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The Rights of a Good Samaritan and the Law in India: A Study

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ABSTRACT

India is an unfortunate victim of a large number of road crash fatalities. Three out of four people in the country are hesitant to help injured accident victims on roads due to fear of police harassment, detention at hospitals, and prolonged legal formalities. Even if someone wants to help, these factors stop them from doing so. In the last ten years, road crashes have killed over 13 lakh people in India. According to the Law Commission of India, 50% of these victims died of preventable injuries and could have been saved if they had received care on time. The role of the bystander is critical in providing emergency care to the victim. Yet, in India, bystanders have been hesitant to help the injured for fear of legal repercussions and procedural hassles. This study is intended to know the response of the people in a situation like road accidents and to orient about the law that is available to protect the interest of the bystanders who voluntarily without having no lawful duty but as a moral responsibility comes and rescues the accident victim and save the life during the golden hour. The study has a main focus in analysing and appreciating the available laws on the good Samaritans and the awareness adequacy amongst the general public.

Keywords: Accidents, Good Samaritan, Law, bystander, Golden hour etc.

I. INTRODUCTION

A Road accidents continue to be a leading cause of death, disabilities and hospitalization in the country despite our commitment and efforts. **India ranks first** in the number of road accident deaths across the 199 countries and accounts for almost 11% of the accident-related deaths in the World. The WHO Report on Road Traffic Injuries for 2018 has listed Road accidents as the leading cause of death for the age group 5-29 years and a growing public health concern².

The country like India, being a developing country does not have a reasonable rescue mechanism in place when an accident takes place. In such cases bystanders play a major role in saving lives by taking appropriate measures. However, people hesitate to help people as they fear of getting involved in the case. It is the duty of the state to take measures to protect its citizen who willingly rescue those in need. This paper outlines the model Good Samaritan law

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² THE GOOD SAMARITAN BILL, 2019 By SHRI HIBI EDEN, M.P., Lok Sabha, Bill No., 172 of 2019

and the measures taken by different states in India with regard to law and schemes to protect its bystander in case of any act done to save the life of a person in danger.

A Good Samaritan refers to someone who renders aid in an emergency to an injured person on a voluntary basis. A Good Samaritan statute is a law that requires a person to come to the aid of another who is exposed to grave physical harm, if there is no danger of risk of injury to the rescuer.

India has the highest number of road accidents deaths in the world – 15 people die every hour and almost 60 are injured. The number of deaths due road accidents in the past decade is close to one million. 80% of road accident victims in India do not receive any emergency medical care within the critical first hour after an accident. According to the Law Commission of India, 50% of fatalities could be averted if victims receive timely medical attention.³

“Golden Hour” also known as “Golden Time” refers to a time period lasting for one hour following an accident or traumatic injury being sustained by a person, during which there is highest likelihood that prompt medical care will prevent death. Bystanders are therefore, of vital importance to prevent death and major injuries to the victims of such accidents.⁴

However, a large number of bystanders are unwilling to help the injured victims because they fear harassment by the Police, payment of costs at Hospitals, etc. According to a National Study conducted by the Save LIFE foundation and TNS India Pvt. Ltd.⁵

- i. *74% of bystanders are unlikely to assist victims of road accidents;*
- ii. *88% of those bystanders gave the following reasons for their reluctance: legal hassles, including repeated police questioning and multiple court appearances; and*
- iii. *77% of the respondents cited detention at hospitals and having to pay hospital registration fees and other charges as reasons not to help.*

The World Health Organization (WHO), in its “World Report on Road Traffic Injury Prevention, 2004” has projected that by 2020, road accidents will be one of the biggest killers in India. It also pointed out that high-income countries have well-organized ambulance-based rescue systems but middle and low-income countries, assistance by bystanders is most common⁶.

³ KK Aggarwal & Ira Gupta, “Good Samaritan Law in India”, Indian Journal of Clinical Practice, Vol. 30, No. 3, August 2019

⁴ . V, Mahesh (2019-08-09). "Golden hour, CPR and more: Life-saving lessons we should all know |". Citizen Matters, Chennai.

