

ms/HW/1737
29/10/15

No. Z.28015/1/2015-H
Government of India
Ministry of health and Family Welfare
(Hospital-I Section)

Nirman Bhawan, New Delhi
Dated 21 October, 2015

To,

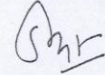
- (i) Director, AIIMS, New Delhi.
- (ii) Director, AIIMS, Bhopal, Madhya Pradesh.
- (iii) Director, AIIMS, Bhubaneswar, Orissa.
- (iv) Director, AIIMS, Jodhpur, Rajasthan
- (v) Director, AIIMS, Patna, Bihar.
- (vi) Director, AIIMS, Raipur, Chhatisgarh.
- (vii) Director, AIIMS, Rishikesh, Uttarakhand.
- (viii) Director, PGIMER, Chadigarh.
- (ix) Director, JIPMER, Puducherry.
- (x) Director, National Institute of Tuberculosis and Respiratory Diseases, New Delhi.
- (xi) Director, North Eastern Indira Gandhi Regional Institute of Health & Medical Sciences (NEIGRIMS), Mawdiangdiang, shilling-789 018.
- (xii) Director, National Institute of Mental Health and Neuroscience (NIMHANS), Hosur Road, Lakkasandra, Bengaluru, Karnataka-560029.
- (xiii) Director, LHMC and associated hospitals, New Delhi.
- (xiv) Medical Superintendent, Safdarjung Hospital, New Delhi.
- (xv) Medical Superintendent, Dr. RML Hospital, New Delhi.
- (xvi) Director, Regional Institute of Medical Sciences (RIMS), Imphal, Manipur.

Subject: Guidelines for protection of Good Samaritans in pursuance of directions of Hon'ble Supreme Court of India-reg.

Sir,

I am directed to enclose herewith the guidelines issued by Ministry of Road Transport and Highways, guidelines issued by this Ministry and D.O letter of even number dated 21.09.2015 from Secretary (HFW) on the above subject for compliance of the guidelines and the direction of Hon'ble Supreme Court of India.

Yours faithfully,



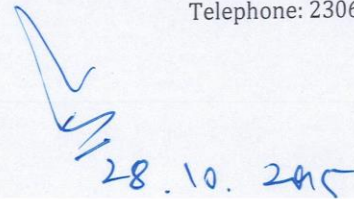
(Sanjay Pant)

Under Secretary to the Govt. of India
Telephone: 23061521.

Encl.: As above.

Copy to : DDG(P), Dte.GHS for information.

MS/ DD (A) / AP



28.10.2015



भानु प्रताप शर्मा
सचिव
B.P. SHARMA
Secretary

Dear Shri Dev,



भारत सरकार
स्वास्थ्य एवं परिवार कल्याण विभाग
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Government of India
Department of Health and Family Welfare
Ministry of Health and Family Welfare
D.O.No. Z.28015/1/2015-H
Dated : 21st September, 2015

As you are aware, in W.P. No. 235 of 2012, the Hon'ble Supreme Court passed an order on 29.10.2014 directing the Union Government to frame guidelines for protection of good Samaritans. Accordingly, the Ministry of Road Transport and Highways has prepared guidelines, a copy of which is enclosed.

2. The guidelines, inter alia, state that the Ministry of Health and Family Welfare shall issue guidelines stating that all registered public and private hospitals are not to detain bystanders 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. Paramanand Katara Vs. Union of India & others (1989) 4 SCC 286. Accordingly, this Ministry has issued guidelines to all States and UTs vide this Ministry's letter of even number dated 24.8.2015, a copy of which is enclosed for ready reference.

3. The guidelines further state that the 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 doctors under Chapter 8 of the said Regulations.

4. The guidelines also stipulate that 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 for depositing money from them for the treatment of a victim.

5. It has been clearly mentioned in the guidelines that all public and private hospitals shall implement these guidelines immediately and in case of non-compliance or violation of these guidelines appropriate action shall be taken by the concerned authority.

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6. I shall be grateful if could arrange to issue necessary instruction to all concerned for compliance of these guidelines immediately. Though I have highlighted some of the provision of the guidelines, it would be appropriate if these guidelines are gone through carefully and necessary action is taken to comply with the direction of the Hon'ble Supreme Court under intimation of this Ministry.

