

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 towards ensuring that the health hazards to which policemen on traffic duty stand exposed to, are thoroughly enquired into and measures adopted both to control and compensate them for the perils of such hazardous profession.

That the petitioner has approached the concerned authority i.e. State of West Bengal through – Home Secretary on (15-11-2013) vide E.mail dated (15-11-2013) to the E.mail id. sechome@wb.gov.in regarding the 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 Home (Writers' Building, Kolkata-700001) and The Editor – Times of

India (105/7A – S. N. Banerjee Road, Kolkata - 700014).

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 Studies carried out by experts of medical profession - revealing that, the Traffic Policemen are of the, highest risk category which stand exposed to the perils of uncontrolled pollution. The following diseases are particularly of high prevalence among the traffic cops – osteopenia, osteoporosis, loss of hearing, respiratory disease, heart disease, cancer, musculoskeletal and neurological disorders, pneumonia, bronchitis and chronic obstructive pulmonary disease. The purpose underneath this constitutional right given to an individual, is for protecting the lives and ensure equality in every decision and every endeavour should be made by State, to ensure constitutionality in all it's decisions.

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 or through interaction with suffering entities or through media articles. He benefits from the intended positive outcome, same way as a fellow citizen who is experiencing the negative fall out of the non incorporation of the remedy sought or also by deriving satisfaction, by ensuring the grant of constitutional rights, to the aggrieved section of society. 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 & Aiiims. 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 Aiums. 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) 19/06/2006 An article in, Hindu – “Traffic police personnel bear the brunt of noise pollution” !! The article talks about, a sample survey being carried out in Hyderabad revealing that (76%) of the screened traffic

cops, having noise induced hearing loss. The test was carried out on (45) policemen by, Society To Aid The Hearing Impaired. It was also revealed that the nature of hearing loss was irreversible. It was quoted by the head of E.N.T. Department of Appolo Hospital that, “when they are subjected to high intensity noise levels throughout the day, it's natural that such hazards happen” !!

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

<http://www.hindu.com/2006/06/19/stories/2006061919880400.htm>

A copy of media article has been annexed as Annexure P/1. Pages 39 to 41.

07) 18/10/2010 An article in Indian Express – “Test shows 51 out of 115 traffic cops have a lung problem” !! The article talks about, Spirometry test, being conducted on (115) traffic policemen in Mumbai and (51) being found to have definite abnormalities in their lung functioning. Further (23) had borderline problems.

Spirometry test, measures the volume and speed of inhalation and exhalation.

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

<http://www.indianexpress.com/news/test-shows-51-out-of-115-traffic-cops-have-a-lung-problem/698880/>

A copy of media article has been annexed as Annexure P/2. Pages 42 to 44.

08) Reply from Dr. Dhani Ram APIO. Bureau of Police Research and Development New Delhi 07/01/2011 showing the actual number of Police personnel against the sanctioned number per lac of population in Indian States as on (01/01/2009).

Reply from Dr. Dhani Ram APIO. Bureau of Police Research and Development New Delhi 07/01/2011 showing the comparison of police availability per lac of population for the years (2001 & 2002) between different countries of the Globe.

Reply from Dr. Dhani Ram APIO. Bureau of Police Research and Development New Delhi 07/01/2011 showing the total nos. of police population and also

availability per lac of population from the year (2001 to 2008).

A copy of media article has been annexed as Annexure P/3. Pages 45 to 53.

09) 19/05/2012 An article in, Hindustan Times – “Traffic cops to get anti-pollution masks” !! The article talks about, the plan of Delhi police to reintroduced anti pollution masks, which were introduced (6 to 7) years back, but did not find favour, due to heat and inconvenience. It is also revealed that, diseases like respiratory problems, heart diseases, cancer, musculoskeletal disorders and neurological disorders are quite prevalent among Delhi traffic police personnel, as per a research on evaluation of effects of environmental pollutions in Delhi Traffic Police conducted by the Maulana Azad Medical College.

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

<http://www.hindustantimes.com/India-news/NewDelhi/Traffic-cops-to-get-anti-pollution-masks/Article1-858400.aspx>

A copy of media article has been annexed as Annexure P/4. Pages 54 to 56.

10) 26/06/2012 An article in, Times of India – “Noise pollution kills: Study” !! The article talks about, noise pollution, being the reason for (4%) of all heart attacks, since loud noise releases stress hormones, such as cortisol and adrenalin. According to the doctor of Nanavati Hospital, Traffic Policemen in India, were at highest risk category, for the perils of noise pollution. The study was carried out by scientists in Denmark and was published in Plos One journal. According to the study it was also revealed that for every (10) decibel increase in noise level, the risk of heart attack goes up by (10%). Further sleep disturbances also occur which affect, metabolic and endocrine function, hence impairing the immune system. It is also revealed that loud noise can cause the coronary artery to go into a spasm and induce heart attack. World Health Organisation, has also linked noise pollution to health disorder in (1985).

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

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=TOINEW&BaseHref=CAP/2012/06/29&PageLabel=15&EntityId=Ar01501&ViewMode=HTML>

A copy of media article has been annexed as Annexure P/5. Pages 57 to 59.

11) 02/08/2012 An article in, IBN. Live – “Bangalore: On their feet for 8 hours, traffic cops develop bone problems.” !! The article talks about, a bone mineral density test, being organized by Karnataka Police revealing that, traffic police were vulnerable to calcium deficiency and several traffic police personnel being diagnosed with osteopenia and osteoporosis. While osteopenia is a condition, which refers to when, bone mineral density, is lower than normal and on the otherhand osteoporosis leads to bones becoming thin and brittle and eventually breaking.

