

Government of Tripura
Office of the Director General of Police
Legal Cell:: Agartala.

No. 152-71 /R-16/DGP/LC/2013.

Dated the 18 Jan, 2020.

To
The District Superintendents of Police,
West / North / Unakoti / Dhalai / Khowai / Sepahijala,
Gomati/ and South Tripura District.
The Superintendent of Police (SC&EO) / (GRP) / (Traffic),
Tripura, Agartala.


(BY E-Mail)

Subject:- Regarding guidelines for protection of "Good Samaritan" issued by the Transport Department, Govt. of Tripura.

Please find enclosed copy of Memo No. F.32(1)-TRANS/2015 dated 16-01-2020 of the Principal Secretary, Transport Department, Govt. of Tripura alongwith Memorandum No. F.32(1)-TRANS/15 dated 26-09-2015 of the Chief Secretary, Govt. of Tripura, SOP in respect of "Good Samaritan in road accident", copy of Notification dated 21-01-2016 and 12-05-2015 of the Ministry of Road Transport and Highways, Govt. of India, contents of which are self explanatory.

It is requested to circulate the same to the subordinate formation such as O/C of the P.Ss and SDPOs including field level Officers under your jurisdiction for taking necessary action for strict compliance and also to sensitize all field level Police personnel on the matter. Action taken in this regard may please be intimated to this office.

Enclo:- As stated.



(Subrata Chakraborty)
Asstt. Insp. Genl. Of Police (Crime),
For Director General of Police,
Tripura.

Copy along with its enclosures to:-

- | | |
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| <ul style="list-style-type: none">(1) The Deputy Inspector General of Police (SR), Tripura.(2) The Deputy Inspector General of Police (NR), Tripura(3) The Deputy Inspector General of Police (CB), Tripura(4) The Principal KTDS, PTA, Narsingarh, Tripura for information and requested to include the same in the training programme.(5) I/C, E-Governance Cell, PHQ for uploading the same in Tripura Police website. | For information please. |
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Copy also to :-

- (6) The Director Health Department, Govt. of Tripura, Gurkhabasti, Agartala for information and necessary action please.
- (7) The Joint Secretary, Transport Department, Govt. of Tripura for information please.
- (8) The circular file, PHQ, Legal Cell, Tripura.


(Subrata Chakraborty)
Asstt. Insp. Genl. Of Police (Crime),
For Director General of Police,
Tripura.

**GOVERNMENT OF TRIPURA
TRANSPORT DEPARTMENT**

NO.F.32 (1)-TRANS/2015/

Dated, Agartala,
The, 16th January, 2020

MEMO

The guidelines for protection of Good Samaritans issued by the Ministry of Road, Transport & Highways, Govt. of India in pursuance of the order dated 29th October, 2014 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 235 of 2012 (Save life Foundation & Anr.-Vs.-Union of India & Anr.) was issued vide Memo of even No. dated 26th September, 2015 for information of all concerned and necessary action. Copy of the Memo dated 26th September, 2015 alongwith Standard Operation Procedure (SoP) in respect of Good Samaritans in road accidents are enclosed herewith.

2. Thereafter, Ministry of Road, Transport & Highways, Govt. of India vide letter dated 19th August, 2019 (copy enclosed) has intimated that, the Hon'ble Supreme Court of India vide its order dated 30th March, 2016 have approved both the guidelines dated 12th May, 2015 & 21st January, 2016 with slight modification and directed that guidelines, as notified, be complied with by the Union Territories and all the functionaries of the State Governments, as 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 the mandate of Article 141.

3. In brief the guidelines focus on the following two points:-

- i. *The Standard Operating Procedure provides legal protection to people who give reasonable assistance to those who are, or who they believe to be injured, ill, in peril, or otherwise incapacitated.*
- ii. *The Standard Operating Procedure mandate emergency medical treatment by hospitals and medical practitioners to victims of accidents without raising any objection or objections that the cases are medico-legal cases or any other objection and without demanding any payment as a condition precedent for such treatment and to provide legal protection to as Good Samaritan who voluntarily gives help to those in distress or need and for other matters incidental thereto.*

3. The DGP, Tripura and the Secretary, Health Deptt are requested to kindly issue appropriate instruction to all Govt. / Private Hospitals & Institutes under respective jurisdiction for compliance of aforesaid guidelines.

4. The Director, ICA shall publish advertisement in local newspapers and electronic media for informing the general public about this guidelines.

Enclo:-As stated above.

(L.H. Darlong)
Pr. Secretary to the
Govt. of Tripura

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NO. F. 32(1)-TRANS/15
GOVERNMENT OF TRIPURA
TRANSPORT DEPARTEMENT

Dated, Agartala, the 26th September, 2015

MEMORANDUM

The Ministry of Road Transport & Highways, Government of India has issued a guidelines for protection of Good Samaritans in pursuance of order dated 29.10.2014 passed by Hon'ble Supreme Court of India in Writ Petition (Civil) No.235 of 2012(Save life Foundation & Anr. -Vs- Union of India & Anr.).

2. Further, the Ministry of Home Affairs, Government of India vide letter No.24013/24/C.C./2012-CSR.III(Part) dated 16th June, 2015 have requested the State Government to take appropriate action in this regard.

3. The State 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 State Government hereby reiterates the guidelines issued by the Ministry of Road Transport as below. Their guidelines are to be followed by hospitals, police and all other authorities for the protection of Good Samaritans:-

3.1. Guidelines issued by the MoRTH, Government of India :

- (i) 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.
- (ii) The bystander or Good Samaritan shall be suitably rewarded or compensated as decided by the state governments to encourage other citizens to come forward to help the road accident victims.
- (iii) The bystander or Good Samaritan shall not be liable for any civil and criminal liability.
- (iv) 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.
- (v) 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.
- (vi) 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.

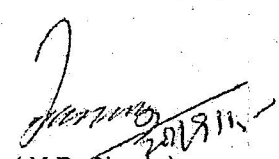
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- (vii) In case a bystander or Good Samaritan, who has voluntarily stated that he is also an eye-witness to the accident and is required to be examined for the purposes of investigation by the police or during the trial, such bystander or Good Samaritan 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.
- (viii) The method 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.
- (ix) Video conferencing may be used extensively during examination of bystander or Good Samaritan who is an eye witness in order to prevent harassment and inconvenience to Good Samaritans.
- (x) 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.
- (xi) 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 Regulation.
- (xii) All hospitals shall publish a charter in Hindi, English and the vernacular language of the State at their entrance stating that they shall not detain bystander or Good Samaritan or ask depositing money from them for the treatment of a victim.
- (xiii) 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 Health Department and disseminated to all hospitals in the State for incentivizing the bystander or Good Samaritan as deemed fit by the Health Department.
- (xiv) 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.

4. DGP & Health Department shall issue appropriate instruction to all Government and Private Hospitals and institutes under respective jurisdiction for compliance of aforesaid guidelines.

5. The Director, Information and Cultural Affairs (ICA) Department shall publish advertisements in local newspaper including electronic media informing the general public of these guidelines.

6. 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 Vehicle Act, 1988(59 of 1988).


(Y.P. Singh)
Chief Secretary to the
Government of Tripura

Copy to:

1. The Secretary, Home Department, Govt. of Tripura
2. The Director General of Police, Tripura.
3. The Secretary, Health & Family Welfare Department, Government of Tripura.
4. The Secretary, Transport Department, Government of Tripura.
5. The Secretary, Law Department, Government of Tripura
6. The District Magistrate & Collector, West Tripura, Agartala/South Tripura, Belonia/Gomati, Udaipur/Sepahijala District, Bishramganj/Khowai District, Khowai/Dhalai District, Ambassa/Unakoti District, Kailashawar/ North Tripura District, Dharmanagar.
7. The Director, Health Service, Government of Tripura
8. The Director, Family Welfare and Preventive Medicine, Government of Tripura
9. The Joint Transport Commissioner, Agartala, Tripura
10. All District Transport Officers

STANDARD OPERATING PROCEDURE(SOP) IN RESPECT OF GOOD
SAMARITAN IN ROAD ACCIDENT

WHEREAS, Ministry of Road Transport & Highways, Government of India has issued a guidelines for protection of Good Samaritans in pursuance of order dated 29.10.2014 passed by Hon'ble Supreme Court of India in Writ Petition (Civil) No.235 of 2012(Save life Foundation & Anr -Vs- Union of India & Anr.).


WHEREAS, the Ministry of Home Affairs, Government of India vide letter No.24013/24/C.C./2012-CSR.III(Part), dated 16th June, 2015 have requested the State Government to take appropriated action in this regard.

WHEREAS, the Government of Tripura, Transport Department, vide Memorandum No.F.32(1)-TRNS/15, dated 26th September, 2015 has circulated the guidelines in relation to the protection of bystander and good Samaritans.

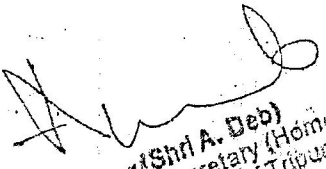
AND WHEREAS, the State Government considers it necessary to protect the Good Samaritans form harassment on the actions being taken by them to save the life of the road accident victims.

NOW, THEREFORE, in order to give effect to the above guidelines, the following Standard Operating Procedure is issued which shall be followed by the Police, prosecution and other concerned authorities in the State of Tripura.

- (1) A Good Samaritans refers to someone who is good faith renders emergency care or aid to victim(s) or injured person(s) in a road traffic accident on a voluntary basis without remuneration or expectation of remuneration, at the scene of an accident and who is otherwise not culpable for such road accident.
- (2) 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.
- (3) Such 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.


A. Deb
Secretary (Home)
Government of Tripura

- (4) 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 purpose of investigation by the Police or during the trial, he shall be examined on a single occasion and it shall be ensured that the bystander or good Samaritan is not harassed or intimidated. The following action shall be taken by the Police and Prosecution.
- a. The IO shall visit the residence or any other pre-decided place as per the convenience of such bystander or Good Samaritan to examine him for the purpose of investigation, which should be completed in a single session.
 - b. The date of examination by the IO shall also be fixed in consultation and as per the convenience of such witness.
 - ✓ c. During trial the methods of examination of such bystander or good Samaritan 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, in appropriate cases.
 - ✍ d. If such witness is required to appear before the court for examination or for any other purpose, the date should be fixed in consultation with him and he should be informed about the date well in advance. His examination/cross-examination shall be completed expeditiously and on priority on the same day.
 - e. During trial video conferencing should be used extensively for examination of bystander or Good Samaritan including the persons referred to under SL No. (1) above, who are eye witness in order to prevent harassment and inconvenience to good Samaritan.
- (5) Such bystander or Good Samaritan shall not be liable for any civil and criminal liability unless proved otherwise based on facts.
- (6) This SOP in relation to the bystander or Good Samaritan is without prejudice to the liability of the driver or other person in-charge of a motor vehicle in the road accident, as specified under Section 134 of the Motor Vehicle Act, 1988.


(Shri A. Deb)
Under Secretary (Home)
Government of Tripura
Agartala.

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

(ROAD SAFETY)

NOTIFICATION

New Delhi, the 21st January, 2016

No. RT-25035/101/2014-RS.—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. 235/2012 vide its order dated 29th October 2014, inter-alia, directed 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 published the guidelines in the Gazette of India, Extraordinary, Part I, Section I dated 12th May 2015 for protection of the Good Samaritans, i.e. a person who is a bystander or a passer-by, who chooses to assist an injured person or a person in distress on the road;

And whereas, as per para 1 (7) and (8) of the said guidelines dated 12th May, 2015, Standard Operating Procedures are to be framed for the examination of Good Samaritans by the Police or during trial;

And whereas, the Central Government considers it necessary to issue Standard Operating Procedure for the examination of Good Samaritans by the Police or during trial and here by issue the following standard operating procedure, namely:—

1.

1. The Good Samaritan shall be treated respectfully and without any discrimination on the grounds of gender, religion, nationality, caste or any other grounds.
2. Any person who makes a phone call to the Police control room or Police station to give information about any accidental injury or death, except an eyewitness may not reveal personal details such as full name, address, phone number etc.
3. Any Police official, on arrival at the scene, shall not compel the Good Samaritan to disclose his / her name, identity, address and other such details in the Record Form or Log Register.
4. Any Police official or any other person shall not force any Good Samaritan who helps an injured person to become a witness in the matter. The option of becoming a witness in the matter shall solely rest with the Good Samaritan.
5. The concerned Police official(s) shall allow the Good Samaritan to leave after having informed the Police about an injured person on the road, and no further questions shall be asked if the Good Samaritan does not desire to be a witness in the matter.

2. Examination of Good Samaritan by the Police

1. In case a Good Samaritan so chooses to be a witness, he shall be examined with utmost care and respect and without any discrimination on the grounds of gender, religion, nationality, caste or any other grounds.
2. In case a Good Samaritan chooses to be a witness, his examination by the investigating officer shall, as far as possible, be conducted at a time and place of his convenience such as his place of residence or business, and the investigation officer shall be dressed in plain clothes, unless the Good Samaritan chooses to visit the police station.
3. Where the examination of the Good Samaritan is not possible to be conducted at a time and place of his convenience and the Good Samaritan is required by the Investigation Officer to visit the police station, the reasons for the same shall be recorded by such officer in writing.
4. In case a Good Samaritan so chooses to visit the Police Station, he shall be examined in a single examination in a reasonable and time-bound manner, without causing any undue delay.
5. 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.

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6. Where a Good Samaritan declares himself to be an eye-witness, he shall be allowed to give his evidence on affidavit, in accordance with section 296 of the Code of Criminal Procedure, 1973 (2 of 1974) which refers to *Evidence in Formal Character on Affidavit*.
7. The complete statement or affidavit of such Good Samaritan shall be recorded by the Police official while conducting the investigation in a single examination.
8. In case the attendance of the Good Samaritan cannot be procured without delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, or his examination is unable to take place at a time and place of his convenience, the Court of Magistrate may appoint a commission for the examination of the Good Samaritan in accordance with section 284 of the Code of Criminal Procedure, 1973 (2 of 1974) on an application by the concerned.
3. The Superintendent of Police or Deputy Commissioner of Police or any other Police official of corresponding seniority heading the Police force of a District, as the case may be, shall be responsible to ensure that all the above mentioned procedures are implemented throughout their respective jurisdictions with immediate effect.

ABHAY DAMLE, Jt. Secy.

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 Savelife Foundation and another V/s. Union Of India and another in Writ Petition (Civil) No. 235 of 2012 vide its order dated 27th 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

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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.

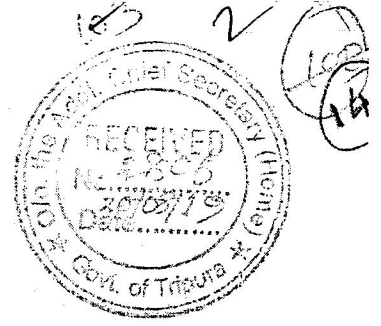
(13) In case a bystander or good Samaritan so desires, the hospital shall provide an acknowledgement to such good Samaritan, confirming that an injured person was brought to the hospital and the time and place of such occurrence and the acknowledgement may be prepared in a standard format by the State 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.



No.RT-25035/101/2014-RS
Government of India
Ministry of Road Transport & Highways
Transport Bhawan, 1, Parliament Street, New Delhi- 110001

Date: 19th Aug, 2019

To,

The Chief Secretary
The Director General of Police (DGP)/IGP
The Principal Secretary/Secretary (Transport)
The Principal Secretary/Secretary (Home)
The Principal Secretary/Secretary (Health)
of All States/Union Territories

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Sub: Schemes to be framed for the investigation of accident cases and wayside amenities, etc.

Sir/Madam,

As you are aware, this Ministry has issued guidelines in pursuance of order dated 29.10.2014 in W.P. No. 235 of 2012 of Hon'ble Supreme Court of India to protect the Good Samaritans. As per Para 1 (7) and (8) of the guidelines dated 12th May, 2015, the Standard Operating Procedure for the examination of Good Samaritans by the Police or during trial has been issued by the Ministry on 21st January 2016 envisaging the procedures to be followed for the examination of an eyewitness to a road accident, so that the witness does not get harassed.

2. The Hon'ble Supreme Court of India vide its order dated 30th March 2016 have approved both the guidelines dated 12.05.2015 and 21.01.2016 with slight modification and directed that guidelines, as modified, be complied with by the Union Territories and all the functionaries of the State Governments, as 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 the mandate of Article 141.

3. In brief the guidelines focus on the following two points:-

- (i) The Standard Operating Procedure provides legal protection to people who give reasonable assistance to those who are, or who they believe to be, injured, ill, in peril, or otherwise incapacitated.
- (ii) The Standard Operating Procedure mandate emergency medical treatment by hospitals and medical practitioners to victims of accidents without raising any objection or objections that the cases are medico-legal cases or any other objection and without demanding any payment as a condition precedent for such treatment and to provide legal protection to as Good Samaritan who voluntarily gives help to those in distress or need and for other matters incidental thereto.

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d.t. 21.8.19

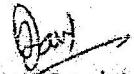
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4. However, road safety continues to be one of the leading causes of death, disabilities and hospitalisation in the country despite our commitment and efforts to bring down the number of road accidents and fatalities. As per provisional data, more than 1.5 lakhs lives were claimed by road accident in the calendar year 2018.

5. It is also a real fact that if someone provides immediate required assistance to a road accident victim her/his life can be saved. However, even more than three years of issuing the Good Samaritans Guidelines, no significant improvement in the situation is observed and still people refrain from assisting road accident victims. Hospitals also need to be made active partners in propagating Good Samaritan Guidelines.

6. You can realise that it is dire need of the time to enforce the Good Samaritan Guidelines in their true spirit. As the powers to enforce the Good Samaritans Guidelines rest with the States/UTs, you are requested to look into the matter personally at your level to ensure strict compliance of the guidelines in your State/UT through the concerned field formations.

Yours faithfully,



(Abhay Damle)

Joint Secretary to the Government of India