



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

NirmanBhawan, 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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


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Secretary

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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.


(Oma Nand)

Deputy Secretary to the Government of India
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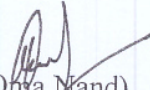
Secretary (Health) of All States/ UTs,

Secretary, MCI, New Delhi



Copy for information and necessary action, if any, to:

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


(Oma Nand)

Deputy Secretary to the Government of India

Copy for information to Shri Sanjay Bandopadhyay, Joint Secretary, Ministry of Road Transport and Highways, Transport Bhawan, New Delhi

(Oma Nand)

Deputy Secretary to the Government of India

Copy for information and necessary action to:

PPS to Secretary (HFW)/DGHS/All Additional Secretaries/All Joint Secretaries of the Department of Health and Family Welfare, New Delhi

(Oma Nand)

Deputy Secretary to the Government of India