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महाराष्ट्र राज्य मानवी हक्क आयोग



Closed
MAS

Maharashtra State Human Rights Commission
(MSHRC)
Mumbai

Allotted to Court No. : 1/ 2/ 3

DOCKET SHEET

SVO MOTU CASE NO: 1493/13/30/2023

News item appeared in English News Paper "The Times of India"

On 29.03.2023, in respect of "Auto driver assaults passenger with bamboo for refusing to pay Rs.10 more than usual fare"

SUMMARY

Auto driver assaults passenger with bamboo for refusing to pay ₹10 more than usual fare

Pradeep Gupta

Kalyan: An autorickshaw driver assaulted a passenger with a bamboo stick near Indira Chowk in Dombivli (E) on Monday night, when the latter refused to pay him Rs 10 more than the usual fare. A video of the assault has gone viral on social media.

Ramnagar police have registered an assault case against the auto driver based on a complaint filed by the victim, Ganesh Tambe. "We have booked the autorickshaw driver and are looking for him," said Sachin Sanbhor, senior inspector of Ramnagar police station.

Tambe said he hailed down the autorickshaw to re-



A video grab of the auto driver hitting the passenger with a bamboo

turn to his residence in Kalyan's Pisavali area on Monday night. "I asked the driver to drive me to Tata Power Hou-

se Circle," Tambe told TOI. "He demanded Rs 40 for the ride. When I pointed out that he was overcharging as the

usual fare is Rs 30, he lost his temper. He removed a bamboo stick from his vehicle and started assaulting me. Other auto drivers tried to stop him." Tambe said he called up the police emergency number '100', but by the time cops reached the spot, the accused and other auto drivers drove away. Tambe gave the autorickshaw's number plate to police and later got admitted at the nearby Shastri Nagar Hospital. He was discharged on Tuesday morning, after being treated for his injuries.

Locals complained that in the past too there have been cases of auto drivers in Dombivli bullying passengers and overcharging them.

INWARD..3661/CR/2023
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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

KKT/Suo Moto Case No.— 1493 /13/30/2023

Name of Respondent

:1 The Municipal Commissioner
Kalyan Dombivili Municipal Corporation
Thane

2 The Superintendent of Police
Thane

3 The Collector
Thane

4 The Regional Transport Office
Kalwa Road, Opp. Thane Central Jail
Thane

Date : 29th March 2023

Coram : Justice K.K. Tated, Chairperson

PROCEEDING

Not on board. Taken on board.

1. We noticed article appeared in Times of India dated 29.03.2023 on Page 3 with title "Auto driver assaults passenger with bamboo for refusing to pay Rs.10 more than usual fare".
2. It is unfortunate that Auto Drivers are assaulting passengers for extracting more and more money. It is stated in the said article that the passenger only questioned why he should pay more amount. There is a statement of Victim Ganesh Tambe that Auto Driver assaulted him. It is a very serious case in Mumbai and Thane as lakhs of passengers are using daily Auto Drivers. If Auto rickshaw drivers start extracting more and more money that affects the human rights of the passengers.

3. Apart from that it shows that neither Police Authority nor Regional Transport Officer is keeping check on such behavior of Auto Drivers. Therefore, Commission decided to take up this issue under Section 12 of The Protection of Human Rights Act, 1993 by way of Suo Moto complaint in the interest of human rights of several passengers. Hence, following order is passed:

- a) Office is directed to issue summons to the Municipal Commissioner, Kalyan Dombivili Municipal Corporation, Kalyan, Superintendent of Police, Thane, Collector, Thane and Regional Transport Officer, Thane calling upon them to hold fact finding inquiry and submit their affidavit on the basis of article appeared in Times of India dated 29.03.2023.
- b) All the Respondents are also directed to place on record their road map how they can regularize movement of Auto Drivers in Kalyan and behavior of these Auto Drivers and what action Authorities has taken in the present matter.
- c) Superintendent of Police and Regional Transport Officer is directed to find out the name and address of the victim as well as culprits and direct them that matter is taken up by the Commission on Suo Moto basis and also intimate them the next date of hearing.
- d) Affidavit in reply to filed before this Commission on or before 25.04.2023
- e) Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M. A. Sayeed, Member in Court No.1 on 25th April 2023 at 11.00 a.m.


(Justice K. K. Tated)
Chairperson

9/5/23
ms D. G. Curran

6/1



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

DIVISION BENCH

Suo Motu Case No.- 1493/13/30/2023

Name of Respondent

: Municipal Commissioner
Kalyan Dombivali Municipal
Corporation, Kalyan

Superintendent of Police,
Thane

Collector
Thane

Regional Transport Officer,
Kalyan

Date

: 25th April 2023

Coram

: Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

PROCEEDING

(Per: M. A. Sayeed, Hon'ble Member)

The following are present:

WPSI Smt. A. G. Nikam, Dombivali Police Station.

2. The present suo motu is arising out of news article appearing in 'Times of India' dated 29.03.2023 about an incident of assault on passenger with a bamboo for refusing to pay extra Rs.10/- over and usual fare. Summons were issued to Municipal Commissioner, Kalyan Dombivali Municipal Corporation, Collector, Thane, Regional Transport Officer, Thane to submit a road map plan for

prevention of such incidents, as reflected from para 3 (a) to (d) of our order.

3. Today, except for SP, Thane none of the respondent are present when called out nor any reports on affidavits are submitted. Considering their casual approach, Spl IGP, Investigation Wing attached with the Commission to seek their explanation u/s. 166A IPC, to show cause as to why they should not be prosecuted for disobeying the directions of the Commission.

4. WPSI Mrs. A. G. Nikam, Dombivali Police Station has submitted report Ex. 'A' dated 25.04.2023, setting out the details of the crime registered against the offending auto driver vide Crime no. 115/23 u/s. 324, 323, 504 IPC. Investigation is reported to almost on its last leg. Report is taken on record. WPSI Nikam is directed to apprise of our above noted direction to respondent 1, 3 & 4 i.e. Municipal Commissioner, Kalyan Dombivali Municipal Corporation, Collector, Thane and Regional Transport Officer, Kalyan

Matter stand over to 09.06.2023


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson