

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

Thursday, the 27th day of November 2025 / 6th Agrahayana, 1947

MACA NO. 352 OF 2022(F)

OP(MV)NO.1236/2015 OF ADDITIONAL MOTOR ACCIDENTS CLAIMS TRIBUNAL, THALASSERY

APPELLANT/3RD RESPONDENT IN OP(MV):

**KERALA STATE INSURANCE DEPARTMENT, REPRESENTED BY DISTRICT
INSURANCE OFFICER, CIVIL STATION, KOZHIKODE, PIN - 673620**

BY GOVERNMENT PLEADER

RESPONDENTS/PETITIONERS & RESPONDENTS 1 & 2 IN OP(MV):

- 1. JOY WILSON, S/O VINCENT, GLENDALE, CHERUVANNUR, FEROKE P.O.,
KOZHIKODE, PIN- 673 631**
- 2. GLEN ELVIS M.J., S/O.JOY WILSON ,GLENDALE, CHERUVANNUR, FEROKE
P.O., KOZHIKKODE, PIN - 673631**
- 3. RENIL ASHLIN M.J., S/O.JOY WILSON, GLENDALE, CHERUVANNUR, FEROKE
P.O., KOZHIKKODE - 673631**
- 4. LILLY MENDONZA, W/O.LATE WILLIAM MENDONZA, CAMEL VILLA, GARDEN'S
ROAD ,THALASSERY -670102., PIN - 670102**
- 5. DIRECTOR GENERAL OF POLICE TRIVANDRUM, KERALA - 695010 [OWNER OF THE
JEEP, KL 01 / AQ/ 7154], PIN - 695010**
- 6. SAJESH KUMAR P., S/O GOPALAN NAIR, PUTHUKKAD HOUSE, KAKKUR
(PO), KOZHIKKODE-673613(DRIVER OF THE JEEP. KL 01/ AQ/7154), PIN -
673613**
- 7. TRANSPORT COMMISSIONER, MOTOR VEHICLES DEPARTMENT, 2ND FLOOR, TRANS
TOWER, CV RAMAN PILLAI ROAD, DPI, VAZHUTHACAUD, THIRUVANAMTHAPURAM,
KERALA-695014 [ADDL. R7 IS SUO MOTU IMPEDED AS PER ORDER DATED
27-10-2023]**

**BY ADVOCATES M/S SRINATH GIRISH & P.JERIL BABU FOR R1,
M/S.M.K.SUMOD, ABDUL RA00F PALLIPATH & VIDYA M.K. FOR R2 & R3,
SRI.NIRMAL.S FOR R6**

**This Motor accidents claims appeal having come up for orders on
27.11.2025, the Court on the same day passed the following:**

P.T.0

DEVAN RAMACHANDRAN, J.

M.A.C.A.No.352/2022

Dated this the 27th day of November, 2025

O R D E R

This Court is informed of certain news reports that, this year alone, until October, 218 lives have been lost on pedestrian paths – commonly known as ‘Zebra Crossings’.

2. This is extremely shocking and egregiously distressing!

3. There cannot be accidents on the ‘Zebra Crossings’ and no more lives injured or lost in future. This may sound utopian, but it is imperative because every life is precious and every life counts. We cannot further countenance pedestrians to be exposed to the vagaries of the driving culture on our roads; and since not much has changed in the last several months, strict enforcement and innovation require to take place center stage.

4. Sri.K.V.Manoj Kumar – learned Senior Government Pleader, has filed a Memo dated 27.11.2025, producing therewith the report of the Kerala Motor Vehicles Department.

