

MOST RESPECTFULLY SHOWETH :**This Writ Petition is being filed in Public Interest, to
(Constitutional Provisions)**

01)The present petition seeking writ(s)/direction(s) towards ensuring the safety of citizens on road, which is a fundamental right under Article (21) of the constitution and further be pleased to issue appropriate writ(s)/direction(s) to the Respondents to ensure that video recording of all driving tests is executed and also for, implementation of the existing regulations/laws pertaining to driving tests, because non adherence to the implementation being sought gives considerable opportunity to the designated officers, to bypass defined norms and hence put to risk, the lives of, large section of Indian society.

That the petitioner has approached the concerned authority i.e. State of West Bengal through – Transport Secretary vide E.mail dated (31-10-2013) to the E.mail id. sectransport@wb.gov.in regarding the issues and grounds enumerated in this petition, but given the

indifferent approach of the Govt. for last some years, nothing much is expected.

02) That the respondent is State of West Bengal, through – Secretary - Ministry of Transport (Writers' Buildings, Kolkata- 700001) and The Editor – Telegraph (6, Prafulla Sarkar Street, Kolkata – 700001.)

03) That the petitioner has not filed any other similar writ petition either before this Hon'ble Court or before any other High Court in India.

04) The need of the petition arises out of the glaring instances of road accidents and the resultant deaths and injuries, most of which are attributed to the fault of the driver and the successive governments have been unable to contain the same and is reflected through multiple instances which are incorporated in the petition. The right to peaceful and safe environment is one of the tenets of right to life. The purpose underneath this constitutional right given to an individual, is for protecting public interest and every endeavour should be made by State to create a peaceful and safe

society/environment to live in.

05) The petitioner is a public spirited citizen and seeks remedy from the temple of justice, whenever he finds that the fundamental rights of a large segment of society are being denied. His findings are either by virtue of his personal experience and/or through interaction with suffering entities and/or through media articles. He benefits from the intended positive outcome, same way as other fellow citizens who are experiencing the negative fall out of the non incorporation of the remedy sought. Following are the humble petitions of the petitioner on which the Hon'ble Supreme Court of India has issued judgments/orders –

- a) Petition to verify the postal address of applicants for pre paid mobile connections - since they are most pro actively serving as a facilitator, for those criminally inclined including terrorist. The petition was admitted in - September,10 and a judgement

delivered on (27/04/12) instructing the formation of a committee which will include the chairperson of D.O.T. and (02) individuals each from D.O.T. and T.R.A.I. which will finalize verification norms keeping the security angle to be primary, including the proposal to deliver S.I.M. cards by post. Case no. 285 of 2010, in the court of chief justice of India. Petitioner – Mr. Avishek Goenka.

b) Petition to ban black films in glasses of vehicles - since they too serve as a catalyst for criminal activities including terrorism. The petition was admitted in - July, 11 and judgement delivered on (27/04/12) with instructions to ban black films on glasses of vehicles, however glasses adhering to the visibility norms defined in motor vehicles act. can be manufactured by the manufacturer but no external film can be pasted on the glass.

Case no. 265 of 2011, in the court of chief justice of India. Petitioner – Mr. Avishek Goenka.

c) Notice has been issued on (12/12/2012) to the Ministry of Health & Aiims. In the petition to ensure availability of – medicines, surgical inputs, implants, orthotic & prosthetic devices at (56%) discount on Mrp. – as because of the prevailing poverty in the nation & availability of a time tested model with Aiims. New Delhi.

Case no. 459 of 2012, in the court of Justice Mr. G. S. Singhvi & Justice Mr. S. J. Mukhopadhaya.
Petitioner – Mr. Avishek Goenka.

d) On (26-08-2013) the Hon'ble Court has forwarded the certified copy of order for information, compliance and necessary action, in the matter of effective Population control measures – asking the respondents to consider the, writ petition as a representation of the petitioner. Further the ministry can take into consideration, as to whether any of the suggestion made by the petitioner, can be accepted and enforced.

