

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO. OF 2016

In the matter of :-

Dr. Sanjay Kulshresthra, MBBS,MS,MCh  
Senior Consultant Pediatric Surgeon,  
1/171, Delhi Gate, Gulab Rai Marg,  
AGRA -2, drsankul2008@gmail.com

..... Petitioner in person

VERSUS

Union of India & another ... Respondents

*PAPER – BOOK*

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*ADVOCATE FOR PETITIONER : MRIDULA RAY BHARADWAJ*  
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Filed On : 06 .012.2016

## **SYNOPSIS**

The main objective of filing this PIL Writ Petition under Article 21 and 32 read with Article 14 and 12 of the Constitution of India is to seek a direction from this Hon'ble Court to the respondents so that necessary relief can be provided to Indian traffic policemen for better management of their severe health problems occurring as an occupational hazards due to very high vehicular pollution on Indian roads. The petitioner is a Senior Consultant Pediatric Surgeon and also studying road traffic hazards for last 7-8 years. As a medical professional and a conscious citizen of India, he would like to attract your kind attention towards some alarming facts on serious health problems in traffic policemen due to very high vehicle induced air pollution. Petitioner is sharing agony traffic policemen with Hon'ble Supreme Court.

Petitioner feels it is important to mention that these poor policemen belong to a dept that is known for a disciplined life at work so it is not easy for them to go on strikes or express their resentment for removal of their grievances. Therefore, it is the sole responsibility of government authorities to look in to their problems and take a **TIMELY ACTION**. Unfortunately our govt is not considering their grievances on priority basis that is why petitioner craves for their relief. Before coming to court petitioner tried to know through RTI about extra facilities or allowances that state governments are providing to traffic policemen for this occupational hazard and it confirmed that there are no such provisions by most of the state governments.

A clean environment on road is a fundamental right of all citizens including traffic policemen and under article 21 it

is statutory duty of govt to protect this right for everyone including our traffic policemen. Air Pollution has become a big occupational hazard for traffic policemen in India and petitioner has worked out various recent research reports on vehicular pollution induced health hazards in traffic policemen in relation with present health facilities available.

Studies have shown that within 5-6 years these policemen develop pollution-induced diseases. In cases where the posting place is in heavily polluted area, these diseases can develop much earlier. This vehicular pollution mainly affects their respiratory system, however, there is no part or system in the body which is immune to it. Besides respiratory system, they are also prone to have diseases like cardiac, skin, migraine and even of reproductive system. All these cause significant morbidity, affecting the quality of life and life expectancy.

This pollution is maximum around their duty area i.e. on crossings, because a large number of vehicles reaching there from all four directions. At a moderately busy crossing in a metro city, total number of the vehicles passing from all four directions in their duty hours, may be anywhere between 1-2 lakhs or even more. The white uniform that was crisp and shining in the morning acquires thick black coating by the time he finishes his duty. Though he can wash this coating from the clothes easily, he can hardly do anything for coating that he is accumulating on lung surface daily due to passive smoke emanating from petroleum products.

Petitioner is submitting some studies conducted in different cities of different states in India that show the serious state of problem. Report of Delhi in May 08 2015 shows that 25% of the traffic police personnel have reduced lung capacity and symptoms & signs of asthma while study from Pune & Nagpur in June 11, 2015 by World Health

Assembly of WHO found that they were exposed to smoke level which was equivalent to that caused by smoking 20 cigarettes a day. It also found that the officers who were posted at busy and congested junctions had more lung related problems. A report from Kochi 27th on August 2014 showed that as a consequence of frequent sick leaves, workload has increased at least by 50 per cent due to shortage of hands. Sometimes, the same person works for 14 to 15 hours on a stretch.

A study by Government Medical College in Patiala on Punjab Traffic police personnel was conducted among nonsmoking traffic policemen found a “significant decline” in different parameters of lung function while another study on nonsmoking traffic policemen at Tirupati in 2013 also concluded that adverse health impacts of automobile pollution are significant.