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

<http://ibnlive.in.com/news/bangalore-on-their-feet-for-8-hours-traffic-cops-develop-bone-problems/277660-62-132.html>

A copy of media article has been annexed as Annexure P/6. Pages 60 to 62.

12) 26/08/2012 An article in, Times of India – “Police struggle with high dropout, burnout rates” !! The article talks about (18) of the (78) sergeants who joined in (2008) having quite the force.

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

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=pastissue2&BaseHref=TOIKM/2012/08/26&PageLabel=6&EntityId=Ar00600&ViewMode=HTML>

A copy of media article has been annexed as Annexure P/7. Pages 63 to 66.

13) 26/10/2012 An article in India Today – “32 per cent of Hyderabad traffic cops suffering from lung disorders due to automobile pollution: Study” !! The article talks about, that in Hyderabad, the fifth largest metropolitan city in the country, (32) percent of the traffic police personnel are suffering from lung-related disorders like pneumonia and bronchitis because of severe air pollution, while (25) percent of them are

facing hearing impairment due to high-level of noise pollution and another (07) percent of the traffic cops are complaining about eye-related problems due to dust particles. That a high percentage of traffic cops are suffering from automobile pollution had come to light, when the traffic police department conducted a health camp conducted for them a couple of months ago. Anand – Additional Commissioner of Police for Traffic, brought to the notice of the parliamentary standing committee that in the last (45) days, three traffic constables succumbed to the health problems while performing their duties at different high-traffic corridors – Abids, Kukatpally and Rethibowli. Anand also said that, though the department was providing the traffic cops with one disposable nose mask each every day, besides Polaroid dark spectacles and rain coats, they were not able to prevent the cops from facing severe health hazards.

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

<http://indiatoday.intoday.in/story/32-per-cent-of-hyderabad-traffic-cops-suffering-from-lung-disorders-due-to-automobile-pollution/1/226369.html>

A copy of media article has been annexed as Annexure P/8. Pages 67 to 72.

14) 23/09/2013 An article in, Times of India – “Toxic cocktail choking Kolkata's traffic cops” !! The article talks about (2200) constabulary force of Kolkata Traffic Police, being extremely vulnerable to Chronic Obstructive Pulmonary Disease. It is also revealed, that out of (400) constables tested, lung-related problems were detected in (300) of them. It is revealed that a health check up, has confirmed that (07) out of (10) suffer from lung disorder. The article also talks about a report of – Twisha Lahiri of Chittaranjan National Cancer Institute, which had sounded an alarm bell on air pollution affecting traffic cops. Further the following troubles arise because of lung problems - A person suffering from lungs disorder encounters a choking sensation in sleep, feels palpitations at the slightest pressure and gets irritated very easily. What's even more frightful is that once a person suffers from COPD, he or she is done for life. "There is no cure yet for COPD. Following initiatives in other cities was revealed - Delhi, where more vehicles ply than in Kolkata, Mumbai and Chennai put together, cops suffer from respiratory and

heart diseases, cancer, musculoskeletal and neurological disorders. But Delhi Police conducts regular checks and if a person is found to suffer from a serious disease, he is taken off duty and treated. "We have also asked constables to wear air filter masks on duty and are exploring all kinds of anti-pollution gadgets available in the market to enhance safety," Delhi Police special commissioner (traffic) Taj Hassan said.

In Mumbai, the force is creating a health profile of the 3,000-odd constables at 25 traffic guards. "We have found that a considerable number of traffic personnel suffer from sleep apnea, a sleep disorder caused by anxiety. They have also been detected with hypertension and diabetes," He, however, pointed out that efforts to hand out masks to constables had not been encouraging as the cops did not use the gadget.

"We have kept oxygen cylinders at the chowkis so that constables could take in fresh air after duty. But particulate matter remains a concern," said Mumbai Police Joint Commissioner (Traffic) Vivek Phansalkar.

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

http://articles.timesofindia.indiatimes.com/2013-09-23/kolkata/42322499_1_traffic-constables-traffic-cops-copd

A copy of media article has been annexed as Annexure P/9. Pages 73 to 77.

15) 19/10/2013 An article in, Times of India – “Delhi, Kolkata have worst air quality in India Report” !! The article talks about – World Health Organisation, declaring air pollution to be a major cause of cancer. As per Central Pollution Control Board, Kolkata and Delhi are among the worst affected cities in terms of air pollution. As per Indian Medical Research Council – that air pollution has been classified as a cancer causing agent, in same category as tobacco and plutonium, by World Health Organisation, stands vindicated because of the fact that – Kolkata along with Delhi and Mumbai took lead in reporting the highest number of lung cancer cases in India.

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

<http://timesofindia.indiatimes.com/home/environment/pollution/Delhi-Kolkata-have-worst-air-quality-in-India-Report/articleshow/24361304.cms>

A copy of media article has been annexed as Annexure P/10. Pages 78 to 81.

16) That the petitioner has approached the concerned authority i.e. State of West Bengal through – Transport Secretary vide E.mail dated (15-11-2013) to the E.mail id. sechome@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/11. Pages 82 to 83.

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/12 PAGES 84 TO 86.

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 - permanent health check up facilities for policemen on traffic duty, control vehicular pollution, compensate the traffic cops among others.
2. Issue appropriate writ(s)/directions(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 - preventive, curative and compensatory inputs.

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 Home.

4. Issue appropriate writ(s)/direction(s) to - Ministry of Home 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.