

Department of Health and Family Welfare
(Health-6 Branch)

To
The Director,
Health Services,
Punjab, Chandigarh.

No. 11/15/13-4HB6/ 738633/1
Dated, Chandigarh, the 25/04/2016

Sub:-
Writ Petition © No. 235 of 2012 titled "Save Life Foundation Vs. Union of India & Others-Guidelines for protection of Good Samaritans.

This is to invite a reference to Ministry of Health and Family Welfare's letter No. Z.28015/1/2015-H, dated 24 August, 2015, on the subject cited above and also to draw your attention to orders passed by Hon'ble Supreme Court dated 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 (Copy enclosed). In this regard all public and private hospitals need to ensure the following:-

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 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 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 mis-conduct", 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 Punjabi 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.

- 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.
- vi) An orientation training for all Staff members on this issue should be undertaken at the time of their joining. Refresher training should be done regularly for all staff members.
- vii) 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 explained at above.
- viii) These guidelines shall be binding on all the hospitals including public and private hospitals and they shall implement these guidelines immediately.

2. These guidelines may please be brought to the notice of all concerned for meticulous compliance. It will be the responsibility of the Civil Surgeon of the concerned district, that all public & private hospital shall adhere these guidelines.

Dheeraj Deo

Under Secretary Health

Endst.No. 11/15/13-4HB6/738633/2-4 Dated, Chandigarh, the 25/04/2016

A copy is forwarded to following for information and necessary action:-

- 1. MD, NRHM, Chandigarh.
- 2. MD, PHSC, Phase-VI, Mohali.
- 3. Director, Family Welfare Punjab, Chandigarh.

Dheeraj Deo

Under Secretary Health

Endst.No. 11/15/13-4HB6/738633/5-6 Dated, Chandigarh, the 25/04/2016

A copy is forwarded to following for information:-

- 1. PS Hon'ble Health Minister, Punjab
- 2. PS/Chief Secretary, Punjab.

Dheeraj Deo

Under Secretary Health

Endst.No. 11/15/13-4HB6/738633/7 Dated, Chandigarh, the 25/04/16

A copy is forwarded to the All the Deputy Commissioners of Punjab for information & necessary action.

Dheeraj Deo

Under Secretary Health

Endst.No. 11/15/13-4HB6/738633/8-9 Dated, Chandigarh, the 25/04/2016

A copy is forwarded to Deputy Secretary to the Government of India, Ministry of Health and family Welfare in reference of his letter No. Z.28015/1/2015-H, dated 24 August 2015 for information and necessary action.

Dheeraj Deo

Under Secretary Health

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