Exposure to vehicular exhaust can even induce adverse reproductive outcome in traffic policemen as there is a significant increase in neonatal deaths and abortions in the wives of traffic policemen and a decrease in live births has been observed. Besides, their fertility or reproductive outcome also gets affected and there are increased chances of cytogenetic damage to DNA and miscarriage in their wives. Besides air pollution they are also suffering significant hearing loss due to very high noise pollution on Indian roads as a research on traffic policemen from Aurangabad [Feb. 2014] and Surat [April 2014] showed that noise induced hearing loss of greater than 10 DB was present in 66% traffic personnel.

They are also facing high degree of physical stress and long hours of duty. These traffic policemen have to work in a very adverse and uncongenial environment. It is evident that the duty of a policeman is such that he is supposed to be

present there every minute for full 8 duty hours. It would not be an exaggeration to call the traffic policeman the busiest person in any job. The reason is being that impact of his absence even for a few minutes is easily noticeable at a crossing. The vehicle stands with horn locked causing a big traffic jam behind in all directions of the crossing. To do this exacting acrobatics for full 8 hours is a stupendous task. Though he starts his duty with a fresh face and smile with energy and enthusiasm really but by the end of his 8 hrs duty in scorching heat of summer he really appears exhausted.

Almost all states are facing the problem of inadequate traffic personnel. In recent years, traffic load of vehicles has increases significantly. However, the number of traffic policemen has not been increased in that ratio. The traffic policemen are stretched beyond their capabilities. For example according to report of Sep 28 2015, Uttar Pradesh, the most populous state in the country with around 20 crores population with the highest number of registered vehicles, is having just 3,656 traffic policemen to deal with traffic management as against the requirement of 15000. Similarly a recent report of Sept. 24, 2015 regarding Delhi shows that in contrast to 40 lakh vehicles there are just 3,000 traffic policemen to manage them. During last 15 years [from 2000 to 2017] number of vehicles in India has increased 400% i.e. from 5 crores to 20 crores and similarly our urban road infrastructure is also growing fast. However, the ratio of total police strength vs traffic police is extremely poor. In India out of total police personnel [18 lakh], only 40-50 thousands belongs to traffic personnel [approx 2%]. With deteriorating service conditions people are hesitating to choose traffic as currier.

At least budget will not be a problem if government wishes to increase traffic personnel. This would be clear from one example. In Delhi, on an average, 40-50 lakhs of people are punished for traffic violations every year and from them 60-70 crores is realized as fine every year. If this amount is utilized in the same department, this can not only allow affording many additional traffic policemen, but also procure some other high-tech equipment for betterment of our traffic system.

These traffic policemen really need attention from the government. Because of the stressful nature of their job, constant exposure to alarming pollution and considering the fact this dept. is known for discipline not allowing raising their voice for their grievances, it is extremely necessary to take notice of their problems and take a *TIMELY ACTION*.

Therefore petitioner make a humble request before this honorable court to take necessary actions to provide relief for our traffic policemen in terms of occupational hazard allowance, better health care facilities for pollution induced diseases, making some specific health insurance schemes for pollution related diseases. Besides this, this honorable court should also pass direction to fill vacant posts of traffic policemen in various states, to make rotation in posting of traffic policemen mandatory from more congested areas to less congested areas and approx 50% revenue earned as fine from traffic offenders should be spent on upgrading traffic system and welfare of traffic policemen.

## **LIST OF DATES.**

- . . . . February, 2006 : Studies conducted in India have shown that exposure to vehicular exhaust induces adverse reproductive outcome in the traffic policemen as there is a significant increase in abortions in the wives of traffic police and a decrease in live births has been observed. Besides, their fertility or reproductive outcome also gets affected and there are increased chances of cytogenetic damage to DNA and miscarriage in their wives [Annexure P/1, page ]
- . . . . March, 2009 : a study from Jaipur published in Journal of Asthma non smokers traffic police personnel showed a significant difference in forced expiratory volume. It concluded respiratory morbidity with respect to lung function tests is observed more in groups working in heavy traffic than the control group [non-smokers]. [Annexure P/2, page ]
- . . . . 16<sup>th</sup> June, 2010 : a photograph taken by petitioner near Rohtang Pass in HP as an evidence to link vehicular emission to risk to our glaciers. It shows a traffic policeman using his hankie on face to protect himself from vehicular pollution and just behind him one can see the snow or glacier. The level of air pollution due to vehicular exhaust is so high that the traffic policemen have to use mask to protect them even at glacier [Annexure P/3, page ]
- . . . . Dec, 2011 : A study by Government Medical College in Patiala on Punjab Traffic police

personnel was conducted to see respiratory effects of air pollutants among nonsmoking traffic policemen of Patiala that was published in journal of Lung India and found significant decline in parameters of lung function[Annexure P/47, page

