मौत हो गई, जबकि 31 अन्य गंभीर रूप से घायल हो गए। बस में कल 45 लोग सवार बताए जा रहे हैं। दर्घटना में घायलों को खौरी, बाधरी, डलहीजी व बनीखेत में भर्ती करवाया गया। कई घायलों को हालत नाजक बताई जा रही है। पुलिस ने मामला दर्ज कर दर्घटना के विस्तृत कारणों की जांच आरंभ कर दी है। जानकारी के अनसार संघणी से उलहौजी रूट पर दौडने वाली निजी बस नंबर (एचपी- 47, 2477) शक्रवार देर शाम ढईनाला के पास अचानक अनियंत्रित होकर चंबा में मिरीः एफ दो पर



होंजी बस हादसे 77) का त के दोकर शिकार

खेरी मार्ग पर हुई बस दुर्घटना में मारे गए लोगों की पहचान राजकुमार गांव बाधरी, अरुणा गांव बंगाल, सुमन वासी एलन नाली, रजत माटिया संगरूर, शौको संगरूर, चैन सिंह गांव मंजीर, पुत्री, मुत्री, विकास वासी गांव वकल्, छवि वासी चकल् और प्रवीन यासी ग्वाल्, अनुराग, रछिया, सुरजीत के तौर पर की गई है। उपमंडलीय प्रशासन की ओर कार्यवाहक एसडीएम अजय पराशर ने मृतकों के परिजनों को दस-दस हजार और घायलों को पांच-पांच हजार रुपए की फौरी राहत प्रदान की है।

Home: 22 die in two road accidents in Himachal Pradesh

NetIndian News Network Shimia, May 21, 2016

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is many as 22 people died in two <u>road accidents</u> in lichar Valley of Kinnaur distict and at Bajroli bridge in fimachal Pradesh in the past 24. <u>official</u> sources said.

The sources said 13 persons died when a <u>Bolero</u> Camper carrying 14 passengers veered off the road and fell into a deep gorge on Bada Kamba road in Nichar valley last night. The passengers of the <u>vehicle</u> were returning from a wedding when the mishap occurred opposite Taranda Dhang on the right bank of River Sutlej.

Nine others died in a bus accident at Bajroli bridge, four km beyond Sain on the Theog-Chopal Road today. The bus was on its way from Shimla to Tharoch, they said.

Both the driver and the conductor of the HRTC bus were among those who died. As many as 21 others suffered injuries and were being treated at a hospital in Shimla.

ADVERTISEMENT

Himachal Pradesh Governor Acharya Devvrat and Chief Minister Virbhadra Singh expressed grief over the loss of the lives in the two accidents as well over the death of 14 people in an accident in Chamba two days ago.

Accident Location: Bajroli Pul, Theog Police Station (Shimla)



Accident Location: Bajroli Pul, Theog Police Station (Shimla)





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Accident Location: Bajroli Pul, Theog Police Station (Shimla)

HP 63 8163

Potholes



To Avoid Head-on Collusion Bus Driver Try to go on Left Side and Suddenly Fall Down













Forcing Guilt 297, 304A, 336, 337, 338

Compensation Quantum

Case Closure, Data to the minimum





arts: Pending ca.







Objectives of Crash Investigation

- What took place
- Why it happened (Precipitating & Contributing factors)
- Why serious consequences
- How to prevent such accidents in future
- How to prevent the serious consequences in future





<u>Diagnosis</u>

Human Disease

Road Crashes

PATHOLOGY

- cause/etiology,
- mechanisms of development (pathogenesis),
- structural alterations of cells (morphologic changes), and
- the consequences of changes (clinical manifestations)

ROAD PATHOLOGY (CRASHOLOGY)

- factual causes behind serious & fatal road crashes
- catalytic agents which are leading to unsafe roads
 - consequences of road crashes.









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This Investigating Officer

- Duty Needs to be Defined
- Trained & Equipped to carry out his job with Responsibility

CTM



Invoking Section 218 IPC Public Servant Framing Incorrect Record or Writing with Intent to Save Person from Punishment or Property from Forfeiture



• Whoever being a Public Servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner, which he knows to be incorrect, with the interest to cause or knowing it to be likely that he will thereby cause.....may extend to three

years.....



Entire System of Accident Investigation

- Needs Overhauling to be made Accountable
- Evidence Based : Fact Finding NOT Fault Finding
- Aimed at Prevention not only Support







Importance of Scientific Evidence Collection, Packaging and Correlation

Saving Lives & Injury is Paramount

No Compromise on Evidential Relevance





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Section 198A

<u>Failure to comply with</u> <u>standards for road</u> <u>design, construction and</u> <u>maintenance.</u> (Motor Vehicles (Amendment) Act, 2019) • (1) Any designated authority, contractor, consultant or concessionaire responsible for the <u>design or</u> <u>construction or maintenance of the safety standards</u> of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time.

(2) Where failure on the part of the designated authority, contractor, consultant or concessionaire responsible under sub-section (1) to comply with standards for road design, construction and maintenance, results in death or disability, such authority or contractor or concessionaire shall be punishable with a fine which may extend to one lakh rupees and the same shall be paid to the Fund constituted under section 164B.

Need for Three Things











Lets make Global Roads Accident-free, Pollution-free and Stress-free, through Education, Discipline, Research and Planning.

NRTE

That's the Philosophy of IRTE,

a non-profit institution for making people aware of the value of life, so that happiness prevails!

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YEARS

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