

IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION (SUO MOTU) NO. 3 OF 2015

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... Petitioner

V e r s u s

- (1) The State of Goa, through its
Chief Secretary,
Panaji, Goa.
- (2) The Director of Transport,
Panaji, Goa,
- (3) The Director of Education,
Panaji, Goa,
- (4) The Deputy Superintendent
of Police (Traffic),
North, at Panaji, Goa, and
- (5) The Deputy Superintendent
of Police (Traffic),
South, at Margao, Goa.

... Respondents

Mr. A. D. Bhobe, Advocate – Amicus Curiae.

Mr. D. J. Pangam, Advocate General with Mr. P. Arolkar,
Additional Government Advocate for the Respondent nos.1 to
3.

Mr. S. R. Rivankar, Public Prosecutor for the Respondent nos.4
and 5.

**Coram :- C. V. BHADANG &
NUTAN D. SARDESSAI, JJ.**

Date : 21st October, 2019.

JUDGMENT (Per C. V. Bhadang, J.)

1. This is a second occasion that this Court is required to take Suo Motu cognizance of an issue pertaining to the conveyance of school children in school buses, vans or auto rickshaws.

2. In 2012, this Court on the basis of a news item dated 19.02.2012, had taken Suo Motu cognisance of the issue by initiation of PILSM No.1 of 2012 in which the Amicus Curaie had given certain suggestions in order to improve the conditions of such conveyance of children and steps to be taken in the interest of security of such children. The said Public Interest Litigation (Suo Motu) (PILSM, for short) was disposed off on 26.02.2013 by directing the State to constitute a five member committee of the experts in the field to consider the suggestions given by the Amicus Curiae in the PILSM.

3. The present petition was registered on the basis of a news paper item dated 02.09.2015 published in daily 'Herald' to the following effect :

"25 in a van, 15 in a rickshaw: Children or sardines?
For 3 years, the Goa School Buses Rules have not

been notified; Supreme Court directives on safe transport for school children flouted blatantly in Goa; Transport Dept takes no action against vehicles illegally operating as school transport.”

4. In the present petition, Advocate Mr. Bhobe, has been appointed as Amicus Curiae to assist the Court. The learned Amicus Curiae had given the following suggestions on 13.10.2015 :

“5(a) That no owner or operator of a motor vehicle (Private/commercial motor vehicle, Auto Rickshaws or contract carriage) shall carry school children in excess of the seating capacity of such motor vehicle.

(b) That no alterations be permitted by the Registration Authority in any motor vehicle so as to enhance the original/permitted seating capacity of such motor vehicle proposed to carry/carry school children.

(c) That the owner or operator of the motor vehicle carrying/transporting school going children to maintain a complete list of the school children indicating the name of the student, school/class, resident and the phone number of the guardian/parent of such student.

(d) That the Director of Transport/Director of Education introduces a mobile messaging App or helpline number,

which is equipped to receive complaint from any person/member of the general public in respect of carrying of school going children by any vehicle owner or operator in violation of the motor vehicle rules and/or in excess of the seating capacity. Such App to have the option to upload video or photograph. In the event of such complaint immediate action be initiated against the violator.

(e) That punitive action be proposed against the violator under the (proposed rules), in addition to the action under section 53, 54, 177, 207, etc. of the Motor Vehicle Act 1988.

(f) The Directorate of Transport forthwith provides for sufficient number of Motor Vehicle Inspectors to regulate and implement the law and/or the directions issued by this Hon'ble Court from time to time (in terms of the suggestion of the learned Amicus Curiae in PIL Suo Motu No.1/2012 at point nos. 5(a) and 5(e).

5. We have heard Mr. Bhobe, the learned Amicus Curiae, Mr. Pangam, the learned Advocate General on behalf of the respondent nos.1 to 3 and Mr. Rivankar, the learned Public Prosecutor on behalf of the respondent nos.4 and 5.

6. The learned Advocate General has pointed out the Goa Motor Vehicles (Regulations for School Buses) Rules 2016, (Rules, for short), which have been framed by the State

Government in exercise of the powers conferred by Sections, 96, 111, 138 read with Section 67 of the Motor Vehicles Act, 1988. With the assistance of the learned Counsel for the parties, we have gone through these Rules and we find that all the suggestions which were made by the learned Amicus Curiae have now been incorporated in the form of the statutory Rules.

7. The learned Advocate General also pointed out the number of offences booked from the year 2016 onwards in respect of various violations noticed.

8. We are satisfied that the Rules as framed above adequately take care of the safety and security of the children. It is for the concerned authorities to effectively implement the said Rules and take action wherever there are violations found.

9. In such circumstances, the present PILSM is disposed off, with a direction to the concerned authorities to effectively implement the Rules in their letter and spirit.

NUTAN D. SARDESSAI, J.

C. V. BHADANG, J.

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