

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C).No.9670 OF 2018(S)

PETITIONER:

C.A.XAVIER
S/O. ANTHONY, CHETTITHODAN HOUSE, KADUKUTTY P.O.,
PIN-680 309, CHALAKKUDY (VIA), THRISSUR.

BY ADV. SRI.P.M.JOHN (J-1439)

RESPONDENT/S:

- 1 THE CHIEF SECRETARY
GOVERNMENT OF KERALA, SECRETARIAT BUILDING,
THIRUVANANTHAPURAM-695 001.
- 2 THE PRINCIPAL SECRETARY,
DEPARTMENT OF TRANSPORT, GOVERNMENT OF KERALA,
SECRETARIAT BUILDING, THIRUVANANTHAPURAM-695 001.
- 3 ROAD SAFETY COMMISSIONER
KERALA ROAD SAFETY AUTHORITY, TRANS TOWERS,
VAZHUTHAKKAD, THIRUVANANTHAPURAM-695 104.

R1, R3 BY SRI. P. SANTHOSH KUMAR, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31.03.2021,
ALONG WITH WP(C). NOS. 37880 OF 2017(S) & 15090, 16252, 16767,
22429, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C).No.37880 OF 2017

PETITIONER:

MARTIN ANTONY.K.J
AGED 47 YEARS, S/O. K. V. JOSEPH, PRESIDENT, KUMBALANGHI
GRAMA PANCHAYAT, KURUPPASSERY HOUSE, KUMBALANGHI P.O.,
KOCHI-682 007.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT
OF TRANSPORT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 2 TRANSPORT COMMISSIONER
TRANSPORT COMMISSIONERATE, TRANS TOWERS, 2ND FLOOR,
VAZHUTHACAUD, THIRUVANANTHAPURAM-695 014.

R1 BY SRI. P. SANTHOSH KUMAR, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31.03.2021, ALONG WITH W.P(C). NO. 9670/2018(S) & BATCH, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C).No.15090 OF 2020(S)

PETITIONER/S:

CLEMANCE THOTTAPPILLY
AGED 50 YEARS
S/O.ANTO, THOTTAPPILLY HOUSE, CHALAKUDY P.O., CHALAKUDY,
THRISSUR DISTRICT.

BY ADV. SMT.M.BINDUDAS

RESPONDENT/S:

- 1 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM – 695 001.
- 2 SECRETARY, HOME DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 SECRETARY, TRANSPORT DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 4 SECRETARY, PUBLIC WORKS DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 5 SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 6 SECRETARY, GENERAL EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM – 695 001.
- 7 SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NEW DELHI - 110 011.

- 8 SECRETARY, HOME DEPARTMENT
GOVERNMENT OF INDIA, PARLIAMENT BHAVAN,
NEW DELHI - 110 011.
- 9 NATIONAL HIGHWAY AUTHORITY OF INDIA
G-586, SECTOR 10, DWARAKA, NEW DELHI- 110 075,
REPRESENTED BY ITS CHAIRMAN.
- 10 THE PROJECT ENGINEER
NATIONAL HIGHWAY AUTHORITY OF INDIA, PIU PALAKKAD,
NO.8/1187, ARUMUGHAN COLONY, CHANDRANAGAR,
PALAKKAD - 678 007.
- 11 REGIONAL OFFICER/ENGINEER
MINISTRY OF ROAD, TRANSPORT AND HIGHWAYS, PUBLIC OFFICE
BUILDING, KERALA, TRIVANDRUM- 695 033.
- 12 ROAD SAFETY COMMISSIONER
KERALA ROAD SAFETY AUTHORITY, TRANS TOWER,
VAZHUTHACAUD, TRIVANDRUM - 695 014.
- 13 TRANSPORT COMMISSIONER
TRANS TOWER, VAZHUTHACAUD, TRIVANDRUM - 695 014.
- 14 CHIEF ENGINEER, NATIONAL HIGHWAY
PUBLIC OFFICE, TRIVANDRUM - 695 034.
- 15 DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF
POLICE HEADQUARTERS, TRIVANDRUM - 695 010.

R1-6, R12-15 BY SRI.K.V.SOHAN, STATE ATTORNEY
R7-8 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
R7-8 & R11 BY SRI.P.L.VENUKUMAR, CGC
R9-10 BY ADV. SRI.K.A.SALIL NARAYANAN

R1-R6 & R12-R15 BY SRI. P. SANTHOSH KUMAR, SPL.GP
SRI.ARAVIND KUMAR BABU (SR.GP)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31.03.2021, ALONG WITH ALONG WITH W.P(C). NO. 9670/2018(S) &
BATCH, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C).No.16252 OF 2020(S)

PETITIONER/S:

SHAJI J KODANKANDATH
AGED 49 YEARS
S/O.JOSE KODANKANDATH, SNEHA ROSE VILLA, KODANKANDATH
HOUSE, CHEMBUKAVU P.O., THRISSUR-20.
BY ADVS.
SHRI.K.B.GANGESH
SRI.AMAL S KUMAR

RESPONDENT/S:

*1 STATE OF KERALA
REP BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

* RESPONDENT NO.1 IS REPLACED AS
'THE PRINCIPAL SECRETARY, DEPARTMENT OF TRANSPORT,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.'
AS PER ORDER DATED 14.09.2020 IN WPC)

2 MOTOR VEHICLE DEPARTMENT
REP BY SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM-695 001. (DELETED)

(RESPONDENT NO.2 IS DELETED FROM THE ARRAY OF PARTIES AS
PER ORDER DATED 14.09.2020 IN WPC)

3 KERALA ROAD SAFETY AUTHORITY
REP BY ITS ROAD SAFETY COMMISSIONER,4TH FLOOR, TRANS

TOWERS, VAZHUTHACAUD, THYCAUD P.O.,
THIRUVANANTHAPURAM-695 014.

4 TRANSPORT COMMISSIONER
 MOTOR VEHICLE DEPARTMENT, TRANSPORT COMMISSIONERATE,
 2ND FLOOR, TRANS TOWERS, THIRUVANANTHAPURAM-695 001.

R1 BY SRI. P. SANTHOSH KUMAR, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31.03.2021, ALONG WITH W.P(C). NO. 9670/2018(S) & BATCH, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C).No.16767 OF 2020(S)

PETITIONER/S:

STATE HUMAN RIGHTS PROTECTION CENTRE
VELLIKULANGARA, THRISSUR-680 693, REPRESENTED BY ITS
GENERAL SECRETARY, JOY KAITHARATH.

BY ADV. SMT.M.BINDUDAS

RESPONDENT/S:

- 1 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 2 SECRETARY,,
DEPARTMENT OF FINANCE, GOVERNMENT SECRETATRIAT,
THIRUVANANTHAPURAM-695 001.
- 3 SECRETARY,
DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 4 SECRETARY,
DEPARTMENT OF TRANSPORT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
- 5 SECRETARY,
DEPARTMENT OF PUBLIC WORKS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

- 6 SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 7 SECRETARY,
DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001.
- 8 SECRETARY,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
NEW DELHI-110 011.
- 9 SECRETARY,
MINISTRY OF HOME, GOVERNMENT OF INDIA, PARLIAMENT
BHAVAN, NEW DELHI-110 011.
- 10 NATIONAL HIGHWAY AUTHORITY OF INDIA,
G-586, SECTOR 10, DWARAKA, NEW DELHI-110 075,
REPRESENTED BY ITS CHAIRMAN.
- 11 THE PROJECT ENGINEER,
NATIONAL HIGHWAY AUTHORITY OF INDIA, PIU-PALAKKAD,
NO.8/1187, ARUMUGHAN COLONY, CHANDRANAGAR,
PALAKKAD-678 007.
- 12 REGIONAL OFFICER/ENGINEER,
MINISTRY OF ROAD, TRANSPORT AND HIGHWAYS, PUBLIC OFFICE
BUILDING, KERALA, TRIVANDRUM-695 033.
- 13 ROAD SAFETY COMMISSIONER,
KERALA ROAD SAFETY AUTHORITY, TRANS TOWER,
VAZHUTHACAUD, TRIVANDRUM-695 014.
- 14 TRANSPORT COMMISSIONER,
TRANS TOWER, VAZHUTHACAUD, TRIVANDRUM-695 014.
- 15 CHIEF ENGINEER,
NATIONAL HIGHWAY, PUBLIC OFFICE, TRIVANDRUM-695 034.
- 16 DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF,
POLICE HEADQUARTERS, TRIVANDRUM-695 010.
- 17 KERALA STATE ELECTRONICS DEVELOPEMENT CORPORATION
LIMITED (KELTRON),

CORPORATE OFFICE, KELTRON HOUSE, VELLAYAMBALAM,
TRIVANDRUM-695 033.

