A) ACCIDENT DEPARTMENT :

(I) Section 146 of the Motor Vehicle Act 1988 provides to insure vehicles against 3rd party risk. However, BEST Undertaking has been exempted from the preview of the said section by the order of the Government of Maharashtra No. MVA1561/36609-XII dated 3-04-1962 and MVA 2080/CR 1037 TRA-2 dated 30-12-1989.

In order to meet the property and personal claims of outside party involved in the accident with the vehicles of any department of the Undertaking, BEST Undertaking has created a corpus fund. In order to meet the obligations under the Act against the 3rd party claims, the Claims Department has been established.

The Accident and Claims department as its name suggest deals with all the legal matter pertaining the cases of claims involving Undertaking's vehicles in as accident. The accidents could be major or minor involving personal injury, which may be fatal to pedestrians/passengers/even to staff members. The department also keeps record of cases such as assault, payment of compensation under Workman's Compensation Act, claims in accident arising out of the use of Motor Vehicles filed in MACT, claims of outside parties, avoiding passenger fare/over traveling cases, Traffic Offence cases and such other cases before the relevant Court/Tribunal and/or police station in addition and other subsidiary works

The department is performing its overall role and functions through the five zonal offices located at Mumbai Central, Bandra, Oshiwara, Majas and Ghatkopar depot. Since 8-06-2001 the overall functions of the Accident dept. has been bifurcated and as such MACT/Claims Department has been placed under Administrative Manager Claims, and five zones have been placed under the direct control of respective Depot Managers. One Traffic Officer i.e. TO-Accident in grade G-X is supervises the activities of these five Zones.

Each of the Accident division office is headed by an Traffic Officer – Accident Grade- G-X, and to assist them Special Inspectors (Accident), Bus Inspector

(Accident) as per the requirement of the divisional schedule duties three clerks and a Sepoy are provided in respective divisions which is open from 9.00 to 17.00 hrs from Monday to Friday.

(II) Jurisdiction of Divisions of Accidents Dept.:

1. Mumbai Central Depot -South Zone – The depots attached to the division are Colaba, Backbay, Mumbai Central, Worli and Wadala and the area thereof
2. Bandra Depot-Central Zone – The depots attached to the division are Santacruz, Anik, Pratiksha Nagar, Dharavi, Kalakilla and Bandra and the area thereof.
3. Majas Depot-North Zone – The depots attached to the division are Kurla, Marol, Majas, Dindoshi and Magathane and the areas thereof.
4. Ghatkopar Depot-Eastern Suburb Zone – The depots attached to the division are Ghatkopar, Deonar, Vikhroli, Mulund and Shivaji Nagar and the area thereof.
5. Oshiwara Depot-Western Suburb Zone – The depots attached to the division are Oshiwara, Goregaon, Poisar, Gorai, Malvani and Malad and the area thereof.

One Special Inspector (Acc.) is posted to perform the duties from 7.00 hrs to 15.30 hrs and another from 14.30 to 23.00 hrs. in each Zonal Offices under the control of TO (Acc) to attend the accident cases in the respective zonal areas. Two Special Inspectors (Acc.) have been posted from 23.00 to 7.30 hrs. in Traffic Control Room to attend the accidents in overall operational area.

(III) HOW ACCIDENTS ARE ATTENDED:

Whenever the Undertaking's vehicle is involved in any road accident, resulting in personal injury, which may be fatal to pedestrians/passengers or our staff members, the staff on duty (i.e. Bus Conductors / Bus Drivers) are required to remove such person to nearest Municipal / Govt. Hospital and also inform the same to Traffic Control Room, Wadala. The Undertaking does the preliminary expenditure for medical treatment. Traffic Control Room makes arrangement by

sending Bus Inspectors to the hospital from the nearest depot to attend the injured immediately. After getting the correct information from the Bus Inspector, Traffic Control informs the same to Special Inspector (Acc.) in whose jurisdiction accident has taken place, with details. The first and foremost duty of the Special Inspector (Acc.) is to rush to the place of accident to observe the details of the accident spot. After noting the accident particulars from the spot he will rush to hospital where the injured has been removed and then contact Bus Inspector, Bus Conductor and collect all relevant information available with them. He will then inform Traffic Control about his arrival at the hospital. In case of admission of injured person in the hospital he records the name of injured, his/her address and statement. Thereafter, message is given to Traffic Control regarding admission and particulars of injured. If injured is unconscious he informs Traffic Control to arrange to obtain condition for 24 hrs. through the respective zonal Bus Inspectors. Keeping the Bus Inspector engaged in hospital till the admission, he proceeds to the police station with the duty Conductor and Driver to record the case. In case the police charge the bus driver, he will suspend the original bus card; prepare two copies of RTO particular form, one for M.V. Inspector and other for Engineering Officer. He has to make an application immediately and try to obtain Panchanama, FIR copy from concerned police officer. He has to help the Bus Driver to release on bail. Finally he has to inform the Traffic Control the entire result of the case.

