

**Workshop on Section 134 of Motor Vehicle Act, 1988
Jaipur, 27th February, 2015**



Background

With regard to right to life and safety on roads of a citizen, it would perhaps be impossible to save any life in an aircrash, but a large number of the road accident victims can be saved, if only receive succour immediately. Many of them don't, due to fear of police harassment and/or legalities.

In the year 1985, Advocate Parmanand Katara brought a writ petition by way of public interest litigation before the Supreme Court of India. The petition said that Article 21 of the Constitution of India guarantees the Right to Life to every citizen, but in the matter of road accident victims nearly 60% die while awaiting treatment, even after having been brought to the hospital. These deaths take place as the doctors would not attend the victims until a police case is registered, as these are medico-legal cases.

The Supreme Court in its division bench judgment delivered by Justice Ranganath Misra and Justice G L Ojha on 28th August, 89 ruled that every medical doctor is bound to save the life of an accident victim. "It is his supreme responsibility even if the victim is that of a criminal assault", said the order.

Context

Following a Supreme Court order in 1989, the Motor Vehicle Act was amended as Section 134 in 1994, to make it mandatory on both the driver/owner of the vehicle to take the accident victim to the nearest doctor, but also casts a duty on the doctor to treat the victim without waiting for any formalities.

A recent film "Munnabhai MBBS" depicted a hospital's response to a suicide victim, where a helpless mother tried to convince a doctor to attend to his son's serious injury, but was asked to complete the legal formalities by filling up a form first. Then, "Munnabhai" raised the question of importance of filling up form by an emergency patient before getting any immediate treatment with the Dean of the Medical College. Obviously, the Dean had no answer. Well, the difficulties faced by a suicide victim or any accident victim is similar, with road accident victim being no exception.

A number of films and serials in the past as well as in the present are showing the tragedy of a road accident victim in one way or the other. What is more unfortunate is the fact that it happens in reality also.

In our over crowded cities, road accidents have taken the form of an epidemic. Every 12 minutes an Indian dies on the road and 10 times that number get injured. In such circumstances, the role of medical institutions becomes important, as the first few moments after the accident, termed as “Golden Hours,” are very precious and crucial. Many lives can be saved and providing immediate treatment to accident victims can prevent disabilities. But this happens rarely in reality, as “prompt” medical attention is available only to a “lucky” few.

One major reason for which hospitals/clinics/doctors refuse to treat accident cases is the potential medico-legal complications associated with such patients. In many cases, it has been observed that doctors wait for the arrival of police before attending accident victims. In such cases, the Supreme Court directives are very clear.

In the case of Pt. Parmanand Katara vs Union of India in 1989, the Supreme Court observed:

There are no provisions in the Indian Penal Code, Criminal Procedure Code, and Motor Vehicles Act, which prevents doctors from promptly attending to seriously injured persons and accident cases before arrival of the police.

The treatment of the patient should not wait for the arrival of the police or completing legal formalities. All government hospitals and medical institutions should be asked to provide immediate medical aid to all the cases, whether medico-legal or not.

Present Scenario and Objectives

In spite of the provision under law, accident victims have to wait till the completion of procedural formalities before getting any immediate medical treatment during the “Golden Hour.” Since people do not have information on the same, they are ready to suffer.

Here comes the role of some of the very important stakeholder, who are part of our society like the doctor’s fraternity, which includes medical associations; traffic police, entertainment industry, corporate houses and civil society organisation, which does play an important role in spreading any message. Unfortunately, these stakeholders continue to ignore the reality and continue to portray the unnecessary delay in providing immediate treatment to the accident victim because of legal formalities. It is high time, that all of us now start spreading the right message as said in the law and clears the confusion by creating awareness on the issue and making the concerned people more and more accountable, so that many valuable lives could be saved in case of an accident.

Workshop

Marking the commemoration of road safety week 2015, Department of Transport of Govt. of Rajasthan vide its work order no *pa10(231)/pari/pd/sasus/2014/part I dated 20.02.2015* approved an activity for CUTS, which was initially an activity of inter-school drawing poster competition in Jaipur but owing to school examinations and further a government order of not allowing school children in any road safety activities due to swine flu fear, CUTS decided conduct this workshop in place of sanctioned activity with prior approval and permission of official of department.

The workshop was organised on February 27, 2015 at Hotel Jaipur Palace.

