



### **ABSTRACT**

Hon'ble Supreme Court of India – WP (C)No.235/2012 – Filed by Save Life Foundation – Protection of "Good Samaritan" from Legal and procedural hassles – Constitution of a Committee to decide reward/compensation to the Good Samaritans or bystander - Orders – Issued.

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### **Home (Transport-V) Department**

**G.O.(Ms)No:526**

**Dated: 13.07.2016**

#### **Read :**

1. Hon'ble Supreme Court of India, order dated:29.10.2014
  2. Government of India, Ministry of Road Transport and Highways, Notification dated:12.05.2015.
  3. Government of India, Ministry of Road Transport and Highways, Notification dated:21.01.2016.
  4. Hon'ble Supreme Court of India, order dated:30.03.2016.
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### **ORDER:**

The Hon'ble Supreme Court of India, in its order first read above in W.P.(C)No.235 of 2012 filed by M/s. Save Life Foundation has directed the Central Government to issue necessary directions with regard to the protection of Good Samaritan until appropriate legislation is made by the Union Legislature. Based on the above order, the Government of India, Ministry of Road Transport and Highways in the notification, 2<sup>nd</sup> read above has issued the following guidelines:-

- 1) A bystander or good Samaritan including an eyewitness of a road accident may take an injured person to the nearest hospital, and the bystander or good Samaritan should be allowed to leave immediately except after furnishing address by the eyewitness only and no question shall be asked to such bystander or Good Samaritan.
- 2) The bystander or good Samaritan shall be suitably rewarded or compensated to encourage other citizens to come forward to help the road accident victims by the authorities in the manner as may be specified by the State Governments.



- 3) The bystander or good Samaritan shall not be liable for any civil and criminal liability.
- 4) A bystander or good Samaritan, who makes a phone call to inform the Police or emergency services for the person lying injured on the road, shall not be compelled to reveal his name and personal details on the phone or in person.
- 5) The disclosure of personal information, such as name and contact details of the good Samaritan shall be voluntary and optional including in the Medico Legal Case (MLC) form provided by hospitals.
- 6) The disciplinary or departmental action shall be initiated by the Government concerned against public officials who coerce or intimidate a bystander or good Samaritan for revealing his name or personal details.
- 7) In case a bystander or good Samaritan, who has voluntarily stated that, he is also an eye-witness to the accident and is required to be examined for the purpose of investigation by the police or during the trial, such bystander or good Samaritan shall be examined on a single occasion and the State Government shall develop standard operating procedures to ensure that bystander or good Samaritan is not harassed or intimidated.
- 8) The methods of examination may either be by way of a commission under section 284, of the Code of Criminal Procedure 1973 or formally on affidavit as per section 296, of the said Code and Standard Operating Procedures shall be developed within a period of thirty days from the date when this notification is issued.
- 9) Video conferencing may be used extensively during examination of bystander or good Samaritan including the persons referred to in guideline (1) above, who are eye witnesses in order to prevent harassment and inconvenience to good Samaritans.
- 10) The Ministry of Health and Family Welfare shall issue guidelines stating that all registered public and private hospitals not to detain bystander or good Samaritan or demand payment for registration and admission costs, unless the good Samaritan is a family member or relative of the injured and the injured is to be treated immediately.
- 11) Lack of response by a doctor in an emergency situation pertaining to road accidents, where he is expected to provide care, shall constitute "Professional Misconduct", under Chapter 7 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation, 2002 and disciplinary action shall be



taken against such doctor under Chapter 8 of the said Regulations.

- 12) All hospitals shall publish a charter in Hindi, English and the vernacular language of the State or Union territory at their entrance to the effect that they shall not detain bystander or Good Samaritan or ask depositing money from them for the treatment of a victim.
- 13) In case a bystander or good Samaritan so desires, the hospital shall provide an acknowledgement to such good Samaritan, confirming that an injured person was brought to the hospital and the time and place of such occurrence and the acknowledgement may be prepared in a standard format by the State Government and disseminated to all hospitals in the State for incentivizing the bystander or good Samaritan as deemed fit by the State Government.
- 14) All public and private hospitals shall implement these guidelines immediately and in case of noncompliance or violation of these guidelines, appropriate action shall be taken by the concerned authorities.
- 15) A letter containing these guidelines shall be issued by the Central Government and the State Government to all Hospitals and Institutes under their respective jurisdiction, enclosing a Gazette copy of this notification and ensure compliance and the Ministry of Health and Family Welfare and Ministry of Road Transport and Highways shall publish advertisements in all national and one regional newspaper including electronic media informing the general public of these guidelines.

