

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6907 of 2009 (O&M)

Date of Decision: 20.01.2017

Court on its own motion

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE AJAY TEWARI**

Present: Mr. Rohit Khanna and Mr.Saurabh Gautam, Advocates for the applicant-petitioner.
Mr. Satya Pal Jain, Addl.Solicitor General of India with Mr.Dheeraj Jain, Sr.Counsel for Govt. of India.
Mr.Munisha Gandhi, Sr.Advocate with Ms.Salina Chalana as *Amicus Curiae*.
Ms.Promila Nain, Advocate and Mr.Nimanyu Gautam for KUM School and GMT School, Ludhiana.
Mr.Saurav Verma, Advocate for the applicant in CM No.14981 of 2015 in CWP No.6907 of 2009.
Mr.Sandeep Kotla, Advocate.
Mr.Vishal Sodhi, Advocate for UT Chandigarh.
Mr.A.M.Punchhi, Advocate for Independent Schools Asso.
Mr.Navdeep Chhabra, Advocate for Parents' Association in CM No.2438 of 2016 in CWP No.6907 of 2009
Mr.Nitin Kaushal, Advocate for applicant in CM Nos.15026 and 15027 of 2015.
Mr. Rajdeep Singh Cheema, Advocate for
(i) Secretary, Association of Unaided Punjab CBSE, School;
(ii) DAV Public School, BRS Nagar, Ludhiana; (iii) respondent No.2 in COCP-1834-2015
Mr. Rajinder Goyal, Addl. AG Punjab
Mr. D.Khanna, Addl. AG Haryana
Mr. Harmandeep Singh Saini, Advocate for School Bus Asso.Chandigarh
Mr. Rohit Sud, Advocate for Innocent Heart School, Jalandhar
Mr. MK Singla, Advocate for All Affiliated Schools Asso. Kotakpura
Mr. APS Sandhu, Advocate for Guru Harkishan College
Mr. Rajiv Kataria, Advocate
Mr. Veneet Soni, Advocate for the applicant

SURYA KANT, J. (Oral)

(1) This order shall dispose of CWP Nos.6907 of 2009, 4962 of 2013; COCP No.1834 of 2015 which have been filed purportedly in public

interest. CWP No.6907 of 2009 is being treated as the lead case for brief facts.

(2) A communication addressed to Hon'ble the Chief Justice of this High Court was sent on 28.02.2009 by Jasbir Singh, Vice President, Human Service Mission (Regd.) Village Jhabewal, PO Ramgarh, District Ludhiana highlighting the grave issue of frequent accidents of buses ferrying school children. Certain instances of fatalities which occurred in such accidents were also described. This Court took *suo motu* notice of the facts noticed in the communication which was registered as the instant writ petition.

(3) This Court issued various directions/orders from time to time since 07.05.2009.

(4) On 07.10.2016, the matter was adjourned for today to consider the requirement of 'Attendants' in the school buses. Learned Addl. AG Punjab points out that the State of Punjab formulated the "Safe School Vahan Scheme" on 07.11.2013 which expressly stipulates that there shall be an attendant from the concerned school in each bus and "*if the bus is used to transport girls then a lady attendant shall be provided in such a bus*".

(5) We find that this Court on 30.10.2015 directed that the Punjab State Commission for Protection of Child Rights shall be responsible to ensure compliance of the above mentioned Scheme by all schools in the State of Punjab and in the event of any breach by a School, the Commission was required to submit report to this Court as well as to inform the authorities in the Transport Department.

(6) The State counsel has placed on record affidavit dated 18.11.2016 of the State Transport Commissioner, Punjab along with copy of the memo dated 17.11.2016 received from the Punjab State Child Right

Protection Commission, suggesting that the school buses are being inspected on regular basis by the Commission and all the schools have been intimated that lady attendants are essential in the buses in which girl students are to travel. The State Transport Commissioner has also appended a consolidated traffic checking report of vehicles challaned between 01.04.2015 to 31.03.2016 (R2) suggesting that in all the districts, school buses have also been challaned. It is, however, not disclosed as to whether the school buses were challaned due to absence of lady attendants where the girl students were found traveling or such action was taken for other violations.

(7) Be that as it may, it is directed that it shall be the collective responsibility of the Transport Department as well as the Punjab State Child Right Protection Commission to ensure that the Safe School Vahan Policy is implemented in its true letter and spirit and no vehicle is allowed to ply without a lady attendant if it is meant for traveling of girl students. Similarly, in school buses where boys are to travel, there must always be one attendant. Any breach of these conditions by any school shall be viewed seriously. A special drive be carried out by both the authorities for effective implementation of the above-stated condition and a comprehensive district-wise status report be placed on record.

(8) Similar is the case in the State of Haryana where Safe School Vahan Policy has been formulated. The Commission for Protection of Child Rights, Haryana and Transport Department of the State are directed to monitor the implementation of the said policy by all the schools to ensure that a lady attendant in the case of the vehicle used for traveling of girl students as well as at least one attendant in the vehicle in which male students are to travel, is given effect by every school. The Transport

Department Haryana as well as the Commission for Protection of Child Rights shall submit a comprehensive compliance reports giving district wise data.

(9) Likewise the Chandigarh Administration is also directed to give effect to the above-stated directions and file its own status report.

(10) The directions issued hereinabove to the State of Punjab and its authorities shall apply *mutatis mutandis* in the case of Haryana and Chandigarh Administration as well.

(11) The States of Punjab, Haryana & UT Chandigarh are directed to file their respective status reports within three months.

(12) Registry is directed to list the case after receipt of such reports.

(13) All the connected writ petitions and the accompanying Civil Misc. Applications stand disposed of in above terms.

(Surya Kant)
Judge

20.01.2017
vishal shonkar

(Ajay Tewari)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No