Awareness amongst Different Strata of Society Regarding the “Good Samaritan Law”

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ABSTRACT

Introduction: The current annual death toll on Indian roads is over 140,000. Over 70,000 lives can be potentially saved if bystanders come forward to help the victims. According to the World Health Organization (WHO), in the absence of established emergency medical services, bystanders can play a crucial role in saving lives. The Law Commission of India report says that 50% of the victims who died of preventable injuries could have been saved had they received the medical care on time. A Good Samaritan can save a life in many emergent situations.

Aim and objective: A study on awareness among different strata of society regarding the “Good Samaritan Law” (GSL).

Materials and methods: The study involved a qualitative research design using in-depth semistructured questionnaires to elicit participant perspectives on the rescue principles in relation to their awareness of the law. A simple random sampling method was used to arrive at the representative sample. A pilot study was conducted, and a sample size of 60 responses each was required from seven groups representing different strata of society. The survey was conducted in Delhi NCR region, India. It included doctors and nurses from six hospitals (three government and three private), police, general public, lawyers, media personnel, and teachers. The study was conducted from January 2017 to August 2017. A questionnaire- and interview-based study was conducted taking into account representative sample of various representatives from different strata of society. The method of simple random sampling was used to arrive at representative sample size. Data was collected after instituting questionnaires and interviewing 420 participants from different occupations over a period of 8 months. Doctors and nurses were interviewed from over six different hospitals (three public and three private) of Delhi/NCR region in India. The questionnaires were given to police personnel, lawyers, media personnel, teachers, and general public.

Results: The study revealed that people from different strata of society in India hesitated to come forward to help road accident victims. In total, 85% of them had attributed this hesitation to fear of legal and procedural hassles. These hassles include intimidation by police, unnecessary detention at hospitals, and prolonged legal formalities.

Conclusion: Many people die in road crashes with treatable injuries but no one helps out of fear of getting into trouble. On March 30, 2016, the Supreme Court of India gave “force of law” to the guidelines for the protection of Good Samaritans issued by the Ministry of Road Transport and Highways. The purpose of a Good Samaritan law is to provide legal protection to bystanders who come to the aid and rescue of victims of road crashes. Enforcement of Good Samaritan Law may motivate the people to help the road accident victims in the hour of need.

Keywords: Accident victim, Good Samaritan Law, Road safety.

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INTRODUCTION

The current annual death toll on Indian roads is over 140,000. Over 70,000 lives can be potentially saved if bystanders come forward to help the victims. According to the WHO, in the absence of established emergency medical services, bystanders can play a crucial role in saving lives. The Law Commission of India report says that 50% of the victims who died of preventable injuries could have been saved had they received the medical care on time.^{1,2} To ensure the effective implementation of the road safety guidelines and standard operating procedures, it is imperative that a comprehensive GSL is enacted at the central and state level.³

The GSL was not found on the statute books earlier, but as a concept, the honorable courts have applied its tenets in various judgments. A study had been undertaken for timely reminder to health practitioners regarding the doctrine of the Good Samaritan.⁴

In India, Karnataka was the only Indian state to have passed a Good Samaritan Bill in the State Assembly, under Karnataka Good Samaritan and Medical Professional (Protection and Regulation During Emergency Situations) Act 2016.^{5,6}

Injury and trauma are increasingly becoming a major public health problem in the country. Road traffic accidents (RTAs) have risen at 3% annually. Indian roads have witnessed vehicular

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accidents every 2 minutes and death every 8 minutes. The majority of fatal victims are pedestrians and two-wheeler riders. The victims are majorly (22.8%) in the productive age group of the developing country and the future of young India.⁷

India has lost approximately 2–2.5% of its gross domestic product to only road traffic injury thus adding excess mortality, apart from tremendous burden of disability. It is not only the health-care

industry but also the society whose response and functioning as a responsible citizen are required for the timely response.⁷

The WHO in its “World Report on Road Traffic Injury Prevention, 2015” has projected that by 2020, road accidents will be the biggest killers in India. The problem may be expected to decline by 2042. There is a strong need for set of laws that protect a Good Samaritan from legal ramifications.⁸

