

Government of West Bengal  
Directorate of Health Services  
GN-29, Sector -V, Swasthya Bhaban  
Salt Lake, Kolkata - 700 091

Memo No. HFW-40045/27/2023-HA SEC(DHS)(HFW) /A- 6087

Date : 11.09.2023


To  
The Chief Medical Officer of Health,  
All Districts in the West Bengal.  
(Including CMOH of Health Districts)

**Subject:** - "Good Samaritan Guidelines" issued by the Road Safety Committee of the Hon'ble supreme Court of India.

In reference to the above mentioned subject, all Chief Medical Officers of Health (including all Health Districts) are hereby informed to instruct the Proprietors of the Clinical Establishments prominently , in their respective districts , to display the 'Good Samaritan Guidelines' in the emergency and a photo of such display is to be sent to the section dealing alongwith the Licenses of the Clinical Establishments, in that district. This will ensure the monitoring of affixing of such a sign by the Clinical Establishments.

The matter is most urgent. "Good Samaritan Guidelines" issued by the Road Safety Committee of the Hon'ble supreme Court of India is to be maintained strictly.

**Enclo:** Order no. HFW-40045/7/2023-NHM SEC-Dept. of H&FW/2817 dated 10.05.2023 issued by the Principal Secretary.

  
OSD & Dy. Director of Health Services (Admin)  
West Bengal

Memo No. HFW-40045/27/2023-HA SEC(DHS)(HFW) /A- 6087/1(7) Date : 11.09.2023

Copy forwarded for information to:

1. Mr. Subhanjan Das, IAS, Secretary (SD), Department of H & FW.
2. Mr. Subhrangshu Chakrabarti, JD (HA-DHS), Department of H & FW.
3. The Director of Health Services, West Bengal.
4. DDHS (Admin), GoWB.
5. ADHS (CE), GoWB.
6. Mr. Sudip Malik, Co-Ordinator of EODB
- ✓ 7. IT CO-ORDINATOR - for Webposting.

  
OSD & Dy. Director of Health Services (Admin)  
West Bengal



**Government of West Bengal**  
**Health & Family Welfare Department**  
**Swasthya Bhawan, 3<sup>rd</sup> Floor, Wing-A**  
**GN-29, Sector – V, Bidhannagar, Kolkata-700091**

No. HFW-40045/7/2023-NHM SEC-Dept. of H&FW/2817

Date : 10/05/2023

**ORDER**

Whereas, the Ministry of Road Transport and Highways (MoRTH), Government of India (GoI) had issued a Notification on 12th May 2015 (copy enclosed) notifying guidelines for protection of Good Samaritans who are witness to road traffic accidents (RTAs) and extend helping hand towards the victims. This Notification was issued in compliance of a verdict of Hon'ble Apex Court to protect the bystanders and good Samaritans (from unnecessary harassment by public authorities) who are witness to RTAs, and considered asset for reducing fatality caused by road accidents.

And whereas, instruction has been issued directing the State Governments in H&FW Department to issue similar order/instruction communicating 'Good Samaritan Guidelines' to all Govt. and private hospitals for publication/display and wide public dissemination. **Display/dissemination of Good Samaritan Guidelines is mandatory as part of the recommendation of Hon'ble Supreme Court appointed Committee on Road Safety.**

Now, in the light of above stated backdrop, it is hereby ordered that following guidelines must be displayed in conspicuous/prominent places in all categories of Government and Private hospitals.

**Guidelines for protection of Good Samaritans during Road Traffic Accidents:**

1. A bystander or good Samaritan during a road accident may take an injured person to the nearest Government or private hospital, and the bystander or good Samaritan should be allowed to leave immediately except after furnishing address and contact number only and nothing else. No question shall be asked to such bystander or good Samaritan.  
Good Samaritan should not be forced to share his/her contact details, if he unwilling to do so, and he volunteers for the same.

  
Goutam Chakraborty

2. The bystander or good Samaritan shall not be liable for any civil and criminal proceedings.
3. 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.
4. 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.
5. Disciplinary or departmental action shall be initiated by the concerned authority against delinquent official who coerces or intimidates a bystander or good Samaritan for revealing his name or personal details or causes harassment on any pretext.
6. All registered Government and private hospitals must not 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. No delay should also be caused in treatment of brought/admitted RTA victim.
7. Guidelines shall be applicable to all categories of Government and Private hospitals.

Stakeholders under National Highways Division, PWD, Transport Deptt. are also requested to display the same in designated hotspots for wider dissemination and public awareness.

**Enclosure:** As stated  
(to be displayed along with Good Samaritan guidelines)




Principal Secretary  
Health and Family Welfare Department  
Government of West Bengal

No. HFW-40045/7/2023-NHM SEC-Dept. of H&FW/2817/1(9)

Date:10/05/2023

Copy forwarded for information, necessary action and wide circulation to:-

1. Secretary, Transport Department, GoWB
2. MD NHM & Secretary, H&FW Department
3. Secretary, Public Works Department, GoWB
4. Director Health Services
5. Director Medical Education
6. ADG (Traffic & Road Safety), WB Police
7. Director Transport & Chairman Road Safety Lead Agency, GoWB
8. District Magistrate – (All Districts), with a request to ensure adequate dissemination through other departments under his/her jurisdiction.
9. CMOH – (All Districts), with a request to ensure compliance and display in all Government and Private hospitals under his/her jurisdiction, through PVC board. All concerned should be communicated immediately along with a copy of this order and Notification of GoI dated 12<sup>th</sup> May 2015. A compliance report is solicited within 31<sup>st</sup> May 2023. Bengali and Hindi version of the Guideline will be shared shortly.

  
10/5/2023  
Senior Special Secretary  
Health & FW Department

## 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 Savlife 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, 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.