



GOVERNMENT OF ODISHA

GOOD SAMARITAN POLICY, 2018

**COMMERCE & TRANSPORT (TRANSPORT)
DEPARTMENT**

No.674-LC-TR-CASE-35/2017/T., The 27th January, 2018 — Whereas, the Hon'ble Supreme Court in the case of Save life Foundation and another vs. Union of India and another in Writ Petition (Civil) No. 235 of 2012 *vide* its order dated the 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, in pursuance of the said directions, the Ministry of Road Transport & Highways (ROAD SAFETY), Government of India *vide* its Notification dated the 12th May, 2015 have issued guidelines to be followed by hospitals, police and all other authorities for the protection of Good Samaritans and *vide* its Notification dated the 21st January, 2016 the Standard Operating Procedures (SOPs) for the examination of Good Samaritan by the police or during trial;

And, whereas, the Hon'ble Supreme Court *vide* its order dated the 30th March, 2016 after effecting certain modifications to the guidelines and the Standard Operating Procedures (SOPs) so issued by the Central Government *vide* the said Notifications, approved the

same and ordered that the guidelines and SOPs with such modifications be complied with by the Union Territories and all the functionaries of the State Governments as per law laid down by the Court under Article 32 read with Article 142 of the Constitution of India and the same be treated as binding as per mandate of Article 141;

And, whereas, in pursuance of the directions of the Hon'ble Supreme Court the State Government hereby issues the following guidelines to be followed by hospitals, police and all other authorities in Odisha for the protection of Good Samaritans and the Standard Operating Procedure for the examination of Good Samaritans by the police or during trial, namely:—

1. *A Good Samaritan or a by-stander, or any person who makes a phone call to the Police Control Room or Police Station to give information about any accident injury or death, except an eyewitness may not reveal personal details such as full name, address, phone number etc. on the phone or in person.*
2. *A Good Samaritan, after having informed the Police about an injured person on the road, shall be allowed to leave by the concerned Police official(s), and*

no further questions shall be asked if the Good Samaritan does not desire to be witness in the matter.

3. A Good Samaritan or by-stander including an eyewitness of a road accident may take an injured person to the nearest hospital for treatment and the Good Samaritan or the by-stander should be allowed to leave if he/she desires so and no question shall be asked to him/her by hospital staff except the request made by the authority concerned to the good Samaritan or to the by-stander to leave his/her present and permanent address with the contact number/email, if any, for the purpose of reward or trial. He/she may shall be shown due courtesy and shall be treated respectfully without any discrimination on the grounds of gender, religion, nationality, caste or any other grounds. The Good Samaritan shall be allowed leave Hospital without unnecessary delay.

4. In order to identify the good Samaritan, the following may be adopted:—

The Good Samaritan(s) after taking the road accident victim(s) to the hospital may, if he or she so desires may leave his/her address with contact number/email address in a standard

format prescribed by Health & Family Welfare Department, Government of Odisha. In absence of the said format or till the time such format is prescribed and disseminated to all hospitals, there should be no vacuum and in the interregnum period, if so desired by Good Samaritan, the acknowledgement shall be issued on official letter pad etc. of the doctor not below the rank of Assistant surgeon, mentioning name of the Samaritan, address, time, place of occurrence and confirming that the injured person was brought by the said Samaritan. It shall be the duty of the said authorities to make a humble request to the Samaritan to leave his/her address.

5. The disclosure of personal information, such as name and contact details of the Good Samaritan or the by-stander shall be made voluntary as well as optional in the Medico Legal Case (MLC) Form provided by the hospitals.

6. The disciplinary or departmental action shall be initiated by the Government against the concerned public

officials who force or intimidate a Good Samaritan or a by-stander for revealing his/her name or personal details.

7. All registered public and private hospitals shall not detain the Good Samaritan or the by-stander, demand payment for registration and admission costs unless the Good Samaritan or the by-stander is a family member or relative of the injured.

8. The injured brought to the hospital 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.

9. 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) Regulations, 2002 and disciplinary action shall be taken against such doctor under Chapter 8 of the said Regulations.

10. All hospitals shall publish a charter in Odia, Hindi and English at their entrance to the effect that they shall not detain the Good Samaritan or the by-stander or

ask depositing money for them for the treatment of a victim.

11. *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 against them by the concerned authority.*

12. *The guidelines will be included as one of the topics for discussion in every induction training programme meant for doctors.*

13. *The implementation of the guidelines will be monitored by Head of the hospital and a report thereof to be furnished quarterly to Health & Family Welfare Department, Govt. of Odisha.*

14. *The Good Samaritan or the by-stander shall not be liable for any civil or criminal liability.*

15. *The Good Samaritan or the by-stander shall not be compelled to lodge FIR at Police Station nor shall the eye witness be asked to do so either by police agency or by medical authority.*

16. *The local police having jurisdiction to the accident shall register FIR either on the voluntary report of the Good Samaritan or the by-stander or on the basis*