⁵ <https://savelifefoundation.org>

⁶ THE GOOD SAMARITAN BILL, 2019 By SHRI HIBI EDEN, M.P., Lok Sabha, Bill No., 172 of 2019

Therefore, there was an immediate need to introduce a “Good Samaritan Law” in India to provide a legal framework to encourage bystanders to assist victims without fear of negative repercussions. “Good Samaritan Law” is a universal moral duty that must be legally protected. As a result, the Good Samaritan (Protection from Civil and Criminal Liabilities) and Miscellaneous Provisions Bill (hereinafter referred to as “the Bill”) was introduced in the Parliament in 2014 to protect a Good Samaritan from civil and criminal liabilities and to establish a supportive legal environment. It aims to constitute a Good Samaritan Authority and create an obligation on hospitals and clinics to help the victims. A bystander is someone who witnesses an accident which includes road, railway and air accidents. The Bill is still pending before the Parliament and there was a special mention in the Rajya Sabha on 3rd May, 2016.

The Ministry of Road Transport and Highways of the Government of India laid down certain Guidelines and Standard Operating Procedure and the Supreme Court recently approved these guidelines and made them enforceable in all States and Union Territories till an effective legislation is in place⁷. The third Global Ministerial Conference on Road Safety was held in Stockholm, Sweden on 19 and 20 February, 2020. At this conference, all the participants including India, reaffirmed their strong commitment for achieving the goals of reducing road accident-related deaths by at least 50% by 2030⁸.

India is an unfortunate victim of a large number of road crash fatalities. Three out of four people in the country are hesitant to help injured accident victims on roads due to fear of police harassment, detention at hospitals, and prolonged legal formalities. Even if someone wants to help, these factors stop them from doing so.

In the last ten years, road crashes have killed over 13 lakh people in India. According to the Law Commission of India, 50% of these victims died of preventable injuries and could have been saved if they had received care on time. The role of the bystander is critical in providing emergency care to the victim. Yet, in India, bystanders have been hesitant to help the injured for fear of legal repercussions and procedural hassles.

⁷ Ministry of road transport and highways, Notification No. RT-25035/101/2014-RS Dated 21 Jan 2016

⁸ <https://morth.nic.in/good-samaritan>

Table 2.1: Road accidents, Number of persons killed and injured in the last five years 2015-2019

Year	Total Number of Road Accidents (in numbers)	% change	Total Number of Persons Killed (in numbers)	% change	Total Number of Persons Injured (in numbers)	% change
2015	5,01,423		1,46,133		5,00,279	
2016	4,80,652	-4.14	1,50,785	3.18	4,94,624	-1.13
2017	4,64,910	-3.28	1,47,913	-1.90	4,70,975	-4.78
2018	4,67,044	0.46	1,51,417	2.37	4,69,418	-0.33
2019	4,49,002	-3.86	1,51,113	-0.20	4,51,361	-3.85

*Source*⁹: Road Accidents in India, 'Government of India, Ministry of Road Transport and Highways Transport Research Wing, New Delhi, Page No.12

II. THE ORIGIN OF THE CONCEPT OF GOOD SAMARITAN LAW IN INDIA

In 2012, a Public Interest Litigation (PIL)¹⁰ was filed in the Supreme Court of India, requesting the Hon'ble court to safeguard Good Samaritans who come forward to help the injured.

In its landmark judgment on March 30, 2016, in the matter Save LIFE Foundation v. Union of India, the Hon'ble Supreme Court incorporated the guidelines for the protection of Good Samaritans and Standard Operating Procedures for their examination by police and during trial, and invoked its inherent jurisdiction to make them binding on all States and Union Territories. With these landmark guidelines now having the "force of law" conferred by the apex court, no bystander can be harassed if he/she brings a victim of a road crash to the nearest hospital.

The Good Samaritan Law was introduced in India to provide a legal framework to motivate and encourage the bystanders to offer aid to the victims without any fear of legal hassles. This resulted in the introduction of the **Good Samaritan (Protection from Civil and Criminal Liabilities) and Miscellaneous Provisions Bill in the Parliament in the year 2014** for protecting a Good Samaritan from civil and criminal liabilities and for establishing a supportive legal environment. The Bill aimed to constitute a Good Samaritan authority and to further create an obligation on the hospitals and the clinics to help the victims. This Bill also provides guidelines upon the rights and provisions established for the bystander.

