

Devan Ramachandran, J.

W.P(C)No.32680 of 2008
W.P(C)No.34310 of 2019

Dated this the 06th day of October, 2022.

ORDER

Even while this Court has been struggling to obtain semblance of road safety in Kerala, the horrific news of an accident awoke us this morning.

2. Since the incident is under investigation, I will not reflect it upon it in this order; but the implicit requirement of a citizen of this State to feel safe on the roads cannot be lost sight of.

3. The recklessness that we commonly see on our roads, is either taken for granted or condoned under the impression that this is the way of life. Drivers use

vehicles and occupy road spaces, as if they have the *carte blanche* to do as they please; and the learned counsel appearing for the parties to this case, as also others at the Bar, agree that this is because there is a complete lack of respect and fear for law.

4. I must say that there is no deficit in the number of laws involved, nor are there any shortage of personnel entrusted with the task of its enforcement.

5. The accident that we saw today (06.10.2022) never ought to have happened; and had the deleterious element of "recklessness" being addressed earlier, perhaps it could have been averted.

6. The importance of this, at this time is acme because there is a potential of several such accidents happening, with the kind of recklessness which is exhibited continually. This is not confined to transport vehicles, but to others, including two wheelers; and most of the times none of the applicable laws are complied

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with, much even less heeded.

7. The roads in Kerala certainly, will become killing fields, if this is allowed to go on.

8. Though many learned Benches of this Court have already delivered judgments on various facets of road safety, vehicle requirements - including speed governors, emergency alarms, Vehicle Location Tracking System and such other, it does not appear to have translated into any tangible results on the ground.

9. Had it been, certainly, this Court would not have been required to write this order.

10. The use of roads and the drivers of vehicles, now require to be told with vehemence how they are expected to conduct themselves and to act.

11. This requires the Enforcement Agencies and Officers to be empowered, to be continually scrutinized and made accountable.

12. I, therefore, *suo motu* implead the Transport

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Commissioner, Transport Commissionerate 2nd Floor, Trans Tower, CV Raman Pillai Rd, DPI, Vazhuthacaud, Thiruvananthapuram, Kerala 695014 and the Road Safety Commissioner, 4th Floor, Trans Towers, DPI, Vazhuthacaud, Thiruvananthapuram, Kerala 695014, as additional respondents in these cases; and since I am told that same officer is occupying both the posts as of now, I direct him to be personally present tomorrow at 1:45 PM for interaction. Should there be any unavoidable exigencies for the said officer in appearing personally, he will appear online.

13. I am certain that, this is the first step forward, if we have to obtain any meaningful response and answers to the questions which plague us, including the horrendous loss of life.

The pain of the families, the parents, the children, the husbands, the wives, fathers and mothers requires an urgent intervention and no more time can be lost.

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List on 07.10.2022 at 1:45 PM.

**Sd/-
DEVAN RAMACHANDRAN
JUDGE**

Raj.
06.10.2022.