

ITEM NO.72

COURT NO.12

SECTION PIL

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 235 OF 2012

SAVELIFE FOUNDATION & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ANR

Respondent(s)

(for final disposal)

Date: 11/12/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SWATANTER KUMAR

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

Ms. Indu Malhotra, Sr. Adv.  
Mr. Kush Chaturvedi, Adv.  
Mr. Vivek Jain, Adv.  
Ms. Malvika Kapila, Adv.  
Mr. Vikas Mehta, Adv.

For Respondent(s)

Mr. Sidharth Luthra, ASG.  
Ms. Gargi Khanna, Adv.  
Mr. D.S. Mahara, Adv.  
Mr. Rathore, Adv.  
Mr. D. Sehgal, Adv.

UPON hearing counsel the Court made the following  
O R D E R

In this petition under Article 32 of the Constitution of India the principal prayer of the petitioner is to issue guidelines in relation to the victim of Road Accidents, in other words what protection has to be provided and how best trauma treatment can be provided in case of fatal accident. It is primarily a subject which will fall in the field of the concerned

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experts and it may not be very appropriate for this Court to venture for framing of guidelines. It is submitted brought before us by the learned counsel appearing for the parties that an Expert Body may be constituted to make suggestions/recommendations which may then form the basis for issuance of final guidelines by this Court in exercise of its extraordinary jurisdiction.

Learned Additional Solicitor General appearing for Union of India has submitted a short note before us. The points raised in this note with certain addition and alterations are acceptable to the petitioners. They are in relation to constitution of an Expert Committee and its scope of majority. Designations and names of the members of this Committee have been suggested by the learned Additional Solicitor General. Thus, on the common plea of the parties we constitute the following Committee:-

1. Additional Secretary of Ministry of Home Affairs;
2. Secretary and or his nominee, Ministry of Health and Family Welfare to be nominated in consultation with Directorate General Health Services;

3. Secretary and or his nominee from Ministry of Law and Justice;

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4. Jt. Commissioner (Traffic)-Delhi Police;
- 5 Chief of the AIIMS Trauma Centre;
6. The Director General or his nominee not below the rank of the Additional Director General of the Protection Road Organizations;
7. Save Life foundation representative;
8. Mr. M.P.Tiwari or his nominee from any of the NAOS John Ambulance representative.

The Committee shall be chaired by Mr. V.S. Agarwal, former Judge, Delhi High Court, Secretary or his nominee, Ministry of Road Transport and Highways will be the nodal officer for the purpose of holding these meetings as well as to ensure the submissions or the recommendation to this Court within the time allowed. We also permit the Committee to receive expert advise/consultation from Dr. G.Guru Raj, Collaborating Centre for Injury Prevention & Safety Promotion, National Institute of Mental Health and Neuro Sciences (NIMHANS), Bangalore, if they so deem necessary.

The scope of reference of this Committee shall be as follows:

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- i)To identify public and private hospitals throughout the country to conduct training programmes to provide trainers at district level for training volunteers who are part of the district emergency medical response teams.
- ii)Training the State Police personnel in basic first-aid techniques and interrogation and treatment of persons who help accident victims by incorporating the same as part of the curriculum of the Police training schools and colleges.
- iii)Incorporating basic first-aid training a part of the school curriculum. Creation of ambulance, first aid medical centres and designated highway police in each State.
- iv)Networking of National Highways Authority of India (NHAI) Ambulances with first and second level trauma centres by NHAI with the Ministry of Health and Family Welfare and State Governments.
- v)Providing of infrastructure and connectivity between trauma centres at different places and monitoring progress.

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vi) Providing infrastructural support to the National Highway Administration brought in by the Control of National Highways (Land and Traffic) Act, 2002.

vii) Study the extent to which schemes for emergency care for road accident victims, as submitted by Respondent No.1, have been implemented. The outcome of this study would be a report with evidence based representation of reality of such schemes on the ground.

viii) Study the effectiveness of such schemes with regard to their responsiveness towards injured victims and ability to save lives. The outcome of this study would be measurable parameters such as availability of universal access number for victims to call for help, average response times taken in reaching injured victims, quality of care provided, etc. The measurement parameters would be established in the first meeting of the Committee.

ix) Identify the root causes for fear of harassment and legal hassles in general public regarding helping injured victims.

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x) Deliberate and develop a set of guidelines for protecting Good Samaritans from police harassment and legal hassles. The guidelines will aim to address the root causes for fear of harassment and legal hassles in general public regarding helping injured victims. These guidelines will also serve as a foundation for further legislative work in the area of protecting Good Samaritans.

xi) The Committee will submit its complete report to the Hon'ble Supreme Court within 3 months from the date of Order."

The Chairman of the Expert Committee shall receive a sum of Rs.50,000/- p.m. as honorarium in addition to all the expenses that he may like to incur.

While making its recommendations the Committee can also examine such material or comments as are submitted by Union of India or any other Committee or Organization on the subject in question for its consideration.

We direct the aforesaid Committee to submit its report within three months from today.

Stand over for three months.

[SUMAN WADHWA]  
COURT MASTER

[S.S.R. KRISHNA]  
COURT MASTER