

What you do or don't do in the few minutes following an accident could literally spell the difference between life and death – yours, your co-passengers' as well as the other party's – apart from throwing the traumas of imprisonment, harassment and expenditure into the mix.

Foreknowledge and keeping a steady head are the only things that can salvage the situation. We provide in this article a much-needed step-by-step guide to what to do in the case of an accident with invaluable inputs from Kolkata Traffic Police, Pradipta Ghosal (Life Saving Society of India) and JP Research India Pvt. Ltd.

Do's & Don'ts of ACCIDENT MANAGEMENT

Team WHEELS



The dictionary meaning of the word “accident” is: “An unfortunate incident that happens unexpectedly and unintentionally, typically resulting in damage or injury.” When this “unfortunate incident” is caused by one or more vehicles, travelling presumably at some speed, the results could be potentially catastrophic. Add to that the magical appearance of a volatile mob and the situation could escalate and become unmanageable.

Accidents do happen in spite of our best precautions. It is usually due to a combination of circumstances or the result of a series of failures. In an accident, one way or the other, motorists get jeopardized. They sometimes try to escape the accident spot, being unaware of the legal and medical procedures, and thereby get entangled in ‘hit and run’ cases to further complicate matters.

To begin with, in the event of an accident, the following procedures have to be adhered to:

1. Take control of the situation.
2. Check on injuries and provide help.
3. Exchange information with the affected parties and take photographs.
4. Do not admit liability of the accident.
5. Secure witnesses.
6. Inform the police.
7. Inform the insurance company.

1. Take control of the situation:

Immediately after the accident there is an outpouring of a mixed bag of emotions, including sadness, anger and puzzlement. Control it. Do not panic and run away. Stop your vehicle and get out. Your emotions may result in witnesses getting alienated from you.

Cordon off the area around the victim to prevent other vehicles from encroaching and creating more harm.

Do not allow miscreants/mobs to escalate the tension and create unnecessary rioting. Any over-reacting or usage of unparliamentary words may enrage the

i. Take care of yourself and any co-passengers you have and move away from the accident site to a safe place.

ii. Assess what kind of injury you have. If there is bleeding, stop the bleeding first. Get a first aid kit, if possible. Take out the gauze and put pressure on the area to stop the bleeding. You may seek help from the bystanders.

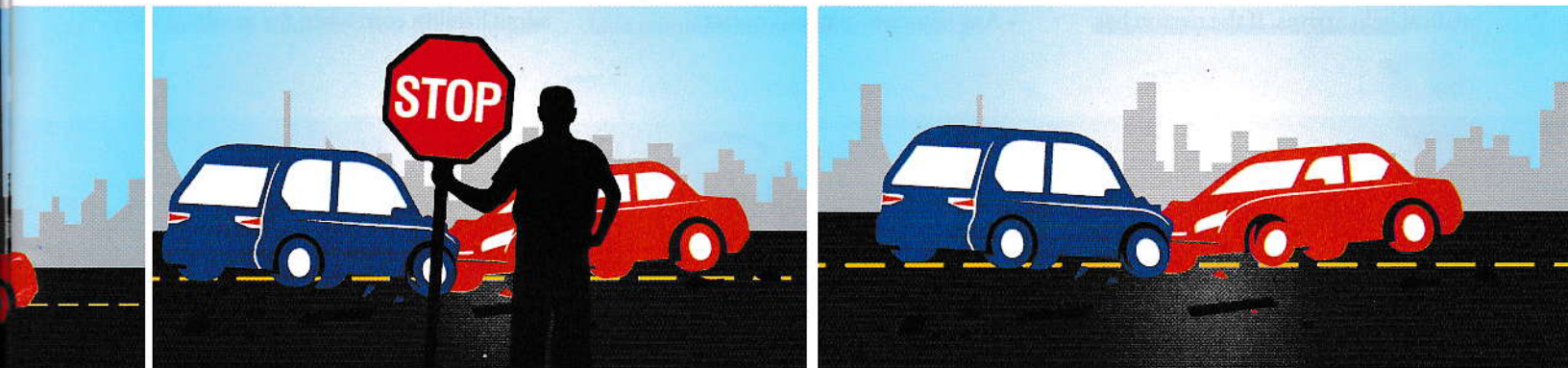
iii. In case you are conscious but unable to move out of the car, try to ascertain whether you can feel the ends of your fingertips and toes. If you can feel and

(KARMA Ambulance).

iii. Assess the accident scenario. If you smell fuels near the victim or in case he is in the midst of fast-flowing traffic, move him to a safer place. Otherwise, wait till the police or paramedics arrive. Secure the place by putting diversions.

iv. Do not administer any medicine, provide any drinks hot or cold, etc. That is the work of the EMS or a medical facility.

v. Assess what kind of injury the victim has sustained. If he is bleeding, stop the



people on the scene and you may lose control of the situation. You need more helpers in the scene rather than people who are annoyed at your emotional behaviour. So stay in control, have patience and do not get involved in any argument, no matter how provocative.