California was the first state in the world to legislate laws protecting good Samaritans since 1959.⁹ The first study on Good Samaritan Policy was conducted by Lewis and Marchell in 2006 at Cornell University. The GSLs were named after a parable told in Luke 10:25–37 of the Bible. This story is known as the Parable of the Good Samaritan. The Bible verses tell the story about aid that was given by one traveler from Samaria to another traveler of different religious and ethnic beliefs who had been beaten and robbed by bandits.¹⁰

In a landmark case of the name Parmanand Katara vs Union of India, 17 most basic guidelines for the treatment of the road accident victim were laid down.¹¹

The Ministry of Road Transport and Highways had issued the Good Samaritan guidelines in 2015. Honorable Supreme Court was instrumental in giving the guidelines force of law in 2016 with the primary benefits of:

- Protection from any legal complication to anyone who helps the victim.
- Good Samaritan can choose to file a police complaint without disclosing the name.¹²

Aim and Objective

A study on awareness among different strata of society regarding the “Good Samaritan Law.”

MATERIALS AND METHODS

Research Design

The study involved a qualitative research design using in-depth semistructured questionnaires to elicit participant perspectives of the rescue principles in relation to their awareness of the law.

Sampling

A simple random sampling method was used to arrive at the representative sample. A pilot study was conducted, and a

sample size of 60 responses each was required from seven groups representing different strata of society.

Study Area and Study Population

A survey was conducted in Delhi NCR region, India. It included doctors and nurses from six hospitals (three government and three private), police, general public, lawyers, media personnel, and teachers.

Study Period

The study period was conducted from January 2017 to August 2017.

A questionnaire- and interview-based study was conducted taking into account representative sample of various representatives from different strata of society. The method of simple random sampling was used to arrive at representative sample size. Data were collected after instituting questionnaires and interviewing 420 participants from different occupations over a period of 8 months. Doctors and nurses were interviewed from over six different hospitals (three public and three private) of Delhi/NCR region in India. The questionnaires were given to police, lawyer, media, teachers, and general public.

RESULTS

It was noted that 73.33% of the police personnel at some point of the time in their lives had acted as Good Samaritans, whereas 26.66% did not get a chance to do so (Fig. 1). Despite the fact that around 93.33% of them come across some form of accidents almost daily, only 46.66% were aware of the fact that a Good Samaritan would be awarded by the state government (Fig. 2). While giving the answer to question regarding their personal experience about accident cases, 48.33% admitted to have had some minor or major accident at some point of time during their life. Around 41.66% of them had received help themselves when the injury was minor, and they were in conscious state of mind. About 63.33% felt that it was always better option to make an attempt to take the victim to government hospital (Fig. 3). Around 59% felt that even if the injury is minor, it is better to at least stop and help the victim to make them feel comfortable during panic. Even after the release of guidelines by the Honorable Supreme Court, only 60% of the police personnel felt that the police are not called for minor accident cases, and such cases mostly go unreported at times. In total, 71.66% police personnel felt that being

Fig. 1: Acted as Good Samaritan

Fig. 2: Awareness of award

Fig. 3: Response to an accident victim

in a profession to act as a safety guide for public and maintaining the law and order of the state, it does not really matter whether one is on duty or not while helping the victims. In total, 3.33% responses revealed that in major or multiple casualties, it was better to wait for area in charge to turn up or help the victims with the help of bystanders take them to the nearest hospital. When they were asked as to which hospital would they prefer to take the victim(s), 98.33% admitted that government hospitals are always preferred rather than private hospitals as many times only the first aid treatment is given in private hospitals, and the police were asked to call up the victims' relatives apart from making medicolegal cases which was mandatory (Fig. 3). They believe that the public sector hospitals are more concerned for treating the patient rather than knowing or enquiring details of person concerned. Police personnel also felt that 50% of the public expects that it was the responsibility of the police to help the victims and 53.33% of the public was reluctant to even call the emergency contact numbers. Out of the total sample, 81.66% were males, and 71.66% of all respondents felt that helping someone has nothing to do with being a male or female that is totally a humanitarian gesture when it comes to being a Good Samaritan (Fig. 4). If someone genuinely wants to extend help just dialing the emergency number would also be fruitful or informing the nearest police post is the least public can do. In total, 66.66% of the Good Samaritans revealed that personal details were asked

of them when either the victim was unconscious or did not seem to be the local resident. In case of unidentified victims, the Good Samaritan had been asked for details so as to ease the investigation process in future.