Participants

Transport Department, Government of Rajasthan supported to conduct the workshop, which provided platform for 88 representatives of CSOs, Media, Medical Practitioner, Advocates, Traffic Police, Health Department and Academician and actively took part in the workshop.

Proceedings

Varidhi Singh, Project Officer welcomed all the speakers and participants and spoke on the importance of the subject. Varidhi earmarked the need of Section 134 and urged all the speakers and participants to stick to the subject line while elaborating or discussing.



Arjun Kant Jha, Project Officer, CUTS presented CUTS role in road safety area in last two decades.



Arjun highlighted some of the milestone of CUTS in the area of road safety e.g. study in 1990 on road safety that became the basis for National Road Safety Policy, CUTS nomination to National Road Safety Council twice and to its first high-level Ministerial Committee, filing of a petition in the Rajasthan

Human Rights Commission on banning the jeeps and conducting two years research in Jaipur in partnership with IIT, Delhi and Lund University, Sweden to safeguard Pedestrian through Traffic Calming Strategy. Besides, Arjun also mentioned several up heal tasks, which CUTS has done in past in the area of road safety in the form of campaigns and other activities.

Deepak Saxena, Sr Programme Coordinator presented the brief history and importance of Section 134. Starting with the Supreme Court's decision of Parmanand Katara, Saxena briefed about driver/co-driver or by-passers's duty to provide immediate relief to



accident victims by taking him/her to nearest hospitals and then doctor's duty of treating the victim on priority before falling into any sort of legal or paper formalities.

Artists from Goonj Sansthan led by Lokesh Verma showcased a play depicting the importance of Section 134.

Among key speakers, Justice N K Jain, Former Chairman, Rajasthan Human Rights Commission and retd. Chief Justice, Madras High Court said that the importance of this section must reach to common masses and if it is not then this section would become part of several obsolete laws existing in the country. Jain referred Section 134 with article 51(A) of the Constitution of India, which speaks on fundamental duties and article 141. He also urged for joint efforts by all the five pillars of our democracy to make this section worth-while, which includes not only the judiciary but legislative, executive, media and citizens as well.

Dr R N Meena, Joint Director (Hospital Administration) of Medical and Health Dept. of Govt. of Rajasthan speaking on the role of doctors and medical fraternity said that the department has issued guidelines to doctors, emergency services and ambulance services for treating the accident victims on priority and the effective implementation of these guidelines. Meena also informed the participants about the existing 58 trauma centres and the plan of opening 10 such centres every year in the state.



Tara Chand Saharan, Former Member, Board of Revenue for Rajasthan stressed on the importance of four Es i.e. engineering, emergency, education and enforcement. Saharan also showed two films 'Red Light Yoga' and 'Akhir Kab Tak' to portrayed the importance of Section 134. The same was showcased through mannequin by his team.

Anil Jain, ARTO, Jaipur laid the importance of conscience mind set while driving. Referring to several celebrity deaths in road accidents in the last ten years due to want of medical aid on time, Jain said that now Section 134 should become part of priority agenda at all levels as it is now over 25 years, ever since this came into being.



Mukesh Sharma and Banwari Lal from traffic police presented a compilation of road accidents occurred in Jaipur city. Prior to this, **Vote of Thanks**

Dharmendra Chaturvedi, Project Officer gave vote of thanks with an appeal to the entire stakeholder to impart the message wider.


Media Coverage

People should be pushed to help accident victims

Published Date: Feb 28, 2015 DNA, Jaipur

 **Aprajita Vidyarthi @jaipurdna**



 [Enlarge Image](#)

Increasing accidents and road rage and unregulated traffic in the city has become a cause of huge concern to the officials. The Consumer Unity and Trust Society(CUTS) conducted a workshop aimed at spreading consciousness and sensitivity on road accidents as well as safety measures to be taken while on road.

The workshop focused on Section 134 of Motor Vehicle Act 1988 and ways to stay safe on roads. Eminent personalities like Justice NK Jain, former chairman, Rajasthan Human Rights Commission, Dr RN Meena, joint director Medical and health dept of government, Tara Chand Saharana, former member of the Board of Revenue for Rajasthan and Anil Jain, ARTO addressed the audience.

In his brief address, Meena communicated that the main reason of unnatural deaths in India is road accidents which can be reduced with ease if the victim gets medical treatment on time.

He appealed to the people to help accident victims instead of standing there as spectators.