1. Analysis of the Good Samaritan (Protection from Civil and Criminal liabilities) Bill

⁹ Road Accidents in india 2019, Report by Minister of State for Road Transport & Highways Government of India, New Delhi

¹⁰ Save Life Foundation & Anrs Vs Union of India

This is a bill that applies to the entire country, i.e. India. This bill created rights and provisions of a Good Samaritan and also talked about the fund, which is designed for this purpose. The bill provides for the qualification of the chairman of the authority, and the authority is required to take representation from each state and union territory of India. It lays down the functions of the authority and also puts down the constitution of a Good Samaritan. The bill states that all the hospitals, whether private or government-owned, shall provide free medical aid to the victims of car accidents without asking the Good Samaritan to pay for the treatment. The main object of this bill is to protect the Good Samaritans from legal and other hassles, and protect them from harassment by the police officials; encourage, motivate the bystanders to provide medical aid or additional assistance (take to the hospital, etc.) to the victim of road accidents within the golden hour; and remove the fear of legal intervention, payment of fees, police harassment, detention, repeated questioning, investigation, court appearances, etc. from the Good Samaritans and the bystanders.

Main features of the Good Samaritan Bill: The Good Samaritans will not be required to:

- i. have repeated appearances in Courts,
- ii. have repeated attendance at the police station,
- iii. pay the conveyance expenses in case they are mandated to go to the police station or court; the costs should be paid out of the 'Good Samaritan Fund.'
- iv. As per the new legislation, either it is a government or a private hospital, and are bound to provide first aid to the victims of an accident.
- v. The Good samaritan can leave the hospital immediately after admitting the victim to the hospital.
- vi. Individuals who help the accident victims shall be educated about their rights and provisions created for them via a rights charter in hospitals.
- vii. The Good samaritan shall be paid from the 'Good Samaritan Fund' in case of any expenses incurred by him.

Rights of A Good Samaritan: The most important right given to a Good Samaritan is the exemption from civil and criminal liability for any act done to save the life and property of the victim. A Good Samaritan cannot be compelled to file an FIR or pay any charges for the treatment of the victim and cannot be compelled to stay at the Police Station or Hospital nor give any information regarding the identity of the victim, his own identity, or any other evidence regarding the accident. In case if a good Samaritan wants to help in investigation process, the benefit is that he will not be called repeatedly and his statement will be recorded in a single hearing.

The Bill further provides that all hospitals and clinics to provide emergency medical treatment without demanding payment for such treatment. Any hospital or a clinic cannot deny emergency treatment even if the family is unable to make the payment. In case the hospital is not equipped to handle the victim, it is their duty to direct the victim to the nearest hospital or clinic where the facility for treatment is available. In case the victim suffers any physical or mental damage, or death is caused due to denial of emergency medical service by the hospital or clinic, a penalty of minimum Rs. 10 lakhs can be imposed along with the cancellation of the license.

The Bill is still pending before the Parliament, and there was a special mention in the Rajya Sabha on 3rd May 2016. On 30th March 2016, the Supreme Court of India gave “force of law” to the guidelines for the protection of Good Samaritans issued by the Ministry of Road Transport and Highways. The Ministry of Road Transport and Highways of the Government of India (GOI) laid down specific guidelines and standard operating procedures, and the Supreme Court recently approved these guidelines and made them enforceable in all States and Union Territories till effective legislation is in place¹¹.

2. Karnataka Good Samaritan and Medical Professional (Protection and Regulation During Emergency Situation) 2018:

A Good Samaritan shall not be required to,

- a) furnish any of his own personal information such as his name, telephone number and address at the hospital including for the preparation of a medico-legal form; or
- b) fulfil any procedure related to the admission of an injured person at a hospital; or
- c) bear any medical expenses towards the treatment of an injured person at a hospital.