In case of fatal accident, Traffic Control informs the case to the Traffic Officer (Accident) and Depot Manager / Deputy Depot Manager / Asst. Depot Manager of the concerned area where the accident occurs and Depot Manager of the respective Zone who attend the case. Whenever accidents take place before/after office hours, the Traffic Control informs the incident to them at their residence. The concerned Divisional Officers immediately rush to the accident place/hospital/police station. Next day Bus Inspector and Special Inspector (Acc) submits their report in given format. In case of fatal accident

Traffic Officer (Accident) prepare a report and Depot Manager submit the same to higher authority.

In other minor accident cases Bus Drivers record the complaint in the prescribed format at their respective depots after completion of their full duty. Next day Bus Inspector notes the case and records it with the concerned police station, if necessary and submits his report. In case of other minor accident/assault cases where the buses are detained on line, Traffic control makes the arrangement of Bus Inspectors from the nearest depot, which handles the entire case and informs the result to Traffic Control.

(IV) The main functions of Divisional Accident Offices i.e. Administrative Officers (Accident) are:

1) Registration of cases

2) Workman Compensation

3) Court Follow up

4) Traffic Offences cases

5) APF/OT cases

6) Follow up of condition of injured involved in accident as well as the on duty sick staff admitted in Hospital.

7) Dealing with Police Memos.

8) Court summons received from any civil courts

9) Follow up of cases regarding electric theft cases in courts

10) Obtaining the legal documents from police stations for the purpose of departmental enquiry

11) Record of stone throwing cases

12) Follow up of private matters of the employees in the courts

13) Preparation of all types of statements to be provided to CIRT, Ministry of

Shipping, Road Transport & Highways and other Transport Undertakings as per their requirement.

(V) Registration of the cases:

After receipt of reports from Bus Inspectors/ Spl. Insp. (Acc), accidents are classified into fatal, serious personal injuries, minor personal injuries, major collision, minor collision, insignificant, misc. and assault, depending upon the nature or extent of damage and are registered separately. This classification is done as per the guidelines given by CIRT, Pune.

The accident cases are recorded in zonal office on the basis of depot to which the bus belongs. In case of collision between bus and bus, cases are recorded as per the area of the accident. Traffic Officer (Accident) sorts out the reports and decides the course of action to be taken. In case of heavy damages and personal injuries, copies of the reports are forwarded to MACT/Claims section for the payment/recovery as the case may be. The cases are follow- up till the results of departmental enquiry as well as police court results are declared.

Monthly/yearly statement of all the cases is prepared and submitted as and when required by Head of the Branch for submitting the same to the Management as well as to CIRT, Ministry of Shipping, Road Transport & Highways and other Transport Authorities.

(VI) Workman Compensation

Whenever our staff while on line met with an accident while working on duty the staff is given medical help and Traffic Supervisory staff attending to them issues certificate of injury to them. When the injured staff is certified fit to resume duty by our Medical Officer they report to concern Accident Division Officer. After recording the matter in register, the Divisional Officer records the facts in the given format. In the fact finding enquiry the concern officer decides, whether the employee is eligible

For workmen compensation under Workmen Compensation Act or under Service Regulation and accordingly compensation paid to the injured staff

subject to the sanction of the higher authority and scrutiny by the Audit Department. For fact-finding enquiry, powers are delegated by General Manager to the officers as per the period of disablement.

After sanctioning the compensation, the voucher bill is prepared by the clerk and forwarded to concerned Time Keeping for wages statement and then prepare a final voucher bill and forward to Audit Dept. for further action.

In case of death of the employee in an accident while on duty, he is eligible for compensation as per the Workman Compensation Act (Schedule VI). The compensation payable would be an amount equal to 50% of the monthly wages of deceased multiplied by the relevant factor.

(VII) Court Follow -UP:

In cases of accident or assault the Bus Driver or any other person if charged by the police station, such reports are registered in the concerned zonal offices where the court is situated. The court clerk hand over the briefs to the Spl. Insp. Acc. attached to the concerned court for follow up. He also reminds the staff. He has to inform the concerned Head of the Dept. if any staff is not attending the court and receives warrant. After getting the police/court result, he has to inform the concerned Divisional Accident Office where the case is registered as well as the Head of the Department of the concerned staff.

The court clerk has to keep record of the separated staff that has been given aid by the Undertaking in the court and issue 'No Objection Certificate' to the other staff to release the final bill.

In case of fine awarded by the court and the same is deposited by the BEST Undertaking, he as to prepare a recovery note and forward to EDP Dept. and confirm the recovery from the Time Keeping Dept. in next month.

