

Bill No. 156 of 2014

THE GOOD SAMARITAN (PROTECTION FROM CIVIL AND
CRIMINAL LIABILITIES) AND MISCELLANEOUS PROVISIONS
BILL, 2014

By

SHRIMATI KIRRON KHER, M.P.

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*to provide for protection to Good Samaritans from civil and criminal liabilities by
establishing supportive legal environment; constitution of Good Samaritans
Authority; obligations of hospitals and clinics and for matters connected
therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Good Samaritan (Protection from Civil and Criminal
Liabilities) and Miscellaneous Provisions Bill, 2014.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "accident" includes road, railways or air accident;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) Authority means the Good Samaritan Authority constituted under section 3;

(d) "bystander" means a person who is witness to an accident or incident of crime;

(e) "emergency response" means reasonable necessary reaction to an accident or incident of crime and includes taking the victim to a hospital in order to save his life or calling in ambulance or police;

(f) "Fund" means the Good Samaritan Welfare Fund constituted under section 11;

(g) "Good Samaritan" includes a bystander who helps a victim by taking reasonable necessary action to save his life or property;

(h) "incident of crime" includes sexual assault, robbery, theft, murder, attempt to murder, kidnapping, attempt to kidnapping and road rage; and

(i) "victim" means a victim of an accident or crime.

Constitution
of the Good
Samaritan
Authority.

3. (1) The Central Government shall, within a period of six months from the coming into force of this Act, constitute an Authority to be known as the Good Samaritan Authority.

(2) The Chairperson of the Authority shall be nominated by the Central Government in such manner, as may be prescribed, from amongst persons of eminence having adequate knowledge of and experience in management, administration, public affair, health services, social work or law.

(3) The Authority shall have one representative from each State and Union territory as member, who shall be appointed by the Central Government in consultation with the concerned State Government or the Union territory Administration, as the case may be.

(4) The Chairperson and the members of the Authority shall hold office for a period of three years from the date of their appointment.

(5) The Authority shall have such number of officers and staff, as may be necessary, for efficient discharge of its functions.

(6) The salaries and allowances and other terms of conditions of the officers and staff of the Authority shall be such as may be prescribed.

Functions of
the Authority.

4. The functions of the Authority shall be—

(a) to receive complaints of harassment or violation of rights of Good Samaritans under this Act and institute legal proceedings against persons involved in such harassment or violation of rights;

(b) to process and pay claims of hospitals regarding payment of hospital charges for providing treatment to a victim;

(c) to take up mass media campaigns to encourage and sensitise the public in becoming Good Samaritans;

(d) to inform the general public about the provisions of this Act and in particular the rights of Good Samaritans in such manner, as it may deem appropriate.

5. (1) A Good Samaritan shall not be liable to any civil or criminal liability in respect of anything done or cause to have been done to save the life or property of a victim.

Exemption from civil or criminal liability to Good Samaritan and their rights.

(2) Without prejudice to the generality of the foregoing provision, a Good Samaritan, in respect of an accidents or crime in which he helps in saving life or property of a victim, shall have the following rights, namely:—

(a) he shall not be required or compelled to file a First Information Report unless he decides otherwise;

(b) he shall not be required or compelled to pay any charges for treatment including future treatment to the hospital or clinic in which the victim is brought by him for treatment;

(c) unless he so chooses, he shall not be detained by the hospital or any police official for any reason including, but not limited to,—

(i) finding or confirming the identity of the victim;

(ii) any questioning unless he decides to stay and respond; and

(iii) standing as witness or providing evidence to the police or any other person;

(d) he shall not be forced to reveal his identity; and

(e) he shall not be subject to any force or harassment by any person investigating into or otherwise related to the accident or incident of crime.

(3) Where a Good Samaritan chooses to assist in the investigation of an accident or incident of crime,—

(a) the police shall act with sensitivity towards him and complete the recording of his statement and all other proceedings relating to him in a timely manner;

(b) he shall not be called repeatedly;

(c) his statement as a witness in a court of law shall be recorded through video in a single hearing.

6. (1) It shall be the duty of every educational institution to impart training in first-aid and emergency response to every student above the age of thirteen years for such duration, as may be prescribed.