- . . . . . Dec 11, 2013, a report of international journal of physiotherapy & research concluded that adverse health impacts of automobile pollution can be significant and results shows decrease lung functions in traffic policemen when compared with control groups. [Annexure P/5, page ]
- . . . . . 26th February, 2014: a research on traffic policemen in Aurangabad showed that noise induced hearing loss of greater than 10 DB was present in 66% traffic personnel [Annexure P/6, page ]
- . . . . .26<sup>th</sup> February, 2014: as per information under RTI from Deputy Commissioner of police [Traffic], Delhi, there is no provision of extra allowance for traffic policemen in terms of occupational hazards as compensation towards vehicle induced pollution. There is no extra health facilities as there are central government health schemes to all Delhi police personnel. There is no special roster for traffic police personnel [Annexure P/7, page ]
- . . . . . 29. 02. 2014 : Reply From Uttar Pradesh Traffic Police office under RTI stating Traffic Allowance to Mukhya Archhi, traffic and Archhi

traffic is given posted in commissionaries, Police personnel get free treatment in PGI by state government. For traffic policemen masks have been made available for protection from pollution [Annexure P/8, page ].

- . . . . 12. 03. 2014 : Information received under RTI from Traffic Dept of West Bengal regarding facilities available to traffic police personnel : No provision of extra allowance for traffic policemen. Kolkata police have own hospitals equipped with state of art infrastructure and dedicated medical team[Annexure P/9, page ]
- . . . . 1st April, 2014 : a report published in National Journal of Otorhinolaryngology in April 2014 done in Surat at traffic junctions showed overall prevalence of hearing loss is 68.2% [Annexure P/10, page ].
- . . . . 27th August, 2014 : a report showed that majority of the traffic personnel have reportedly undergone treatment at hospitals for various health issues as a consequence of frequent sick leaves workload has increased at least by 50% due to shortage of hands. Sometimes, the same person works for 14 to 15 hours on a stretch. [Annexure P/11, page ]
- . . . . 14<sup>th</sup> November, 2014: Petitioner was allowed to make suggestions through power point presentation on road safety in India before hon'ble committee on road safety constituted by Supreme

Court of India under Hon'ble Justice K S Radhakrishnan where he raised the problems of Traffic policemen.

- . . . . May 08, 2015 : report shows that 25% of the traffic police personnel have reduced lung capacity and symptoms indicative of early signs of asthma like wheezing, shortness of breath, chest pain, etc [Annexure P/12, page ]
- . . . . Jun 11, 2015 : in Nagpur and Pune the World Health Assembly of WHO conducted a study on traffic police found that oxidative stress among traffic police was much higher. It also showed that they were exposed to smoke level which was equivalent to that caused by smoking 20 cigarettes a day. It also found that the officers who were posted at busy and congested junctions had more lung related problems [Annexure P/13, page ]
- . . . . . Sept 24, 2015 : in Delhi, in contrast to 40 lakh vehicles, there are just 3,000 traffic policemen[Annexure P/14, page ].
- . . . . Sept 28, 2015: Uttar Pradesh, the most populous state in the country with around 20 crore population with the highest number of registered vehicles, is having just 3,656 traffic policemen to deal with traffic management as against the requirement of 15000 [Annexure P/15, page ].