(VIII)Traffic Offences Memos-

After receipt of Traffic Offence Memo from the Traffic Police, it is forwarded to the Accident Prevention Section Dindoshi, where it is sort out and after confirming the depot of the staff, addressed to the concerned Zonal Accident

Division for the further action. The statement of the concerned staff is recorded and after taking the appointment of the Police Officer makes an arrangement to produce the staff with the help of Special Inspector of the concerned Zonal Accident Office through Traffic Control. After receipt of the report of action taken against the staff from the Spl. Insp., it is forwarded to the concerned Head of the Dept. for further necessary action against the involved staff.

(IX) APF/OT cases

As per the BMC Act 1888 u/s 460(H), sub section 4(a), (b) the passengers are charged for Avoiding Bus Fare or Over Traveling. After receipt of the complaint from the passenger for the refund of the fine, it is registered at the Zonal Office. After recording the version of the Bus Inspector, Staff and the complainant, TO-(Acc) decides the genuineness and take the necessary action and reply the complainant accordingly. In case of refund of fine, the case is put up to AM (TR)/Sr. AM (T & C) through Audit dept.

(X) Condition of injured or sick staff admitted in hospital:

In accident cases the condition of the injured person given by the Traffic Control is followed up by the Bus Insp. Acc. till the discharge from the hospital and submits his report. The same is forwarded to the concerned Depot Manager for the purpose of departmental enquiry.

In case of on duty staff of the any dept. admitted in any hospital, the condition is followed up by the Spl. Insp. Acc./Bus Insp. (Acc) as per the message from the Traffic Control and submit the report. All these admissions are registered in the respective Zonal Offices.

(XI) (1) Dealing with Police Memos:

After receipt of police memo in any matter, it is registered in the zonal office. The information required by the police is to be found out with the help of Staff Control or other authorities, collect the information. Police in alleged accident requires the staff, statement of staff is recorded and necessary arrangement is made to produce him at the police station by TO- (Acc). In case of other

information, letter is sent to concern Police Station after getting the approval from the higher authorities.

(2) Court Summons received from any Civil Courts:

Whenever any court requires any information about the employee of the Undertaking, the information is collected from the concerned department and the same is submitted to the court by sending our representative on deputation. In such cases the deputation charges are recovered from the concerned Staff as decided by the Management.

(3) Follow - up of Electric Supply Cases in Courts:

In the city area where the Undertaking is providing power supply, the officers working in supply division record the theft cases. The same cases are followed up by the Spl. Insp. (Acc) in the respective courts in the city area. In case of Electric Pole, damage by the other vehicle, the case is follow up in the court by the Spl. Insp. (Acc) and the claim is follow up by the Claim section.

(4) Obtaining the legal documents from Police Stations:

There are several types of legal documents such as FIR Copy, Station diary, Panchanama Copy, Forensic Report, Post mortem report, required for the departmental enquiries as well as other reasons. The same is followed up by the Spl. Insp. (Acc)/ Bus. Insp. (Acc).

(5) Record of Stone throwing Cases:

In case of bandh, strike or any other incidence, when there is a heavy damage of buses due to the stone throwing by the people, a statement is prepared of the damages caused to buses. The cases are lodged at various police stations and the matter is followed up with the Police Authorities.

(6) Private matters of the employees in the Court:

Some time our staff is involved in the private criminal cases and is in the custody of police or jail. After receipt of the information from the police station, the details of the case are obtained and the concerned Head of the department is

informed, which help them to know the non-availability of the staff for the services of the undertaking.

(7) Preparation of Monthly/Yearly Statements:

The following statements are prepared monthly/yearly to provide the information to CIRT, Ministry of Shipping, Road Transport & Highways and other Transport Undertakings as per their requirement.

a) Accident (Major, Minor, Fatal)

b) Insignificant statement

c) Assault statement

d) Workman Compensation Statement

e) Court cases statement

f) APF/OT statement

g) Cash bail statement

h) Overtime statement

i) Departmental Enquiry statement

j) Traffic Offence Statement

k) Record Scrutiny Statement

l) Counseling statement

(XII) (1) In addition to the above office work the following field work is carried out in the Accident Divisional Office-

(i) Scrutiny of Service records of Bus Drivers

(ii) Counseling to bus drivers at Depot/Chowkies

(iii) Accident Prevention Checking

(iv) Court Visits

(2) Scrutiny of Service Records of Bus Drivers:

All the service records of the bus drivers are scrutinized once in a year. The involvement of Bus Driver in an accident for last two years is scrutinized. Those bus drivers involved in an accident more than five times are given memo to improve the record.

(3) Counseling to Bus Drivers at depot/Chowkies:

In the Depot Visits, Chowkey & Court Visits bus drivers are counseled at the where they are given instructions to improve the driving habits.

(4) Various types of checking:

As per the programme given by CM-Tr, Traffic Officer (Accident) move on line with the Driver Supervisor to check the habits of driving of bus drivers and counsel them on line at different operational hours.

(5) Court visits

Traffic Officer (Accident) visits the courts under their jurisdiction and discuss the issues / problems of Retainer Advocate and the staff attending the court. Also keep control on Mark Present chits issued to the staff by Spl. Insp. (Acc).