

Suo motu proceedings initiated by
Hon'ble Mr.Justice Devan Ramachandran and
Hon'ble Mrs.Justice Shoba Annamma Eapen on 09.05.2023.

DEVAN RAMACHANDRAN, J

It is with shuddering hearts that we pen this order.

2. Twenty two precious lives have been lost in a boat tragedy at Tanur, Malappuram, a day ago - which, by initial accounts, was one that should have never happened and fully averted.

3. From "Reedemer" - which capsized in January, 1924, drowning Mahakavi Kumaranasan and 34 others; to "Jalakanyaka" - which went down in water in 2009 at Idukki, killing 45; and other poseidon tragedies with lesser fatalities happening thereafter in frightening regularity, citizens seem justifiably indurated to the news of loss of lives caused solely by the deathly cocktail of callousness, indifference, greed and official apathy.

4. How many more will we have to see?

5. Many more, unless we now put our foot firmly down, because the conspicuous and patently visible causal factors - overloading, blatant violation of statutory imperatives and criminal absence of essential safety requirements, even life jackets - are repeated with impunity, without any fear, care or caution.

6. Every tragedy triggers routine investigations, followed by recommendations; but never to be heeded thereafter. The obdurate refusal to follow and to enforce the most basic safety protocols - which

are taken for granted in the civilised world - is the most infuriating, to say the least. More so, since our State has hundreds of boats in tourism and a further such incident, though unthinkable, is waiting to happen some where, some place, if the present state of affairs are allowed to continue.

7. *Prima facie*, had the officers and Authorities invested with the vital legal and statutory duty to watch and monitor, done so, this mishap - like the several earlier ones - would have never happened. Their responsibility and onus is no lesser - if not much more - than that the operators, since it is because their illegal actions obtain deliberate or other support, that violations are perpetrated with no fear of law.

8. The final loss is to the citizens and no other, because instances like this are erased from memory soon.

9. Judicial intervention, therefore, in our firm view, now becomes necessitous, lest the unfortunate loss of lives are forgotten.

10. We thus direct the Registry to register a *Suo Motu* writ petition in Public Interest, after obtaining necessary orders from the Hon'ble the Acting Chief Justice, to be titled "*In re boat tragedy*", arraying the Government of Kerala, represented by its Chief Secretary; The District Tourism Promotion Council, Malappuram, represented by its Secretary; the District Police Chief, Malappuram; the Tanur Municipality, represented

by its Secretary, Tanur, Malappuram; the Port Officer, Alappuzha; the Senior Port Conservator, Beypore and the District Collector, Malappuram, as the initial respondents.

11. The District Collector is directed to file his first report in this matter, to be placed before us on or before 12.05.2023, when this case will next stand listed. He will specifically remember that he is being called upon to do so in his capacity as the Chairperson of the District Disaster Management Authority also.

We close this order saluting the fine people of Tanur, Parapanangadi and beyond, who risked their lives, in order to save others.

List on 12.05.2023

Sd/-

DEVAN RAMACHANDRAN, JUDGE

Sd/-

SHOBA ANNAMMA EAPEN, JUDGE