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 सेवलाइक फाउंडेशन और अन्य बनाम पूर्वपीय ऑफ इंडिया और अन्य के मामले में अपने आदेश दिनांक 29 अक्टूबर, 2014 के तहत अन्य बातों के साथ-साथ केंद्रीय सरकार को केंद्रीय विधान मंडल द्वारा उचित विधि निर्मल किए जाने तक गृह सेवेलाइक के बचाव के संबंध में आवश्यक निर्देश जारी करने का निर्देश दिया है;

और जबकि केंद्रीय सरकार, सड़क दुर्घटना पीड़ितों की जान बचाने के लिए उनके द्वारा का जा रही कार्रवायों के संबंध में गृह सेवेलाइक को उल्लेख से बचाव के लिए इसे आवश्यक समझती है तथा, इसलिए, केंद्रीय सरकार, एवं द्वारा गृह सेवेलाइक के बचाव के लिए अस्पतालों, पुलिस और अन्य सभी प्राधिकरणों को अनुपालन किए जाने हेतु निम्नलिखित विधानविधेय जारी करती है, अर्थातः-

1. (1) किसी सड़क दुर्घटना के प्रत्यक्षाध्यक्ष सहित कोई भी बाइस्टेडर या गृह सेवेलाइक किसी भाषात्मक व्यक्ति को निकातम अस्पताल में लेकर जा सकता है, तथा उस बाइस्टेडर या गृह सेवेलाइक को तुरंत जाने की अनुमति दे दी जाएगी और उस बाइस्टेडर या गृह सेवेलाइक से कोई प्रश्न नहीं पूछता जाएगा, सिवाय सिफर प्रत्यक्षाध्यक्ष के, जिसे पता बताने के बाद जाने दिया जाएगा।

(2) सड़क दुर्घटना पीड़ितों की मदद के लिए आगे आगे हेतु अन्य नामिक उपलब्धि को प्राप्त करने के लिए सरकारों द्वारा योग-विनिर्देश रूप में प्राधिकरणों द्वारा बाइस्टेडर या गृह सेवेलाइक को उचित ईच्छा या गृहवाहा दिया जाएगा।

(3) बाइस्टेडर या गृह सेवेलाइक किसी सिविल तथा आयुर्विज्ञान दाताओं के लिए उल्लेखनीय नहीं होगा।

(4) कोई बाइस्टेडर या गृह सेवेलाइक जो सड़क पर घातक पड़े व्यक्तियों के लिए पुलिस को नूतन देने अथवा आपतकालीन सेवाओं हेतु फौज कोल करता है, उसे फौज पर अथवा व्यक्तिगत रूप से उपस्थित होकर अपना नाम और व्यक्तिगत विवरण देने के लिए बाध्य नहीं किया जाएगा।

2118 GI/2015
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 Vs. Union Of India and another in Writ Petition (Civil) No. 235 of 2012 vide its order dated 29th October, 2014, interalia, 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.