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5. I have gone through the afore report and am certain that it should be enforced implicitly; for which, I extract the same as under:

Second Report on Action taken by the Kerala, Motor Vehicles Department to ensure Pedestrian Safety in compliance to Hon High Court in MACA No.352 of 2022(F) arising out of OP(MV) No. 1236/2015

1. Joint Inspection teams of officials from MVD, Police, PWD, NHAI and NATPAC have been formed in three major cities, viz., Kochi, Thiruvananthapuram and Kozhikode, to physically inspect 10 major crossings in each city, to identify issues impacting pedestrian safety, suggest solutions and initiate action. The joint inspection visits have been conducted at both day and night time and reports have been prepared. Action of enforcement and education has been initiated. Action of repainting of zebra crossings and realignment of barricade openings and foot path height is underway from the part of concerned departments.

2. Right of Way an awareness campaign for safety of Pedestrians and Cyclists has been conducted by MVD in Ernakulam in coordination with Police and Rotary International. Awareness program for both pedestrians and drivers have been conducted across state to emphasis and enforce the rights of pedestrians.

3. School Children Practical sessions on how to cross roads has been conducted for school children in all the districts of Kerala.

4. Enforcement MVD officers all over the state have started enforcing pedestrian crossings at major towns with heavy traffic. After initial warning stage, 981 challans have been issued in various places against erring vehicle drivers.

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5. Blind spot mirrors Installation of blind spot mirrors has been mandated for all school buses, heavy vehicles and stage carriages to ensure better visibility of pedestrians standing close to heavy vehicles or crossing from the front or behind the vehicle.

6. Road Accident Victims Remembrance Day observed Road accident victims remembrance day was observed all over the state under the leadership of MVD officers and prominent persons of the locality on November 16th. Survivors of Road accidents have been invited to the events, in some places to narrate their experience about what went wrong and how it could have been prevented.

7. Driving tests MVD officers have been directed to specifically focus on the competence of the driver candidate on whether the latter are showing courtesy to pedestrians at zebra crossings and anticipating their movements at other places.

8. Learners Online test syllabus the question bank for Learners License text has more questions of pedestrian safety and safe parking methods.

9. MVD Leads App The practice tests and mock tests in the App consist of mere questions of pedestrian safety.

10. PWD and NHAL have been requested to expedite the re-painting of zebra crossings in the identified spots during Joint Inspections conducted recently. Enforcement and Education is becoming difficult in the absence of up-to-date maintenance of zebra crossings.

11. Issues noticed during joint inspections The following are the most commonly noticed issues affecting safety of pedestrians:

i. Inadequate Lighting at crossings and junctions

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- ii. Insufficient barricading to separate pedestrians and vehicular traffic.
- iii. Blinkers are absent near pedestrian crossing.
- iv. Medians obstructing pedestrian crossing.
- v. Signal post and Electric posts within zebra crossing obstructing pedestrian movement.
- vi. Shop encroachments and parking on zebra line causing obstructions.
- vii. Stop line missing.
- viii. Faded or worn out Zebra Crossing marking
- ix. Misalignment of barricade opening and Zebra crossing
- x. Zebra crossing ending at foot path kerb.
- xi. Bus stop on carriage way.

12. Suggestions

- A. Table top zebra crossings have been implemented in Kozhikode. They are cheaper to implement and safer than normal painted zebra crossings, as the vehicles are compelled to slow down when approaching such a speed calming zebra crossing.
- B. Barricading the medians and foot paths to prevent jay walking and guide the pedestrian traffic on to zebra crossings.
- C. Disability friendly zebra crossings with pelican signals, audio signals and tactile foot path to help visually impaired and passable footpaths onto the zebra crossings without a kerb for wheel chair access.
- D. Pedestrian flyover with escalator and barricading.

6. This Court interacted today with Sri.Nagaraju – Transport Commissioner; Sri.Kaliraj Mahesh Kumar – Inspector General of Police, Traffic and Road Safety Management; and Sri.K.Biju – Principal Secretary to Public Works Department.

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7. Several pertinent and compelling suggestions have come from the Officers.

