



KARNATAKA LEGISLATIVE ASSEMBLY  
FIFTEENTH LEGISLATIVE ASSEMBLY  
SECOND SESSION

**THE KARNATAKA GOOD SAMARITAN AND MEDICAL PROFESSIONAL  
(PROTECTION AND REGULATION DURING EMERGENCY SITUATIONS)  
(AMENDMENT) BILL, 2018**

**(LA Bill No. 09 of 2018)**

A Bill to amend the Karnataka Good Samaritan and Medical Professional (Protection and Regulation During Emergency Situations) Act, 2016.

Whereas, it is expedient to amend the Karnataka Good Samaritan and Medical Professional (Protection and Regulation During Emergency Situations) Act, 2016. (Karnataka Act 26 of 2018) as the Honourable President of India has given assent to the Karnataka Good Samaritan and Medical Professional (Protection and Regulation During Emergency Situations) Act, 2016 subject to condition to omit the first proviso to sub-section (1) of section 3 of the said Act. Therefore, it is necessary to amend the said Act accordingly;

Be it enacted by the Karnataka State Legislature in the sixty-ninth year of the Republic of India, as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Good Samaritan and Medical Professional (Protection and Regulation During Emergency Situations) (Amendment) Act, 2018.

(2) Save as otherwise provided in this Act shall come into force at once.

**2. Amendment of section 3.-** In the Karnataka Good Samaritan and Medical Professional (Protection and Regulation During Emergency Situations) Act, 2016 (Karnataka Act 26 of 2018), in section 3, in sub-section (1), the first proviso shall be omitted and shall always be deemed to have been omitted.

**STATEMENT OF OBJECTS AND REASONS**

It is considered necessary to amend the Karnataka Good Samaritan and Medical Professional (Protection and Regulation During Emergency Situations) Act, 2016 (Karnataka Act 26 of 2018), as the Honourable President of India pleased to assent the said Act, subject to omission of the first proviso to sub-section (1) of section 3.

Hence the Bill.

**FINANCIAL MEMORANDUM**

There is no extra expenditure involved in the proposed legislative measure.

**SHIVANANDA S. PATILA**  
Minister for Health and  
Family Welfare

**S. MURTHY**  
Secretary  
Karnataka Legislative Assembly

**ANNEXURE****THE KARNATAKA GOOD SAMARITAN AND MEDICAL PROFESSIONAL  
(PROTECTION AND REGULATION DURING EMERGENCY****SITUATIONS) ACT, 2016.****(KARNATAKA ACT 26 OF 2018)****XXX****XXX****XXX****3. Protection for Good Samaritan from Civil or Criminal Liability.-(1)**

A Good Samaritan shall not incur any civil or criminal liability for an act done or omission made while providing emergency care to an injured person, when such an act or omission is made in good faith;-

- (i) with the consent of the injured person, whether express or implied; or
- (ii) if the circumstances are such that it is impossible for such person to signify consent, then without the consent of the injured person; or
- (iii) if the injured person is incapable of giving consent, with the consent of his guardian or other person in lawful charge of him, or if he has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time to provide emergency care, then without such consent:

Provided that the protection from civil liability shall not apply if the good Samaritan is grossly negligent or reckless in connection with the act done or omission made while providing emergency care.

Provided further that the protection from criminal liability shall not extend to,-

- (a) the intentional causing of death, or the attempting to cause death;
- (b) the doing of anything which the person doing it knows to be likely to cause death; for any purpose other than the preventing of death or grievous injury;
- (c) the voluntary causing of hurt, or the attempting to cause hurt, for any purpose other than the preventing of death or hurt; and
- (d) the abetment of any offence, to the committing of which offence it would not extend.

(2) Where, a person, or a group of persons, brings an injured person to a hospital and an acknowledgement under sub section (3) of section 4 is issued to each of them by the said hospital, the Court shall presume all such persons to be Good Samaritans.

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