“People are not aware of the fact that they cannot be pressurised to be involved in any investigative proceedings if they are not involved in the case. In most cases, if the victim gets appropriate medical aid within one hour of the accident his life can be saved,” he said.

Every hospital is liable to provide medical aid to an accident victim regardless of the presence of police.

CCTV footages of various areas of the city were shown to indicate the reckless driving and negligible traffic sense of the people of the city. Traffic officials appealed to the addressees to follow traffic rules and refrain from risking their life while driving.

Banwari Lal, a traffic official stated, “Do not look at the helmet and red light as a burden as they are meant for the well-being of the citizens.”

A nukkad natak presentation by Goonj, an NGO, attracted eye balls of the onlookers.

AGENDA

10:30	Registration
11:00-11:05	Welcome and Introduction <i>Varidhi Singh, Project Officer, CUTS International</i>
11:05-11:20	Presentation on CUTS initiatives on Road Safety <i>Arjun Kant Jha, Project Officer, CUTS International</i>
11:20-11:35	Presentation on Section 134 of MV Act <i>Deepak Saxena, Sr. Programme Coordinator, CUTS International</i>
11:35-12:00	Show casing the importance of Section 134 through Street Play <i>A group of artist from Goonj Sansthan</i>

12:00-13:00

Special Addresses

- Role of Civil Society Organisation (post-accident treatment)
Mr Tara Chand Saharan
Former Member, Board of Revenue for Rajasthan and Secretary, Sahayata
- Role of Medical Practitioner (post-accident treatment)
Dr R N Meena, Joint Director (Hospital Administration), Dept. of Medical and Health, Govt. Rajasthan
- Role of Legal Practitioner (present status of compliance of Section 134)
Justice N K Jain, Retd Chief Justice, Madras High Court and ex-Chairman, Rajasthan Human Rights Commission.
- Role of Police (attitudinal changes in implementation)
Mr Banwari La//Mr Mukesh (Traffic), Jaipur Police Commissionerate
- Policy Intervention at the level of Transport Department
Mr Anil Jain, ARTO, Transport Department, Govt. of Rajasthan, Jaipur

13:00–13:15

Open Session Questions & Clarifications

13:15-13:20

Vote of Thanks,
Dharmendra Chaturvedi, Project Officer, CUTS

13:20

Lunch

FAQ on Section 134 of Motor Vehicles Act, 1988

Research shows that half of the accident victims can be saved if they receive immediate medical attention. However, due to fear of harassment people do not always come forward to attend them. Following a Supreme Court order in 1989, the Motor Vehicles Act was amended in 1994, to make it mandatory on both the driver/owner of the vehicle to take the accident victim to the nearest doctor, but also casts a duty on the doctor to treat the victim without waiting for any formalities. This FAQ has been created to help people understand the situation and inform others, so that we can save unnecessary deaths on our roads.

What is the duty of the driver of the vehicle involved in an accident?

- The driver or the owner of a vehicle involved in any accident that has caused injury or damage to any person, is required to secure medical aid for the injured person, by taking him to the nearest doctor.
- He shall report the matter to the nearest police station within 24 hours, and
- Also inform the insurance company about the occurrence of the accident, namely, insurance policy number and period of its validity; date, times and place of accident;

particulars of the persons injured and/or killed in the accident; and name of the driver and particulars of his driving licence.

Is the duty of the driver mandated by any law?

Yes! Section 134 of the Motor Vehicles (MV) Act, 1988 states that the driver and/or the owner of the motor vehicle responsible for a road accident is required to take all reasonable steps to secure medical attention for the injured person by conveying him to the nearest medical practitioner or hospital, unless it is not practicable to do so on account of mob fury or any other reason beyond his control.

Is failure to comply with this act punishable?

Yes! Under Section 187 of MV Act 1988, whoever fails to comply with the provisions of the clauses of Section 134, shall be punishable with imprisonment for a term which may extend to 3 months, or with fine which may extend to Rs. 500, or with both. If it is the second time for the person concerned, then the penalty is harsher. The imprisonment may extend to 6 months, or with fine which may extend to Rs. 1000, or with both.

What is the duty of the doctor/hospital where a road accident victim is taken?

The doctor/hospital approached to treat a road accident victim should render immediate necessary medical aid without waiting for any procedural formalities.

Does refusal of medical care to injury and emergency cases constitute negligence?