Case no. 463 of 2013, in the court of Justice Mr.

B.S. Chauhan & Justice Mr. S.A. Bobde. Petitioner
– Mr. Avishek Goenka.

06) 27/06/2010 As per report published in Kolkata Edition of Telegraph, The Indian Police Journal, published by the Bureau of Police Research and Development states that - crime statistics are lower than incidence because policemen are reluctant to register F.I.R. The study was conducted in North Bengal by the Superintendent of Police and reflected that the number of recorded cases of crime went up by more than (400%) after registration of F.I.R.S was made mandatory. Hence it can be very well be concluded that the actual nos. of criminal cases with relation to the activists are by far more than those actually reported.

A copy of Media Article has been annexed as
ANNEXURE P/1. PAGES 39 TO 43.

07) 15/11/2010 An article in, Economic Times – “1,19,860 people killed per year in road accidents in India IRF.” !! The article talks about, India having registered more number of accidents in the world, even

overtaking China, which was the highest contributor till (2005) although China has, higher number of vehicles than India.

The above article can be downloaded by visiting the following undermentioned link –

http://articles.economictimes.indiatimes.com/2010-11-15/news/27609678_1_road-accidents-road-fatalities-international-road-federation

A copy of media article has been annexed as **Annexure P/2. Pages 44 to 46.**

08) As per reply against an RTI. query by the petitioner, from Dr. Dhani Ram APIO. Bureau of Police Research and Development New Delhi, reflecting the actual no. of Police personnel against the sanctioned no. per lac of population in Indian States as on (01/01/2009) and also showing the comparison of police availability per lac of population for the years (2001 & 2002) between different countries of the Globe – It is clearly visible that our nation lags far behind among many nations of the Globe in terms of ensuring higher number of police

personnel against every lac of population. Due to this insufficient no. the police is in all probabilities unable to provide the required security cover which ought to be extended to the citizens of the nation for ensuring proper and adequate safety and peace. Coupled with the comparative shortage of police personnel when matched with most other nations of the Globe, what has further aggravated the situation is that – even there is a remarkable difference between the actual and the sanctioned number of police personnel in the nation. Additionally it is not a hidden fact that our police force is ill equipped and compares poorly with the developed nations – (both in terms of technology& weaponry) who are benchmarks in terms of internal security. This double punch of lack of adequate manpower coupled with lack of latest technology – presents a strong case for effective deterrents, towards protection of Whistle-blowers.

A copy of RTI. reply has been annexed as **ANNEXURE P/3.(Colly) PAGES 47 TO 55.**

09) 04/10/2011 An article in, Times of India – “Road accidents cost India Rs 1 lakh crore a year” !! The article talks about, the cost of road accidents to the economy being (1.5%) of GDP. which amounts to (01) lac crore. The above are the observations, of Planning Commission member, Mr. B. K. Chaturbedi. The article also reveals that, as per Mr. K. K. Kapila – the Chairman of, International Road Federation - although annual losses amount to (1.5%) of GDP. but not even (10%) of that amount, is spent to make the roads safe.

The above article can be downloaded by visiting the following undermentioned link –

<http://timesofindia.indiatimes.com/india/Road-accidents-cost-India-Rs-1-lakh-crore-a-year/articleshow/10224908.cms>

A copy of media article has been annexed as **Annexure P/4. Pages 56 to 58.**

10) 02/12/2011 An article in Economic Times – “Transparency International corruption index India drops to 95th position” !! The article reflects that how, in

a reaffirmation of the general perception, India has dropped 11 places to be ranked 95th in the [Transparency International Corruption Index](#).

The global anti-graft watchdog, which compiles an annual list of countries based on their ranking on a scale of 1 to 10, places India below China in the index, but above its neighbour, Pakistan. India is perceived to be more corrupt than China which is ranked 75th on the list, but is better off than Pakistan, that is placed at the 134th position. Transparency International's Corruption Perceptions Index scores 183 countries and territories from zero (highly corrupt) to 10 (very clean) based on data from 17 surveys that look at factors such as enforcement of anti-corruption laws, access to information and conflicts of interest. Transparency International, the global body spearheading the fight against corruption.

