

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

No. 288-305 /R-16/DGP/LC/2013.

Dated the 30 Jan, 2017.

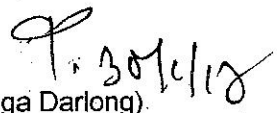
To
The District Superintendents of Police,
West / North / Unakoti / Dhalai / Khowai / Sepahijala,
Gomati/ and South Tripura District.
The Superintendent of Police (CID) / (GRP),
Tripura, Agartala.

Subject:- Regarding wide publicity of "Good Samaritan" guideline and "Standard Operating Procedure" for protection of Good Samaritans from any harassment followed by road accidents.

~~Please find enclosed copy of letter No. F.32(11)-TRANS/2015 dated 13-01-2017 of the Joint 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 and SOP in respect of "Good Samaritan" in road accident, 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 take necessary steps towards arrangement of displaying/pasting of the guidelines of "Good Samaritan" and "Standard Operation Procedure" (SOP) for protection of Good Samaritans in all Police Stations throughout the State and sensitized all field level Police personnel on the matter. Action taken in this regard may please be intimated to this office.

Encl:- As stated.


(Lalhminga Darlong)
Asstt. Insp. Genl. Of Police (Crime),
For Director General of Police,
Tripura.

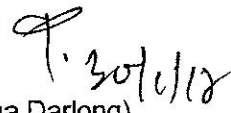
Copy along with its enclosures to:-

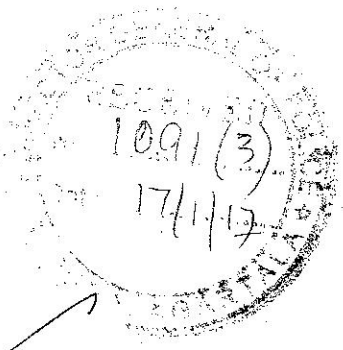
- (1) The Inspector General of Police (L/O), Tripura.
- (2) The Deputy Inspector General of Police (SR), Tripura.
- (3) The Deputy Inspector General of Police (NR), Tripura
- (4) The Principal KTDS, PTA, Narsingarh, Tripura for information and requested to include the same in the training programme.
- (5) I/C, E-Governance Cell, PHQ for uploading the same in Tripura Police website.

For information please.

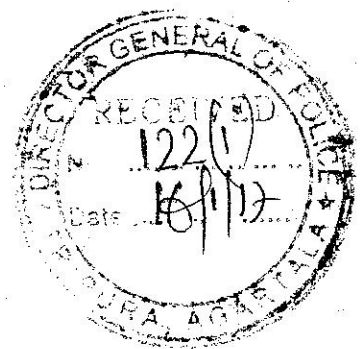
Copy also to :-

- (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.

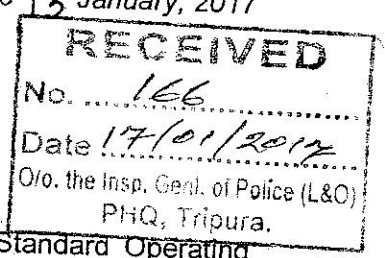

(Lalhminga Darlong)
Asstt. Insp. Genl. Of Police (Crime),
For Director General of Police,
Tripura.



NO.F.32 (11)-TRANS/2015
GOVERNMENT OF TRIPURA
TRANSPORT DEPARTMENT



Dated, Agartala, the 13 January, 2017



To
The Director General of Police,
Tripura, Agartala

Subject :- Regarding wide publicity of "Good Samaritan" guideline and "Standard Operating Procedure" for protection of Good Samaritans from any harassment followed by road accidents.

Sir,

I am directed to inform that based on the advice of the Ministry of Road Transport & Highways, Government of India, State Government in Transport Department has issued a Memorandum vide No.F.32(1)-Trans/2015 dated 26th September, 2015 regarding 'Good Samaritans' and further Home Department vide letter No.F.13(71)-PD/15/91-99 dated 05-12-2015 issued 'Standard Operating Procedure' in respect of protection of Good Samaritans from harassment followed by the action being taken by them to save the life of the road accident victims. These have been circulated to the DGP and to the SPs of all districts including SP Traffic.

Supreme Court Committee on Road Safety(CoRS), constituted by the Hon'ble Supreme Court of India has now recommended to circulate and publicize these guidelines widely and should also be pasted in all police stations and hospitals of the State.

Therefore, I am further directed to request you to kindly take necessary steps towards arrangement of displaying/pasting of the guidelines of "Good Samaritan" and "Standard Operating Procedure" for protection of Good Samaritans in all police stations throughout the State. Besides wide publicity of the same be given and offices of your department sensitized.

Encl: As stated.

Yours faithfully,

R. Biswas

(R. Biswas)
Joint Secretary to the
Government of Tripura.

Handwritten notes:
To all S&P
OR
TGP LO
275 SR



Handwritten notes:
1601-17
syspld PHQ Hcell

Handwritten signature:
R. Biswas

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.

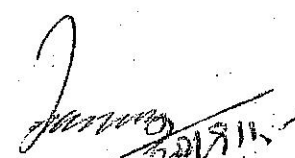
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- (vii) In case a bystander or Good Samaritan, who has voluntarily stated that he is also an eye-witness to the accident and is required to be examined for the purposes of investigation by the police or during the trial, such bystander or Good Samaritan 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.

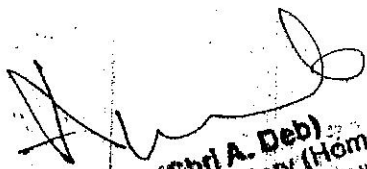
AND WHEREAS, the State Government considers it necessary to protect the Good Samaritans form harassment on the actions being taken by them to save the life of the road accident victims.

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.


Shri A. Deb
Joint Secretary (In-charge)
Road Transport & Highways
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.