Yes. Refusal of medical care to emergency cases constitutes negligence.

Can a doctor/hospital refuse medical care to emergency cases?

No. A doctor/hospital cannot refuse medical care to emergency cases.

Can treating a road accident victim lead to the doctor/hospitals getting into any trouble?

No. There are no provisions in the Indian Penal Code, Criminal Procedure Code, Motor Vehicles Act, etc., which prevent doctors from promptly attending to accident cases before the arrival of the police. As per the Supreme Court's 1989 judgement, the police and court should not harass such doctors, and should also not be taken to the police station for investigations.

Should the doctors/hospitals wait for the police to arrive or any legal formalities before attending to a road accident victim?

No. The treatment of the patient should not wait for the arrival of the police or completion of legal formalities. All hospitals and doctors are required to provide immediate medical aid to all the cases, whether medico-legal or not. Failure in this regard is punishable under Section 187 of MV Act, 1988.

राजस्थान सरकार
परिवहन विभाग

क्रमांक:प.10(231) परि/पीडी/ससुस/2014/पार्ट-1

जयपुर दिनांक: 20.02.2015

कार्यालय आदेश

राज्य सड़क सुरक्षा परिषद की बैठक दिनांक 29.12.14 में लिये गये निर्णयानुसार 26 वें सड़क सुरक्षा सप्ताह (23.02.2015 से 28.02.2015) के आयोजन हेतु निम्नांकित स्वयं सेवी संस्थाओं को उनके द्वारा प्रस्तुत प्रस्तावों के निम्नानुसार कार्य कराये जाने के लिए आदेशित किया जाता है


क्र. सं.	संस्था का नाम	प्रस्ताव क्रमांक/दिनांक	स्थान/क्षेत्र का विवरण	दिनांक	गतिविधियां	राशि (लाख में)
1	साहायता	SH/Trans/2014/347 dt. 30.10.14	जयपुर/ अजमेर	23.02.2015 से 28.02.2015	1. बी.एल.एस कोर्स-जयपुर-10	1.20
					2. जीवन सुरक्षा डीवीडी वितरण-500 स्कूल एवं कॉलेज में	0.40
					3. बैनर्स, पैम्पलेट	0.20
					4. flex canopy one with resource person and transportation (10 locations)	0.15
					5. बी.एल.एस कोर्स-अजमेर-6	0.72
योग						2.67
2	पीपल्स ट्रस्ट		जयपुर		Pappu Zebra Road sense Show at Janpath and at Science Park	0.30
					Road Safety Printing & distribution of Pappu road sense stories/Posters/pamphlets/banners and Gift items for Pappu road show.	0.50
योग						0.80
3	कट्स	J.2(1)/8066 dt. 16.01.15	जयपुर		एक अन्तर विद्यालय ड्राइंग पोस्टर कम्पीटीशन	0.48
योग						0.48
4	एकजुट	dt. 04.02.15	जयपुर		1. फ्रॉम द बार बिहाईन्ड द वार आर्ट इन्सटॉलेशन	2.06
					2. नाटक मंचन- आरोपी हाजिर हो।	5.00
योग						7.06

5	गूज	Dt. 12.12.14	जयपुर		नुक्कड़ नाटक, पोस्ट एक्सीडेंट एवं फर्स्ट एड ट्रेनिंग, Local travel, Refreshment for Trainees & Students, Audio-Video, Banners & Stationary, Reporting & communication	0.72
योग						0.72
6	सुजस	Sujas/JPR/2 015/157 Dt. 17.12.14	जयपुर		समीनार, नुक्कड़ नाटक एवं कठपुतली शो (कुल प्रस्ताव 1,57,300/7*2)	0.45
योग						0.45
7	रस रंग मंच	107/RRM/2 014 Dt. 27.11.14	जयपुर		यातायात नियमों व सावधानियों पर आधारित स्कूल कार्यक्र, उद्घाटन दिवस हेतु लघु नाटक, फालबेलिया नृत्य, झोल बाकिया, कच्ची घोड़ी, खरताल, गायन, कठपुतली शो व वाहन के ऊपर शहर भ्रमण रैली, सड़क सुरक्षा सप्ताह फरवरी 2015 के अंतर्गत लघु नाटकों हेतु	1.76
योग						1.76
8	साहस	Saahas/Adl Com Raj. State Transport Dept/2014/ 15/087	जयपुर		कर्मसमेट रैली, सेफ राइडिंग प्रोग्राम	1.15
योग						1.15
9	मुस्कान	Dt. 18.12.14	जयपुर		Payment to folk artists, Educational Institutions/ Organisations, Wall painting and road safety carnivals at vardhaman path, Activation of Road Safety clubs, Publicity and display material, Payment to Folk Artists, Educational Institutions/Organisations, Red Flag & Helmet Campaign District Level Road Safety Quiz Competitions, 10 Workshops on Post Accident Care & Life Saving Techniques	2.95
योग						2.95
10	अरिहत नाट्य संस्था		जयपुर		नुक्कड़ नाटक	0.36
योग						0.36