As per para 1(7) and 1(8) of the above said guidelines required Standard Operating Procedure for the examination of the Good Samaritans by the police or during trial. In this regard, the Government of India, Ministry of Road Transport and Highways, in the notification 3<sup>rd</sup> read above has issued Standard Operating Procedures.

2) The Hon'ble Supreme Court of India in its order 4<sup>th</sup> read above, in the above case has directed that, guidelines issued in the notification dated 12.05.2015 and the Standard Operating Procedures(SOPs) issued on 21.01.2016 by the Ministry of Road Transport and Highways are approved and it is ordered that, guidelines with modifications made by them be complied with by the Union Territories and all the functionaries of the State Governments as laid down by this Court under Article 32 read with Article 142 of the Constitution of India and the same be treated as binding as per the mandate of Article 141.



The Supreme Court has also directed that, the scheme framed by the Central Government and this order be widely published through electronic media and print media for the benefit of public so that public is made aware and that serves as impetus to good Samaritans to extend timely help and protection conferred upon them without incurring the risk of harassment.

3) The Government after careful examination of the Hon'ble Supreme Court order and guidelines issued by the Government of India, Ministry of Road Transport and Highways, have decided to constitute a Committee to decide the scale of reward / compensation to be provided to the Good Samaritans or bystander who render help to the victims of road accidents.(as per para-1 of Section(2) of the notification dated 12.05.2015) Accordingly, the Government, constitute a committee with the following members, to decide the scale of reward/compensation to be provided to the Good Samaritans or bystander who render help to the victims of road accident.

(i)	The Principal Secretary to Government, Home, Prohibition & Excise Department	Chairman
(ii)	The Additional Chief Secretary or his nominee, Finance Department	Member
(iii)	The Additional Chief Secretary or his nominee, Highways and Minor Ports Department	Member
(iv)	The Principal Secretary to Government, Health and Family Welfare Department	Member
(v)	The Director General of Police, Chennai-4	Member
(vi)	The Secretary to Government, Law Department	Member
(vii)	The Transport Commissioner, Chennai-5	Member/ convener

4) The Government, direct the Principal Secretary to Government Health and Family Welfare Department to write a letter containing the guidelines issued by the Ministry of Road Transport and Highways in the notification dated 12.05.2015 to all Hospitals and Institutes in the State of Tamilnadu for compliance.

5) The Government, also direct the Transport Commissioner to take necessary action to publish the scheme framed by the Central Government and the order of the Hon'ble Supreme Court of India widely through electronic media and print media for the benefit so that public is made aware and serves as impetus to Good Samaritans to extend timely help and protection conferred upon them without incurring the risk of harassment.

6) This order issues with the concurrence of Finance Department vide its U.O.No.2340/ACS(F), dated:12.07.2016.

**(BY ORDER OF THE GOVERNOR)**

**APURVA VARMA  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Additional Chief Secretary to Government,  
Finance Department, Chennai-9.  
The Additional Chief Secretary to Government,  
Highways and Minor Ports Department, Chennai-9.  
The Principal Secretary to Government,  
Health and Family Welfare Department, Chennai-9.  
The Transport Commissioner, Chepauk, Chennai-5.  
The Director General of Police, Chennai-4.  
The Secretary to Government, Law Department, Chennai-9.

**Copy to:**

The Personal Assistant to Principal Secretary to Government,  
Home, P&E Department, Chennai-9.  
The Finance Department, Chennai-9.  
SF / SC.

**// FORWARDED BY ORDER //**

*A.S. Singh* 13.7.16  
**SECTION OFFICER**