



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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Case No. – 5223/2012-13

Name of the complainant : Shri Nilesh Tulshiram Wankhede
R/o Pimpalgao Kale, Tal- Jalgaon
Dist- Buldhana

Vs.

Name of the Respondent : The Superintendent of Police
Buldhana

Date : **10th March 2016**

Coram : **Justice S. R. Bannurmath, Chairperson**

ORDER

This complaint by Shri. Nilesh Tulshiram Wankhede resident of Pimpalgaon Kale, Dist. Buldhana is in respect of alleged violation of the human rights by the traffic Police. It is stated that on 04.08.2012 the complainant and his pregnant sister were travelling from Pimpalgaon to Akola via Nandura as the lady had developed labour pains. It is stated that near Subhas Chowk Nandura the vehicle was stopped by Police Constable and was insisting upon checking the vehicle. It is stated that though the complainant and the driver informed the concerned Police that they are proceeding to hospital for the delivery of his sister, without listening to the same the vehicle was detained almost for more than half an hour and only after payment of Rs.100/- a printed receipt was issued. It is alleged that by the time they came to the hospital at Akola she had to suffer physical as well as mental pain and a caesarean operation was required to be

conducted. As such alleging unnecessary and uncalled for detention of the vehicle that too knowing a pregnant woman is travelling and hence, her human rights are violated, the present complaint is filed.

In this regard, report from the Superintendent of Police, Buldhana is called and report has been filed. According to the report it is stated that no doubt on 04.08.2012 the Traffic Police noticing that a private vehicle was carrying passengers and especially noticing that three passengers were sitting in the front side and two at the back, as it amounts to violation of Motor Vehicle Rules, the vehicle was stopped and after verification as it was a violation of Sec.125 and 177 of the Motor Vehicles Act a penalty of Rs. 100/- was collected and settlement receipt was given. According to the report when the Superintendent of Police enquired with the alleged erring traffic police constable he informed that he was unaware of any passengers much less a pregnant passenger traveling in the said vehicle. It is stated that only because the vehicle was stopped and penalty was levied, the present false complaint is filed.

Even though notice for appearance before the Commission to the complainant was issued, he has stated his inability to appear because of the financial constraints. As such the matter is being considered in his absence. Shri. Vijay Govardhan Patkar - Police Inspector, Jalagaon Jamud Police Station, Buldhana is present and has shown the records.

On perusal of the entire complaint and the report submitted at the outset it is to be noted that in the report of enquiry by the Superintendent of Police the time as to when the vehicle was checked is not mentioned. However, it is pointed out that as per the Motor Vehicle register the alleged

time of check is shown as 8.50 a.m. In this regard it is to be noted that this timing is not at all forthcoming by bare look of the so called settlement and penalty recovery form. If one looks into the copy of the form produced at the outset it is to be noted that this does not bear any seal of the Government or Motor Vehicle Department such unauthenticated forms create doubt as to the veracity or even authenticity of the so called settlement of penalty. Since the receipt is not in accordance with the regulations or the Government norms, it is proper to direct the concerned Authorities to take proper care about the receipts making it more authenticated and transparent by putting up a seal and the name of the officer who is issuing the same.

That apart the stand taken by the Police that he did not observe pregnant woman appears to be farfetched and skin saving statement. The report of the SDPO to Superintendent of Police dated 01.10.2012 clearly belies this time. In the said report it is mentioned that when the constable stopped the vehicle he saw 4 - 5 women were getting down. A fully pregnant woman is not a small object which could not have been noticed by the traffic constable. The Commission is not at all satisfied with the explanation offered by way of report. Added to that on perusal of the medical reports including a letter from Dr. Sanjay Kute, MLA written to the Superintendent of Police dated 08.08.2012 just four days after the incident and inaction on the part of the Superintendent of Police on such a communication earlier to filing of complaint to this Commission by itself clearly indicates apathy on the part of the concerned officers. It is to be noted that only after the Commission called for the report enquiry has been conducted in May 2015. All these factors taken together clearly indicate

the insensitivity on the part of the Police Officers that too towards a fully pregnant woman who was being taken to the Hospital for delivery and had to get subjected to caesarean, may possibly because of the delay unnecessarily caused. The other defence is that the complainant was angry because the vehicle was stopped and a fine of Rs. 100/- was recovered and hence he had filed this false complaint is also not acceptable. Admittedly the complainant was neither the driver nor the owner and as such there is no reason why he should give false complaint immediately on 06.08.2012 to the Superintendent of Police and later to this Commission.

Taking into consideration all these aspects the Commission finds that there is violation of human rights of the sister of the complainant by unnecessarily detaining the vehicle in which she was travelling and hence the Commission deems it proper to make following recommendations

- 1) That the officer of the motor vehicle department and especially the constables who are on duty of checking the vehicles on road should be sensitized about the situations like vehicle carrying sick or pregnant or even senior citizen or minor children. There should not be any delay in taking the action under the MV Act.**
- 2) The receipts / settlement receipts should be authentic bearing proper documentation as to the same have been issued by the responsible department of the Government and also should carry a seal and the name of the officer who is issuing such receipts.**

3) Since the sister of the complainant has suffered physically and mentally due to the unnecessary delay the Commission deems it proper to award a compensation of Rs. 25,000/- to be paid by the Government within six weeks from the date of receipt of this order and submit a compliance report within two weeks thereof.

With these recommendations the case is closed. Ordered accordingly.

**(Justice S. R. Bannurmath)
Chairperson, SHRC**