

PROCEEDINGS OF THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE, THIRUVANANTHAPURAM

(Present: Dr. Dinesh Arora- IAS)

(Under Section 144 Cr.P.C)

No. A5.12624/11

Dated: 23.02.2011

Sub: Road Safety- Enforcement of School Transport Safety- orders issued.

Read: 1. Section 144 of Cr.P.C

2. Supreme Court Guidelines regarding School Bus / Transport on the WP(C) No. 9300/02, 939/96 & 95/97 M.C. Mehta Vs Union Of India dated 16.12.1997
3. Letter no. A1-20446/11 dated: 17.2.2011 of Tahsildar, Thiruvananthapuram
4. Report of Joint RTO Thiruvanthapuram and RTO Attingal
5. Report and discussion with Deputy Director Education, Thiruvanthapuram
6. Report of NATPAC Director dated 23/02/11
6. Parvathi Putthananar killing meeting held in Collectorate on 23/02/11.

WHEREAS it has been made to appear to me as per reference cited 3 that a school van plunged into Paravathi Putthananar killing 5 students and one lady Aya on 17.02.2011 at 9.30 am. The school van was owned by the Little Heart Kinter Garten, Pettah bearing Registration no. KL-01-AS-4107. Prima facie the findings suggest it was a case involving violation of school transport rules, the school is a private unrecognized school, there was rash driving by an inexperienced driver, the vehicle was not meant for transporting students, was overcrowded and the road was next to canal without any protection walls.

WHEREAS it has been made to appear to me as per reference 4 that the vehicle was not having any Educational Institutional Permit and was registered as private vehicle and the vehicle did not follow any of the Supreme Court Guidelines regarding school bus/ transport. And that there is no correct factual database of school buses plying under Educational Institutional Bus permit as private vehicles are being used commercially for transporting school children and many of the schools especially private ones are unrecognized. And that without involving schools and PTA, its difficult to enforce guidelines as sudden enforcement of guidelines will cause discomfort to school children and parents.

WHEREAS it has been made to appear to me as per refernce 5 that there are nearly 505 schools in Trivandrum District of which nearly 100 are private schools and many more are unrecognized schools. And that private schools do not come under the supervision of Education authorities and hence they do not respond to any of the requests from educational authorities regarding safety guidelines of school transport. And that it is requested that District Collector issue orders to private educational institutions.

WHEREAS it has been made to appear to me as per refernce cited 6 the vehicle was coming from the Chackai side and the road was narrow having 3.5 m carriageway and one metre shoulder. Moreover the shoulder of the road at the spot is depressed to more than 100mm. And that there are various such dangerous curves, unprotected roads in the district and if quick action is not taken, there could be recurrence of such incidents.

WHEREAS it has been made to appear to me that though Supreme Court guidelines have been laid down, yet enforcement has been weak since there is no database of school transport and also it involves social ramifications. However such criminal neglect of safety rules and Supreme Court guidelines cannot be allowed and its duty of the district administration to enforce rules with sensitization and persuasion and strong will to enforce rule of law. The safety of school transport is the combined responsibility of District Administration, school

authorities, parents and most importantly proprietor as well as driver of the vehicle. A School transport form was evolved during the meeting as per reference 6 which entails the mandatory conditions of school transport as laid down by supreme court. (Copy enclosed) Considering approaching of examination period, it is decided to provide a window period of two weeks for fulfilment of at least mandatory guidelines laid down by supreme court and thereafter district administration will strictly enforce the guidelines as listed in the School transport Form annexed to the proceedings.

WHEREAS I am convinced there is sufficient ground for proceeding under this section for immediate prevention of such incidents in future and speedy remedy and direction is likely to prevent or tend to prevent similar occurrence of School transport accident I do hereby direct:

- 1) **You the Deputy Director Education and District Officer Education** are directed to ensure that all the Schools in the Thiruvananthapuram district fill the mandatory School Transport form within two weeks issued by District Administration (available on website www.trivandrum.gov.in and enclosed with the order) filled in duplicate, one copy maintained in the School records and vetted by the PTA and second copy update on website (if possible) and/ or also submitted to the Motor Vehicle Department.
- 2) **You, the Principal** of each school including private recognised and unrecognised to nominate a School teacher of sufficient seniority as Nodal Officer for school Transport safety. The school transport Nodal officer will monitor the filling of the school transport form, maintain a register of all the forms and put upto PTA of the school.
- 3) **You the owner of the vehicle / proprietor providing vehicle for school transport** to follow the guidelines detailed in Transport form and fill the School Transport Form as annexed in conjunction with Nodal Officer School Transport and submit to the school authorities.
- 4) **You the RTO (Road Transport Officer), Thiruvananthapuram**, is directed to conduct meetings of School Bus safety Nodal Officer at the respective RTO sub Offices in association with Police and Health officials and sensitize them about school bus safety guidelines including Education Institution Bus rules. You are also directed to collect the school Transport forms from the nodal officer of the school and submit a compiled database of all the school buses/transport operated in the district school wise within three weeks to the undersigned which will be updated on the website.
- 5) **You the Chief engineer, NRHM** is directed to ensure that the service provider of 108 KEMPs project and **Police control Room in charge** inform all the accident calls / disaster calls especially school transport accidents received at 108 or at Police Control Room number to immediately inform the District Disaster Management cell at the phone no. for quick rescue management by the district administration in a coordinated manner.
- 6) **You the Tahsildar and Executive Magistrates** are directed to conduct a safety audit of the dangerous road, curves, unprotected roads along canal/ ponds/ rivers in association with a committee consisting of Concerned circle Inspector of Police, Motor vehicle Inspector, concerned representative of PWD (Roads), concerned FRAT members and suggesting the requisite remedy like warnings, messages, signs or symbols, protection alongside roads etc. One copy of the safety audit will be submitted to Traffic Management Regulatory Committee of the Thiruvananthapuram Corporation, Municipalities and Panchayats and second copy to District Collector and Road Safety authority within four weeks of issue of this order.

A window period of two weeks will be given for all the school buses / transport to fulfil the mandatory guidelines as listed in the School Transport Form. After 9th March 2011, any school transport not following mandatory guidelines, severe action will be taken against the proprietor / owner of the transport and driver of the errant vehicle as per the relevant sections of Motor vehicle act which could include seizure of the vehicle. The school transport nodal officer will be also asked to explain whether the non conformity of mandatory guidelines reported to the PTA / Motor vehicle department and/or disaster management cell at ph no 0471-2731188, 2731200.

Any parents or member of the general public can register complaint regarding the non fulfilment of guidelines or violation of provisions of school transport from 10th March 2011 onwards at the District disaster management cell at phone no 0471-2731188, 2731200 or mail dctvm@kerala.nic.in, dccontrolroomtvm@gmail.com followed by which District Administration will carry the necessary action.

Given under my hand and seal on the day of 23rd of February 2011.



DISTRICT MAGISTRATE/

THIRUVNANTHAPURAM

To

1. The Commissioner of Police, Thiruvananthapuram City
2. Superintendent of Police, Thiruvananthapuram Rural
3. RTO Thiruvananthapuram / Attingal
4. The Deputy Director Education, Thiruvananthapuram (with a direction to serve the order in all Aided, unaided and Government schools with due acknowledgement)
5. Executive engineer, PWD (NH / Roads and Bridges)
6. Director NATPAC
7. DMO / DPM Thiruvananthapuram.
8. Tahsildar, Thiruvananthapuram/ Neyyattinkara/ Nedumangad/ Chiryinkizhu

Copy to

1. The Additional Chief Secretary, Home Department (with Covering Letter)
2. The Additional Chief Secretary, Revenue Department (with Covering Letter)
3. Inspector General of Police, Thiruvananthapuram Range (with Covering Letter)
4. Chief Engineer, NRHM
5. The President, FRAT, Thiruvananthapuram