2. Check on injuries and provide help:

Turn off the ignition and switch on the 'hazard' light. This will help you to warn oncoming traffic, particularly during night time. The reflective triangles in the car should be used. Ensure that the injured receives proper medical attention.

With an accident the following two things can happen:

A) You have injured yourself

B) You have injured others

A) In case of own injuries:

move them, then you probably do not have any spinal cord injury.

iv. In case you are feeling nauseous and reeling in the head, do not move. There might be a possibility of injury in the head or internal organs. Wait inside the car for medical help to arrive. Stay calm and do not panic.

v. If you are able to move without any difficulty then get help to arrange transport to reach the nearest hospital. Under the present regulation, it is the duty of the hospital to take admission of the injured person without an FIR having to be lodged.

B) In case of injuries to others:

i. Call for medical help and the police. Involve bystanders to assist you.

ii. Check the other person. Call the police and the Emergency Medical Service

bleeding first. Arrange for a first aid kit, take out the gauze and put pressure to stop the bleeding. You may seek help from the bystanders or ask them to arrange for a first aid kit from nearby residences or shops.

vi. If the victim is conscious, try to ascertain his orientation by asking him whether he can feel the ends of his fingertips and toes. Ask him to grip your fingers. If he can, then probably he does not have any spinal cord injury. If he can't, ensure a complete immobilised state and do not try to move him. That will do more harm unknowingly.

vii. In case the victim is experiencing nausea or is reeling in the head - do not move him. There might be a possibility of a head injury or injury in his internal organs. Wait for medical help to arrive. Calm the person and talk to him so that he stays alert or awake.

viii. If the person is unconscious or not able to move due to severe injuries, then do not move him. This can cause more harm. Wait for the paramedics or ambulance to arrive.

ix. Only in case the person is not responding or breathing and you are not feeling his pulse, then immediately take him out with all precautions possible. This means keeping his entire body, neck and head in one straight line with a hard support beneath him, such as a hard board, without bending the spinal cord. Lay him in a secured place and provide cardio-pulmonary resuscitation (CPR) immediately, if possible. Continue till medical help arrives. If the person has

List of information to collect about the car accident or collision:

- Car registration number, manufacturer and model name of the offending car.
- Name of the other driver and/or car owner, contact details, residential address, driving license number.
- Date and time of the accident.
- Location of the accident or approximate address.
- The direction you were travelling in.
- The direction the other car was travelling in.
- Any notes regarding the driving conditions, weather or visibility.
- Photographs from different angles of the crash scene.
- Any witnesses' names, contact

information and their versions with recording, if possible.

- The name, identification number, and contact information of any police officer who comes to the accident.
- Additionally, record details in your mobile phone recorder all the details of the accident. It's easy to forget the details when you are all shaken up from a crash.

This process of dialogue and exchange would help to make the situation easy for both parties concerned.

4. The golden rule – do not admit liability of the accident:

In dealings with the police and other drivers, remember the golden rule – never admit liability, even when the accident



revived and has started to breathe, keep him immobilized, that is, not letting him move, till medical help arrives.

x. If the person is able to move, then transport the victim to the nearest hospital carefully. Keep talking to the victim. Remember, under the present regulations, it is the duty of the hospital to take admission of the injured person without an FIR having to be lodged.

3. Exchange information with affected parties and take photographs:

Mitigation of the situation can be best achieved through an exchange of information between both the parties involved in the accident. Exchange and record information as follows:

ONLY IN CASE THE PERSON IS NOT RESPONDING OR BREATHING AND YOU ARE NOT FEELING HIS PULSE, THEN IMMEDIATELY TAKE HIM OUT WITH ALL PRECAUTIONS POSSIBLE. THIS MEANS KEEPING HIS ENTIRE BODY, NECK AND HEAD IN ONE STRAIGHT LINE WITH A HARD SUPPORT BENEATH HIM, SUCH AS A HARD BOARD, WITHOUT BENDING THE SPINAL CORD

seems clearly your fault. This is a condition of most of the motor insurance policies. The blame for an accident is something that, ultimately, only a court can decide. The policy-holder who admits liability is pre-judging the issue, and his insurance company may refuse to handle the claim if he does so.

Similarly, the policy-holder should not answer letters, claims or writs, but should pass them straight to his insurance company or lawyer.

A blameless motorist who suffers loss in an accident may later be quite unable to prove that another driver was at fault if he has no names of witnesses and no photograph of the vehicles.

In many cases it was later found that the reason for the accident was quite different

from what was being thought at that point of time. Usually accidents happen due to a series of failures and not always due to one particular person's fault. It's the investigation agency's job to find out the reason.