**05.12.2016** :Hence the Writ Petition is being filed.

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (CIVIL) NO. OF 2016  
Under Article 21 & 32 of the Constitution of India  
with Article 14 and 12

In the matter of :-

Dr. Sanjay Kulshresthra ..... Petitioner  
Senior Consultant Pediatric Surgeon,  
1/171, Delhi Gate, Gulab Rai Marg,  
AGRA -2 , drsankul2008@gmail.com,09897078456

VERSUS

Union of India & another

1.Ministry of Road Transport and Highways  
Through Secretary  
Trasnport Bhawan,  
1, Sansad Marg  
New Delhi-110001

2. Ministry of Home Affairs,  
Through Secretary,  
North Block, Central Secretariate  
New Delhi 110001

...Respondents.

WRIT PETITION (CIVIL) NO.    OF 2016  
Under Article 21 & 32 of the Constitution of India  
with Article 14 and 12

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
HON'BLE SUPREME COURT OF INDIA  
THE HUMBLE PETITION OF THE  
PETITIONER ABOVE-NAMED

MOST RESPECTFULLY SHEWETH:

[1] That this is a Public Interest Litigation under Article 21, 32 read with Article 14 and 12 of the constitution of India. Petitioner is sharing agony of traffic policemen with Hon'ble Supreme Court regarding various serious health problems that our Indian traffic policemen are facing due to a very high vehicular pollution on Indian roads. Petitioner would like to make a humble request before honorable court to provide some relief for our traffic policemen in terms of better health care facilities or special health insurance policies for pollution induced diseases, direct the govt to fill all vacant post of traffic policemen & to make rotation in posting of traffic policemen from more congested areas to less congested areas.

Before coming to court petitioner tried to know through an RTI about what kinds of health facilities they have, it was learnt that most of the state governments are not providing any extra allowance or health facilities to traffic police for this occupational hazard.

[2]Petitioner feel it is important to mention that these poor policemen belong to a dept that is known for a disciplined life

at work so it is not very easy for them to go on strikes, express their resentment and struggle for the removal of their grievances. Therefore, it is the sole responsibility of government authorities to look in to their problems and take a timely action. Unfortunately our govt is not considering their grievances on priority basis that is why petitioner craves for their relief before Hon'ble Court.

[3] The petitioner is a Senior Consultant Pediatric Surgeon and also studying road traffic hazards for last 7-8 years. He has written many articles and a book on road safety. Besides this, he was allowed to make suggestion through power point presentation on road accidents in India before hon'ble committee on road safety constituted by Supreme Court of India under Hon'ble Justice K S Radhakrishnan in November, 2014 at Vigyan Bhavan. He has also appeared before parliamentary committee on road safety bill 2010 and raised the issues related with road safety in India both orally and in writing.

[4] A clean environment on road is a fundamental right of all citizens including traffic policemen and under article 21 and it is statutory duty of govt to protect this right for everyone including our traffic policemen. Petitioner has worked out various recent reports on vehicular pollution induced health hazards in traffic policemen population in relation with present health facilities available and governments actions taken in the past to remove their grievances. As a medical professional and a conscious citizen of India, he would like to attract your kind attention towards some alarming facts on serious health hazards in traffic policemen due to very high vehicular in India.

THE FACTS LEADING TO THE FILING OF PRESENT PETITION ARE STATED AS UNDER:-

[5] Air Pollution has become a big occupational hazard for traffic policemen in India. In recent time, especially during last two decades, this is being observed that weaker sections on roads, like pedestrians, traffic policemen, hawkers, roadside shopkeepers are losing their rights of clean air on roads as there is tremendous rise in vehicle induced air pollution in India. Amongst these category just mentioned, traffic policemen are the worst sufferers of this vehicular pollution reasons being:

- a. The pollution is maximum around their duty area i.e. on crossings because a large number of vehicles reaching there from all four directions. If you stand at some moderately busy crossing and start counting total number of the vehicles passing from all four directions in his duty hours, we may find that their number is anywhere between 1-2 lakhs or even more.
- b. vehicles stay for a much longer period at crossing especially when traffic is more in peak hours.

[6] Even among the common people who are moving on the road only for a short time, the incidence of lungs diseases by pollution have increased tremendously. We can imagine the magnitude of the problem of the traffic policeman who stays there for hours together. The white uniform that was crisp and shining in the morning acquires thick black coating by the time he finishes his duty. Though he can wash this coating from the clothes easily, he can hardly do anything for coating that he is accumulating on lung surface daily due to passive smoke emanating from petroleum products.