Highway crimes have been reported majorly in recent years, and one rarely finds people coming forward to help the victims even for hours at a stretch irrespective of the fact that most of the victims are usually families with women and children involved. As the movement of public is scanty at such deserted stretches, police patrolling is something that needs to be present. Police personnel themselves admitted that about 41.66% are afraid of being robbed of belongings followed by the safety of female counterparts, and 7% believed that lack of highway patrolling teams on the national highways make people reluctant to stop and help the victim (Fig. 5).

It is not that only the public faces harassment, sometimes even police personnel (51.66%) felt that they were also harassed usually by the area in charge regarding the report on investigation/interrogation before the GSL was passed. Many (48.33%) felt that asking for basic details does not bound to harassment, but public tend to overreact at times. Despite of fear of being interrogated by the police, 41.66% have never denied disclosing the details as they feel that there is no fear of being framed if one is not a culprit (Fig. 6). The answer to question about whether police personnel have asked them to wait for the medico-legal case (MLC), 58.32% answered

Fig. 4: Gender distribution across different occupations

Fig. 5: Response to highway accident victims

Fig. 6: Fear of harassment by authorities

that they had to wait for the MLC, and the police questioned them in case of grievously injured victims.

India is a country of diverse cultures, religions, castes, and creeds since times immemorial. The study revealed that (20%) victims of North Eastern India and foreign land faced discrimination

by public as per the observation of the police. Delhi Metro has emerged as a lifeline of the city and is being extended with upcoming proposals in NCR region too. Delhi Metro Rail Corporation (DMRC) must be given additional responsibility toward announcing/ disclosing the GSL guidelines (56.66%) apart from which guidelines

should be displayed/announced in the public (65%). The police personnel responded that GSL should not be taken as the political topic (53.33%) as it will lead to unnecessary debate rather than any positive outcome. The police personnel strongly agreed (65%) that central helpline would be of definite help at the time of distress situation rather than a normal emergency number. Apart from this, a dire need of the National Ambulance was suggested by 90% for transporting the patients timely to the nearest hospital.

The second study group included nurses of both public and private hospitals across Delhi NCR. The study the nurses posted in the emergency department comprised of 21–40 years age group (about 88.32%) females (Fig. 7). In total, 58.33% nurses claimed that it was during their posting in emergency department in particular they became aware of the GSL. Despite their lack of awareness, 70% had acted as Good Samaritans at one point of the life or another (Fig. 1). It was in the emergency department where the RTA cases were initially reported, 64.99% had witnessed all kinds of the RTAs on a daily and weekly basis between the time intervals 2 p.m. and 10 p.m. (43.33%). The maximum number of patients/victims is wheeled in the casualty/emergency by the police in police control room (PCR) van, auto drivers, or centralized accident and trauma service ambulances (78.33%). The Good Samaritans usually are the police personnel or the less educated auto drivers (58.53%).

Although college students and office goers also contribute toward this social cause (39.99%), the nurses were interviewed about their personal experience, if they had met with accident and had received help when required. Out of 70% of the nurses who had met with an accident, only 53.33% had received help (Fig. 8). Helping victim is the duty of certified nurse (60% believed) as per the Nightingale Oath implies them to do professionally. While the rest 40% of them answered that helping the victim is purely based on the condition of victim and circumstances in which the victim is found and had nothing to do with the credentials. In total, 55% nurses responded that they would prefer to take the victim to the government hospital if they come across any victim and 73.33% would do so if some accident occurs due to their fault (Fig. 3). The study revealed that 78.33% of the times public was reluctant to even provide a helping hand because they feel it was the main responsibility of the driver to take the victim to the hospital or give him monetary compensation in case if there were other losses apart from the limb or life. In total, 86.66% of the female respondents felt that sometimes they had asked the bystanders for help but people usually turn deaf ear (Fig. 8). Before the GSL was implemented, 61.66% respondents said that the details were asked from the Good Samaritan only for initial investigation and not for harassing them. The police provide security to their citizens

