

Before the Kerala State Human Rights Commission
Sitting at Alappuzha

Present : Shri. K.E. Gangadharan
Hon'ble Member

Dated this the 24th day of January, 2010

HRMP No: 2393/2010

Petitioner : Dr. Saji Kumar,
Convenor,
Action Committee,
Alappuzha.

Respondent :

ORDER

This is a case of harassment and humiliation to a doctor by the police on 14/01/2010. The matter was transferred by the National Commission by invoking the provision contained in section 13 (6) of Human Rights Protection Act, for final disposal by this Commission.

The gist of the case is as follows:-

Dr. Paul Chandy a senior gynaecologist is running a maternity hospital in Kayamkulam for the last several years. On 14/01/2010 at around 2.30am a car was crushed on to the gate of the hospital of Dr.Paul Chandy and on hearing the hue and cry the Doctor rushed in the spot and found that there was a family in the car including children had sustained injuries. Immediately the doctor has given the first aid to the injured person and found that one person had fracture on both bones and other one has a head injury. To save the life of the injured the doctor himself take the patients to a near-by hospital in his own car. When he was about to take the car a police van

stopped the doctor's car and the police personnels asked the doctor to show the injured persons. Dr.Chandy strongly objected this and informed the police that the injured persons in his car want immediate medical attention. Suddenly the police party headed by a Grade SI pushed down the doctor and hit him on his face and forehead. The police party takes the doctor into custody and test of breath analysing has conducted and asked to sign certain paper. He refused to sign and later he was released without registering a case. Thereafter the doctor was admitted to a Govt. Hospital for treatment.

This Commission has received a detailed report in this matter, after conducting an enquiry by the Supt. of Police, Alappuzha. The report reveals as follows:-

On 14/01/2010 at about 02.00 hrs. one maruthi car bearing Reg. No. KL 53A 3656 dashed at the western gate of 'Christos Hospital' Kayamkulam which is situated on the Eastern side of NH 47 road and 6 persons travelled in the car got injured. Dr.Paul Chandy the owner of the hospital, who is residing in the hospital was informed and he reached the spot gave first aid to the injured persons. One of the injured had fracture on hand and another had a head injury. For better treatment they were about to be taken to Huda Trust Hospital, Haripad in the car of the doctor, the police party headed by Grade Sub Inspector Sri. Ashok Kumar reached the spot and he interfered with it and a wordy altercation between them.

The report further states that the Dy.Sp has conducted a preliminary enquiry with it and it revealed that Sri. Ashok Kumar, Grade Sub Inspector Kayamkulam Police Station along with Anwar PC 5907,

Armed Reserve Camp, Tvpm, Sri. Jayan Driver PC 5503, Sri.Madhu, PC 5869, Armed Reserve Camp, Alappuzha and Sri. Gopalan, ASI , Kanakakunnu Police Station, behaved inhuman manner towards Dr.Paul Chandy and abused and assaulted him. Thereafter the police party took the doctor in to the police station and tested him using alcometer to verify whether the doctor has consumed alcohol. The Enquiry Officer hold that the action of the police personnel is purely unwarranted and they have committed grave dereliction of duties and other misconduct. Based on the enquiry report all the police personnels were put under suspension and recommended for departmental enquiry. A case was also registered as Crime No. 222/10 u/s 341,323, 294(b) IPC at Kayamkulam PS against the above delinquent police officers and is under investigation.

This commission examined the enquiry report of the Dy.SP and the statements of the witness questioned by him during the enquiry. It is seen that during the enquiry the enquiry officer questioned the victim and recorded a statement. The victim has given a statement to the enquiry officer that the police pulled him down by force and hit on his right eye by using lathe. The victim also added that he was treated by an eye specialist at Priyanka Hospital Changaramkulam as per the advice of the duty doctor at the Govt. Hospital in which he was admitted. The act on the part of the police

personnel's by hitting on the right eye of the victim by using lathe a deadly weapon itself attracts an offence under 324IPC. This particular section is not incorporated in the crime registered against the police. More over this commission views the acts of the responsible police personnel's against the doctor very seriously. Even now this commission is receiving complaints from various parts of the state against police harassment. The commission had issued number of recommendations to the Govt. for taking stringent action against the erring officers. But it is noted that departmental enquiry and actions against the erring officers were taken only for the name sake. This cannot be tolerated. It is the duty of the police to protect the life and property of the individual and to behave in a polite manner. The acts and activities of the police is much more versioned now a days. So the Govt., and the department has to be serious and more vigilant to avoid these types of complaint against the police.

For evolving a trusting relationship between the public and the police, the issues of public safety and threats to life have to be taken seriously. Preventing murders and investigating such crimes are very important police functions. Similarly rushing to the aid of the community in situations where life is threatened is also a basic duty. This also applies to police initiative in preventing and reducing motor accidents. The present case is one of such that a team of police personnels insulted, abused, assaulted and obstructed a senior doctor in taking some persons sustained injuries in a

traffic accident into hospital for treatment. It is the bounden duty of the police to extend their help and support in these situations to the person who voluntarily comes forward to save the life of the public who were in danger. The acts on the part of the police personnels in these incidents is a shame to the department.

Hence this commission issuing following recommendations:-

1. Direction may be given to conduct a proper investigation in Crime No. 222/2010 of the Kayamkulam Police Station.
2. Specific direction may be given to the Investing Office to seize the weapon used for the commission of offence. Obtain wound certificate of the victim from the District Hospital and Priyanka Hospital. Direction may also given to add Section 324 IPC in the above crime.
3. The Govt. may also direct to give sanction to prosecute the erring officers.
4. The DGP is directed to give strict instructions to his subordinate police officers to abstain from these types of atrocities.

Sd/-
K.E. GANGADHARAN
Member

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REGISTRAR