

DEVAN RAMACHANDRAN, J.
=====

W.P.(C) Nos.34310 of 2019 & 32680 of 2008
=====

Dated this the 10th day of February, 2023

ORDER

The learned *Amici Curiae* brought to my notice today that, in spite of the efforts taken consistently by this Court, a horrific accident happened at one of the busiest junctions of the Kochi city, namely, the Madhava Pharmacy Junction (PNVM Junction). They submitted that, *prima facie*, the accident appears to have been caused because of a speeding bus, driven recklessly.

2. I am certainly distressed because several orders have been issued under the hope that the drivers of these buses will understand the gravity and reform. But it does not appear to be happening.

3. I, therefore, directed the Deputy Commissioner of Police (Law and Order), Kochi city, to be personally present at 1.45 p.m. Today; and to list this matter, to interact with him.

4. The officer informs that the accident could have been easily averted if the bus driver had been more careful. He added that, the drivers are still obdurately very negligent and rash; and hence that certain additional instructions have been now given,

including that none of the buses will be allowed to overtake within the lane; and that they will have to maintain the left one consistently. He said that he has also instructed his officers to ensure that all the buses maintain the speed limit within the city, namely, 35 kms per hour, without blaring horns and with the pneumatic doors kept closed during the journey.

5. The police officer further explained that there is a system called the Intelligent Traffic Management System (ITMS), which is an operation, through which the traffic can be monitored remotely from the Control Room of the police; and that every offending vehicle is now being effectively dealt with, including by cancellation of the license of the driver and even contemplating cancellation of its permits - if it is legally possible.

6. Sri.K.V.Manoj Kumar - learned Senior Government Pleader, submitted that the Government subscribes to the anxiety of this Court, and that even the police officers are taking action in earnest, some sections of the drivers / owners - who are, in fact, vested interests - have now threatened to engage in disruptive activities, including strikes. He pleaded that this Court may, therefore, protect the police officers who are now discharging their duties without fear or favour.

7. The learned *Amicus Curiae* - Sri.Vinod Bhat, submitted that orders issued by this Court are either not heeded, or followed by

the drivers only for a very short time; and that they go back to their usual self, evidently because they do not fear the law at all.

8. I must say that Sri.Vinod Bhat makes a very accurate statement because, had the drivers of these buses been law abiding, many of these accidents would have never happened. Their recklessness and the abject disdain for even orders of this Court are now so glaring, that it cannot be lose sight of.

9. I, therefore, direct the Deputy Commissioner of Police, Kochi city, to ensure that all the efforts and measures are put into operation from now on, without any reservation; and not to be constrained by any disruptive forces - including of threats of actions like strikes etc. This Court will never countenance the stand of any person, that they will drive recklessly and kill people, but still cannot be proceeded against, under the legal system.

I adjourn this matter for further consideration on 23.02.2023; within which time, the learned Senior Government Pleader will place on record the Action Report of the Deputy Commissioner of Police in this regard.

H/o.

Sd/-
DEVAN RAMACHANDRAN, JUDGE