Fig. 7: Age distribution across different occupations

Fig. 8: Help received after accident

round the clock irrespective of being in metro cities or in villages. The connecting links that are the highways are the most vulnerable stretches where victims are not helped basically because of the fear of the robbery, lack of the highway patrolling team, and the lack of the safety of females on such deserted stretches (43.33%). About 38.33% nurses claimed to have enquired about the details of the Good Samaritans only when the victim was unconscious state of mind and was not able to recall the series of events. Unfortunately, 41.66% of the Good Samaritans were asked to wait till the MLC was filed before the guidelines came into force. Many victims specially the Northeastern and foreigners face racial discrimination in the National Capital region (30%) (Fig. 9). The study revealed that the efforts of Save Life Foundation had been satisfactory as per the lawyers (30%). Majority of them felt that there was a lack of implementation (45%), and the trial courts had seen about 10% decrease in cases against the Good Samaritans. Even though the guidelines have been framed to help the Samaritans who help victim in RTA cases, but the worst part lies in the criminal liability (91.66%) since no central law has been imposed by the parliament. Lawyers felt that even people who have caused the accident can be easily let off or might not even come under the scanner of police investigation if details are not taken. About 83.3% of the lawyers had not come across any Good Samaritan cases in the court. In total, 8% of the Good Samaritans were asked to provide evidence that they were not the culprits. The responses were analyzed after

60 lawyers were randomly interviewed (48.33%) who were of age group 31–40 years and (30%) of 41–50 years of age (Fig. 7). Out of the 88.33% lawyers being interviewed, 58.33% were aware of the GSL and 86.66% had also acted as a Good Samaritan at some point of their life (Fig. 1). It is realistic that while commuting daily one may come across accident at some point of the time or another. In total, 58.33% of the lawyers claimed to have seen accident at least once in a month with in Delhi NCR. Most of them were aware of the GSL, yet only 20% were actually aware of the Delhi government’s approved “Good Samaritan Policy” under which monetary incentive of Rs 2,000 and appreciation certificate was announced by Deputy CM of Delhi (*The Indian Express*). In total, 85% of the lawyers told that they had not faced any major accident, and 21.66% who had met with minor accidents has received help from bystanders. In total, 95% of the lawyers believed that one needs to help the victim in case of accident even if it is caused by oneself regardless of the nature of the injuries to the victim. In total, 46.66% felt that it was better to take the victim to the government hospital rather than a private hospital (Fig. 10). Those who had given the preference for private hospital felt that it was better to get first aid in emergency and then to shift patient to the government hospital for further treatment. In total, 35% of the public come to lend a helping hand on their own, and 3.33% need to be instructed to dial emergency number in case mobile battery of the initiative taker has discharged. In total, 71.66% of the female lawyers felt that helping the victim is

Fig. 9: Do victims face racial discrimination?

Fig. 10: Preferred type of hospital

duty of everyone. In total, 85% of the lawyers were of the opinion that details of Good Samaritans must be recorded for purpose of keeping the record as token of appreciation, and this may help during the investigation. Around 70% of them revealed that they were initially apprehensive of harassment from the police, and 46.66% were willing to share their details when the victim was in unconscious state of mind or unable to recollect the happenings of the events. In total, 35% remarked that the lack of the highway patrolling is the main reason as to why people avoid helping the victim. In total, 51.66% responded that the lack of personal security has always been a major issue on national highways regardless of the time of day. When asked about the laws regarding the MLC in case of rib fracture during the cardio-pulmonary resuscitation (CPR), 91.66% claimed that it does not come under the MLC as CPR is a life-saving procedure. Regarding ambulances, 86.66% were of the opinion that they lack the basic first aid facilities. When asked about charging of bills by private hospitals, 80% of the lawyers stated that the initial basic life support is not chargeable under law.