8. Sri.Kaliraj Mahesh Kumar conceded that there have been several accidents involving pedestrians and pointed out that about 50% of it involves senior citizens. He explained that the lack of proper footpaths, combined with the reckless culture of driving and jaywalking, contribute to a large extent, if not substantially, to this problem.

9. Sri.Nagaraju submitted that the protocol of driving tests is being reviewed; and that several innovations like ‘pelican signals’ and ‘Tabletop Zebra Crossing’ are being implemented.

10. Sri.K.Biju assured this Court that necessary requirements, including through budgetary allocations, will be provided; and that interventions in future will be focused on.

11. However, I am fully of the resolve that we have to cure the malady in the present, and cannot wait for future.

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12. Whether the press reports be right or wrong, the factum of deaths and injuries on pedestrian paths is extremely disconcerting.

13. It is now time to ensure change of our driving culture. Drivers have to be told the importance of 'Zebra Crossings' and imperative of recognizing that the pedestrians have the right of first access on them. They have to be educated to anticipate of 'Zebra Crossings' and modulate their speed and parking accordingly; of course, for which, necessary signaling and boards will also need to be installed.

14. No change can be brought out by words alone. But, it is with some appreciation this Court records that there have been attempts by the official respondents to make changes, including by posting Officers at all intersections and 'Zebra Crossings'. Of course, this is a short-time measure, because one cannot expect this to continue forever.

15. For pedestrian safety to be a reality without continuous physical monitoring, the driving culture has to be changed; and changed for the better. No driver can be allowed

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to park vehicles temporarily or otherwise on any ‘Zebra Crossing’; and violation of this will have to be visited with severe penalties. Necessary information has to be disseminated to all drivers forthwith, that parking or stopping vehicles on a pedestrian path, without anticipating the space that would be required to cross it, would surely be viewed with seriousness.

16. The Authorities concerned must ensure warning signals to the effect that there is a pedestrian path in front, requiring the drivers to slow down, at least a few meters ahead of them; and in fact, the learned Inspector General of Police affirms that this is a mandatory requirement under the Indian Road Congress.

17. The effort may have begun; but it cannot stop until we are able to obtain full results.

18. I reemphasize that no more lives shall be lost; and no one injured on ‘Zebra Crossings’; with a warning to every driver that, should this happen, strictest of penalties will follow. The superior right of a pedestrian on a ‘Zebra Crossing’ will have to be educated to every road user and this be made part

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of driving tests and issuance of licenses in future. Axiomatically, repeated violations of this should visit the driver with the highest penalties, including cancellation of licenses.

19. That said, without doubt, impatience on roads by all kinds of vehicles – as pointed out by the learned Inspector General, is the most contributing factor, and this requires to be controlled. No excuse – whatever be the nature, nuance or hue – can justify reckless driving by any one – be that of a private vehicle, or public transport vehicles – and it is for the Police to ensure that this is done immediately. I record the undertaking of the learned Inspector General that necessary steps in this regard will be taken in full swing straightaway.

20. I stop at this juncture today because, certainly, the Authorities will have to be given some time to conceptualize and execute what is the best required in future. However, the concept of a ‘tabletop pedestrian crossing’ – which, the learned Traffic Commissioner says, has been implemented in the city of Calicut – appeals to me because, it would then operate both as

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a crossing as also a speed breaker. This, the Officers before this Court today should think in unison and act with consensus.

21. I direct the competent among the respondents to ensure that this order, and the directions herein, are published to the extent possible, so that every driver would be aware of it forthwith. The urgency is unmistakable because accidents are waiting to happen even the next moment onwards. This cannot be!

I adjourn this matter, for further consideration on 10.12.2025, when the learned Government Pleader will obtain instructions from all Authorities and inform this Court the steps taken.

I close this order reiterating and restating that the life of every pedestrian is precious and invaluable; and that no ill shall fall on them, merely because they choose to use the public spaces in exercise of their fundamental right of movement.

Sd/-

DEVAN RAMACHANDRAN,

RR

JUDGE