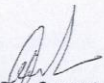
Yours sincerely,

Sd/-

Secretary (HFW)

Copy for information and necessary action, if any to:

✓ Secretary of All Ministries/Departments of the Government of India


Dy. Secretary (ON)
Hospital Section



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग I—खण्ड 1

PART I—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 126]

नई दिल्ली, बुधवार, मई 13, 2015/वैशाख 23, 1937

No. 126]

NEW DELHI, WEDNESDAY, MAY 13, 2015/VAISAKHA 23, 1937

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 12 मई, 2015

सं. 25035/101/2014-आरएस.- जबकि माननीय सर्वोच्च न्यायालय ने 2012 की रिट याचिका (सिविल) संख्या 235 में सेवलाईफ फाउंडेशन और अन्य बनाम यूनियन ऑफ इंडिया और अन्य के मामले में अपने आदेश दिनांक 29 अक्टूबर, 2014 के तहत अन्य बातों के साथ-साथ केन्द्रीय सरकार को केन्द्रीय विधान मंडल द्वारा उचित विधि निर्माण किए जाने तक गुड सेमेरिटन के बचाव के संबंध में आवश्यक निर्देश जारी करने का निर्देश दिया है;

और जबकि केन्द्रीय सरकार, सड़क दुर्घटना पीड़ितों की जान बचाने के लिए उनके द्वारा की जा रही कार्रवाइयों के संबंध में गुड सेमेरिटन को उत्पीड़न से बचाव के लिए इसे आवश्यक समझती है तथा, इसलिए, केन्द्रीय सरकार, एतद्वारा गुड सेमेरिटन के बचाव के लिए अस्पतालों, पुलिस और अन्य सभी प्राधिकरणों को अनुपालन किए जाने हेतु निम्नलिखित दिशानिर्देश जारी करती है, अर्थात्:-

1. (1) किसी सड़क दुर्घटना के प्रत्यक्षदर्शी सहित कोई भी बाईस्टैंडर या गुड सेमेरिटन किसी घायल व्यक्ति को निकटतम अस्पताल में लेकर जा सकता है, तथा उस बाईस्टैंडर या गुड सेमेरिटन को तुरंत जाने की अनुमति दे दी जाएगी और उस बाईस्टैंडर या गुड सेमेरिटन से कोई प्रश्न नहीं पूछा जाएगा, सिवाय सिर्फ प्रत्यक्षदर्शी के, जिसे पता बताने के बाद जाने दिया जाएगा।
- (2) सड़क दुर्घटना पीड़ितों की मदद के लिए आगे आने हेतु अन्य नागरिकों को प्रोत्साहित करने के लिए राज्य सरकारों द्वारा यथा-विनिर्दिष्ट रूप में प्राधिकरणों द्वारा बाईस्टैंडर या गुड सेमेरिटन को उचित ईनाम या मुआवजा दिया जाएगा।
- (3) बाईस्टैंडर या गुड सेमेरिटन किसी सिविल तथा आपराधिक दायित्व के लिए उत्तरदायी नहीं होगा।
- (4) कोई बाईस्टैंडर या गुड सेमेरिटन जो सड़क पर घायल पड़े व्यक्ति के लिए पुलिस को सूचना देने अथवा आपातकालीन सेवाओं हेतु फोन कॉल करता है, उसे फोन पर अथवा व्यक्तिगत रूप से उपस्थित होकर अपना नाम और व्यक्तिगत विवरण देने के लिए बाध्य नहीं किया जाएगा।

- (5) गुड सेमेरिटन का नाम और संपर्क विवरण जैसी व्यक्तिगत सूचना को बताया जाना स्वैच्छिक तथा वैकल्पिक बनाया जाएगा। ऐसा अस्पतालों द्वारा उपलब्ध कराए गए बैडिको लीगल केस (एमएलसी) फार्म में भी किया जाएगा।
- (6) उन लोक अधिकारियों के विरुद्ध संबंधित सरकार द्वारा अनुशासनात्मक या विभागीय कार्रवाई की जाएगी जो किसी बाईस्टैंडर या गुड सेमेरिटन को अपना नाम अथवा व्यक्तिगत विवरण देने के लिए बाध्य करेंगे अथवा धमकाएंगे।
- (7) यदि कोई बाईस्टैंडर या गुड सेमेरिटन जिसने स्वैच्छिक रूप से उल्लेख किया है कि वह उस दुर्घटना का प्रत्यक्षदर्शी भी है तथा पुलिस द्वारा अथवा मुकदमे के दौरान जांच-पड़ताल के प्रयोजनों के लिए उसका जांच किया जाना अपेक्षित है तो उसे बाईस्टैंडर या गुड सेमेरिटन से एक ही बार पूछताछ की जाएगी तथा राज्य सरकार द्वारा मानक मंचालन प्रक्रिया विकसित की जाएगी ताकि यह सुनिश्चित किया जा सके कि किसी बाईस्टैंडर या गुड सेमेरिटन को उत्पीड़ित अथवा धमकाया न जाए।
- (8) जांच की विधियां, आपराधिक प्रक्रिया संहिता 1973 की धारा 284 के अंतर्गत किमी आयोग द्वारा, अथवा कथित संहिता की धारा 296 के अनुसार औपचारिक तौर से शपथ-पत्र के द्वारा हो सकती है तथा इस अधिसूचना के जारी होने की तिथि से 30 दिन की अवधि के भीतर मानक मंचालन प्रक्रिया विकसित की जाएगी।
- (9) गुड सेमेरिटन को उत्पीड़न से बचाने अथवा अमुविधा से दूर रखने के लिए, बाईस्टैंडर या गुड सेमेरिटन एवं उपर्युक्त (1) दिशा-निर्देश में संवर्धित व्यक्ति जो प्रत्यक्षदर्शी हैं, से पूछताछ के दौरान विडियो कॉन्फ्रेंसिंग का विस्तृत रूप से उपयोग किया जाएगा।
- (10) स्वास्थ्य एवं परिवार कल्याण मंत्रालय दिशा-निर्देश जारी करेगी जिसमें यह उल्लेख किया जाएगा कि कोई भी पंजीकृत सार्वजनिक और निजी अस्पताल बाईस्टैंडर या गुड सेमेरिटन को न रोकें अथवा पंजीकरण और भर्ती लागतों के लिए धुगतान की मांग न करें, जब तक कि गुड सेमेरिटन घायल व्यक्ति के परिवार का सदस्य अथवा सगा-संबंधी न हो तथा पं. परमानंद कटारा बनाम यूनियन ऑफ इंडिया और अन्य [1989] 4 एससीसी 286 में माननीय सर्वोच्च न्यायालय के आदेश के अनुसरण में घायल व्यक्ति का तत्काल इलाज किया जाए।
- (11) सड़क दुर्घटनाओं से संबंधित किसी आपातकालीन परिस्थिति में, जिस समय डाक्टर से चिकित्सीय देखभाल प्रदान किये जाने की आशा की जाती है, किसी डाक्टर द्वारा प्रतिक्रिया के अभाव को भारतीय चिकित्सा परिषद (व्यवसायिक आचार, शिष्टाचार और नैतिक) विनियम, 2002 के अध्याय-7 "व्यवसायिक कवाचार" के अंतर्गत सम्मिलित किया जाएगा तथा उस डा. के विरुद्ध कथित विनियमन के अध्याय-8 के तहत अनुशासनात्मक कार्रवाई की जाएगी।
- (12) सभी अस्पताल इस आशय का अपने प्रवेश द्वार पर हिंदी, अंग्रेजी और राज्य या संघ राज्य क्षेत्र की देशी भाषा में एक चार्टर प्रकाशित करेंगे कि वे बाईस्टैंडर या गुड सेमेरिटन को नहीं रोकेंगे अथवा किसी पीड़ित के उपचार के लिए उनसे धन जमा कराने के लिए नहीं कहेंगे।
- (13) यदि कोई बाईस्टैंडर या गुड सेमेरिटन चाहे तो अस्पताल उसे घायल व्यक्ति को अस्पताल में लाने तथा समय और स्थान के संबंध में, उस गुड सेमेरिटन को एक पावती उपलब्ध कराएगा तथा ऐसी पावती को राज्य सरकार द्वारा एक मानक फार्मेट में तैयार किया जाएगा तथा उपयुक्त समझे जाने पर बाईस्टैंडर या गुड सेमेरिटन को प्रोत्साहन देने के लिए राज्य सरकार द्वारा सभी अस्पतालों में इसे वितरित किया जाएगा।
- (14) सभी सार्वजनिक और निजी अस्पतालों द्वारा इन दिशा-निर्देशों का अनुपालन तत्काल रूप से किया जाएगा तथा इन दिशा-निर्देशों का अनुपालन न किए जाने अथवा उल्लंघन किए जाने के मामले में संबंधित प्राधिकारियों द्वारा उचित कार्रवाई की जाएगी।
- (15) इन दिशा-निर्देशों से युक्त एक पत्र केन्द्रीय सरकार और राज्य सरकार द्वारा अपने संबंधित क्षेत्राधिकार के तहत सभी अस्पतालों और संस्थानों में जारी किया जाएगा जिसमें इस अधिसूचना की राजपत्रित प्रति भी संलग्न होगी तथा स्वास्थ्य एवं परिवार कल्याण मंत्रालय और सड़क परिवहन और राजमार्ग मंत्रालय द्वारा इन दिशा निर्देशों के बारे में आम जनता को सूचित किए जाने हेतु सभी राष्ट्रीय और एक क्षेत्रीय समाचार पत्र एवं इलेक्ट्रॉनिक मीडिया में विज्ञापन प्रकाशित किए जाएंगे।
2. बाईस्टैंडर या गुड सेमेरिटन के बचाव के संबंध में उपर्युक्त दिशा-निर्देश, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 134 के तहत यथाविनिर्दिष्ट सड़क दुर्घटना में किसी मोटर वाहन के चालक के दायित्व के प्रति पूर्वाग्रह की धारणा रहित हैं।