Educational institutions to impart training in first-aid and emergency response to students.

(2) The training under sub-section (1) shall be imparted once in every academic year.

(3) For the purpose of imparting training under sub-section (1), the educational institutions shall take the assistance of such professionals or institutions, as the appropriate Government may, by notification in the Official Gazette, specify.

7. (1) It shall be the duty of the appropriate Government to impart training in first-aid and emergency response to all their employees once every year.

Appropriate Government to impart training in first-aid and emergency response to its employees.

(2) For the purpose of imparting training under sub-section (1), the appropriate Government shall take the assistance of such professionals or institutions, as it may, by notification in the Official Gazette, specify.

8. The appropriate Government shall, from time to time, organize and conduct programmes, workshops and seminars to—

Appropriate Government to organize awareness programmes and workshops.

(a) sensitise the citizens in becoming Good Samaritans;

(b) make the citizens aware of emergency response numbers of ambulance service and police assistance; and

	(c) train the citizens in the art of first-aid and emergency response.	
Duty of every hospital and clinic to provide emergency treatment.	9. (1) No hospital or clinic shall deny emergency treatment to any victim: Provided that if the hospital or clinic is not equipped to deal with the emergency treatment, it shall assist in directing the victim to the nearest hospital or clinic where such emergency treatment facility is available.	5
	(2) No hospital or clinic shall demand any payment for providing emergency treatment to any victim or deny such treatment if the family members of the victim are unable to make the payment.	
	(3) For reimbursement of charges incurred during emergency treatment of any victim, the hospital or clinic concerned shall apply to the Authority within such period and in such form and manner, as may be prescribed.	10
	(4) It shall be the duty of hospital or clinic to inform the police as soon as a victim is brought to the hospital or clinic by a Good Samaritan.	
Constitution of Good Samaritan Fund.	10. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Good Samaritan Fund.	15
	(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, credit such sums to the Fund, as may be necessary, for carrying out the purposes of this Act.	
Penalty for denial of treatment to victims by hospitals or Clinics.	11. (1) Where any physical or mental damage to, or death of, a victim occurs due to denying emergency treatment to him by a hospital or clinic, the licence of such hospital or clinic shall be cancelled and such hospital or clinic shall also be liable to a fine which shall not be less than ten lakh rupees:	20
	(2) Notwithstanding anything in sub-section (1), no hospital or doctor shall be liable to any civil or criminal liability for any physical damage to, or death of, a victim due to complications during the emergency medical attention:	25
	Provided that nothing in this sub-section shall apply to a case of gross medical negligence by a medical practitioner.	
Act to have overriding effect.	12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.	30
Power to remove difficulties.	13. (1) If any difficulty arises in giving effect to the provision of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:	
	Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.	35
	(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.	
Power to make rules.	14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	40
	(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.	45

STATEMENT OF OBJECTS AND REASONS

In India, fifteen people die every hour in road accidents. The number of deaths due to road traffic accidents in the last decade is close to one million. In medical care terminology, the term '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. Yet, a large percentage of people seem unwilling to help injured persons in the road accidents or to victims of violent crimes including rape. The reason for citizens' inaction ranges from fear of harassment by police, payment of cost of medical treatment in hospitals, etc.

There is a an immediate need for framing a policy providing for immediate help to victims of road accidents, crimes and to motivate the bystanders to come forward to help the victims of road accidents, violent crimes, etc. by taking them to nearest hospitals for medical treatment.

Hence this Bill.

NEW DELHI;
November 12, 2014

KIRRON KHER

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Constitution of the Good Samaritan Authority. Clause 4 provides for processing and payment of claims received from hospitals regarding payment of hospital charges for providing emergency treatment to a victim and to take up mass media campaigns to encourage and sensitise the public in becoming Good Samaritans. Clause 6 provides for imparting training in first-aid and emergency response to every student above the age of thirteen years in all educational institutions. Clause 7 provides for imparting training in first-aid and emergency response to every employee under the State by the appropriate Government. Clause 8 provides for organizing programmes, workshops and seminars to sensitise citizens in becoming Good Samaritans and making them aware in the art of first-aid and emergency response. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore will be involved per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relate to detail only, the delegation of legislative power is, therefore, of a normal character.

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