11	अलसना रंग थियेटर सोसाय टी		जयपुर		नुककड नाटक	0.36
योग						0.36
12	सेफ ड्राईव सेव लाईफ		बीकानेर		बीकानेर में शपथ ग्रहण अभियान, ट्रैफिक लॉ दिवस, प्रदूषण जांच अभियान, रिफ्लेक्टर एवं पैम्पलेट वितरण अभियान, स्कूल शिक्षा कार्यक्रम, विशेष धार्मिक प्रार्थनाएं, चित्रकारी प्रतियोगिता, नेत्र जांच शिविर, कैंडल मार्च, Volunteer's Remuneration, Projector, sound System, Reflectors, Miscelleneos	0.95
योग						0.95
13	सेफ ड्राईव सेव लाईफ		श्रीगंगानगर		श्रीगंगानगर में शपथ ग्रहण अभियान, ट्रैफिक लॉ दिवस, प्रदूषण जांच अभियान, रिफ्लेक्टर एवं पैम्पलेट वितरण अभियान, स्कूल शिक्षा कार्यक्रम, विशेष धार्मिक प्रार्थनाएं, चित्रकारी प्रतियोगिता, नेत्र जांच शिविर, कैंडल मार्च, Volunteer's Remuneration, Projector, sound System, Reflectors, Miscelleneos	0.95
योग						0.95
14	जय राम पीर मारवाड़ी खेल पार्टी		नागौर/ डिडवाना		नुककड नाटक मंचन(नागौर)	0.54
योग						0.54
15	इनाया फाउन्डेश न		जयपुर		कॉलेजों/स्कूलों में फस्ट एड ट्रेनिंग कार्यक्रम/गतिविधियां	3.00
योग						3.00
Grand Total						24.20

उपरोक्त स्वयं सेवी संस्थाओं द्वारा उन्हे निर्देशित कार्य पूर्ण करने के उपरान्त भुगतान हेतु बिल तीन प्रतियों में संबंधित प्रादेशिक/जिला परिवहन अधिकारी से सत्यापित करवाकर परिवहन आयुक्त कार्यालय में प्रस्तुत करने होंगे वहीं सड़क सुरक्षा सप्ताह के दौरान की गई

गतिविधियों की रिपोर्ट भी परिवहन आयुक्त कार्यालय में सत्यापित बिलों के साथ प्रस्तुत करनी होगी।



(गायत्री राई)
परिवहन आयुक्त एवं सचिव

क्रमांक: प.10(231) परि/पीडी/ससुस/2014/पार्ट--1

जयपुर दिनांक: 20.02.2015

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु:--

1. निजी सचिव, परिवहन आयुक्त एवं सचिव।
2. निजी सहायक, अपर परिवहन आयुक्त(प्रशा.)।
3.को भेज कर लेख है कि वे दिनांक 03.03.2015 तक अपने बिल सम्बन्धित प्रादेशिक/जिला परिवहन अधिकारी कार्यालय में आवश्यक रूप से प्रस्तुत करने का श्रम करें।
4. प्रादेशिक परिवहन अधिकारी, जयपुर/बीकानेर को भेजकर लेख है कि वे उनके क्षेत्राधिकार में उपरोक्तानुसार गतिविधियों का संपादन सुनिश्चित कर संस्थाओं द्वारा प्रस्तुत बिलों को सत्यापित कर परिवहन आयुक्त कार्यालय को 10.03.2015 तक आवश्यक रूप से प्रस्तुत करें।
5. अपर परिवहन आयुक्त (स.सु.) को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
6. रक्षित पत्रावली।


(डॉ. मनीषा अरोड़ा)
संयुक्त शासन सचिव(सु.)