5. Secure witnesses:

Your aim would be to secure as many witnesses as possible who may help you in future during the investigation. Try to find independent witnesses, that is, not people in your own car. It would be ideal if you could gather a few names, addresses and phone numbers for later reference. This may be tough in some cases since most people would like to avoid sharing contact details since they fear they may get

to inform. It is advisable not to leave the accident spot before the police arrives since then the entire matter of investigation and the subsequent verdict becomes one-sided due to your failure to register your version with the police. Document all losses to avoid inflated claims later.

7. Inform the insurance company:

The insurance agent/company needs to be informed to avail claims, if required. Inform the insurance company of the loss or damage. If your policy was arranged through an insurance broker, he will pass on the details to the company and help you to make a claim. For online policies, proceed online to report the accident and claim reimbursement against the damage.

IF A DRIVER WHO HAS HIT A PERSON DOESN'T PROVIDE FIRST AID OR MEDICAL TREATMENT TO THE INJURED AT THE PLACE OF THE ACCIDENT BECAUSE OF A MOB OR UNSAFE CIRCUMSTANCES, THEN HE MUST REPORT THE INCIDENT IMMEDIATELY TO THE NEAREST POLICE STATION



involved and harassed by the police later.

Try to take down or record a statement on the spot, and get the witness to sign it. You will thus avoid the danger that he might forget the details or change his statement later.

6. Inform the police:

Take the responsibility of calling the police immediately without waiting for others

To be noted, the Motor Insurance Policy of the vehicle should be valid on the date of the accident. In case the motor insurance has expired or if the car had no insurance, then the whole liability is on the car owner. Under the circumstances, the owner will be made a party to the case. The minimum requirement to safeguard from an accident is to have the validity of a 'third party' cover. Motor third-party insurance or third-party

liability cover is a statutory requirement under the Motor Vehicles Act. It is referred to as a 'third-party' cover since the beneficiary of the policy is someone other than the two parties involved in the contract (the car owner and the insurance company). The policy does not provide any benefit to the insured (the car owner). However, it covers the insured's legal liability for death/disability of third-party and loss or damage



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to the third-party's property.

ACCIDENT CLAIM BY VICTIMS

A victim of an accident may apply for the accident claims as follows:

1. Victim to arrange copy of accident documents from the police.
2. Victim to file Motor Accident Claim Case (MACC) along with the accident documents.
3. Victim may claim Solatium or Ex-gratia Fund

1. Victim to arrange copy of accident documents from the police:

For the convenience of an accident victim, relevant accident documents are all provided online to the victim party, free of cost, by Kolkata Police at the Kolkata Police website. The documents may be downloaded. For other police jurisdictions, the hard copies of the documents have to be arranged in person by the victim party. The documents that are available online

or need to be arranged are as follow:

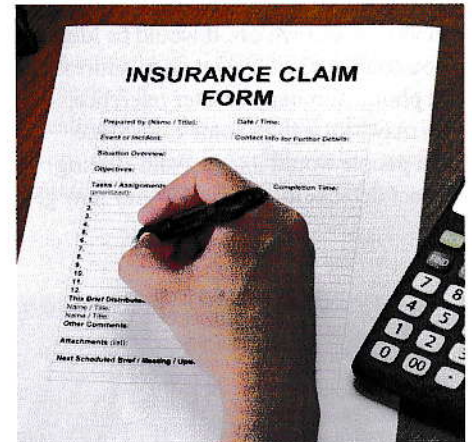
1. FIR
2. Formal FIR (Complaint Letter)
3. Motor Collision Report (MCR)
4. Hospital discharge certificate
5. Seizure list (vehicle and all documents related to vehicle)
6. Post-mortem report (if any)
7. Inquest report
8. Charge sheet (as submitted during the process of hearing)

2. Victim to file Motor Accident Claim Case (MACC) along with the accident documents:

A MACC has to be filed by the victim at the Tribunal Court through an advocate along with the supporting documents of the police as stated above.

3. Victim may claim Solatium or Ex-gratia Fund:

A victim may be adjudicated to receive the Solatium or Ex-gratia Fund as



SL NO	SOLIATIUM FUND	EX-GRATIA FUND
1	Vehicle is unknown	Vehicle (either victim or offending) is known and is in custody
2	Fatal cases = ₹25,000	Fatal cases = ₹2,00,000
3	Grievous Injury = ₹12,500	Grievous Injury = ₹50,000
4	Documents Required 1. Copy of FIR 2. Copy of Death / Discharge Certificate 3. Post-mortem Report 4. Copy of ID proof of the victim 5. Copy of ID proof of the claimant	Documents Required 1. Copy of FIR 2. Copy of Death / Discharge Certificate 3. Post-mortem Report 4. Copy of ID proof of the victim 5. Copy of ID proof of the claimant
5	Filled-up form submitted to the police	Filled-up form submitted to the police by the claimant
6	Form then sent to PVD for sanction	Form then sent to PVD for sanction
7	Fund given by New India Assurance Authority	Fund given by Transport Department, Government of West Bengal