[7] Studies have shown that within 5-6 years these policemen develop pollution-induced diseases. In cases where the posting place is in the heavily polluted area, these diseases can develop much earlier. This vehicular pollution mainly affects their respiratory system, however, there is no part or system in the body which is immune to it. Besides, they are also prone to have some other diseases like cardiac, skin, migraine and even reproductive system. All these cause significant morbidity, affecting the quality of life and also the life expectancy.

[8] Petitioner is submitting some studies conducted in different cities of different states in India that shows the serious state of problem.

(a) DELHI: A report of May 08, 2015 shows that 25% of the traffic police personnel have reduced lung capacity and symptoms indicative of early signs of asthma like wheezing, shortness of breath, chest pain, etc.

(b) PUNE: Study from Pune: Jun 11, 2015, in Nagpur and Pune the World Health Assembly of WHO conducted a study on traffic police and other police officers in through Pune-based Chest Research Foundation. They found that the oxidative stress among traffic police was much higher. It also showed that they were exposed to smoke level which was equivalent to that caused by smoking 20 cigarettes a day. It also found that the officers who were posted at busy and congested junctions had more lung related problems.

(c) KOCHI: A report from Kochi on 27th August, 2014 showed that majority of the traffic personnel have

reportedly undergone treatment at hospitals for various health issues as they are exposed to pollution and toxins during working hours. As a consequence of frequent sick leaves workload has increased at least by 50 per cent due to shortage of hands. Sometimes, the same person works for 14 to 15 hours on a stretch.

(d) PATIALA: A study by Government Medical College in Patiala on Punjab Traffic police personnel was conducted to see respiratory effects of air pollutants among nonsmoking traffic policemen of Patiala that was published in journal of Lung India, 2011 Oct-Dec. It found a significant decline in different parameters of lung function. This included forced vital capacity and expiratory flow rates. The rate was poorer in traffic personnel working for more than eight years. It was seen that 68% complained of frequent coughing, 22% reported having shortness of breath and 36% suffered from irritation in respiratory tract.

(e) JAIPUR: A study from Jaipur published in Journal of Asthma [2009] on non smokers traffic police personnel showed a significant difference in forced expiratory volume. It concluded respiratory morbidity with respect to lung function tests is observed more in groups working in heavy traffic than he control group [non-smokers].

(f) TIRUPATI: Similarly, evaluation of pulmonary function tests on non smoking traffic police men at Tirupati was done [ international journal of physiotherapy and research, 2013, vol1(5):279-82] concluded that the adverse health impacts of automobile pollution can be significant. The observed results shows decrease lung

functions in traffic policemen when compared with control groups.

[9] Studies conducted in India have shown that exposure to vehicular exhaust induces adverse reproductive outcome in the traffic police as there is a significant increase in neonatal deaths and abortions in the wives of traffic police and a decrease in live births has been observed [annexure ]. Besides, their fertility or reproductive outcome also gets affected and there are increased chances of cytogenetic damage to DNA and miscarriage in their wives.

[10] The petitioner also enclosing a photograph taken near Rohtang Pass in HP as an evidence to link vehicular emission to risk to our glaciers. It shows a traffic policeman using his hankie on face to protect himself from vehicular pollution and just behind him one can see the snow or glacier. The level of air pollution due to vehicular exhaust is so high that the traffic policemen have to use mask to protect them even at glacier. Although this is not very unusual to find them using mask in other cities, but to find such problem in mountains that too at the glacier level is something that is really very alarming. The reason being that during tourist season, everyday 4000–5000 four wheelers or taxis are making a round trip [to and fro] from Manali to this glacier.

[11] Exposure to noise pollution and ultraviolet rays are some other occupational hazards that are being faced by these traffic policemen. They are also suffering significant hearing loss due to very high noise pollution on Indian roads. In February 2014, a research on traffic policemen in Aurangabad showed that noise induced hearing loss of greater than 10 DB was present in 66% traffic personnel.

Hearing loss was more with increase in duration of exposure and place of work whether it is busy heavy traffic or less traffic place. Similarly, a report published in National Journal of Otorhinolaryngology in April 2014 done in Surat at traffic junctions showed overall prevalence of hearing loss is 68.2%.