A Good Samaritan shall not be required for examination by the police, in accordance with section 9 and 10 of this Act, unless such Good Samaritan is proven to be an eye-witness to the accident or incident of crime or any other emergency situation:

Provided that a Good Samaritan may lodge a complaint with the appropriate authority as may be specified by the Government by notification, for any grievance against a police officer on the grounds of harassment or intimidation, and such authority shall ensure that a departmental inquiry is initiated on the basis of the complaint;

(a) A Good Samaritan may voluntarily provide to the hospital his own name and address, the name of the injured person, if known, and shall be required to provide the time and place from

¹¹ Mission to Free State of Accidents". The New Indian Express.

where he has rescued such an injured person; if the information in clause (a) is provided by the Good Samaritan, a copy thereof, along with an acknowledgment of his services shall be provided to him immediately for his records.

Chapter VI of the act deals with Good Samaritan Fund: Constitution of Good Samaritan Fund. The Government may after due appropriation made by the State Legislature in this behalf, make to the appropriate authority, grants and loans of such sums of money to the appropriate authority as the Government considers necessary.

a) There shall be constituted a Fund to be called as the Good Samaritan Fund to which the following shall be credited, namely: -

b) any grant or loans made to the appropriate authority by the Government.

c) all sums received by the appropriate authority from such other sources, as may be prescribed by the Government.

Such Fund shall be applied for carrying out the purposes of this Act, in accordance with such rules as may be prescribed by the Government in this regard. Provided that the Government may apportion such monies from the Fund to support the reasonable expenses of a Good Samaritan in accordance with section 14 of this Act;

Notwithstanding anything contained in section 6 of this Act, the Government may by notification, after due appropriation made by the State Legislature in this behalf, make additional rules under this Act for the reimbursement of charges or expenses incurred by the hospital towards the treatment provided, if such hospital was unable to recover a reasonable minimum proportion of costs or expenses incurred for such appropriate treatment rendered, then that hospital may apply to an appropriate authority within such period and in such form and manner, as may be prescribed, by the Government in this regard, after the date of commencement of such rules.

Responsibility for implementation and administration of fund. The Government shall prescribe an appropriate authority by a notification, at the district level which shall be responsible for the implementation and administration of this Fund and shall act as the nodal authority for grievance redressal under this Act.

3. States In India Having Provisions or Schemes with Regard to Good Samaritan-¹²

i. Delhi Good Samaritan Scheme:

Under this scheme the state government shall provide an incentive of ₹2000 to those people

¹² <http://www.legalserviceindia.com/legal/article-339-model-good-samaritan-law.html>

who help accident victim to reach hospital. The main motive of the state government is to reduce time for an accident victim to reach hospital.

ii. West Bengal Good Samaritan Scheme-

Under this scheme the state government shall provide an incentive of ₹1500 to those people who help accident victim to reach hospital. The hospitals have been asked not to demand any payment or admission charges from the witnesses.

III. OTHER LEGAL PROVISIONS

1. The Motor Vehicles (Amendment) Act, 2019

(By the Insertion of new section 134A, protection is given to the Good Samaritans from civil and criminal liability. Sec 134A reads as,

134A. Protection of Good Samaritans. --(1) A Good Samaritan shall not be liable for any civil or criminal action for any injury to or death of the victim of an accident involving a motor vehicle, where such injury or death resulted from the Good Samaritan's negligence in acting or failing to act while rendering emergency medical or non-medical care or assistance.

(2) The Central Government may by rules provide for the procedure for questioning or examination of the Good Samaritan, disclosure of personal information of the Good Samaritan and such other related matters.

Explanation: For the purposes of this section, "Good Samaritan" means a person, who in good faith, voluntarily and without expectation of any reward or compensation renders emergency medical or nonmedical care or assistance at the scene of an accident to the victim or transports such victim to the hospital.

2. Ministry Of Road Transport And Highways- Notification, Gsr 594 9(E) Dated 29th September, 2020¹³

“Chapter IX- Examination of Good Samaritan and Enquiry

168. Rights of Good Samaritan. - (1) Any person who is a Good Samaritan, as per section 134A

of the Act, shall have the rights detailed under this chapter, and shall be treated respectfully without any discrimination on the grounds of religion, nationality, caste or sex.

(2) A Good Samaritan who has informed the police of any accident involving a motor vehicle,

¹³ The Motor Vehicle Act, Section 134A, 168A, 169 Protection of Good Samaritans.

or who has transported a victim of an accident involving a motor vehicle to the hospital, shall not be subjected to any further requirements by the police or the hospital, and shall be permitted to leave immediately.