A copy of media article has been annexed as **Annexure P/5 Pages 59 to 61.**

11) 23/07/2012 An article in, Hindustan Times –

“Every 3 minutes, an Indian dies in a road accident” !!

The article talks about, a total of 4.97 lakh road accident being reported in 2011. Though compared to 2010, the accidents have gone down by 1,945, the number of deaths at 1,42,485 has increased by over 7,000. Driver’s fault accounted for a whopping 77.5% of the total road accidents while pedestrian and cyclist’s fault accounted for a mere 3.7% and defect in road condition just 1.5%. The article further reveals that between, (2001) to (2011) while road accidents have increased by (2.1%) the number of fatalities have increased by (5.5%). It is also revealed that (51.9%) of road victims are in (25 to 65) years age group and (30.3%) are in (15 to 24) years age group.

The above article can be downloaded by visiting the following undermentioned link –

<http://www.hindustantimes.com/India-news/NewDelhi/Every-3-minutes-an-Indian-dies-in-a-road-accident/Article1-894392.aspx>

A copy of media article has been annexed as **Annexure P/6. Pages 62 to 65.**

12) 06/10/2013 An article in Telegraph – “Car-reverse death rips Calcutta’s blinkers” !! The article talks about, the death of an (08) year old boy, who was crushed due to non experience of a university student, who was trying to reverse the car, in a narrow lane. The article also reads that, as per another university student – “They never asked me to apply the reverse gear or drive in a narrow road. The officials from the driving school were so influential that the test was just a formality” !!

The above article can be downloaded by visiting the following undermentioned link –

http://www.telegraphindia.com/1131006/jsp/frontpage/story_17430458.jsp

A copy of media article has been annexed as **Annexure P/7. Pages 66 to 70.**

13) 07/10/2013 An article in Telegraph – “Wrong pedal push in tragedy” !! The article talks about, the above incident dated (06/10/2013). It also reads that the

government, opposed the bail of the accused, on the ground that she was not proficient in driving and hence could have allowed the family driver to park the car, which requires reversing in the narrow lane. The article also reflects, that how easy it is, to get a driving license in India, in comparison to, some other nation.

The above article can be downloaded by visiting the following undermentioned link –

http://www.telegraphindia.com/1131007/jsp/calcutta/story_17431440.jsp

A copy of media article has been annexed as **Annexure P/8. Pages 71 to 73.**

14) 29/10/2013 An article in, Telegraph – “Money fuels licence farce School for licence, not skills ” !! The article talks about, (300) candidates being evaluated for driving skills in one day by (03) inspectors at Maddox Square under Beltala – Public Vehicles Department and that too, only after (PM.02.30). The article further reveals that, the following procedures, were adopted –

On cue, the trainee driver would start the car, shift gear,

press the accelerator and release the clutch. A blink-and-you-miss 10-metre drive later, the inspector would ask the candidate to stop.

A question about a particular traffic signal would follow, the last hurdle to becoming a licensed driver in less than two minutes !!

The above article can be downloaded by visiting the following undermentioned link –

http://www.telegraphindia.com/1131029/jsp/calcutta/story_17504757.jsp#.UnHYQ3CBkQM

A copy of media article has been annexed as **Annexure P/9. Pages 74 to 78.**

15) That the petitioner has approached the concerned authority i.e. State of West Bengal through – Transport Secretary vide E.mail dated (31-10-2013) to the E.mail id. sectransport@wb.gov.in regarding the issues and grounds enumerated in this petition, but given the indifferent approach of the Govt. for last some years, nothing much is expected.

