



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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07.

Case No. 6274/2007-08 | 426

26/11/08

Name of the complainant : Mohan Krishnan
President - All India
National Anti-corruption & Crime Preventive Council
B-3/1, Mahindra Nagar, Dayabhai Patel Road
Malad (E), Mumbai-400 097.

V/s

1. The Commissioner of Police
(Railways), Mumbai.
2. The Divisional Railway Manager
Central Railway, Annex Building
C.S.T., Mumbai.

Date : November 19, 2008.

Coram : Justice Kshitij R. Vyas (Former Chief Justice), Chairperson.

PROCEEDINGS

At the time of hearing neither the complainant nor the respondents remained present at the time of hearing.

The complainant by sending news item published in Mid-day daily dated 25.1.2008 has requested to take suitable action in the matter and prevent human right violation in such manner by the public servant. On the basis of the said news item, the Commission issued notice to the concerned respondents asking them to file the report in the matter. The news item was in connection with the death of lady commuter Anitadevi Sahu, who died accidental death on 24.1.2008 at Dadar Railway Station (C.R.). The Station Master Shri Ashok Sankpal neither refused to call for an ambulance nor took any steps to move the body to hospital as it would cost Rs. 300/-. The dead body was removed on handcarts in full view of the passengers on the platform. The news items further reveals that each time there is a railway accident it is the responsibility of the Station Master to arrange for the injured or the dead to be removed to the hospital. However, a belligerent Sankpal stuck his ground and said, there is no rule to ask me to arrange for an ambulance. Use a handcart or a stretcher. When commuters gathered around, prodding him to act, he said "move the body however you want, I will pay only the hamaals".

This reply and attitude shown by the responsible Officer who is a Station Master is nothing, but shocking, the callousness shown by him in respecting the dead body.

The Commissioner of Police, Railways, Mumbai filed a detailed report attached with Post Mortem report, registering the offence and a letter dated 28.1.2008 written by the Commissioner of Police, Railway, Mumbai to the General Manager, Central as well as Western Railways, Mumbai. In the said letter, it was specifically mentioned to arrange to make the railway staff aware of the directions given by Hon'ble High Court regarding providing ambulance/taxi, stretchers, torch, gloves and first-aid box to the injured persons in railway accident. It is further pointed out that there should be a Committee as mentioned in the directions of the Hon'ble High Court to monitor the system. The Railway Administration

should provide ambulance/hearse immediately on receipt of information of accident. Till such arrangement of ambulance/hearse are made, parking place be provided to the private ambulances such as Red Swastik or any other NGO, parking place be conspicuous and suitable for handling emergencies.

There is nothing on record to show ~~that~~ whether the Railway Administration have implemented the suggestions of Commissioner of Police, Railways, Mumbai. The Commission in its order dated 17.6.2008 has specifically asked the Divisional Railway Manager, Central Railway to file reply in the matter. However, neither the reply is filed nor any responsible Officer on his behalf has remained present.

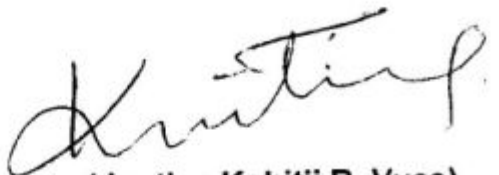
The Commission, thus, feels that it is high time for the Railways to provide ambulance/hearse immediately on receipt of the information of the accident. It is a matter of concern when Officer of the Railway states that there is no rule for asking him to arrange for an ambulance and that would cost Rs. 300/-, when the Hon'ble High Court, Mumbai in Writ Petition No. 2405/2001 and 1048/2002 has specifically directed the Railway Authorities regarding providing of ambulance/taxis, stretchers etc. to the injured persons in the railway accident and that too within a period of one hour from the point of accident which is binding on the Railway Authorities. The callousness attitude of the railway Officer, Station Master Shri Ashok Sankpal is not only shocking but condemnable. He has denied the victim lady dignity in death.

The Commission, therefore, recommends the General Manager, Central/Western Railway, Mumbai to provide ambulance/hearse immediately on receipt of the information of the accident. Till such arrangements are made, parking place be provided to the private ambulance such as Red Swastik or any other NGO. Parking place be conspicuous and suitable for handling emergencies. While taking dead body from the place of accident to morgue or to crematorium, be covered by cloth to be provided by the Railway Administration. Sufficient amount to meet the expenses in case of unclaimed dead body/injured be allocated at the earliest may be made uniform by Central as well as Western Railways and fixed at Rs. 1000/-.

The General Manager, Central/Western, Mumbai shall file the compliance report within Three Months.

With the above recommendations, the complaint is disposed off.




(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; November 19, 2008.