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6th IRF Regional Conference on Road Safety Strategy for India – Action Plan

TECHNICAL SESSION No. 5

LEGAL PROVISIONS: RIGHT TO HEALTH AND EMERGENCY SERVICES

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EXISTING LEGAL FRAMEWORK

- **ART. 21, CONSTITUTION OF INDIA – RIGHT TO LIFE**
- **RIGHT OF A PERSON TO RECEIVE PROPER AND URGENT MEDICAL ATTENTION IN CASE OF ANY EMERGENCY OR ACCIDENT**

- ***PARMANAND KATARA VS. UNION OF INDIA - (1989) 4 SCC 286***
- ***PASCHIM BANGA KHET MAZDOOR SAMITY VS STATE OF WB – (1996) 4 SCC 38***
- ***MARTIN F. D’SOUZA VS MOHD. ISHFAQ – (2009) 3 SCC 1***
- ***STATE OF KERALA VS RANEEF – (2011) 1 SCC 788***

SUPREME COURT ON MEDICAL EMERGENCY

- **Parmanand Katara Case – Para 6** – *“There are no provisions in the Indian Penal Code, Criminal Procedure Code, Motor Vehicles Act, which prevents doctors from promptly attending to serious injured persons and accident cases before arrival of the police and their taking into cognizance of such cases, preparation of F.I.R. and other formalities by Police.”*
- **Paschim Banga Khet Mazdoor Case – Para 9** – *“Article 21 imposes an obligation on the State to safeguard the right to life of every person. Preservation of human life is thus of paramount importance. The Government hospitals run by the State and the medical officers employed therein are duty bound to extend medical assistance for preserving human life. Failure on the part of the Government hospital to provide timely medical treatment to a person in need of such treatment results in violation of his right to life guaranteed under Article 21.”*

GUJARAT EMERGENCY MEDICAL SERVICES ACT, 2007

- Establishes the Gujarat Medical Emergency Services Authority (GEMSA) by notification.
- Functions –
 - *Ensure EMS within State*
 - *Assess need of EMS in areas*
 - *Prepare appropriate plans*
 - *Technical assistance to EMS agencies*
 - *Laying minimum standard for EMS training*
 - *Advise Director GEMSA – EMS Data collection*

MOTOR VEHICLES ACT 1988

- **NO SIGNIFICANT PROVISIONS DEALING WITH CATEGORIZATION OR PREFERRED ACCESS TO EMERGENCY VEHICLES.**
- **Section 134** - The driver and / or the owner of the motor vehicle responsible for a road accident is required to take all reasonable steps to secure medical attention for the injured person by conveying him to the nearest medical practitioner or hospital.
- **Section 187** – Punishment for non-compliance of S. 134

- RULES OF THE ROAD REGULATIONS, 1989 – **R.10 – Fire service vehicles and ambulances to be given free passage**
– Every driver shall, on the approach of a fire service vehicle or of an ambulance allow it free passage by drawing to the side of the road.
- DELHI MOTOR VEHICLES RULES, 1993 – **R.97(2)(a) – Restrictions on the use of coloured lights on Motor Vehicle** - Revolving-cum-flasher red light will be used only by motor vehicles on emergency duties such as ambulances, fire brigade, vehicles of Delhi Police Control Room, and such light shall be on top at the middle of the roof.
- **R.107 - Exemption of Fire Bridges, Ambulances and other Special Classes of Vehicles.**- In order to prevent danger to the public and to facilitate free passage of Fire Bridges, Ambulances and Police Patrol Van ... until the Fire brigades, Ambulance or the Police Patrol Van, as the case may be, has passed.

- **CENTRAL MOTOR VEHICLE RULES, 1989 –**
 - Rule 108 – Use of red, white or blue light
 - Rule 119 – Special provision for horns on ambulances and emergency vehicles

EMERGENCY SERVICES

CATS

Centralised Accident and Trauma Services (CATS) is an Autonomous Body of Govt. of NCT of Delhi, providing round-the-clock free Ambulance Service to the victims of accident and trauma, since 1991.

Since the service required multi-sectoral co-ordination of agencies viz, DFS, HOSPITALS, POLICE and other CIVIC BODIES, it was decided that the entire scheme be transferred to Govt. of NCT of Delhi (then, Delhi Administration) for implementation. In June 1989, CATS Society was consequently formed and registered under Societies Registration Act, 1860.

ST. JOHN'S AMBULANCE INDIA

St John Ambulance India has its national headquarters in Delhi and operates as a federation. There are two operational wings often called the Association Wing (which delivers first aid training) and the Brigade Wing (which delivers first aid at public events).

UN DECADE OF ACTION 2011 TO 2020 – **ADOPTED BY THE UN GENERAL ASSEMBLY**

POST-CRASH RESPONSE CONCERNS FOR PROPER TRAUMA INFRASTRUCTURE AND PROTOCOL DEVELOPMENT THROUGHOUT THE WORLD.

PILLAR NO. 5 – POST CRASH RESPONSE –

- Increase responsiveness to post-crash emergencies and improve the ability of health and other systems to provide appropriate emergency treatment and longer term rehabilitation for crash victims.
- **Activity 1: Develop pre-hospital care systems, including the extraction of a victim from a vehicle after a crash, and implementation of a single nationwide telephone number for emergencies, through the implementation of existing good practices.**

- **Activity 2: Develop hospital trauma care systems and evaluate the quality of care through the implementation of good practices on trauma care systems and quality assurance.**
- **Activity 3: Provide early rehabilitation and support to injured patients and those bereaved by road traffic crashes, to minimize both physical and psychological trauma.**
- **Activity 4: Encourage the establishment of appropriate road user insurance schemes to finance rehabilitation services for crash victims through:**
 - Introduction of mandatory third-party liability; and
 - International mutual recognition of insurance, e.g. green card system

- **Activity 5: Encourage a thorough investigation into the crash and the application of an effective legal response to road deaths and injuries and therefore encourage fair settlements and justice for the bereaved and injuries.**
- **Activity 6: Provide encouragement and incentives for employers to hire and retain people with disabilities.**
- **Activity 7: Encourage research and development into improving post-crash response.**

GLOBAL INITIATIVES

USA

- **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) HAS PREPARED A REPORT COVERING A VARIETY OF TOPICS RELATED TO RESPONSE AND ROADWAY SAFETY, EXAMINING STATISTICS AND CASE STUDIES FROM INCIDENTS**
- ***“MOVE OVER LAWS”* WHICH REQUIRE MOTORISTS TO CHANGE LANES AND/OR SLOW DOWN WHEN APPROACHING AN AUTHORIZED EMERGENCY VEHICLE THAT IS PARKED OR OTHERWISE STOPPED ON A ROADWAY**

SUGGESTIONS

- **Proper classification of emergency vehicles**
- **Distinctive markings and signage**
- **Accident site access**
- **Centralized access to emergency vehicles/ambulances**
- **Ensuring fitness of emergency vehicles**
- **Creating awareness of road users on move-over issues**
- **Airlifting facilities**
- **Training of emergency vehicle drivers**
- **Quick access to emergency vehicles in hospitals**
- **Standardized protocol for handling accident cases by hospitals and emergency service providers**
- **Introduction of road insurance schemes for accident victims**

THANK YOU

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