[12] Besides air pollution, they are also facing high degree of physical stress and long hours of duty. These traffic policemen have to work very hard in a very adverse and uncongenial environment. The canopy of four to five feet diameter of the traffic island under which he stands probably protects him from the sun only between the 11am and 1pm at a time when the sun is right above him. In the afternoon when the sun's rays fall obliquely, he hardly can maneuver his body to protect himself from the sun. The same music he has to face with that of rains. Though he starts his duty with a fresh face and smile with energy and enthusiasm but by the end of his duty in the scorching heat of summer he really appears exhausted with a lot of sweating.

It is evident that the duty of a policeman is such that he is supposed to be present there every minute for full 8 duty hours. It would not be an exaggeration to call the traffic policeman the busiest person in any job. The reason is being that impact of his absence even for a few minutes is easily noticeable at a crossing. The vehicle stands with horn locked causing a big traffic jam behind in all directions of the crossing. To do this exacting acrobatics for full 8 hours is a stupendous task.

[13] Inadequate Force and Power: In recent years, the magnitude of traffic and number of vehicles has increased fantastically. However, the number of traffic policemen has not been increased in that ratio. The traffic policemen are

stretched beyond their capabilities. For example according to report of Sep 28 2015, Uttar Pradesh, the most populous state in country with around 20 crore population with the highest number of registered vehicles, is having just 3,656 traffic policemen to deal with traffic management as against requirement of 15000 [Annexure P/14, page 26]. Similarly in Delhi [Sep 24, 2015] in contrast to 40 lakh vehicles, there are just 3,000 traffic policemen [Annexure P/15, page 27]. During last 15 years [from 2000 to 2015] number of vehicles in India has increased 400% i.e. from 5 crores to 20 crores and similarly our urban road infrastructure is also growing fast. However, the ratio of total police strength vs traffic police is extremely poor. In India out of total police personnel [18 lakh], only 40-50 thousands belongs to traffic personnel [approx 2%]. With deteriorating service conditions people are hesitating to choose traffic as carrier.

If there used to be 10 crossings in one city 15 years ago, today the same city has 40 crossings and due to explosive vehicular loads if one traffic policeman used to manage one crossing, today we need four traffic personnel at the same crossing to manage traffic.

[14] It can be said that at least budget will not be a problem if government wishes to increase the traffic personnel. This would be clear from one example. In Delhi, on an average, 40-50 lakhs of people are punished for traffic violations every year and from them about 60-70 crores Rupees is realized as fine every year. If this amount is utilized in the same department, this can not only allow to afford many additional traffic policemen, but also procure some other means like Patrolling vehicles or high-tech equipment like speed camera, handycam, lux meters, flashers, breathalyzers, etc, to

intercept more traffic offenders. Due to paucity of traffic personnel, out of 1000 traffic violations only one case could be intercepted for fine. Thus you can imagine how much money could be recovered from these defaulters.

These traffic policemen really need attention from the government. Because of the stressful nature of their job, constant exposure to alarming pollution and considering the fact this dept. is known for discipline not allowing raising their voice for their grievances, it is extremely necessary to take notice of their problems and take a *timely* action.

**Prayer:**

It is, therefore, most respectfully prayed that in order to provide relief to traffic policemen, this Hon'ble Court may kindly be pleased to issue a Writ of mandamus or directions to respondents for:

[a] Give directions for better health care facilities for traffic policemen and some occupational hazard allowance for pollution induced diseases.

[b] Give directions to government to make rotation in posting of traffic policemen mandatory from more congested areas to less congested areas.

[c] Give direction to government to come out with some specific health insurance schemes for traffic policemen.

[d] Give directions to fill all vacant post of traffic policemen in all states in a time bound manner.

[e] approx. 50% revenue earned as fine from traffic offenders should be used on upgrading traffic system and welfare of traffic policemen.

[f] PASS such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL  
EVER PRAY AS DUTY-BOUND

Dated: 06.12. 2016

[Dr Sanjay Kulshrestha]

MBBS,MCh,FIAPS

Deponent