

The Good Samaritan Law: The Key Difference between Life and Death

S. B. Ingle¹ Pawan.P. Potdukhe² Anurag. A. Salankar³ Parshik. P. Pande⁴ Shreyas. P. Sarage⁵

^{1,2,3,4,5}Assistant Inspector of Motor Vehicle

^{1,2,3,4,5}Washim, Maharashtra, India

Abstract— Among the reasons for India's unacceptably high rate of road accident fatalities is the inability to get timely medical treatment for victims. Official statistics put the number of people who died on the roads in 2015 at 1,46,000. It is reckoned that a larger percentage of them could have been saved had emergency medical treatment been provided immediately. In a report in 2006, the Law Commission estimated that 50 per cent of accident victims would have survived had they got medical attention within an hour. A major impediment to victims obtaining timely help is the fear among bystanders that they could be embroiled in a police investigation or be subjected to harassment due to the legal procedures involved if they chipped in to provide first-aid, ferry the injured to hospital or even call for medical or police assistance. This is why a 'Good Samaritan' legal protection is vital. Parliament has not enacted such a law, but thanks to the Supreme Court and a campaign by voluntary organisations, the Centre notified guidelines last year for the protection of those who help accident victims. In this project, the survey is carried out to check the behaviour of the stakeholders and to spread the awareness of the "Good Samaritan Law". the objectives of this project is to acquainted the good Samaritan about their rights and to encourage the bystander to help the victim.

Keywords: Good Samaritan

I. WHO IS GOOD SAMARITAN?

- A Good Samaritan is a person 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 injured in an accident, or crash, or emergency medical condition, or emergency situation.
- Samaritan a crucial term which most of the people are unaware of, typically means a bystander-i.e. bystanders and passers-by who render help to the victims of road accidents
- Samaritan is also defined as a person who is generous in helping those in distress

A. Objectives:

- public awareness of the good Samaritan law
- To encourage the bystander to help the victim.
- Behaviour of the people before knowing the law and after knowing the law
- finding out factor that discourage bystander from coming forward to help the victim.
- finding out source of awareness about good Samaritan law.
- Recommendation

B. Need of law

Good Samaritan Law has been an important statutory enactment across the world. Several countries have laid

down laws for Good Samaritans by protecting against civil and criminal liability. It is very essential to understand the gravity of importance behind the enforcement of such laws in different countries. Human life is important of all, and all steps should be undertaken to protect the same. The legislature has been a guiding light in major countries to ensure protection of Good Samaritans in order to encourage them to come forward and help, as it is well settled that if granted necessary protection, no one will hesitate to help a road accident victim as part of their moral duty

C. Golden Hour

In emergency medicine, "Golden Hour" refers to the immediate one-hour time period following a traumatic injury, during which, chances of preventing death by way of prompt medical treatment are the highest.

With regard to emergency trauma care, a few minutes can mean the difference between life and death. This first hour of definitive medical care is called the "golden hour." It is usually this first hour where the patient's medical fate is sealed. In general, the faster that medical care is rendered, the better the medical outcome will be.

II. RESEARCH METHODOLOGY

A. Research Instrument

- Survey method
- (First stakeholder)
- moving population (Drivers, passengers, LMV)
- Standing population (Owner, workers on road, repair shop)



- Second stakeholder
Professional Implementing Authorities



POLICE INSPECTOR (TRAFFIC) AND DR. HIMANSHU BHISHNOI M.S.(ORTHO)

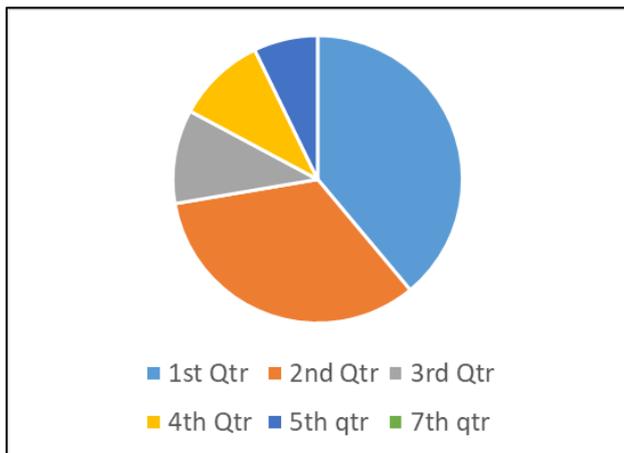
III. RESULT AND DISCUSSION

A. Result Based on 100 Person Approximate



- 1) Due to humanity will surely help (65%)
 - 2) Will take victim to hospital (30%)
 - 3) Will call the ambulance (22.07%)
 - 4) Will call the police and their relative (11%)
- The survey covered respondent's moral attitude and legal knowledge, previous experience (if any) with good Samaritan events, comfort with police interrogation, as well as responses to hypothetical Situation

