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Government Finally notifies Guidelines for the protection of Good Samaritans

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BY RAKESH DUBBUDU ON JUNE 6, 2015

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Good Samaritans or people who help road accident victims by taking them to the hospital had everything going against them from legal wrangles to harassment. Thanks to the Supreme Court directive, the Government has finally notified guidelines to protect good samaritans from any civil & criminal liability among other things. The disclosure of the name has also been made voluntary.

Imagine you being subject to harassment, detention at hospitals and legal hassles when you want to help the injured in road accidents. Most people in India do not come forward to help the injured in fear of such problems. This won't be the case anymore, thanks to the Supreme Court directive in a petition filed by [Save LIFE Foundation](#) in 2012. During the course of hearing in this case, the Supreme Court on 29th October, 2014 directed the Government of India to issue necessary guidelines for the protection of Good Samaritans until appropriate legislation is made. The guidelines were to be made within three months.

What do the Guidelines Say?

The Ministry of Road Transport and Highways (MoRTH) has finally notified guidelines to protect Good Samaritans, who come forward to help road accident victims, from legal and procedural hassles. The guidelines were **officially notified** on 13th May, 2015. The notification said that the 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, these guidelines were being issued. They are to be followed by hospitals, police and all other authorities for the protection of Good Samaritans.

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Some of the key points in these guidelines are

- 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.
- The bystander or good Samaritan shall be suitably rewarded or compensated as decided by the state governments to encourage other citizens to come forward to help the road accident victims.
- The bystander or good Samaritan shall not be liable for any civil and criminal liability.
- 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.
- 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.
- 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.
- 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 be developed within 30 days) to ensure that bystander or good Samaritan is not harassed or intimidated.
- Video conferencing may be used extensively during examination of bystander or good Samaritan who is an eye witness in order to prevent harassment and inconvenience to good Samaritans.
- 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
- 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"
- All hospitals shall publish a charter in Hindi, English and the vernacular language of the State at their entrance stating that they shall not detain bystander or good Samaritan or ask depositing money from them for the treatment of a victim.
- 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.
- 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.

Piyush Tewari, Founder of petitioner SaveLIFE Foundation welcomed the move. "We welcome this move of the Central Government. Although an interim measure, these guidelines will help create a supportive environment for bystanders to come forward and help injured persons without fear of intimidation or harassment by Police and Hospitals. The onus is now on State Governments to ensure implementation of these guidelines", he said in a statement released by SaveLIFE Foundation. According to a national survey conducted by SaveLIFE Foundation, presently 3 out of 4 people are reluctant to come forward to help an injured in road accidents. Majority of them fear police harassment, detention at hospitals and prolonged legal formalities

Let's hope that these guidelines will encourage more and more people to help accident victims and take them to the hospital.

Source: [The Gazette of India No. 25035/101/2014-RS](#)

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