- 18 KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT, TRIVANDRUM-695 023, REPRESENTED
BY ITS MANAGING DIRECTOR.

R2 BY GOVERNMENT PLEADER
R9-10 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA
R10-11 BY ADV. SRI.MATHEWS K.PHILIP
R17 BY SMT.M.A.ZOHRA, SC, KELTRON
R18 BY ADV. SRI.DEEPU THANKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31.03.2021, ALONG WITH W.P(C). NO. 9670/2018(S) & BATCH, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA, 1943

WP(C).No.22429 OF 2020(S)

PETITIONERS:

- 1 P.VIJAYAKUMAR
AGED 58 YEARS
JOINT-RTO (RTD.), S/O.PRABHAKARAN NAIR, SOUPARNIKA,
IRAPURAM P.O., KEEZHILLAM (VIA), ERNAKULAM-683 541.
- 2 SHAMSUDHEEN O.K.,
AGED 58 YEARS
ACCOUNTS OFFICER (RTD.), S/O.KOYAKUTTY O.K., OZHIMUTTATH
HOUSE, NOCHIMA, NAD P.O., ALUVA-683 563.
- 3 THOMAS LUKOSE,
AGED 59 YEARS
JOINT RTO (RTD.), S/O.P.M.LUKOSE, PUTHIYEDATH HOUSE, DBRA
29B, NANDANCODE,KOWDIAR P.O.,
THIRUVANANTHAPURAM-695 003.

BY ADVS.
SRI.A.JAYASANKAR
SRI.MANU GOVIND

RESPONDENT/S:

- 1 THE UNION OF INDIA
REPRESENTED BY SECRETARY, MINISTRY OF ROAD TRANSPORT
AND HIGHWAYS, PARLIAMENT STREET, NEW DELHI-110 001.
- 2 THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT, TRANSPORT
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.

- 3 TRANSPORT COMMISSIONER,
 TRANSPORT COMMISSIONERATE, VAZHUTHACAUD,
 THIRUVANANTHAPURAM-695 014.
- 4 THE ROAD SAFETY COMMISSIONER,
 TRANSPORT COMMISSIONERATE, VAZHUTHACAUD,
 THIRUVANANTHAPURAM-695 014.
- 5 THE JOINT TRANSPORT COMMISSIONER (ENFORCEMENT),
 TRANSPORT COMMISSIONERATE, VAZHUTHACAUD,
 THIRUVANANTHAPURAM-695 014.

R1 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA

R2 BY SRI. P. SANTHOSHKUMAR, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
31.03.2021, ALONG WITH W.P(C). NO. 9670/2018(S) & BATCH, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

'CR'

Dated this the 31st day of March, 2021.

[W.P.(C) Nos. 9670/2018, 37880/2017 & 15090, 16252,
16767 & 22429 of 2020]

JUDGMENT

SHAJI P. CHALY, J.

The captioned Public Interest Litigations are materially connected, in respect of the non implementation of the provisions of the Kerala Road Safety Authority Act, 2007 (hereinafter called 'the Road Safety Act, 2007') and seeking other consequential reliefs. Therefore, we have heard them together and propose to pass this common judgment.

2. Since the reliefs sought for in the writ petitions are slightly different from each other, we propose to narrate a short statement of facts of each of the writ petitions. The counter affidavit filed by the State Government in W.P.(C) No. 37880 of 2017 is adopted by the State Government in some of the writ petitions, and the counter affidavits filed by the State as well as the other respondents would be referred to appropriately.

W.P.(C) No. 37880 of 2017

3. The petitioner is the then President of Kumbalangi Grama Panchayat in Ernakulam District and is basically concerned with the increase of road and motor accidents occurring due to the negligent and reckless driving, and also due to the rash driving by drunken drivers. The petitioner has also relied upon Ext. P5 report drawn by KMEA Engineering College, Kerala and has also relied upon the facts and figures of the fatal accidents noted in the said report from the year 2010-2016 in the National Highway, State Highway and other roads. According to the petitioner, there is alarming increase in the road accidents and unless and until the respective Governments take appropriate action in accordance with the Motor Vehicles Act, 1988 ('MV Act, 1988" for short), the Rules thereto and the Road Safety Act, 2007, the fatal accidents would increase day by day due to various factors, including the increase of the vehicles, narrow roads, the unscientific constructions of the roads, objectionable installations, and other component factors like non-removal of concrete and waste and useless materials from roads and footpaths.

4. The petitioner has also relied upon Ext. P6 project report submitted by the Traffic Safety Expert, Kerala Road Safety Authority,

Special Officer Safe Zone 2015-2016, 2016-17 dated 30.06.2017. In the said report, district wise data in regard to the reasons for the road traffic accidents, the methods to be adopted for reducing the accidents, requisite steps to be taken for the safety of the pedestrians, drivers and other road users, priority to be given in regard to safety, reduction of human errors, public concern to be taken into account, the appointments to be made, and various other means and measures for the scientific construction of the road and its maintenance, anticipated expenditure etc. are all suggested. Basically, the petitioner is seeking implementation of Exts. P5 and P6 reports and also a direction to ensure 24 hours monitoring on roads and to arrest the drunken drivers and thereby, enforce the preventive measures against the occurrence of accidents, and alternatively he seeks directions to dispose of Ext. P8 representation submitted by the petitioner to the State Government dated 23.10.2017.

W.P.(C) No. 9670 of 2018:

5. The petitioner is the father of one Livin aged 23 years, who died in a motor accident on 29.06.2015. Basically, the submissions in the writ petitions are certain suggestions to reduce the road accidents, since according to the petitioner, the State as well as the central

Governments are not taking adequate measures to reduce the road accidents and therefore, he seeks a direction to implement the inclusion of the marking suggested in regard to the black spots in Ext. P4 and to make the markings accordingly in different colours of paint as illustrated under the safety programmes mentioned in Section 215(4) of the MV Act, 1988.

W.P.(C) No. 15090 of 2020

6. The petitioner is an advocate practising in Chalakudy, Trichur District and he is concerned with the unending repair activities undertaken in the National Highway at Chalakudy and the consequential road accidents occurring. According to the petitioner, even though he has submitted a representation before the authorities under the State as well as the central Governments, no action was initiated, consequent to which he was constrained to approach this Court by filing the writ petition and seeks a writ of mandamus directing the State represented by the Chief Secretary, the Secretaries of the Home Department, Transport Department and the Public Works Department —respondents 1 to 4, to appoint a team of PWD Engineers to study issues relating to the road accidents in Kerala; a mandamus directing the respondents i.e., the Officials of the State and the Central

Governments to use the road safety fund only for the purpose of road safety; and to implement Sections 136A and 198A of the Act, 1988 dealing with installation of electronic safety equipments and measures for road safety.

W.P.(C) No. 16252 of 2020

7. The petitioner is a public spirited person and is the General Secretary of the District Congress Committee, Thrissur, seeking a writ of mandamus to the State Government to immediately transfer the amounts due under the Road Safety Fund to the Kerala Road Safety Authority – the 3rd respondent to utilise the same for implementing the road safety policies effectively; a writ of mandamus commanding the third respondent to identify various projects to promote road safety and to implement the same as is envisaged under Section 13 of the Road Safety Act, 2007.

W.P.(C) No. 16767 of 2020

8. This writ petition is filed by the State Human Rights Protection Centre, a voluntary organization, seeking a direction to the authorities of the Central as well as the State Government to utilise the Road Safety Fund only for the purpose of road safety; to issue a

writ of mandamus to the State Government and its officials to install surveillance cameras to control the rash and negligent driving of road users; and a mandamus directing the Transport Commissioner-the 14th respondent, to rectify the 300 black spots identified by the Motor Vehicle Department and thus to protect the people from road accidents.

W.P.(C) No. 22429 of 2020

9. The petitioners are retired officers of the Motor Vehicles Department under the State of Kerala and the issues raised are concerning the accidents occurring in the State, National Highways and other roads and they ultimately seek directions to the Road Safety Authority under the Road Safety Act, 2007 to implement the provisions of the Act, scrupulously by following the Ext. P8 road safety policy drawn up by the National Transportation Planning and Research Centre, Thiruvananthapuram (NATPAC); to make appointments to the posts under the Road Safety Act, 2007 in terms of the Act itself, and that it shall not be done under the Motor Vehicle Department and also seeks to quash various circulars issued by the Transport Commissionerate otherwise than as provided under the Road Safety Act, 2007; a mandamus compelling the State Government to bring the

entire Enforcement Wing of the Transport Department, under the Road Safety Authority and the Road Safety Commissioner functioning under the Road Safety Act, 2007 and for other related and consequential reliefs.

10. A common counter affidavit is filed by the State Government in regard to the implementation of the provisions of the Act, 1988, the Rules thereto and the Road Safety Act, 2007. Among other contentions, it is submitted that the Motor Vehicle Department has initiated various measures to ensure road safety--accident free roads and as part of the same, a Camera Surveillance System has been installed at Cherthala - Manjeswaram stretch and other stretches in the State for monitoring of over speeding and red light violations. Recently, the Department has given a work order to install cameras on the stretch, Walayar - Wadakkanchery and the work is in progress. This system enables the Department for 24 x 7 monitoring of these stretches. More than 4 lakhs of offences have been detected and charge memos have been issued through the electronic database system and, the system has enabled to create awareness among the public to reduce the over speeding and violations.

11. It is submitted that the Motor Vehicle Department is also

under the preparation to implement the GPS based tracking system in transport Vehicles to prevent over speeding, unhealthy competition etc. To ensure better driving practice among the public and to ensure better safe vehicles, the Department has proposed to install computerized driving test tracks and computerized vehicle testing stations all over Kerala. At present, the Department started functioning of 4 driving test tracks and 4 vehicles testing centres in the State. Two more stations are completed and 4 more are in e-tender stage. The remaining 63 stations will be implemented through the Public Private Partnership (PPP) Model within this year.

12. It is submitted that as per the direction of the Supreme Court committee on road safety, the Department had initiated cancellation/suspension of licences of traffic offenders who have contributed fatal accidents, red light violation, over speeding, overloading, allowing passengers in goods vehicles, and using mobile phones while driving. The details of suspension of driving licences so far is as follows:

	2014	2015	2016	2017
Licence suspended	18,251	13,229	11,127	23,167

As per the data received from State Crime Records Bureau (SCRB), the comparison of number of accidents in the State with previous years is as follows:

Month	2016(ACCIDENTS)	2017(ACCIDENTS)
January	3688	3434
February	3384	3158
March	3321	3171
April	3223	3177
May	3385	3480
June	3162	2920
July	3189	3032
August	3220	3144
September	3261	3170
October	3208	3126
November	3092	3308
December	3287	3366
Annual Total	39420	38486

13. All these efforts had reduced the number of accidents/deaths in the State compared to previous year, it is submitted. The Government had also directed Transport Commissioner to entrust Sri.Sunil Babu, Special Officer, Sabarimala Safe Zone Project

to prepare a detailed project report to reduce the accidents in Kerala. Sri.Sunil Babu, Special Officer, Sabarimala Safe Zone Project, prepared and submitted a report before the Kerala Road Safety Authority, which considered the report and forwarded the proposal to the Government through the Motor Vehicle Department, which is under consideration of the Government.

14. Even though the said Exhibit P6 report is only under consideration, the Government had already taken steps to reduce road accidents as per the recommendations of the Supreme Court Committee on Road Safety. It is also submitted that the National Transportation Planning and Research Centre (NATPAC) has formulated a Road Safety Policy for Kerala for prospective planning and to coordinate activities regarding road accidents and fatalities and submitted the same to the Kerala Road Safety Authority. The Kerala Road Safety Authority was set up in the State as the leading agency to coordinate the road safety activities of its Stake holding Departments/Agencies, viz, Motor Vehicles, Police, Public Works, Health Education and NATPAC. The Kerala Roads Safety Authority came into being on the 7th of January, 2007. As per Section 6(3) of the Roads Safety Act, 2007, the authority should meet at least once in

6 months. As such, the authority had met once in 2007, twice in 2008, thrice in 2009, five times in 2010, thrice in 2011, thrice in 2012, twice in 2013, thrice in 2014, five times in 2015, four times in 2016 and two times in 2017. The Government has taken steps to appoint a full time Road Safety Commissioner in Kerala Road Safety Authority and appointed 4 Road Safety experts in Kerala Road Safety Authority on contract basis for 3 years and they have joined by the end of November, 2017. A road safety fund has been set up in accordance with Section 11 of the Road Safety Act, 2007. Fifty percent of the compounding fee collected under Section 200 of the MV Act, 1988 and one time cess collected from vehicles registered for plying in the State are to be routed to the fund as laid down in the Act. The Road safety Action Plan prepared by NATPAC to mitigate the exponential road mishaps in the State got approved in the 32nd Meeting of the KRSA and forwarded to its stake holding Departments for its implementation.

15. It is further submitted that the District Road Safety Councils have come into force as per Section 19 of the Road Safety Act, 2007 with the District Collector as ex-officio Chairman of the Council and the Regional Transport Officer Ex-officio having the

jurisdiction being the Member Secretary. The Council consists of District Police Chief—Ex-officio, Executive Engineer (Roads and Bridges) - Ex-officio and an expert in the field of Roads Safety nominated by the Government as other members. A draft amendment proposal in Kerala Road Safety Authority Act to include representatives of National Highway Authority of India in the District Road Safety Council is under consideration of the Government. The DRSCs were instructed to convene meetings on a monthly basis. The District Road Safety Councils (DRSCs) were issued targets to ensure reduction in accidents and instructed to coordinate the works of its stake holding Departments and forward minutes of meeting along with action taken reports to reduce road accidents and fatality rate.

16. The NATPAC had identified 355 Black Spots on roads in Kerala. The Ministry of Road Transport & Highways (MoRTH) has instructed to reassess the spots within 500m stretch. As directed, NATPAC has submitted a revised and pruned list of 275 Black Spots for rectification of the same.

17. The Public Works Department (PWD) has informed that the list of 159 Black Spots on National Highways have been forwarded to MoRTH for approval and assistance for rectification of the Black Spots.

The PWD has also informed that they had executed speed calming measures in 19 Black Spots identified by the MoRTH, based on the accident data received from the Police Department. A joint inspection has been progressing by the authorities of Public Works Department, Kerala Road Safety Authority, Motor Vehicle Department and Police to rectify the causative measures of black spots in State Highways and other roads in Kerala. The Public Works Department has already adopted traffic calming measures on accident prone areas in the State.

18. It is further submitted that the Government, vide G.O.(Rt) No.1557/2016/PWD, dated 11.11.2016, have issued orders to ensure that the construction work of any road exceeding above Rs. 10 crores should commence only after a Road Safety Audit conducted by a third party at the design stage. Further, audit should be conducted at constructional and operational stage also. Instruction has been given to the Public Works Department to comply with the directions by the working groups on Engineering (Roads).

19. An Institute for Drivers Training and Research has been set up in Edappal, Malappuram with a view to impart training to drivers, driving instructors and executive officers of Motor Vehicles Department. Cameras and surveillance equipment have been installed

by the Police and Motor Vehicle Department in various parts of the State to detect different traffic violations. These Departments are also equipped with hand held radars and interceptors. Enforcement squads of Police and Motor Vehicle Department have been set up so as to adopt effective measures to detect road violations.

20. The State has adopted stringent measures to tackle drunken driving. The Motor Vehicle Department has cancelled/action initiated to cancel 5576 driving licences during this year up to the quarter ending 30.09.2017 for driving under the influence of alcohol or drugs. Quarterly report of action taken against the violators is being forwarded to the Committee on Road Safety appointed by the Honourable Supreme Court. Enforcement has been tightened by the Police Department and Motor Vehicle Department for the traffic violations like Red light Jumping, drunken driving using Mobile Phone while driving, overloading in goods carriages, carrying persons in goods carriages, Driving/Pillion riding without Helmet, seat belt law violations etc. The Motor Vehicle Department has suspended 23167 driving licences for various traffic offences. As directed, instructions have been given to the Director of Public Instruction to incorporate road safety education and counselling in the State curriculum.

21. No transport vehicle in the State described in GSR No.290 E) dated 15.04.2015 is issued with a certificate of fitness, unless it is fitted with duly functioned speed limiting device. The Motor Vehicle Department already rejected the certificate of fitness, unless it is fitted with a duly functioned speed limiting device. The Motor Vehicle Department already rejected certificates of fitness of 2226 number of vehicles due to malfunctioning of speed limiting devices upto September, 2017.

22. It was also submitted that the Government has decided to implement the 'Suraksha Veedhi' project in association with Insurance Companies, to provide help to road accident victims, so that treatment is ensured to them from the nearby hospital. It is felt that the launching of an Insurance scheme aided at giving treatment during the first 48 hours of accident will go a long way in relieving the suffering of injured persons or in saving the precious lives of accident victims. The Insurance company will be selected by e-tender. The lowest quoted amount by any of the insurance companies will be deposited by the KRSA, and the Insurance companies ensure that the cashless treatment is given to each and every victim for the first 48 hours in any of the hospitals in Kerala. An amount of Rs.75,000/- will

be reimbursed to the hospital by the Insurance company for the treatment given during the first 48 hours of accident and the network ambulance owners can directly be reimbursed by the Insurance company for their service. Whenever a MACT claim is sanctioned, the amount which is given from the fund given by KRSA should be recouped.

23. According to the Government, the above said scheme was one of the agenda items in the 33rd meeting of Kerala Road Safety Authority and it was decided to entrust the same with the Health Department to prepare the project report with detailed estimates. The 108 Ambulance service provided by the National Health Mission is providing service to the accident victims throughout the State. The Police Department, Motor Vehicle Department and Public Works Department have set up Road Safety Cells. Direction has been issued to other Departments to set up a Road Safety Cell under them. The accident data in the State is being recorded by the State Crime Record Bureau under the Police Department and the data is made public for the information of all stake holding Departments by publishing the same in the official website.

24. Recently, the State Government has issued Ext. R1(a) notification vide G.O.(P) No. 27/2017/Trans dated 15.11.2017, in tune with Central Government Notification vide No. GSR No. 1095(E) dated 28.11.2016 to ensure that all public service vehicles as defined under clause 35 of Section 2 of the Act should be equipped with or fitted with vehicle location tracking devices and one or more emergency buttons and all goods carriage vehicles shall be provided with location tracking devices.

25. The National Highway Authority—the 10th respondent, in W.P.(C) No. 15090 of 2020 has filed a statement contending as follows:

Under Project implementation unit (PIU), Palakkad, certain stretches of NH 544 and NH 966 come and the National Highway Authority of India is the agency, which is entrusted with the work of construction, development and building of National Highways, which are either 4 lane or 6 lane. The stretch of National Highway 544 from Vadakkencherry to Thrissur comes under KL- 02. The stretch from Mannuthy to Edappally comes under KL - 01. The above stretch is entrusted with M/s. GIPL, which is the concessionaire in the instant case and therefore, it is their responsibility for the development and

maintenance of the National Highway from Mannuthy (KM 270.000) to Edappally (to KM 342.000) till the end of the concession period.

26. With regard to the contention of the petitioner that "a huge digging was done by the National Highway Authority, it is submitted that the above digging was done for the purpose of constructing a vehicular underpass at Chalakudy Municipal Junction to reduce the road accidents that occur at this location. After the construction work of the underpass is complete, there will be no more accidents of the nature complained of by the petitioner. Apart from the same, the National Highway Authority of India conducts frequent and periodic inspection of the Highways entrusted to it. During the course of such inspection, whatever defects or drawbacks are noticed, the same will be forthwith intimated to the authorities concerned and corrective action shall be taken expeditiously, it is submitted.

27. During the course of inspection, the National Highways Authority of India identified certain black spots during the year 2015-2018, which are as follows:

1. At Thondayad junction in Kozhikode district coming under NH 66, the chainage of the black spot was from 245.535 to 245.935. As a corrective step, a fly-over was

constructed known as the 'Thondayad Flyover'. The said construction of flyover was undertaken by the State Government.

2. The second black spot identified was at Ramanattukara junction coming under NH 66 and from CH. 258.115 to CH. 258.515. The corrective measure taken was construction of a flyover which is known as 'Ramanattukara Flyover'. The said work was also undertaken by the State Government.

3. The third black spot identified was at Mannuthy junction along NH 544. It was from CH. 262.35 to CH. 262.85. The remedial measure taken was construction of a flyover known as 'Mannuthy Flyover'. This was done by NHA as part of widening work.

28. Likewise, National Highways Authority and its officials, respondents 10 and 11 in W.P.(C) No. 16767 of 2020, have filed a counter affidavit contending that the project stretch from Walayar to Vadakkencherry section from Km 182+207 to 236+130 was entrusted to the Concessionaire M/s. KNR Walayar Tollways Private Limited (SPV of KNR Constructions Limited) on DBFOT (Toll) basis vide Concession Agreement dated 17.09.2012. Concession period is 20 years, including a 30 months construction period. The appointed date of the project is 18.05.2013. The Concessionaire completed the project on 31.10.2015

and hence, the operation and maintenance period started with effect from 01.11.2015. This project is currently under Operation and Maintenance stage, and the concession period of the project ends on 17.05.2033 as per the concession agreement.

29. Speed cameras have been installed at 25 locations in the project highway from Walayar to Vadakkencherry section by RTO and maintained by RTO, Kerala to monitor the speed of the vehicle. Any violation of speed will attract fine in accordance with the Rules of Government of Kerala. To reduce the accidents, various safety measures have been implemented in the project highways.

30. NHAI is conducting a Road Safety Audit by the Safety consultants on time. Further, National Road safety week is being conducted every year in the month of January in the project highway. During the National road safety week, various activities like displaying posters for publicity of road safety at various locations. Distribution of Pamphlets to road users for awareness of Road safety, conducting free eye check up camp at Toll plaza for truck drivers and others etc.

31. Infrastructure Private Limited (SPV of KMC Constructions Limited and SRET infrastructure) on DBFOT (Toll) basis vide Concession Agreement dated 27.03.2006 Concession period is 20

years, including 30-months construction period. The appointed date of the project is 22.09.2006. The Concessionaire completed the project on 04.12.2011 and hence Operation and maintenance period started with effect from 05.12. 2011. This project is currently under Operation and Maintenance stage. The concession period of the project ends on 21.09.2026) as per the concession agreement (extended upto 21.06.2028).

32. Various measures and activities implemented in the aforementioned project of highway stretch from Thrissur to Edapally section on Road safety are as follows:

1. **Road safety Fund:** NHAI gives top priority to Road safety and has given substantial delegation of powers to Regional offices throughout India for effective rectification of the accident black spots for estimates up to Rs.50 crores.
2. **Road safety Action plan:** In this Package, one construction work is ongoing and Concessionaires had been instructed to submit the Road safety action Plan. All necessary sign boards are installed at site as per IRC 75 norms.
3. **District Road safety committee:** District road safety committee is already set up at the Thrissur district collector's

office and Ernakulam district offices. Monthly meetings are conducted regularly.

4. **Engineering improvements:** In this Package, there are some black spots identified, where some short term measures were partially done. Status of the short term measures and long term measures are attached at AppendixA
5. **Traffic calming measures:** Speed monitoring CCTV are installed by RTO Department in this Package at various locations.
6. **Road safety Audits:** Yes Road Safety Audits are regularly conducted in this Package with IE road safety experts and its reports are submitted regularly.
7. **Lane driving:** Slow lane fast lane informatory boards are to be installed at intervals to segregate the traffic.
8. **Alcohol and Road safety:** Don't drink and drive boards are installed at regular intervals.
9. **Road Safety education:** NHAI conducting road safety week yearly and conducting the seminars for educating the driver's road safety signs and regulations.
10. **Emergency medical care:** NHAI set up ambulances at 50 km and directed the State Government to set up the trauma care centres at Highways.

11. **Road safety cell:** Road safety committees are formed at PIU levels.

33. In some of the cases, reply affidavits are also filed reiterating the stand adopted in the writ petitions.

34. We have heard the learned counsel for the petitioners Smt. Bindu Das M., Sri. K.B Gangesh, Sri. P. M. John, Sri. Manu Govind, learned Special Government Pleader Sri. P. Santhosh Kumar, and the learned counsel representing the Assistant Solicitor General of India Sri. P. Vijayakumar, and perused the pleadings and materials on record.

35. The learned counsel appearing for the petitioners and the learned Special Government Pleader have addressed their arguments in accordance with the reliefs and pleadings deliberated above. Learned central Government counsel has also addressed his arguments on the basis of the instructions imparted by the Ministry of Road Transport and Highways (MoRTH). The discussion made above would make it clear that the issues raised by the petitioners are revolved around the Road Safety Act, 2007 and the failure on the part of the authority thereunder and the State Government to implement

the provisions of the said Act and the failure on the part of the central Government to implement certain provisions of the MV Act, 1988. The Road Safety Act, 2007 was brought into force for implementation of the road safety programmes in the State, for the establishment of a road safety fund and for matters connected therewith and incidental thereto. The Road Safety Act, 2007 has the predominant intention to reduce road accidents and protect the interest of the public at large. On going through the provisions of the said Act, it is clear that the powers are conferred on the authority constituted thereunder to implement the same without failure. It is with the said noble intention that the Act has envisioned to constitute a separate fund in the control of the authority so as to utilise them absolutely for the purpose of the Act, and without being diversified.

36. Let us discuss some of the provisions of the Act required for proper disposal of the writ petitions. The word 'authority' is defined under Section 2(b) to mean the Road Safety Authority constituted under Section 3 of the Act. Section 2(h) defines the word 'fund' to mean the Road Safety fund constituted under Section 11. 'Public road' is defined under Section 2(j), which shall include any private road to which the public have access and also the traffic islands, medians and

footpaths. 'Vehicle' is defined under Section 2(m) to include any contraption or device used or capable of being used for the carriage or movement of human beings, animals or goods. Sub-section (2) of Section 2 clearly specifies that the words and expressions used but not defined in the Road Safety Act, 2007 shall have the meanings respectively assigned to them in the MV Act, 1988, Kerala Highway Protection Act, 1999 or the Rules made thereunder.

37. Section 3 prescribes the manner in which the authority under the Act is to be constituted, which clearly specifies that the Government may, by notification in the Gazette, constitute with effect from such date an authority to be called the Kerala Road Safety Authority (hereinafter called 'the authority'). It is an undisputed fact the State Government has constituted the State Authority as is contemplated under section 3 of the Road Safety Act, 2007. In accordance with subSection (2) thereto, the authority shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of the Act, 2007, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

38. In terms of sub-Section (3) of Section 3, the authority shall

consist of the Minister of Transport, who shall be the Chairman of the authority; the Minister for works, who shall be the Vice Chairman of the authority and a cluster of officers of the State Government right from the Chief Secretary and inclusive of the Director General of Police and the Director of Health, Chief Engineer (Roads and Bridges), the Chief Engineer (National Highways, the Director, National Transportation, Planning and Research Centre, the Secretary, State Transport Authority and among others, 3 persons who are experts in the field of Road Safety nominated by the Government. The nominated members shall hold office for a period of 5 years from the date of appointment, however, with the right to resign.

39. The authority, in terms of Section 4 of the Act, have the functions among others to advice the Government on road safety policies; prescribing and enforcing road safety standards and procedures; formulate and implement schemes, projects and programmes relating to road safety; co-ordinating the functions of all the agencies and Government Departments discharging the duties related to road safety; implementing road safety awareness programmes; administration of the fund; sanctioning expenditure for the implementation of the road safety schemes and programmes;

sanctioning expenditure for road safety projects and for purchase and installation of equipments and devices connected with road safety; sanctioning expenditure for the conduct of studies, projects and research on matters relating to road safety; sanctioning expenditure for trauma-care programmes or activities; sanctioning expenditure on matters connected with road safety measures; and formation of the self help groups, under the leadership of the authority for the rescue operations in the place of accident. Apart from the same, the authority is vested with an omnibus power to discharge such other functions as may be prescribed, having regard to the objects of the Road Safety Act, 2007.

40. In order to provide assistance to the authority, an Executive Committee is constituted under Section 5 of the Road Safety Act, 2007 with the Chief Secretary as the Chairman and assisted by higher officers of the State Government right from the Transport Commissioner, who shall be the Vice Chairman of the Executive Committee. The Executive Committee so constituted shall be in charge of the implementation of the decisions of the authority and it is vested with powers to exercise such powers and discharge such functions of the authority as may be delegated to it by the authority subject to

such restrictions, conditions and limitations as may be imposed by the authority.

41. Another important facet of the said Act is that the authority, the Executive Committee and the District Road Safety Council shall meet periodically in accordance with law, which shall be presided over by the Chairman of the authority with a mandatory rider that the authority shall meet at least once in six months; the Executive Committee shall meet at least once in a month. A quorum for the meeting is also fixed and the business of the authority and the Executive Committee shall be decided on the majority of the members present. The Transport Commissioner shall be the ex-officio Road Safety Commissioner for the purpose of the Act.

42. Section 10 enables the authority to levy and collect one time cess for the purpose of the Act on every motor vehicle used or kept for use in the State at the rate specified for such vehicle in the Schedule of the Act and in accordance with the class of motor vehicle, that is to say, (1) for heavy motor vehicle, Rs.250; (2) medium motor vehicle, Rs. 150/-; (3) light motor vehicle, Rs. 100/-; and (4) two wheeler, Rs. 50/-. However, the motor vehicle kept by dealers or manufacturers of such vehicles for the purpose of trade is exempted

from the levy of cess. The Section also deals with the liability of the registered owner of a motor vehicle or any person having possession or control of the motor vehicle to pay the levy and it also delineates the manner in which the cess is to be collected and to deal with the proceeds of the cess levied and collected under the Act by the Government together with fines, interest and fees, which shall be credited to the consolidated fund of the State and after deducting the expenses of collection and recovery, as determined by the Government, the remaining amount shall, under appropriation duly made by law in this behalf, be entered into and transferred to the fund.

43. It also specifies that an amount transferred to the fund shall be charged on the consolidated fund of the State. The establishment of the fund is dealt with under Section 11 of the Act, which makes it clear that after the constitution of the authority within one year, there shall be a fund to be called the Kerala Road Safety Fund. Sub-section (2) of Section 11 specifies the manner in which the fund is generated, which reads thus:

(2) There shall be credited to the Fund,-

1. the amount transferred under sub-section (6) of section 10;

2. grants, loans or advances made by the Government;
3. grants, loans or advances made by the Government of India;
4. contributions from public or private institutions or organisations;
5. compounding fee collected under section 28.

44. Apart from the same , as per sub-section (3) thereto, the Government shall contribute to the fund every year an amount equal to 50% of the compounding fee collected in the previous year under Section 200 of the MV Act, 1988. it is clear from Section 12 of the Act that the fund so created shall vest in and be administered by the authority constituted under Road Safety Act, 2007.

45. Section 12 also specifies that the manner in which the fund is to be administered by the authority and the significant feature of it is that all amounts forming part of the fund shall be deposited in the State Bank of Travancore or any Nationalised Bank as may be decided by the authority and the account shall be operated by the Chairman of the Executive Committee and the Chief Executive Officer of the authority jointly in such manner as the authority may decide. Section 13 of the Act clearly specifies the purposes for which the fund shall be utilised, which is, in fact, as discussed above. Section 14 delineates the power of the authority, which reads thus:

14. Power to order removal of causes of accidents. - (1)

Notwithstanding anything contained in any other law for the time being in force, where the Authority is satisfied on complaint, report by any person or otherwise that-

- (i) the act of any person or persons on a public road; or
- (ii) the placement or positioning of any vehicle, animal, object built without the approval of any recognized administrative authority, structure or materials including arches, banners, display boards, hoardings, awnings, tents, pandals, poles, platforms, rostrums, statues, monuments and other similar structures, on a public road; or
- (iii) the movement of animals or vehicles on a public road; or
- (iv) the condition of any tree, structure or building situated in the vicinity of a public road; or
- (v) the entry or exit of any building or premise in the vicinity of a public road;

is likely to cause accidents or causes obstruction to the free flow of traffic or distract the attention or obstruct the vision of the driver of any vehicle, the Road Safety Commissioner may, after recording reasons thereof, direct the person concerned, either by a general or special order, to take such measures within two months as it considers necessary and such person shall be bound to comply with the direction within such time, as may be specified by the Authority.

(2) Notwithstanding anything contained in sub-section (1), in case of urgency, the Road Safety Commissioner may take such action as may be necessary to prevent accident or obstruction, as the case may be, and recover the cost thereof from the person responsible, in such manner as may be prescribed.”

46. However, notwithstanding anything contained as above, in

the case of urgency, the Road Safety Commissioner may take such action as may be necessary to prevent accident or obstruction as the case may be and recover the cost thereof from the person responsible in such manner as may be prescribed. That apart, the authority is vested with ample powers, notwithstanding anything contained in any other law for the time being in force to order any work or improvement on a public road as it considers necessary to secure safety on such roads and each concerned Government Department or the local authority or any other authority shall be bound to carry out such works or improvement within such time as may be specified by the authority.

47. But, the authority shall not, in regard to any highway declared under the Kerala Highway Protection Act, 1999, make any such order without the prior consultation of the Highway Authority of the respective area appointed under the Highway Protection Act, 1999, in terms of the first proviso to Section 15. Same is the case with the roads under the control of the Local Self Government Institutions. Anyhow, sub-Section (2) of Section 15 makes it clear that when any orders are passed by the authority after complying with the mandatory requirements of law, it shall be the duty of every officer of the Government, local authority, or any authority to act in aid of the

authority in enforcing the orders under sub-Section (1) of Section 15 .

48. Above all, the authority is vested with power to recover cost, if any person on whom a written order is issued under Section 14 refuses or fails to comply with the order and may take such action so as to prevent danger and ensure safety to the public. The amounts due to the authority shall be recoverable as arrear of land revenue. The authority is also vested with powers to delegate to the Executive Committee, Road Safety Commissioner or the District Road Safety Council such of its powers and functions, as it may consider necessary, for the effective implementation of the Road Safety Programmes by general or special order, subject to such restrictions as it deems fit with the previous approval of the Government.

49. Yet another significant feature is the formation of the District Road Safety Council in every district in the State with the District Collector as the Chairman and such other officers of the State Government and the National Highways Authority. The District Road Safety Council is empowered to exercise such powers and perform such functions as the authority may from time to time delegate. The authority is also vested with powers to appoint such officers and staff as it deems necessary for the discharge of its functions under the Act,

with the prior approval of the Government along with due powers to prescribe the method of appointment and other conditions of the service of the staff.

50. The Act 2007 envisages that all expenses of administration of fund constituted under the Road Safety Act, 2007, including the salary and allowances of the staff and other employees shall be met from the fund. The Road Safety Commissioner shall maintain the accounts of the fund in such manner as may be prescribed by the authority. The District Road Safety Council is liable to submit such reports and returns and furnish such information to the Road Safety Commissioner, as may be required from time to time, and the Road Safety Commissioner shall, in turn, submit a consolidated report to the authority, annually.

51. It is also clear from the provisions of the Road Safety Act, 2007 that the authority has the duty to submit annual reports during each financial year to the State Government giving a complete account of its activities of the previous year. Sub-section (2) of Section 24 of the Road Safety Act, 2007 specifies that the Government shall cause every such report to be laid before the Legislative Assembly. Further, an audit mechanism, and other features such as punishment for failure

to comply with the authority's order; punishment for obstructing the authority; compounding of offences etc. are all provided under the Road Safety Act, 2007.

52. Apart from the same, remedy of filing an appeal against any order passed by any Officer of the authority or of the District Road Safety Council and also a provision to prefer a revision to the Government are also provided. The discharge of the functions and the power exercised by the authority is very well protected under the Road Safety Act, 2007, and probably also in order to avoid any delay in the proceedings, civil court's jurisdiction is also barred specifically.

53. Anyhow, the State Government has retained the power to give directions to the authority in the matters of policy of the authority and the authority is made duty bound to give effect to such directions. Even though the power to make Rules is vested with the Government, the authority is vested with powers to make regulations with the prior approval of the Government in respect of the procedure to be adopted by the authority, the Executive Committee and the District Road Safety Council in regard to meetings and disposal of matters coming up before the authority and the consequential functions under the Act.

54. Therefore, it is clear that the State Government intended an

independent authority to function in the matter of road safety to protect the larger Public Interest. The provisions of the Road Safety Act, 2007 provide omnibus powers to the authority, which are to be discharged in consultation with certain of the authorities and the Government. To put it otherwise, the authority constituted under the Road Safety Act, 2007 is duty bound to carry out its functions in terms of the provisions of the Act, 2007 independently and without interference from other authorities. In order to exercise the powers without fear and independently by the authority, it is vested with the powers under Section 16 of the Act, to recover cost from any authority who fails to execute the orders of the authority. It is also clear that the fund constituted for the purposes of the Road Safety Act, 2007 is to be administered by the authority itself in order to carry out the functions of the authority in contemplation of the provisions of the Road Safety Act, 2007. The authority, by virtue of the powers conferred under Section 4, is competent to advise the Government on road safety policies with the objective of ensuring safety on the roads, irrespective of whether it is public or private and the sole consecration is the access of the public to such roads.

55. That apart, the provisions deliberated above would make it

clear that the authority is vested with powers to administer its activities, including appointment of staff so as to ensure its functioning independent of the other statutes, though not overlooking the provisions of other statutes. It is also clear that the authority, the Executive Council and the District Council shall function in tandem in order to regulate the road safety measures and discharging the functions in a coordinated manner. On an entire appreciation of the provisions of the Road Safety Act, 2007, what we could gather is that the authority is duty bound to make due inspection in regard to the installations put up along the road side, whether temporary or permanent, so as to ascertain as to whether such installations are causing difficulties for the free and smooth flow of traffic without any hindrances and likelihood of accidents, either directly or through the other authorities prescribed under the Act 2007. It is also evident that the authority has a general power to ensure that the agencies of the Government are discharging their functions in regard to the road safety. It has also the duty to ensure that the trees standing and any structure or building situated in the vicinity of a public road are not causing any accidents or obstruction to the free flow of traffic or to distract the attention or obstruct the vision of the driver. Thus, to say, the authority is duty bound to conduct periodical meetings with the

Executive Committee and the District Road Safety Council as frequently as possible in order to evaluate the developments and improvements that take place in regard to the safety on the road. To put it otherwise, the authority shall not be lethargic in duly discharging its duties and always be alert, enthusiastic and dynamic in its activities for promoting the public interest as is envisioned under the Road Safety Act, 2007.

56. In the writ petitions, the petitioners have pointed out the facts and figures of the accidents occurring, the fatal injuries etc., and on going through the facts and figures provided by the petitioners and the report submitted by Sri. P.D. Sunil Babu, Traffic Safety Expert, Kerala Road Safety Authority, produced as Ext. P6 in W.P.(C) No. 37880 of 2017, it is clear that the accidents are increasing day by day and due to the fatal injuries, the deaths are increasing, which is quite alarming and beyond comprehension.

57. In effect, in the counter affidavit filed by the State Government, the State Government has virtually admitted that Sri. P.D. Sunil Babu was appointed by the Government in order to prepare a detailed project report to reduce the accidents in Kerala. However, even though the Road Safety Authority considered the report and

forwarded the proposal contained thereunder to the Government through the Motor Vehicle Department, so far, the same is not finalised by the State Government. Having gone through the said report, we are of the considered opinion that various methodologies and means and measures are provided in the report in respect of the road safety, the functioning of the authority, the staff pattern, to control the road traffic accidents, the steps to be taken to identify black spots and remove them etc.

58. Therefore, it is for the Government to implement the same, in its letter and spirit, in the larger interest of the public, without any further delay by providing adequate and due support to the authority under the Road Safety Act, 2007. It is also an inevitable requirement of the day to install necessary technological and electronic systems as is provided under the MV Act, 1988 and the Rules framed by the Central Government and the State Government thereto. There are clear provisions contained under the MV Act, 1998 and the Rules in order to establish vehicle tracking facility and other controlling measures so as to curb the menace of the over speeding, rash driving, road rage and other factors leading to serious and fatal road accidents. Moreover we are informed by the counsel for the petitioners that many

of the properties agreed to be surrendered for expansion of roads by the local bodies and others on providing alternative lands by the Trivandrum Development Authority (TRIDA) and the Greater Cochin Development Authority (GCDA) are not surrendered and if it is true, the Authority under Act 2007 is duty bound to recover the same after due notice and adjudication.

59. We are constrained to say that, even though sufficient measures are provided under various enactments to curb the menace of the road accidents, both the Central and State Governments are slow in implementing the provisions of the enactments, which is causing serious prejudice to the public at large. If and when the provisions are made under any law in the larger interest of the public, the respective Governments and the other authorities shall take steps to ensure its execution and implementation without any delay and in a faster pace. It is quite clear and evident that a separate fund is earmarked to the Road Safety Authority, to be utilized by it in accordance with the provisions of the Road Safety Act, 2007 and thereby attain the objectives of the Road Safety Act, 2007 at the earliest and without delay.

60. The counter affidavit filed by the State Government shows

that the Government is taking steps to remove the black spots in consultation with the respective authorities, and further that for the purpose of implementation of the programmes and schemes, the amount transferred to the consolidated fund of the State is being diverted to the fund of the authority. However, the petitioners have a case that the fund, in contemplation of the Road Safety Act, 2007, is not transferred by the Government immediately, consequent to which the authority is unable to administer its activities at a faster pace.

61. Even though the facts and figures are provided in the counter affidavit in regard to the fund, we are of the view that the fund received in the consolidated fund of the State as per the act, after the permitted deductions, shall be immediately transferred to the fund of the authority, which alone will enable the authority to discharge its duties and obligations in terms of the provisions of the Road Safety Act, 2007.

62. Even though the Union of India has not filed any counter affidavit, the learned Central Government Counsel, at the time of arguments, has handed over the instructions given by the Ministry of Road Transport and Highways dated 30.10.2020, from where it is clear that the Government of India has identified 243 numbers of black spot

on the roads in the State of Kerala based on the accidents/fatalities data during 2015-2018 furnished by the Police Department of the Government of Kerala. Out of the said black spots, 214 numbers are on the National Highways entrusted to the National Highways Authority of India, 16 numbers are on the State Roads and 13 numbers are on National Highways entrusted to the State PWD.

63. It is also pointed out that during the year 2011-2014, 33 numbers of black spots were identified on National Highways in the State of Kerala, based on the accidents, out of which 19 numbers of black spots are on the National Highways entrusted to State PWD. It is also submitted that the Central Road and Infrastructure is taking adequate steps and issuing guidelines for the rectification of the black spots on the National Highways across the country. That apart, it is stated that the black spots within the State Highways and the National Highways entrusted to PWD are to be rectified at the instance of the State Government. Other facts and figures are also provided in respect of the black spots and the steps to be taken for rectification of the same, taking into account the guidelines issued by the Central Road and Infrastructure. Yet another significant fact specified is that for the long term rectification of the black spots, as per the guidelines, an

estimate was prepared with an approximate cost of Rs.50 crores and the Ministry has also allocated Rs.4.6 crores for various road safety works in the State of Kerala. That apart, it is stated that necessary steps are taken by the Ministry for the effective monitoring and rectification works executed by the state PWD.

64. On an evaluation of the facts and figures in regard to the road accidents, the objectionable installations and other matters that detract the attention of the drivers, we are of the view that; 1) adequate steps shall be taken by the Road Safety Authority and the bodies constituted under the Road Safety Act, 2007 to avoid the road accidents in a war footing and without any delay;

2) The Road Safety Authority, have to undertake necessary investigations and enquiries in order to identify the dangerous installations put up, temporary or permanent, and dangerous trees or branches overhanging from private and public properties and standing by the side of the road which are likely to cause accidents and shall take adequate steps to remove them at the earliest and at any rate within three months from the date of receipt of a copy of the judgment;

3) The Authority shall take urgent steps for the removal of unused

concrete and other poles and materials, debris and waste materials stacked on the footpaths and by the side of the roads, and the abandoned motor vehicles on the roads at the earliest and at any rate within three months from the date of receipt of a copy of the judgment;

4) Identify the lands and public properties agreed to be surrendered by the private parties and local bodies for improvement of road facilities on providing alternative lands or compensation to such persons or bodies within four months, and on failure to surrender immediately after adjudication with due notice, take steps to recover them at the earliest and at any rate within one month from the date of such adjudication;

5) The State and the Central Governments shall provide all required timely assistance under any law for the proper functioning of the Authority under Act 2007, especially for the recovery of lands as is specified above;

6) The Central and State Government shall take effective steps in coordination with the Authority under the Road Safety Act, 2007 to regulate the road works done by various departments in order to eliminate the possibility of digging the roads frequently by the different

Departments and thereby saving public money and protect the public interest ;

7) The Authority under the Road Safety Act, 2007 shall take urgent measures against any body or person for violating any instructions, regulations, rules, notifications etc. of the authority and the Government in regard to the road safety;

8) The Authority under the Road Safety Act, 2007 shall ensure that the local bodies are carrying out their mandatory functions in regard to the road safety and as permitted under the Act, 2007; and

9) The Authority shall also take steps to deal with the requirements of the accident victims in contemplation of the Road Safety Act, 2007 immediately, so as to translate the true intentions of the Act and to ensure timely financial assistance to tide over the urgent necessities , especially among the weaker section of the public.

65. On an appreciation of the provisions of the Road Safety Act, 2007, it is unequivocal that all the functionaries under the Act shall coordinate the activities of all the Departments functioning under the State and the Central Government within the State of Kerala in order to attain the goal as is envisioned by the framers of Road Safety Act,

2007.

66. Taking into account the above aspects, the authority and other functionaries under the Road Safety Act, 2007 and the State and the Central Governments, are directed to discharge their functions and duties under the Road Safety Act, 2007 and other enactments that are involved in the road safety without fail and immediately as specified above, also taking into consideration the report of the expert discussed above and other guidelines/rules issued by the Central and State Governments and the authority under the Road Safety Act, 2007.

68. The authority shall also ensure that the State Government is diverting the funds to it from the consolidated fund of the State as is provided under the Road Safety Act, 2007 and utilise the same in accordance with the powers conferred on it in all areas of the functions entrusted to it under the Act. Before parting with the judgment, we think it deem and appropriate to state that if the objectives of the Road Safety Act, 2007 are to be achieved and attained, the functionaries under the Road Safety Act, 2007, other road safety authorities and others functioning under other enactments and the Central and State Governments shall function like a well oiled

machine. The observations and the directions are made by us also bearing in mind that the right for a safe road to every citizen is a facet of Articles 19 (1) (d) and 21 of the Constitution of India and thus all authorities are duty bound to discharge them without fail. We hope that such authorities and the Governments would rise to the occasion and do the needful in the larger interest of the public and remove all obstacles causing threat and danger to the road safety at the earliest possible time and as specified above.

The Writ Petitions are allowed accordingly.

sd/-

**S. MANIKUMAR,
CHIEF JUSTICE.**

sd/-

**SHAJI P. CHALY,
JUDGE.**

Rv

APPENDIX OF WP(C) 9670/2018

PETITIONER'S/S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE NOTICE SENT AND ITS
ACKNOWLEDGEMENT RECEIPT AND TRUE ENGLISH
TRANSITION.
- EXHIBIT P2 TRUE COPY OF THE DEATH CERTIFICATE.
- EXHIBIT P3 TRUE COPY OF THE DOCUMENT ISSUED BY KERALA
ROAD SAFETY AUTHORITY AND TRUE ENGLISH
TRANSLATION.
- EXHIBIT P4 TRUE COPY OF THE ILLUSTRATION OF THE MARKING ON
THE SURFACE OF THE ROAD.
- EXHIBIT P5 : TRUE COPY OF THE REPORT OF MOTOR VEHICLE ACCIDENT AND THE
POLICE INFERENCES PUBLISHED IN NATIONAL DAILY 'THE HINDU' DATED
20.07.2018.

RESPONDENTS' EXHIBITS:

EXT.R1(a): TRUE COPY OF THE G.O.(P) NO. 27/2017/TRANS DATED 15.11.2017.

/True Copy/

PS To Judge.

Rv

APPENDIX OF WP(C) 37880/2017

PETITIONER'S EXHIBITS:

- | | |
|------------|---|
| EXHIBIT P1 | TRUE COPY OF THE NEWS ITEM PUBLISHED IN THE HINDU DAILY DATED 8.10.2017, AT ITS PAGE 3 OF KOCHI EDITION. |
| EXHIBIT P2 | TRUE COPY OF THE NEWS REPORT DATED 11.10.2017 PUBLISHED IN PAGE NO.4 OF KOCHI EDITION OF THE HINDU DAILY. |
| EXHIBIT P3 | TRUE COPY OF THE NEWS ITEM PUBLISHED IN THE HINDU DAILY (ERNAKULAM EDITION) DATED 14.10.2017, AT PAGE NO.3. |
| EXHIBIT P4 | TRUE COPY OF THE NEWS ITEM PUBLISHED ON 16.10.2017 IN THE HINDU DAILY, IN ITS PAGE NO.3 OF KOCHI EDITION. |
| EXHIBIT P5 | TRUE COPY OF THE STUDY REPORT PUBLISHED IN THE INTERNATIONAL JOURNAL OF INNOVATIVE RESEARCH IN SCIENCE ENGINEERING AND TECHNOLOGY IN ITS VOL.6, SPECIAL ISSUE 4, ON 4.3.2017. |
| EXHIBIT P6 | TRUE COPY OF THE DETAILED PROJECT REPORT ON ROAD SAFETY TO REDUCE THE ROAD ACCIDENTS IN THE STATE OF KERALA DATED 30.6.2017, PREPARED BY MR. P. D. SUNIL BABU, TRAFFIC SAFETY EXPERT, KERALA ROAD SAFETY AUTHORITY, SPECIAL OFFICER SAFE ZONE 2015-16 & 2016-17 THIRUVANANTHAPURAM. |
| EXHIBIT P7 | TRUE COPY OF THE COMMENTS MADE BY THE STATE PLANNING BOARD, THIRUVANANTHAPURAM, KERALA IN ITS ECONOMIC REVIEW, 2016 IN VOL.I PAGE 275 PUBLISHED IN MARCH 2017. |
| EXHIBIT P8 | TRUE COPY OF THE REPRESENTATION DATED 23.10.2017 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS. |

APPENDIX OF WP(C) 15090/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF ROAD ACCIDENT DETAILS FOR THE YEAR 2019.
EXHIBIT P2	TRUE COPY OF LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2010.
EXHIBIT P3	TRUE COPY OF LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2011.
EXHIBIT P4	TRUE COPY OF THE LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2012.
EXHIBIT P5	TRUE COPY OF LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2013.
EXHIBIT P6	TRUE COPY OF LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2014.
EXHIBIT P7	TRUE COPY OF LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2015.
EXHIBIT P8	TRUE COPY OF LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2016.
EXHIBIT P9	TRUE COPY OF LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2017.
EXHIBIT P10	TRUE COPY OF LINE CHART DETAILS OF ROAD ACCIDENTS IN KERALA IN THE YEAR 2018.
EXHIBIT P11	TRUE COPY OF ARTICLE "DRIVER TRAINING AN EFFECTIVE TOOL FOR IMPROVING ROAD SAFETY IN INDIA" BY DR.NEELIMA CHAKRABARTY, ANURADHA SHUKLA, H.SINGH, AND NANCY SHOKEEN.

RESPONDENTS' EXHIBITS:

EXT.R1(a): TRUE COPY OF THE G.O.(P) NO. 27/2017/TRANS DATED 15.11.2017.

APPENDIX OF WP(C) 16252/2020

PETITIONER'S/S EXHIBITS:

- | | |
|---------------|--|
| EXHIBIT P1 | TRUE COPY OF THE REPLY DATED 18/3/20 GIVEN BY THE 3RD RESPONDENT. |
| EXHIBIT P1(A) | TRUE COPY OF THE REPLY DATED 17/3/20 GIVEN BY THE 4TH RESPONDENT. |
| EXHIBIT P2 | TRUE COPY OF THE REPORT OF THE COMPTROLLER AND AUDITOR GENERAL OF INDIA ON REVENUE SECTOR FOR THE YEAR ENDED IN MARCH 2018, SUBMITTED BEFORE THE 1ST RESPONDENT. |

RESPONDENTS' EXHIBITS:

EXT. R1(a): TRUE COPY OF G.O.(P) NO. 27/2017/TRANS DATED 15.11.2017

/True Copy/

PS to Judge.

APPENDIX OF WP(C) 16767/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF CHART SHOWING THE ROAD ACCIDENTS IN INDIA.
EXHIBIT P2	TRUE COPY OF CHART SHOWING THE ASSESSMENT OF EXISTING CONDITION IN INDIAN CITIES.
EXHIBIT P3	TRUE COPY OF CHART SHOWING THE CAUSES OF ROAD ACCIDENTS IN INDIAN CITIES.
EXHIBIT P4	TRUE COPY OF DIRECTIVES OF HONOURABLE SUPREME COURT OF INDIA.
EXHIBIT P5	TRUE COPY OF REPLY SENT BY THE 13TH RESPONDENT TO THE PETITIONER UNDER RIGHT TO INFORMATION ACT.
EXHIBIT P5A	TRUE ENGLISH TRANSLATION OF EXHIBIT P5
EXHIBIT P6	TRUE COPY OF PHOTOGRAPHS SHOWING THE OBSTRUCTION CAUSED BY THE STREET VENDORS IN KOTTAYAM DISTRICT.
EXHIBIT P7	TRUE COPY OF REGISTRATION CERTIFICATE DATED 11.6.2003 OF THE PETITIONER ALONG WITH ITS ENGLISH TRANSLATION.
EXHIBIT P8	TRUE COPY OF CERTIFICATE DATED 6.7.2020 REGARDING THE FILING OF GOVERNING BODY LIST AND BALANCE SHEET.

RESPONDENT'S/S EXHIBITS:

EXHIBIT R17 A	A DETAILED TABLE OF THE SYSTEMS AND PENDING AMOUNTS TO BE REALIZED AS PER THE ORIGINAL WORK ORDERS.
EXHIBIT R2A	TRUE COPY OF THE LATEST ACCOUNTS RECEIVED FROM ACCOUNTANT GENERAL TILL 2018-19.
EXHIBIT R2B	TRUE COPY OF THE GOVERNMENT ORDER GO(RT) NO-430/2019/TRANS DATED 18.9.2019
EXHIBIT R2C	TRUE COPY OF THE SAVING BANK PASS BOOK ACCOUNT OF KRSA

APPENDIX OF WP(C) 22429/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF ACCIDENT STATISTICS IN KERALA DURING THE YEAR 2001 TO 2019.
EXHIBIT P2	TRUE COPY OF THE DECLARATION OF THE FIRST GLOBAL MINISTERIAL CONFERENCE ON ROAD SAFETY HELD AT MOSCOW ON 19-20 NOVEMBER, 2019.
EXHIBIT P3	TRUE COPY OF THE ROAD ACCIDENT STATISTICS OF KERALA POLICE DURING 2010 TO 2019.
EXHIBIT P4	TRUE COPY OF THE DECLARATION OF THE SECOND GLOBAL HIGH LEVEL CONFERENCE ON ROAD SAFETY HELD AT BRASILI ON 18-19 NOVEMBER, 2015.
EXHIBIT P5	TRUE COPY OF THE REPORT OF THE COMMITTEE ON ROAD SAFETY AND TRAFFIC MANAGEMENT SUBMITTED IN FRBRUARY, 2007.
EXHIBIT P6	TRUE COPY OF THE NATIONAL ROAD SAFETY POLICY.
EXHIBIT P7	TRUE COPY OF THE CHART SHOWING INSTITUTIONAL MECHANISM FOR ROAD SAFETY IN VARIOUS STATES AS PER THE DIRECTION CONTAINED IN THE SUPREME COURT JUDGMENT.
EXHIBIT P8	TRUE COPY OF THE ROAD SAFETY POLICY FOR KERALA.
EXHIBIT P9	TRUE COPY OF THE ORDER NO. G.O. (MS)NO.70/2011/TRANS DATED 12.12.2011 ISSUED BY THE TRANSPORT (C) DEPARTMENT.
EXHIBIT P10	TRUE COPY OF THE ORDER NO.(G.O.(MS) NO.16/2013/TRANS DATED 22.2.2013 ISSUED BY THE TRANSPORT (C) DEPARTMENT.
EXHIBIT P11	TRUE COPY OF THE CIRCULAR NO.05/2013/TC DATED 22.3.2013 ISSUED BY THE TRANSPORT COMMISSIONER.
EXHIBIT P12	TRUE COPY OF THE ORDER NO.(G.O.(MS)

NO.33/2013/TRANS DATED 10.4.2013 ISSUED BY THE
TRANSPORT (C)DEPARTMENT.

- EXHIBIT P13 TRUE COPY OF THE SAFE KERALA PROPOSAL FOR
SEPARATE ENFORCEMENT WING OF MOTOR VEHICLES
DEPARTMENT, KERALA.
- EXHIBIT P14 TRUE COPY OF THE COMPOUNDING FEE COLLECTION
STATEMENT FROM 2011-12 TO 2017-18 IN THE MOTOR
VEHICLES DEPARTMENT.
- EXHIBIT P15 TRUE COPY OF THE ORDER DATED 4.6.2018 ISSUED BY
THE 2ND RESPONDENT.
- EXHIBIT P16 TRUE COPY OF THE ORDER DATED 16.6.2018 ISSUED
BY THE 2ND RESPONDENT.
- EXHIBIT P17 TRUE COPY OF THE ORDER DATED 24.8.2018 ISSUED
BY THE 2ND RESPONDENT.
- EXHIBIT P18 TRUE COPY OF THE STATEMENT OF ENFORCEMENT
WING WITH RESPECT TO THE COLLECTION OF
COMPOUNDING FEE AND NUMBER OF CHECK REPORTS.
- EXHIBIT P19 TRUE COPY OF THE ORDER DATED 2.3.2019 ISSUED BY
THE 2ND RESPONDENT.
- EXHIBIT P20 COPY OF THE CIRCULAR DATED 25.11.2019 ISSUED BY
THE THIRD RESPONDENT.
- EXHIBIT P21 TRUE COPY OF THE STATEMENT SHOWING THE
SERVICES PROVIDED FROM THE TRANSPORT OFFICES.
- EXHIBIT P22 TRUE COPY OF THE REPRESENTATION DATED 21.3.2020
SUBMITTED BY THE PETITIONERS.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

PS to Judge.