

Event Report

District Level Workshop Good Samaritan Guidelines Challenges and Way Forward

July 28, 2021, Kota, Rajasthan

Background

Over 13 lakh people have been killed in the past decade due to road crashes in India. In the absence of an efficient Emergency Medical Services (EMS) system in India, the role of bystanders is crucial in saving the lives of victims in road crashes. As per the Law Commission of India, 50 percent of those killed in road crashes could have been saved, if rapid assistance had been rendered. This assertion was also reaffirmed by World Health Organisation (WHO).

According to WHO, 50 percent of victims of road accidents die in the first 15 minutes due to serious cardiovascular or neurological injuries, and the rest can be saved by providing basic life support during the 'Golden Hour'. However, due to fear of harassment by police, detention at hospitals, and prolonged legal formalities, bystanders are reluctant to come forward to help accident victims on the road.

In 2012, a petition was filed in the Supreme Court of India under Article 32 of the Constitution of India in the public interest for the development of a supportive legal framework to protect Good Samaritans, i.e., bystanders, who render help to the injured persons or a person in distress on the road. The petition's objective was to create an enabling legal framework for the comprehensive protection of Good Samaritans from ensuing legal and procedural hassles.

On March 30, 2016, the Hon'ble Court approved the guidelines and SOPs issued by the Ministry of Road Transport and Highways. Under Article 141 of the Constitution, Hon'ble Court gave it 'force of law', thereby binding all States and Union Territories of India and, therefore, instituting the Good Samaritan Law. In 2019, these guidelines ultimately became part of the Motor Vehicles (Amendment) Act 2019 by inserting a new Section



134A. But, on the whole, there is little awareness about this new section on the rights of Good Samaritan, which now fully protects those who selflessly and proactively come forward to assist injured persons on the road. Looking to the above facts and importance of the issue, CUTS implemented a project supported by the Ministry of Road Transport and Highways, Government of India, focusing on spreading awareness on the rights of Good Samaritan as enshrined in the MV Act, 2019.

The Kota workshop was the second in the series organised on July 28, 2021. The purpose of organising this workshop was to analyse the current opportunities, challenges and way forward related to the rights of Good Samaritan.

Proceedings



Anwar Ahmad Khan, Secretary, Oxford Shikshan Prashikshan Vikas Sansthan, Kota, and a local coordinator of the programme welcomed guests and gave detailed information on the workshop's topic. Khan said that the bystanders would not be liable for any civil and criminal liability.

Welcoming the guest speakers and all the participants, **Deepak Saxena, Assistant Director, CUTS International**, briefly introduced the workshop's objectives. He provided a brief introduction of each guest speaker. Saxena said every injured citizen brought for medical treatment should instantaneously be given medical aid to preserve life. Afterward, the procedural criminal law should be allowed to operate to avoid negligent death. He said that there is no legal impediment for a medical professional when called upon or requested to attend to an injured person needing his medical assistance immediately. The effort to save the person should be the top priority of the medical professional and even of the police or any other citizen who happens to be connected with the matter or notices such an incident or a situation.



Kalu Ram Verma, DCP, Traffic, Kota, touched upon issues related to Good Samaritan and said that people are reluctant to follow Good Samaritan rules as they do not want to get involved with any codes or laws. Verma said that the public must help the accident victims, and they are only responsible for the death of an accident victim if it is caused by the negligence and ignorance of the bystanders.





Bhuvnesh Kumar Sharma, a Local Lawyer, emphasised the case of *Parmanand Katara v. Union of India*. He mentioned that this was the first case where due recognition was given to the importance of Good Samaritan. Sharma also said that charts and posters should be displayed in various government and private hospitals to spread awareness regarding Good Samaritan. He spoke about three standards in road safety i.e., road standards, road user and non-authorised standards. He discussed the amendment in the Motor Vehicles Act, including Section 134A.

Iqbal Ahmed, a Medical Doctor in Trauma Care, said the person plays the most crucial role at the crash scene. Not only can such people invoke the official systems by playing a game-changing role in saving the lives of victims by providing them first-aid.

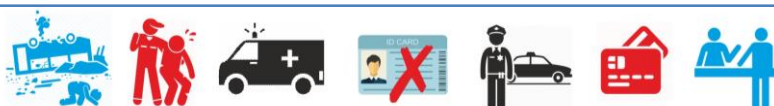


At the end of the session, the participants raised many queries related to Good Samaritan law to which resource persons responded well.



Vote of Thanks

The programme ended with a vote of thanks from **Dharmendra Chaturvedi, Programme Officer CUTS International**. Around 42 persons participated in the workshop, including guest speakers. In the last, Chaturvedi expressed gratitude towards the participants for actively participating in the workshop.



Programme Schedule

Time	Activity	Guest/Resource Person
10.00-11.00	Arrival, Registration of Delegates & Tea	
11.00-12.15	Inaugural Session	
11.00-11.05	Welcome Expectations from the workshop	Anwar Ahmad Khan Secretary, Oxford Shikshan Prashikshan Vikas Sansthan, Kota
11.05-11.25	Opening Remarks and Presentation on Good Samaritan-Key Highlights	Deepak Saxena Assistant Director, CUTS International
11.25-11.45	Short Films on Good Samaritan	
11.45- 13.30	Technical Session	
	Panel Discussion: (Moderator: Deepak Saxena, Assistant Director, CUTS International)	Guest Speakers <ul style="list-style-type: none"> • Mr. Kalu Ram Verma, DCP, Traffic, Kota • Mr Bhuvnesh Kumar Sharma, Advocate • Dr Iqbal Ahmed, Trauma Care
13.30-13.35	Summary and Vote of Thanks	Dharmendra Chaturvedi Programme Officer, CUTS International
13.35	Lunch & Departure	



List of Participants

S.N.	Name	Name and Address of the Organisation
1.	Anwar Ahmed Khan	Oxford Shikshan Prashikshan evam Vikas Sansthan, Hiran Bazar, Chandraghanta, Kota
2.	Shirin Khan	Social Worker, Hiran Bazar, Chandraghanta, Kota
3.	Kashish Khan	Social Worker, Hiran Bazar, Chandraghanta, Kota
4.	Nasir Mohammad	Almadad Education andWelfare Society, Radha Vilas, Kota
5.	Yudhishthir Chansi	Ram Krishan Shikshan Sansthan, Bhadana, Rangpur Road, Kota
6.	Mohammad Yusuf	Al Muslim Intehad Society, Kota
7.	Abdul Hanif	Retd. Forest Deptt., C- 91, Waqf Nagar, Kota
8.	Shamim Bano	B- 214, Waqf Nagar, Kota
9.	Rekha Kumari	Saraswati Gyan Vikas Samiti, Chhavani, Kota
10.	Farzana Parveen	Near Masjid, Mandana, Kota
11.	Abdul Razzak Mansoori	Near Masjid, Mandana, Kota
12.	Abdul Naseem	Waqf Nagar, Kota
13.	Noor Ahmed	Shri Pura, Kota
14.	Farooq Ahmed	11-B, Saraswati Colony, Kota
15.	Reena Sharma	Ekal Nari Shakti Sangathan, Kota
16.	Irshad Hussain	Irshad Hussain Subhash School, Jagpura
17.	Dr. Raj Kumar Mahajan	Mahak Welfare Society, Kota
18.	Hardik Mahajan	Mahak Welfare Society, Kota
19.	Hazi Asgar Ali	Chhavani, Kota
20.	Akhlaq Hussain	Waqf Board Committee, Waqf Nagar, Kota
21.	Hejmuddin	Waqf Committee, Dargah Jagali Shah, Kota
22.	Banwari Lal	1165, MKJ, Koa
23.	Zaheer Ahmed	Madni Welfare Society, Kota
24.	Abdul Qayyum	Madni Welfare Society, Kota
25.	Syed Abdul Latif	16-A, Akashwani Colony, Kota
26.	Rajendra Kaviya	Police Inspector, Traffic, Kota
27.	Ranjeet Singh	Traffic Police, Kota
28.	Shyam Lal	Traffic Police, Kota
29.	Gaffar Mohammad	Kishanpura, Kota
30.	Sajauddin	Social Worker, Sakatpura, Kota
31.	Dr. Saddiq Ansari	Private Association, KOTA
32.	Advocate Bhuvnesh Sharma	Sumitra Devi Memorial Charitable Trust
33.	Ashfaq Ansari	Radha Vilas, Patnipole, Kota



S.N.	Name	Name and Address of the Organisation
34.	Zahab Haider	Medical Department, Kota
35.	R.B. Gautam	S.I., Medical & Health
36.	S. Ahmed, Advocate	Kota
37.	Dr. Kulwant Gaur	Shiva India Foundation
38.	Shabnam Khan	Teacher, Naya Gaon, Chulet, Sangod, Kota
39.	Tabassum Khan	Mahavir Colony, Bhadana Road, Kota
40.	Mohammad Rafiq	Ladpura, Kota
41.	Deepak Saxena	CUTS International, Jaipur
42.	Dharmendra Chaturvedi	CUTS International, Jaipur