A copy of the E.mail has been annexed as **Annexure P/10. Pages 79 to 80.**

16) The following report of, National Crime Records Bureau, on the number and share of road accidental deaths by various mode of transport, for (2012) reveals the following, for West Bengal and Kolkata -

SL. NO.	STATE/CITY	TRUCK/LORRY				BUS			
		GOVT.	PVT.	TOTAL	% SHARE	GOVT.	PVT.	TOTAL	% SHARE
1	W.B.	20	1761	1781	6.7	99	641	740	5.7
2	KOLKATA	0	8	8	0.4	7	43	50	3.6

SL. NO.	STATE/CITY	TEMPO VAN				JEEP			
		GOVT.	PVT.	TOTAL	% SHARE	GOVT.	PVT.	TOTAL	% SHARE
1	W.B.	6	230	236	3	12	189	201	2.2
2	KOLKATA	0	4	4	0.4	0	0	0	0

SL. NO.	STATE/CITY	CAR			
		GOVT.	PVT.	TOTAL	% SHARE
1	W.B.	13	540	553	3.9
2	KOLKATA	0	22	22	1.4

	STATE/CITY	THREE WHEELER		TWO WHEELER		BYCYCLE		PEDESTRIAN	
		TOTAL	% SHARE	TOTAL	% SHARE	TOTAL	% SHARE	TOTAL	% SHARE
1	W.B.	104	1.5	995	3.1	200	6.5	606	5.8
2	KOLKATA	4	0.5	73	1.7	34	6.2	276	10.5

	STATE/CITY	OTHERS		TOTAL	
		TOTAL	% SHARE	TOTAL	% SHARE
1	W.B.	746	5.2	6222	4.5
2	KOLKATA	15	1.3	486	3.0

The above article can be downloaded by visiting the following undermentioned link –

<http://ncrb.gov.in/CD-ADSI-2012/table-1.8.pdf>

17) That the media plays a vital role in reporting crime, offense and transgression and that the media agencies maintain documentation of trail of incidents of such offense and transgression. Media has expressed its opinion umpteen numbers of times through their crime reports. The petitioner has also extended information of great credence and significance from (2) media agencies. By virtue of the aforementioned it is humbly prayed before this Hon'ble Court that media agencies namely – Times of India Group & Ananda Bazar Patrika Group, be issued instructions, to extend to the Hon'ble Court, any additional information they happen to possess, on the subject matter being petitioned. Media plays a vital role in exposing perils of the nation owing to its operations and has evidences in form of text, audios and videos. Furthermore, the media inputs in this petition can serve as indispensable evidence and it is pertinent to mention

that media reports and inputs have been sought as evidence only and not as views.

That in a recent case of PIL on Rajarhat land allotment case in Kolkata, Hon'ble Chief Justice J.N. Patel, CJ. and Hon'ble Justice B. Bhattacharya had instructed the petitioners to make newspapers party to the case owing to the fact that newspaper articles served as evidence in the case. Copy of Report dated 25/01/2012 published in Kolkata edition of The Telegraph annexed as **ANNEXURE P/10 PAGES 79 TO 81.**

PRAYER

In the above facts and circumstances it is most humbly prayed that your lordships would most graciously be pleased to pass the following orders :

1. Issue appropriate writ(s) / direction(s) from this Hon'ble Court, to the respondents to, issue guidelines and/or notifications for enabling video recording of the

driving tests, for all motorized vehicles.

2. Issue appropriate writ(s)/direction(s) to the respondents to, constitute a joint expert committee which shall be specified, by the Hon'ble Court on the points that require examination to ensure proper driving tests and will be binding on the respondent.

3. Issue appropriate writ(s) / direction(s) from this Hon'ble Court, to the joint expert committee to, within (90) days make it's recommendations known to - Ministry of Transport.

4. Issue appropriate writ(s)/direction(s) to - Ministry of Transport for, implementing the recommendations as instructions within (90) days of receiving the same and report of compliance be

submitted to the registry of this Hon'ble Court.

5. Act suo moto and pass such other and further orders as may be deemed just and proper by this Hon'ble Court in the facts and circumstances of this case.

6. Pass such other and further orders as may be deemed just and proper by this Hon'ble Court in the facts and circumstances of this case.

And for this Act. of kindness, the applicant as in duty bound shall ever pray.