



Government of West Bengal

Health & Family Welfare Department
Swasthya Bhawan, GN- 29, Sector- V,
Salt Lake City, Kolkata- 700 091.

Memo No. HF/SPSRC/21/2015/212

Dated: 10th Aug'2015

CIRCULAR

A Notification (No. 25035/101/2014-RS.) has been issued by the Joint Secretary, Government of India in response to the Judgment by the Hon'ble Supreme Court dated 29th October'2014, directing the Central Government to issue necessary directions for the protection of "Good Samaritans"(A bystander or a good Samaritan including an eye witness of a road accident, who may take a person to the nearest hospital).

All concerned MSVPs, Superintendents and BMOHs are requested to take note of the attached notification and instruct all the emergency medical officers under their control to act accordingly and also to display the salient points in the emergency clinic.

The circular is issued with the approval of Competent Authority of the Department.

Principal Secretary,
H&FW Dept. Govt. of West Bengal

Memo No. HF/SPSRC/21/2015/1(12)/212

Dated: 10th Aug'2015

Copy forwarded for information and necessary action to:

1. Director of Health Services & e.o. Secretary, H&FW Deptt.
2. Director of Medical Education & e.o. Secretary, H&FW Deptt.
3. Special Secretary (MA), H&FW Deptt.
4. Principal of all Medical Colleges.
5. MSVP of all Medical College & Hospitals.
6. Joint Secretary (MERT), H&FW Deptt.
7. Joint Secretary (MA), H&FW Deptt.
8. Deputy Director of Health Services (Admn.) H&FW Deptt.
9. Chief Medical Officer of Health (all Districts) with the request to inform all Superintendents and BMOHs under their control.
10. Dy. CMOH-I of all Districts
11. Superintendent of DH/SDH & SGHs.
12. Sr. P.A. to Principal Secretary, H&FW Deptt.

Director, SPSRC & Secretary,
H&FW Dept. Govt. of West Bengal.

Enclosed: Attached Notification.

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**NOTIFICATION**

New Delhi, the 12th May, 2015

No. 25035/101/2014-RS.—Whereas the Hon'ble Supreme Court in the case of Savelife Foundation and another V/s. Union Of India and another in Writ Petition (Civil) No. 235 of 2012 *vide* its order dated 29th October, 2014, inter alia, directed the Central Government to issue necessary directions with regard to the protection of Good Samaritans until appropriate legislation is made by the Union Legislature;

And whereas, the Central Government considers it necessary to protect the Good Samaritans from harassment on the actions being taken by them to save the life of the road accident victims and, therefore, the Central Government hereby issues the following guidelines to be followed by hospitals, police and all other authorities for the protection of Good Samaritans, namely:-

1. (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 made 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 purposes 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 are 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 in pursuance of the order of the Hon'ble Supreme Court in Pt. Parmanand Katara vs Union of India & Ors [1989] 4 SCC 286.

(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 incentivising 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.

2. The above guidelines in relation to protection of bystander or good Samaritan are without prejudice to the liability of the driver of a motor vehicle in the road accident, as specified under section 134 of the Motor Vehicles Act, 1988 (59 of 1988).

SANJAY BANDOPADHYAYA, Jt. Secy.