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Transport Department

NOTIFICATION

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Jharkhand Accident Investigation Scheme, 2019

Jharkhand Accident Investigation Scheme, 2019 made vetted of Supreme Court's Committee on Road Safety's direction vide letter No. 49/CoRS/2014 (Vol.5) dated 19th July, 2019 and as per powers conferred by MV Act 1988 under Section 135 of Motor Vehicles Act, 1988.

SCHEME

1. Short title, extent and commencement.-

- (1) This scheme may be called the Jharkhand Accident Investigation Scheme, 2019.
- (2) This scheme extends to the whole of State of Jharkhand.
- (3) Investigation under the scheme is mandatory in case a Road Accident results in more than 3 fatalities.
- (4) The scheme shall come into force on the date of its publication in the Jharkhand Gazette.

2. Definitions. –

(1) In this Scheme, unless the context otherwise requires,-

- a) "Act" means the Motor Vehicles Act, 1988;
- b) "Accident" means an accident involving use of motor vehicle at a public place;
- c) "ARF" means Accident Recording Format;
- d) "MVI" means Motor Vehicle Inspector, within whose jurisdiction an accident involving a motor vehicle occurs,
- e) "Investigating police officer" means the Officer of a police station/Thana, not below the rank of Inspector, within whose jurisdiction an accident involving a motor vehicle occurs,
- f) "Executive Engineer" means RCD's executive Engineer in-charge of the particular District, within whose jurisdiction an accident involving a motor vehicle occurs
- g) 'SCCoRS' means the Hon'ble Supreme Court's Committee on Road Safety
- h) "Lead Agency" means the Agency (Road Safety Cell) set up under the Transport Department as per SCCoRs mandate.
- i) "Form" means a form appended to these rules;
- j) 'District Road Accident Investigation Team' refers to as a team comprising of a Police Officer (Inspector or above), Executive Engineer and Motor Vehicle Inspector having jurisdiction in the area/ district where accident has occurred.

(2) All other words and expressions used herein but not defined and defined in Motor Vehicles Act, 1988, shall have the meanings respectively assigned to them in that Act.

3. Duties of Investigating Police officer in Motor Accident cases

Notwithstanding anything contained to the contrary in any other rules in force, it shall be the duty of the investigating police officer, as expeditiously as possible to-

- a) initiate the investigation and the investigating police officer will be responsible for initiating the investigation.
- b) to intimate the Executive Engineer and MVI in case of necessity of investigation under the scheme. In case of lack of co operation from the Executive Engineer or MVI a written communication (over e-mail) from the Investigating Police Officer to the Executive Engineer or MVI will be considered deemed received, post which action against the officers for noncompliance to the Hon'ble Supreme Court's directives shall be initiated.
- c) complete the accident details pertaining to serial number I, II, III, IV, VI, VII, VIII, X, XI and XIV (a) of Form A '*Accident Investigation Report*'

d)forward the report to the Executive Engineer and MVIs for their inputs within 2 days of the accident.

e) collect the report with Joint Signatures from Executive Engineer, MVI and him/herself and forward the final report to the Lead Agency (roadsafety.jhr@gmail.com) and office of ADGP-Operations (adg-ops@jhpolice.gov.in) within 10 days of the accident. [upon receiving the signed reports from the Executive Engineer and MVI (within 5 days from the date on which the report was forwarded to EE and MVI)],

f) ensure availability, in case required by the State Committee for Coordination and Conflict Resolution

4. Duties of the Investigating Executive Engineer in Motor Accident cases

(1) Communicate the email id used for official communication by the Executive Engineer to the 'Thanas' in the jurisdiction.

(2) Conduct proper investigation with photographs from a road engineering point of view.

(3) Complete the accident investigation details pertaining to serial number V, XII and XIV (b) of Form A '*Accident Investigation Report*' and forward a signed copy of the same to the Investigating Police Officer within 5 days.

(4) Ensure availability for joint signature on final report and forward the same to the Chief Engineer at cecommrcd-jhar@nic.in .

(5) Ensure availability for spot visit whenever directed in case of major accidents.

(6) Ensure availability, in case required by the State Committee for Coordination and Conflict Resolution

5. Duties of the Investigating Motor Vehicle Inspector in Motor Accident cases

(1) Do vehicle inspection as per Section 136 of MV Act 1988 and related sections

(2) Conduct proper investigation with photographs of the vehicle involved.

(3) Complete the accident investigation details pertaining to serial number IX, XIII and XIV (C) of Form A '*Accident Investigation Report*' and forward a signed copy of the same to the Investigating Police Officer within 5 days.

(4) Ensure availability for joint signature on final report and for spot visit whenever directed in case of major accidents.

(5) Ensure availability, in case required by the State Committee for Coordination and Conflict Resolution

6. State Committee for Coordination and Conflict Resolution

(1) To ensure coordination and conflict resolution between the stakeholders a State Level Committee under the Chairmanship of Secretary Transport will be established with the following members:

- i. Secretary Transport- Chairman
- ii. ADGP (Ops)- Member
- iii. Chief Engineer (RCD)- Member
- iv. Joint Transport Commissioner- Member
- v. Joint Transport Commissioner (Road Safety)- Member Secretary

(2) The three stakeholders- Police Officer, Executive Engineer and MVI may at any time write to the Committee, in case of any coordination problem or problems related to non-cooperation by any member of the 'District Road Accident Investigation Team'

(3) In case a member of the 'District Road Accident Investigation Team' is found guilty of flouting the directions of the Hon'ble Supreme Court's Committee by the 'State Committee for Coordination and Conflict Resolution', the committee shall recommend for Departmental proceeding against such officer.

By the order of Hon'ble Governor of Jharkhand,

Prawin Kumar Toppo
Secretary
Transport Department.