(3) No police officer or any other person, shall compel a Good Samaritan to disclose his name, identity, address or any such other personal details:

Provided that the Good Samaritan may voluntarily choose to disclose his name, address, and name of the injured person (if known) to the police officer:

Provided further that, if the Good Samaritan has voluntarily disclosed his name or personal details, the police officer shall not compel such person to become an eye-witness in the case, and choice of becoming an eye-witness shall solely rest with the Good Samaritan.

(4) Notwithstanding anything contained in any other law for the time being in force, a Good Samaritan who transports a victim of an accident involving a motor vehicle to the hospital shall not be forced to,

(a) disclose any personal information, such as his name, telephone number and address, including for the purpose of the Medico-Legal Case Form;

(b) fulfil any procedure related to the admission of an injured person or victim at the hospital; or

(c) bear any medical expenses towards the treatment of an injured person or victim:

Provided that in case the Good Samaritan has volunteered his name, and if he so desires, the hospital shall provide an acknowledgement to such Good Samaritan, on official letter-pad, mentioning the name of the Good Samaritan, address, time, date, place of occurrence, and confirming that the injured person was brought by the said person: Provided further that, a Good Samaritan who has witnessed the accident and volunteers to become an eye-witness may, in addition to his name and address, also indicate his willingness to become an eye-witness in order to facilitate the investigation process.

(5) Every public and private hospital shall publish a charter in Hindi, English and vernacular language, at the entrance or other conspicuous location, and on their website, stating the rights of Good Samaritans under the Act and the rules made thereunder.

169. Examination of Good Samaritan.¹⁴ - (1) Notwithstanding anything to the contrary

¹⁴ G.S.R. 594(E), MINISTRY OF ROAD TRANSPORT AND HIGHWAYS NOTIFICATION New Delhi, the 29th September, 2020

contained in any other law for the time being in force, if a person has voluntarily agreed to become a witness in the case in which he has acted as a Good Samaritan, he shall be examined in accordance with the provisions of this rule.

(2) The examination of a Good Samaritan shall be conducted at a time and place of his convenience, such as his place of residence or business, and the investigating officer shall accordingly, be dressed in plain clothes:

Provided that the Good Samaritan may choose to have his examination done at the police station, and in such case, the examination shall be conducted in a time bound manner without causing undue delay, and as far as possible, completed in a single examination.

(3) In case the Good Samaritan speaks a language other than the language of the investigating officer or the local language of the respective jurisdiction, the investigating officer shall arrange for an interpreter.

(4) In case the Good Samaritan has volunteered to become an eye-witness, he shall be permitted to give his evidence on affidavit in accordance with the provisions of section 296 of the Code of Criminal Procedure, 1973 (2 of 1974): Provided that the affidavit of the Good Samaritan, if filed, shall be treated as complete statement, and in case a statement is to be recorded, the complete statement shall be recorded in a single examination.

(5) In case the attendance of a Good Samaritan cannot be procured without delay, expense or inconvenience, which under the circumstances of the case would be unreasonable, or the examination is unable to take place at a time and place of his convenience, the Court or the Magistrate may dispense with such attendance and may issue a commission for the examination of the Good Samaritan in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973 to conduct the examination, on an application made thereunder. (6) Video conferencing shall be used extensively during examination of Good Samaritans who choose to be eye-witnesses, in order to prevent harassment and inconvenience to such Good Samaritans.”

As per the reports, nearly 50 per cent of road fatalities would not have happened had medical attention been given within the first hour. Become a GOOD SAMARITAN and help us reduce this number. Road crashes claimed more than 200,000 lives in India alone and contributed to the economic loss of approximately 3% GDP. 17 people die every hour on Indian roads. It is the need of the hour to take the pledge to save someone's life and take it upon as our moral duty being a good citizen.

IV. BENEFITS OF GOOD SAMARITAN

(A) Law Benefits

- 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.
- 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.
- The bystander or good Samaritan shall not be liable for any civil and criminal liability. 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.
- 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.
- 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.
- In case a bystander or good Samaritan, who has voluntarily stated that he is also an eyewitness 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.
- Video conferencing may be used extensively during the examination of a bystander or good Samaritan who are eyewitnesses in order to prevent harassment and inconvenience to good Samaritans.
- 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.

