

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

WPPIL No. 37 of 2024

In The Matter Of Suo Moto Public Interest Litigation Regarding 19 Lives Lost In Pickup Plunge, Amidst 107 Deaths Due To Road Traffic Accidents Over Last 4 Years. Based On News Item Publised In Dainik Bhaskar And Nav Bharat, Chhattisgarh, Dated 21-05-2024 In Which News Items, Namely Respectively-

1. Dainik Bhasker- Mout Ka Ghat- Tendupatta Todkar Laut Rahe Logo Ka Vahan Banjari Ghat Par Hadse Ka Shikar., Brake Fail....Kahkar Chalti Gadi Se Kuda Driver 35 Feet Niche Giri Pickup, 19 Logo Ki Mout.

2. Bilaspur Bhaskar- Nashe Me Hadso Ko Nyota- Hadso Ke Liye Jimmedar Jyadatar Log Nashe Ki Halat Me The., Shahar Ke Entry Point Aur Outer Me Raat 9 Ke Baad Hadse Badhe, 4 Saal Me 107 Ki Gayi Jaan.,

3. Nav Bharat- Kawardha Me Pickup Khai Me Giri, 19 Baiga Aadiwasiyon Ki Mout.

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through Chief Secretary, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh
2. The Director General Of Police Police Headquarter, Sector -19, Nawa Raipur, Chhattisgarh
3. The C.G. Transport Commissioner C-Block, 3rd Floor, Indrawati Bhawan, Nawa Raipur, Chhattisgarh
4. The Collector Kawardha District- Kawardha (Kabirdham), Chhattisgarh



5. The Superintendent Of Police, Kawardha District Kawardha (Kabirdham), Chhattisgarh
6. The Regional Transport Officer, Kawardha District Kawardha (Kabirdham), Chhattisgarh
7. The Collector, Bilaspur District- Bilaspur, Chhattisgarh
8. The Superintendent Of Police, Bilaspur District Bilaspur, Chhattisgarh
9. The Regional Transport Officer, Bilaspur District Bilaspur, Chhattisgarh
10. Regional Office Through Regional Officer (R.O.) National Highway Division, Ministry Of Road Transport Pension Bada, Raipur, Chhattisgarh
11. National Highway Authority Of India Through Regional Office, Anupam Nagar, Raipur, Chhattisgarh
12. Project Director, National Highway Authority Of India Abhilasha Parisar, Bilaspur, Chhattisgarh

---- Respondents

(Cause Title Taken from Case Information System)

24/05/2024	<p>This suo-moto public interest litigation petition has been registered on the basis of news items published in Dainik Bhaskar, Bilaspur Bhaskar and Nav Bharat, respectively.</p> <p>The first incident relates to news item published on 21.05.2024 in Dainik Bhaskar which relates to death of 19 persons when the pickup vehicle met with an accident because of failure of brakes and the driver</p>



jumped out of the said vehicle to save his own life and let the vehicle to fall in a ditch 35 feet down. The news reporting states that there was no indicator in the vehicle and even after being a vehicle meant for carrying goods, 36 persons were travelling in the same alongwith 30 sacks of Tendu leaves. Out of the 19 persons who died, 18 were female and 3 were minor. All the deceased belonged to Baiga tribe. The said vehicle was not even having fitness certificate. After the incident, the Hon'ble Chief Minister of the State has announced that the families of the deceased would be paid Rs. 5 lakhs and the injured person would be paid Rs. 50,000/- as compensation.

The second news item published in Bilaspur Bhaskar on the same date depicts the pathetic traffic condition, especially in the highways and outskirts of the Bilaspur City. The news report states that most of the accidents which had occurred, were the outcome of drinking and driving and in the last four years, 107 lives have been lost. It further states that in most of the restaurants and *Dhabas* which are on the sides of the Highways, alcohol is being served to the persons who visit there for dining during nights.

The third news item which was published in Navbharat is with respect to the same incident as has been reported by Dainik Bhaskar where 19 Baiga tribals lost their lives while returning back after picking



tendu leaves.

Mr. Prafull N Bharat, learned Advocate General for the State/respondents No. 1 to 9, Mr. Ramakant Mishra, learned Deputy Solicitor General for the Union of India/respondent No. 10, Mr. Dheeraj Wankhede, learned counsel for the respondents No. 11 and 12, are present.

The above news reporting portrays a very alarming condition of the traffic on the streets / roads and especially in the Highways whether it be State Highway or National Highway. Even the traffic condition inside the city is also pathetic because of over speeding, roaming of stray cattle on the roads, non-maintenance of the roads, poor lighting, absence of proper signage, absence of reflectors, lack of patrolling by the authorities, disorderly parking of trucks and vehicles on the roads, especially during nights and without even switching on the parking lights, driving of vehicles after consuming alcohol etc. The reasons may be many more but the net result of these flaws is that innocent people are constrained to lose their lives without their being any fault on their part. Mostly, the poor labourers are made to travel in the vehicles which meant for carrying goods and they are carried in those vehicles even much beyond their load capacity.

Payment of compensation in terms of ex-gratia amount to the families of the deceased or to the injured of a road accident may be of



some help, but when a bread earner of the family expires, no matter how much big amount of compensation is paid, the same cannot fill the vacuum which is created in the life of the dependents and the entire family gets ruined. The attempt of the State should be to take all the necessary measures and to remove all the possibilities which may lead to any casualty in a road accident.

Time and again, the Hon'ble Supreme Court has taken note of the aforesaid situations and issued various directions and guidelines as to what action the State and the authorities concerned should take so as to minimize the road accidents. One of such matter wherein the Hon'ble Supreme Court has given detailed guidelines is **S. Rajaseekaran v. Union of India & Others** {WPC No. 295/2012} {reported in 2018 (2) SCCD 983 (SC) : (2018) 13 SCC 516 : 2017 LawSuit (SC 1226)}.

On 29.03.2022, the Supreme Court Committee on Road Safety has written to the Secretary, Ministry of Road Transport & Highways, Government of India, the Chief Secretaries/Chief Administrators of all the States and Union Territories regarding District Road Safety Committees for each District in the State in accordance with Section 315 of the Act of 1988. The said communication describes the composition of the District Road Safety Committee(s), terms of reference and functions of the District Road Safety Committee, place and frequency of meeting of the District Road Safety Committee.



Recently, on 06.04.2023, the Hon'ble Supreme Court, in **S. Rajasekaran** (supra) took note of the meeting which was held on 15.03.2023 where diverse stakeholders including from the Union Government and the State Governments participated. The minutes indicated that the Secretary, Ministry of Road Transport and Highways (*for short, the MORTH*) had indicated that the Ministry will take up the exercise of standardization and bring out detailed guidelines to integrate software and hardware with e-vahan/e-challan and that the MORTH intended to standardize national guidelines for hardware and software so that there may be uniformity across the country with regard to the modalities for implementing Section 136-A of the Motor Vehicles Act, 1988 (*for short, the Act of 1988*), which deals with electronic monitoring and enforcement of road safety. It was further observed that since the NCRB was to prepare a concept paper on the modalities for implementing a nation wide roll out of the e-enforcement of Section 136-A of the Act of 1988, the matter was adjourned to the next date.

Since all the respondents are duly represented by their respective counsel, issuance of notice is dispensed with.

The respondent No. 3 *i.e.* the Chhattisgarh Transport Commissioner, respondent No. 10 *i.e.* the Regional Officer of the National Highway Division, Raipur and the respondent No. 12 *i.e.* the Project Director of the National Highway Authority of India, Bilaspur,



shall file their personal affidavits indicating as to what steps they have taken in compliance of the order passed by the Hon'ble Supreme Court in **S. Rajaseekaran** (supra) and they shall also further bring on record the circulars/orders issued by them from time to time to reduce the road accidents which is occurring frequently in the State as well as National Highways and also in the other parts of the State and they shall also inform this Court as to whether the District Road Safety Committees have been constituted or not and if they have been constituted, whether they are functioning as per the directions/ guidelines issued by the Supreme Court Committee on Road Safety and various other guidelines issued by the Hon'ble Supreme Court as stated above.

Mr. Prafull N Bharat, learned Advocate General appearing for the State/respondents No. 1 to 9, Mr. Ramakant Mishra, learned Deputy Solicitor General of India as well as Mr. Dheeraj Wankhede, pray that they may be granted four weeks' time for the aforesaid purpose.

The prayer is allowed.

Let this matter be listed again on **25th June, 2024.**

Sd/-
(Parth Prateem Sahu)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice