

By mail.

OFFICE OF THE
DIRECTOR GENERAL OF POLICE,
HIMACHAL PRADESH, POLICE HEADQUARTERS,
SHIMLA-171002.

No. L&O-2-22(TTR)/2018-Vol-II

Dated:

“CIRCULAR/ ORDER No. 03 of 2019”

Subject: Protection of Good Samaritan or Bystander.

1. **Objective:**

In order to ensure efficient and effective utilization of “Golden Hour” after the accident, it is important to encourage general public to come forward and help the victim of road accident. As per direction of Hon’ble Supreme Court of India in case of Savelife Foundation and another V/s Union of India and another in Writ petition (civil) No. 235 of 2012 vide order dated 29th October, 2014, Ministry of Road Transport and Highways GOI has issued guidelines to be followed by hospitals, police and all other concerned authorities. For the implementation of these guidelines the major role is that of the Police department.

2. **Definition of Bystander or Good Samaritans:**

A Good Samaritan or Bystander is a person (including eyewitness) 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 involved/injured in an accident.

3. **Role of Investigation officer/SHO in protection of Bystander or Good Samaritans**

During the investigation of Road Traffic Accident (RTA) case, Investigation Officer and SHO would take all necessary measures as mentioned below for protection of Good Samaritans or Bystander including eye witness:

- i. A Bystander or Good Samaritan including an eyewitness of a Road Traffic Accident (RTA) 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 not be liable for any civil and criminal liability.
- iii. 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.
- iv. 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.
- v. 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 at the convenience of such person.
- vi. 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 Code of Criminal Procedure 1973.

4. Role of District SsPs in protection of Bystander or Good Samaritans:

- i. The Bystander or Good Samaritan shall be suitably rewarded or compensated to encourage other citizens to come forward to help the Road Traffic Accident (RTA) victims.
- ii. The disciplinary or departmental action shall be initiated against police official who coerce or intimidate a Bystander or Good Samaritan for revealing his name or personal details.
- iii. Necessary awareness regarding the provision of protection of Bystander or Good Samaritan be generated through advertisement, pamphlets and through other road safety related meetings.

5. All concerned are directed to strictly comply with the above directions/guidelines.

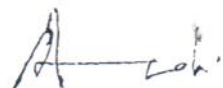
(S.R. Mardi) IPS,

Director General of Police,
Himachal Pradesh, Shimla-2.

Dated: 12-03-2019

Endst. No. L&O-2-22(TTR)/2018-4368-84
Copy is forwarded for information and necessary action to:-

1. All Inspector/Deputy Inspectors General of Police, Ranges, in H.P & TTR.
2. All District Superintendents of Police in Himachal Pradesh,


Director General of Police,
Himachal Pradesh, Shimla-2.