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 acknowledgment 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.

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25 AUG 2015
MINISTRY OF HEALTH & FAMILY WELFARE
GOVERNMENT OF INDIA



ORDINARY POST

No. Z.28015/1/2015-H
Government of India
Ministry of Health and Family Welfare

Nirman Bhawan, New Delhi
Dated August 24, 2015

Subject: Guidelines for protection of Good Samaritans

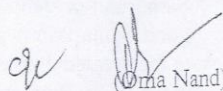
Hon'ble Supreme Court passed an order on 29th October, 2014 in W.P. No.235 of 2012 directing the Union Government to frame guidelines for protection of good Samaritans. Accordingly, the Ministry of Road Transport and Highways issued notification No. 25035/101/2014-RS dated 12th May, 2015. In this regard, all the registered public and private hospitals need to ensure the following:

2. Mandatory display of the important points of the Gazette notification as stated above, at all prominent places of the respective hospitals including Casualty/Emergency Department, patients waiting areas, etc., indicating, *inter-alia*, the following:

- (i) 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 & others [1989] 4 SCC 286. A bystander or Good Samaritan including an eye witness 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.
- (ii) 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.
- (iii) 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 doctors under Chapter 8 of the Said Regulations.
- (iv) 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.

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- (v) In case a bystander or good Samaritan so desires, the hospital shall provide an acknowledgement to such good Samaritans, confirming that an injured person was brought to the hospital and the time and place of such occurrence. 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/UTs.
3. An orientation training for all Staff members on the Gazette Notifications should be undertaken at the time of their joining. Refresher training should be done regularly for all staff members.
4. A Committee headed preferably by the Head of the Emergency Department should be constituted for ensuring that the guidelines are followed in the hospital for taking care of all issues related to the implementation of guidelines as contained in the Notification.
5. These guidelines shall be binding on all the hospitals including public and private hospitals and they shall implement these guidelines immediately. In case of non-compliance or violation of these guidelines, appropriate action shall be taken by the authorities concerned.
6. It shall be the responsibility of the State Government/UTs to ensure that these guidelines are followed by all the hospitals in the States/UTs as mentioned in paragraph 5 above in right earnest.


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