The respondents from general public comprised a mix of people of different age groups, gender, occupation, and socioeconomic status and education. Random sampling included 11.66% of the age group 21–30 years, 36% of the age group 31–40 years, and 30% of the age group 41–50 years (Fig. 7). In total, 65% of the selected samples were males (Fig. 4). In total, 60% of the representatives of general public admitted that they were not aware of the GSL and

51.66% of them had met with an accident during their life at least once or twice. In total, 48.33% of them were of the opinion that Good Samaritans should never be harassed as they had received help irrespective of the time of the day and place of accident. In total, 46.66% of them felt that it was better to stop and help the victim. In total, 30% opined that victims must be taken to the government hospital, and 78.33% of them told that government hospitals do not charge for such cases unlike the private hospitals. When asked about the reaction of public toward the victim, 73.32% of the times no one wanted to come forward thinking that someone else may give a helping hand to the victim. In total, 68.33% felt that there was no point in asking someone to dial emergency number as one tends to get annoying looks (Fig. 11). In total, 48.33% of the female respondents were not sure of helping the victim in case there was bleeding or any open wound (Fig. 12). Regarding highways, 40% claimed that lack of security, fear of the safety of females, and fear of highway robbers were the main reasons for not coming forward to help the victims. In total, 55% felt less fear of harassment by local authorities, yet 46.66% had denied giving the personal details. In total, 38.33% of the respondents told that they were asked to wait till the MLC was filed before the GSL was passed.

Doctors are important stakeholders in any such study. A random sample of 60 doctors was interviewed from three public hospitals and three private hospitals across the NCR region. Most of the doctors in the study were in the age group 21–30 years (63.33%)

Fig. 11: Response to dial 100

Fig. 12: Response of female professionals

(Fig. 7). In total, 75% of the male respondents were aware of the GSL and 80% as they had been posted in the trauma and emergency department. In total, 50% of the respondents had acted as Good Samaritans and were also aware of the reward announced by Delhi Cabinet. In total, 70% of the doctors had been involved in accidents and 61.66% felt that they were lucky enough to have received help after the accident. In total, 89.99% respondents believed that it was better to help the victim and to take them to the hospital rather than abandoning the victim. Among doctors, 63.33% preferred to take victims to the government hospitals as public sector hospital give priority to the treatment of the patient rather than the documentation. Doctors claimed that most of the victims were brought by males (78.33%) and most of the victims were brought to the hospital (55%) during the time period 10 p.m. to 8 a.m. either in PCR van by the police or by the auto drivers. Most of the cases were of drunk and rash driving or people performing dangerous stunts on the roads during the night. Doctors opined that public turned indifferent in 63.33% cases when they find that the victim is being attended to by some passerby and in about 38.33% of

the cases one has to request a bystander to dial the emergency numbers. Even though asking details of the Good Samaritan can be of some importance and might help to solve some cases where the bystander was the actual eye witness (61.66%), but people feel that it is harassment at times and the police are not able to close the case. It is not that people within the city are reluctant to offer the help. Simple guidelines that have been issued forbid enquiring about details of the Good Samaritan and one does not find any record of a Good Samaritan the hospital (63.33% cases) unless the Samaritan has willfully mentioned the same (23.33% cases). When the doctors were questioned about their views regarding the efforts put up to implement the GSL, 35% said that such efforts need to be appreciated, and 51.66% felt that no noticeable change was visible because of is lack of implementation and lack of awareness among the general public (Fig. 13). Regarding the role of telemedicine, only 43.33% of the doctors feel that the GSL was effective in this respect.

There is scarcity in ambulances provided by the government, and 90% of the doctors feel that the victims can be helped if adequate number of national ambulances are provided (Fig. 14).

Fig. 13: Awareness of Good Samaritan Law

Fig. 14: Is there need for National Ambulance Service in India?

Fig. 15: Do the authorities ask about details of Good Samaritan?

The random sample of 60 media persons comprised of 51.66% people between 31 years and 40 years of age, followed by 30% between 21 years and 30 years of age (Fig. 7). In total, 80% of the respondents were males. It was assumed that media persons would be largely aware regarding the GSL, but only 61.66% of them were aware of GSL. The rest 38.33% had some idea of the guidelines. About 66.66% had acted as Good Samaritan at some point in time (Fig. 1). Media personnel (55%) usually come across accident cases once in 15 days. In total, 73.33% of the media personnel were aware of the award for the Good Samaritan (Fig. 2). In total, 55% of the media personnel surveyed had met an accident, and they had also received the help. Media personnel responded that in case of the accident caused by them, they would prefer to take the victim to the hospital (60%) or at least stop to help the victims (33.33%). In total, 64.99% of the media personnel were not sure whether the Good Samaritan guidelines had reduced the task of the authorities in helping the victims. In total, 81.66% of the media personnel felt that even if one is on duty, the life of a victim is of prime importance. In total, 73.33% of the media personnel responded that one can completely rely on the government healthcare sector to help the victim. In total, 38.33% of the media personnel felt that the details of Good Samaritan must be taken for initial investigation or during the course of investigation.

The media personnel opined that the fear of safety of female counterparts and lack of the availability of the highway security was the main reason why people do not want to help the highway victims. In total, 81.66% of them remarked that it was out of fear of the harassment that the people do not want to help the victims. When the media people were enquired if they had denied giving the details after the GSL was passed, 55% of them claimed that they had denied giving the details in case the victim was in the conscious state of mind, but in case the victim was unconscious state of mind, 45% of the media personnel had never denied to give the details as they felt that they were not the culprits.

The last study group consisted of the teachers from both the private and government schools. A random sample of 60 teachers was taken for conducting the survey: 65% (21–30 years) and 23.33% (31–40 years), and 80% of them were females. When asked about the GSL, 83.33% were aware of GSL and had also acted as Good Samaritans irrespective of the condition of the victim and the time and place of accident. In total, 63.33% of the teachers claimed that they came across road accidents once in a month and 30% of them were aware of the fact that the state

government rewarded the Good Samaritans. In total, 88.33% of the teachers remarked that they would prefer to stop and help the victim by taking the victim to the government hospital for further treatment. In total, 23.33% of the teachers pointed out that in case if the victim was grievously injured, they would prefer to call up the emergency number rather than helping all by themselves. In total, 78.33% of the teachers told that the details of Good Samaritan must be taken up, but they should not be harassed in the name of investigation. The fear of robbery rape and lack of the highway security was pointed out to be a major cause for not helping the highway victims, and 40% had the fear of harassment also. In total, 60% of the teachers felt that educating the child regarding the GSL was of primary importance. In total, 90% of the teachers emphasized on inculcation of values in the children, and 83.33% suggested that workshops should be conducted to spread the message through interaction. In total, 98.33% of the teachers suggested that schools should institute bravery awards for children who have acted as Good Samaritans at any point of time.

Furthermore, 98.33% of the teachers suggested that the drivers of the school buses must also be given the first aid training. In total, 81.56% of the teachers claimed that they had never denied giving their details to the authorities if asked for (Fig. 15). In total, 50% of the teachers claimed told that before the Good Samaritan guidelines came into being, they had to wait till the MLC was filed.

CONCLUSION

The study revealed that people in India hesitated to come forward and help road accident victims. In total, 85% of them had attributed this hesitation to fear of legal and procedural hassles. These hassles include intimidation by the police, unnecessary detention at hospitals, and prolonged legal formalities.

In spite of fast-paced motorization, India does not have a scientific accident investigation agency. Even today under the archaic motor vehicles act and the Indian Penal Code, the police adopt simplistic methods to determine driver's fault, rather than looking at composite factors while fixing responsibility of accidents.¹³ It is unlikely that GSL will lead to dramatic improvements but even after guidelines being released by the Honorable Supreme Court of India. Many people die in road crashes with treatable injuries but no one helps out of fear of getting into trouble. On March 30, 2016, the Supreme Court of India gave “force of law” to

the guidelines for the protection of Good Samaritans issued by the Ministry of Road Transport and Highways. The purpose of a Good Samaritan law is to provide legal protection to bystanders who come to the aid and rescue of victims of road crashes. Enforcement of Good Samaritan Law may motivate the people to help the road accident victims in the hour of need.

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