CATEGORIES OF INJURY

To manage an accident, a motorist should be aware of the categories of injury in a road collision as follows:

i) Slight Injury: A slight injury is one in which no one is seriously injured, but at least one person is slightly injured. It may not necessarily require medical treatment. Examples of slight injuries are: sprains, neck whiplash injury, bruises, small cuts and slight shock requiring roadside attention. Persons who are merely shaken and who have no other injury should not be included, unless they receive or appear to need medical treatment.

ii) Serious: A serious injury is one which has not caused death and falls under the following categories:

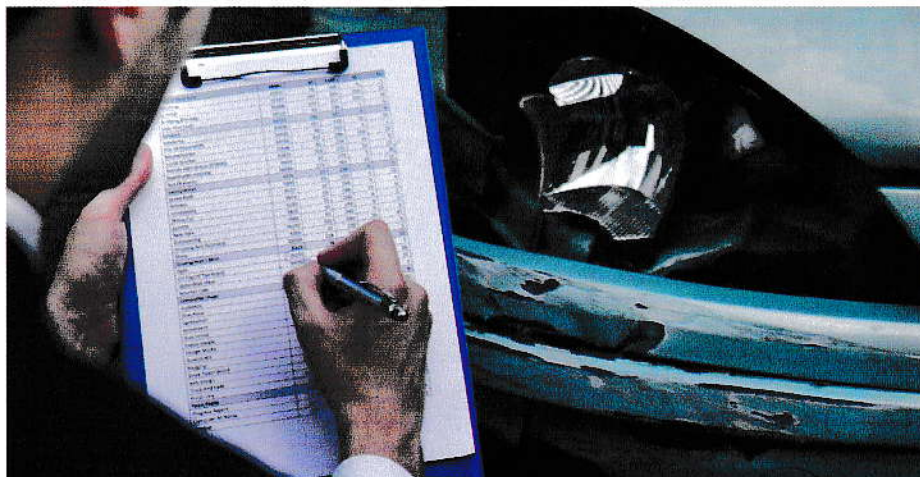
(a) A person required to get admitted in a hospital due to the nature of injury;

(b) Irrespective of the person getting admitted in a hospital or not, he had the following injuries: internal injuries, crushing, fractures, concussion, severe cuts and lacerations or severe shock requiring treatment.

iii) Fatal: A fatal collision is one in which a person is fatally injured, which means, he died. A fatal injury also means where a person dies within 30 days of the collision. Deaths beyond 30 days may be investigated but may not be recorded as a fatality.

NON-FATAL ACCIDENT MANAGEMENT

- 1) Assess damage.
- 2) There could be a mutual understanding or out-of-court settlement between the two car owners. You may personally negotiate with the other driver on the amount payable or receivable for the damage caused.
- 3) In case the negotiation fails, and you would like to pursue the case, lodge a complaint at the local police station through a Motor Collision Report



(MCR). Get a copy of the MCR and preserve the same. A police station is supposed to record an accident.

4) The insurance agent/company needs to be informed to avail of claims, if required.

To be noted, if the motor insurance has expired or if the car is uninsured, then the whole liability is on the car owner.

UNSAFE CIRCUMSTANCES

However, sometimes, there are safety issues for a motorist due to a rioting mob. Under the circumstances, the following steps should be adhered to:






1. Move out from the accident site - with or without the car.

2. Proceed to a police station and report in person.

3. Appoint a lawyer to safeguard your interest.

Note: If a driver who has hit a person doesn't provide first aid or medical treatment to the injured at the place of the accident because of a mob or unsafe circumstances, then he must report the incident immediately to the nearest police station. As per the provisions of sections 134(a), (b) r/w 187 of the Motor Vehicle Act, a driver failing to do so is liable for three months imprisonment or ₹500 fine or both.

Emergency Numbers

	Police Control Room	100
	Kolkata Police Control Room	033-22143024/3230/1310
	West Bengal Police	033-22145486
	St. Johns Ambulance	9830023653, 033-24863926
	Karma Ambulance (24x7 Trauma Ambulance of Kolkata Police)	1073 / 033-66070707

- Pradipta Ghosal is the Managing Trustee, of Life Saving Society of India (LSSI) - a Public Charitable Trust dedicated to saving lives. Nationally, the Society is into training and certification of Life Savers, Lifeguards, First Aid, CPR & Trauma Management, Aquatic and Non-Aquatic Disaster Management, various watercraft, rescue diving, adventure tourism, and training in diverse safety training in various sectors to support a human life.
- JP Research India Pvt. Ltd. is a research company in the business of automotive crash data collection and analysis.