

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

CORAM :

The Hon'ble Kum.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mrs.JUSTICE R.HEMALATHA

Suo Mot PIL W.P. No.30555 of 2017

- 1.The Secretary to Government,
Transport Department,
State of Tamil Nadu,
Fort St. George, Chennai 600 009.
 - 2.The Secretary to Government,
Social Welfare Department,
State of Tamil Nadu,
Fort St. George, Chennai 600 009.
 - 3.The Chairman and Managing Director,
Tamil Nadu State Transport Corporation,
Pallavan House, Chennai 600 002.
 - 4.The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Chennai 600 002.
 - 5.The Director General of Police,
Kamarajar Salai, Chennai 600 004.
- .. Respondents

Suo Motu Petition taken up under Article 226 of the Constitution of India based on the news item published with photograph in "The Times of India", the daily newspaper dated 23.11.2017 with the heading of "Perilous Perch", to direct the respondents/authorities to take immediate steps to ensure the safety of the school children by providing adequate number of the buses by the State owned Transport Corporations in order to avoid the travelling of the school children in a dangerous manner, i.e., by hanging in the foot-boards and windows of the buses.

For Respondents : Mr.T.N.Rajagopalan
Govt. Pleader (In-charge)
for RR 1, 2 and 5

: Mr.R.Y.George Williams, Advocate
assisted the Court.

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Pursuant to the photograph and news item published in the Chennai Edition of 'Times of India' dated 23.11.2017 of children hanging dangerously from the foot boards and even windows of buses operated by one of the Public Transport Corporations, this Court initiated this public interest litigation suo motu.

2.An affidavit has been filed on behalf of the Secretary to the Transport Department, State of Tamil Nadu, by one P.W.C.Davidar, Additional Chief Secretary to Transport Department, Government of Tamil Nadu. In the affidavit, it is stated that there are 8 Transport Corporations in the State of Tamil Nadu operating 20,776 buses. There are 8,560 mufusil services, 10604 Town/City Services and 528 Hill Area services, apart from other services. The Transport Corporation buses carry 1.93 crore passengers including school/ college children everyday.

3.The buses operated are obviously not sufficient to meet the demand of the people, as would be evident from the photograph, on the basis of which these proceedings have been initiated. It is good that the Government of Tamil Nadu has extended 100% free travel to school children in the Transport Corporation buses. This was absolutely imperative to give meaningful effect to the right to education under Article 21A of the Constitution of India. However, merely providing free transport is not enough. The authorities concerned are also required to ensure the safety of children travelling in buses.

4.As per the affidavit affirmed on behalf of the first respondent, the Metropolitan Transport Corporation is operating 250 special bus services exclusively for women and children every day. Of the said 250 special bus services, there are 10 services plying exclusively on route 56C, between Broadway to Jothy Nagar, near Ennore. There are 199 other services through the same corridor.

5.However, it is difficult to accept that the school students can travel safely in buses on this route. This assertion is controverted by the photograph referred to above.

There can be no doubt that children tend to be adventurous, they tend to be naughty and they sometimes try to travel on foot-boards or dangerously hang out of windows as a show of bravado. However, the photograph published in the news paper which has triggered this suo motu public interest litigation clearly shows that the bus was absolutely packed.

6.The number of buses exclusively for children operating during school hours will have to be increased. Such buses shall be exclusively for school children. Others might only be allowed to board the buses, if there is sufficient space after the children are accommodated, and in the event there is demand from children enroute, they would have to get down to make room for the children for whom the buses are operated.

7.The Transport authorities shall also ensure that children do not board over-crowded buses in a manner which is risky for their life and personal safety.

8.Mr.R.Y.George Williams, Advocate has drawn our attention to a subsequent news report of the death of two young children, who fell off an over-crowded bus. However, at least one of the reports indicate that the child accompanied by parents was going to attend a function and the child had got in dangerously to try and reserve seats for his parents. It was possibly the irresponsibility of the parents, which brought about their own misfortune of loss of their child.

9.Be that as it may, the authorities shall ensure that children are not allowed to board over-crowded buses and buses do not ply with children hanging dangerously out of foot-boards and/or windows. The Government may consider starting special routes leading to and terminating at educational institutions only for the benefit of children.

Writ petition is disposed of, with the observations made above. No costs.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sra

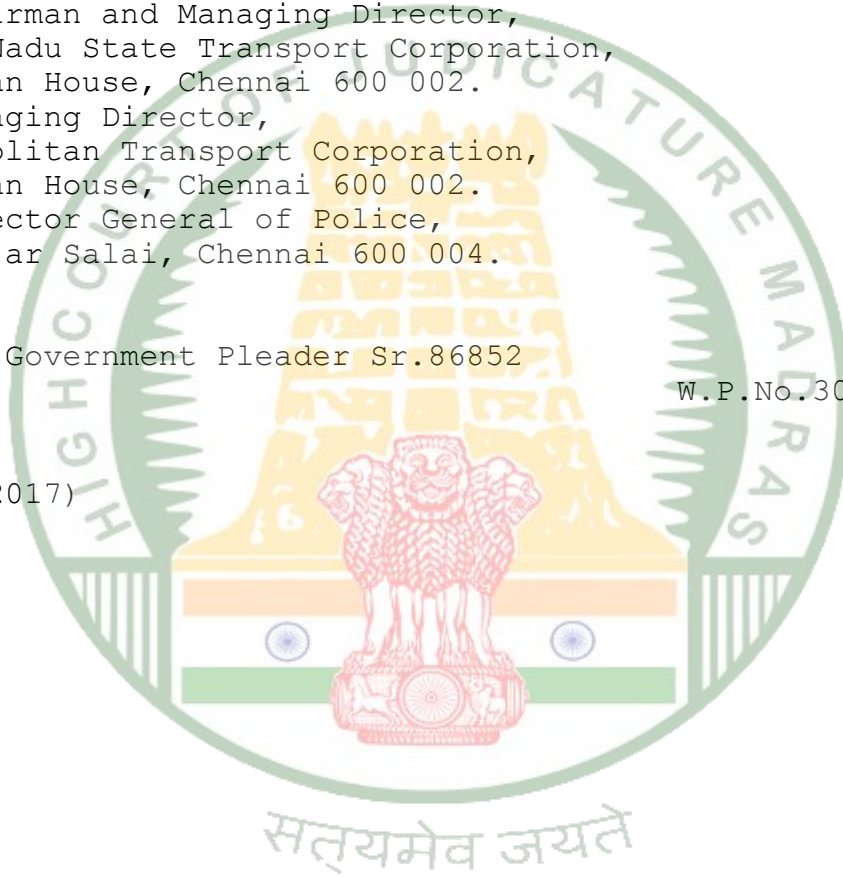
To

- 1.The Secretary to Government,
Transport Department,
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- 5.The Director General of Police,
Kamarajar Salai, Chennai 600 004.

+ 1 cc to Government Pleader Sr.86852

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SVI (CO)
EU (19/12/2017)



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