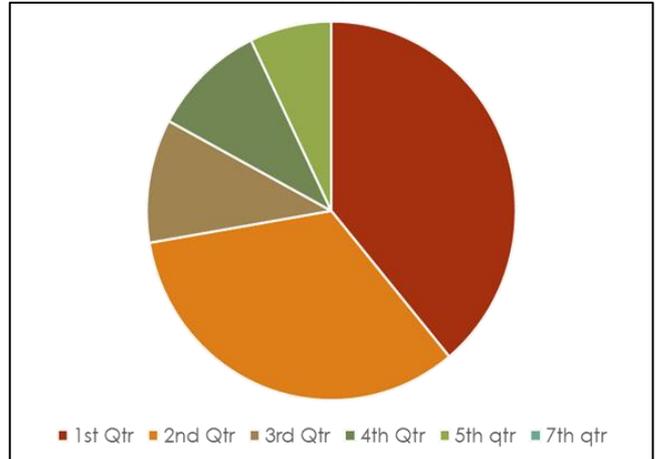
B. Sources of awareness



- 1) Television (58%)
- 2) Newspaper (25%)
- 3) Mouth Publicity (12%)
- 4) F.M (11%)

C. Reasons for Not Helping the Victim

- 1) Fear of police harassment (55%)
- 2) Fear of legal court appearance (11.20)
- 3) don't feel necessity to help the victim as others are helping (10%)
- 4) Scared of heavy bleeding (8.8%)
- 5) Scared about hospitalisation treatment charges (5.5%)
- 6) Afraid of infection due to blood (3.5%)
- 7) Lack of information on response procedure (1.2%)



D. Guidelines for Protection Of Good Samaritans

Under the Good Samaritan law, the person who informs the police or emergency service regarding an injured person cannot be compelled to reveal his identity or personal details

- Disciplinary action can be taken against officials who force a Samaritan to reveal personal details.
- In the case of a hospital, no good Samaritans should be forced to bear the cost of initial treatment and hospitals cannot even refuse treatment to a victim which will otherwise be deemed as 'Professional Misconduct'.
- The good Samaritan can choose to be an eyewitness and cannot be compelled to do so.
- Allowing the person (including an eyewitness), who took the injured person to the nearest hospital, to immediately leave (except after furnishing address by the eyewitness only), with no further questions are to be asked;
- disciplinary action taken against the persons coercing the disclosure;
- Conducting the aforesaid investigation using video conferencing extensively to prevent harassment
- 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.
- 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.
- The bystander of good Samaritan shall not be liable for any civil and criminal liability.
- All hospitals shall publish a charter in Hindi, English and the vernacular language of the State of Union 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.
- In case a bystander or good Samaritan so desires, the hospital shall provide and 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 incentivizing the bystander or good Samaritan as deemed fit by the State Government.
- 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.

IV. CONCLUSION

- Good Samaritan laws point society in a proper direction and act as a “moral compass”. In other words, human life must be valued at all times over all things and one must help those whose life is in danger. Most of the people who are willing to help out in such a situation have various fears that have been mentioned above. In such circumstances it is the duty of the State to ensure that adequate protection and rights are given to the persons willing to help those in need. It is pertinent to note that the Bill enumerates the rights of the Good Samaritan but does not impose any duties on the bystanders.
- The emphasizes should be on the importance of spreading awareness about the rights of the Good Samaritan
- If a statement is required, it should be recorded in a single examination. This is applicable only to those who want to be witnesses, for the guidelines say the police should not compel them to disclose their particulars or to be witnesses.
- Since many accidents take place along highways, access to the nearest medical facility is not always easy. A factor that discourages bystanders from coming forward to take victims to a hospital is the fear that they would be made to pay admission costs in a hospital or detained there for long hours
- They should not be required to pay for admission or registration, or asked intrusive questions beyond basic particulars such as names and addresses. Though such guidelines and simplified procedures are welcome, much more needs to be done to encourage people to get involved in the rescue of accident victims. So far, only a few State governments have adopted the Good Samaritan guidelines.

V. RECOMMENDATIONS

- A good deal of sensitization is needed for stakeholder like taxi drivers, common citizen, police, hospitals etc.
- The existing law is applicable to only road accidents, It may extended to civil crime

- Studies have shown that a large majority of citizens are deterred from responding to an accident victim’s distress for fear of getting into legal tangles
- Fear of police is the main reason found in survey
- Sensitize the police on their duties
- No hospitals has displayed the information of good Samaritan which mandatory according to this law
- Innovative reward schemes should be made at village, district, state level
- Awareness about right of good Samaritan

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