- 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”
- All hospitals shall publish 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.
- 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.
- 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.

(B) Social Benefits:

- They protect emergency personnel for example, a physician pulls over at the scene of an accident and, through a sense of civic responsibility, delivers health care. Can that physician then be sued if the injured persons do not survive? Or For example, a physician may administer a drug to a person in an emergency without knowing that that person is allergic to the drug in question. Typically, that physician would be protected from legal liability since his or her administering of the drug was done in order to help the individual.
- Ensure strangers help strangers Good Samaritan laws ensure that people who are injured and in need of help receive the help that they require. Problems such as the "bystander effect," a psychological effect where people in large groups are unlikely to respond to someone in need, create situations where victims sometimes don't get care in emergency situations. Good Samaritan laws ensure people with some legal protection in the event that something goes wrong when administering first aid, and in certain states, compel people with medical training to help an injured person.
- Good Samaritan who informs police or emergency service regarding an injured person not to be compelled to reveal his personal details.
- Disciplinary action against public officials who coerce Good Samaritan to reveal his personal details.

(C) Personal Benefits

- A Good Samaritan will not be liable for any civil or criminal action for any injury or death of the victim
- A Good Samaritan cannot be compelled to file an FIR or pay any charges for the treatment of the victim and cannot be compelled to stay at the Police Station or Hospital nor give any information regarding the identity of the victim, his own identity, or any other evidence regarding the accident.
- In case if a good Samaritan wants to help in the investigation process, the benefit is that he will not be called repeatedly and his statement will be recorded in a single hearing.
- The Bill further provides that all hospitals and clinics provide emergency medical treatment without demanding payment for such treatment. Any hospital or a clinic cannot deny emergency treatment even if the family is unable to make the payment.
- In case the victim suffers any physical or mental damage, or death is caused due to denial of emergency medical service by the hospital or clinic, a hefty penalty can be imposed along with the cancellation of the license.

V. CONCLUSION

Good Samaritan laws point society in a proper direction and act as a “moral compass”. In other words, human life must be valued at all times over all things and one must help those whose life is in danger. Most of the people who are willing to help out in such a situation have various fears that have been mentioned above. In such circumstances it is the duty of the State to ensure that adequate protection and rights are given to the persons willing to help those in need. The emphasises should be on the importance of spreading awareness about the rights of the Good Samaritan. Even though Clause 5 (1) of the Bill states that a person will not be liable with respect to anything done to save life or property of the victim, this clause is very general fails to emphasise on the basic right of immunity. Just like it is clearly provided that hospitals and clinics are immune from liability in case any complication arises during the treatment (except in the case of negligence), in the same way the Law must specify that the Good Samaritan will be immune from any liability in case something happens to the victim after or during the emergency response of the Good Samaritan which would include calling the Police or ambulance or taking the victim to the hospital. This is extremely necessary because apart from the fear of payment for treatment or being harassed by the Police, people also have the fear of causing more harm.

Since the accidents and incidents of crime are at a rise in India, there is an urgent need to enact

the legislation that would deal with the protection of the Good Samaritans. The Guidelines issued by the Ministry of Road Transport and Highways (MoRTH) along with the Standard Operating Procedures are only applicable to accidents on roads and highways. The existing guidelines and provides various rights to the person who comes forward to help victims of accidents or incidents of crime.

The Good Samaritan Law allows a person, without expectation of payment or reward and without any duty of care or special relationship, voluntarily come forward to administer immediate assistance or emergency care to a person injured in an accident, or crash, or emergency medical condition. Good Samaritan Law protects Good Samaritans from harassment on the actions being taken by them to save the life of the road accident victims. And a Good Samaritan is a person who, in good faith, without expectation of payment or reward and without any duty of care or special relationship, voluntarily comes forward to administer immediate assistance or emergency care to a person injured in an accident, or crash, or emergency medical condition, or emergency situation. The law governing to protecting the interest of the good Samaritans should be brought into effect on priority at the centre and the union government shall direct all the state governments and the union territories to bring in the suitable legislation within their territories and encourage the good Samaritan act as a moral act and a social responsibility.

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