



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

**HON'BLE SHRI JUSTICE VIVEK RUSIA
&
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI**

ON THE 4TH OF DECEMBER, 2024

WRIT PETITION No. 606 of 2018

PRAMOD KUMAR

Versus

GOVT. OF INDIA AND OTHERS

Appearance:

Shri Manish Yadav - Advocate for the petitioner.

Shri Amit Agrawal, learned Sr. Advocate assisted by Shri Arjun Agrawal – Advocate for respondent No.8.

Shri Bhuwan Gautam – Government Advocate for the respondent/State.

Shri Vivek Patwa – Advocate for respondent No. 9.

Shri R.S.Raghuvanshi – Advocate for respondent No. 7.

WITH

WRIT PETITION No. 617 of 2018

DHARMENDRA CHELAWAT

Versus

MINISTRY OF ROAD TRANSPORT AND OTHERS

Appearance:

None for the petitioner.

Shri Bhuwan Gautam – Government Advocate for the respondent/State.

Shri Vivek Patwa – Advocate for respondents No.1 and 2.

Shri Amit Agrawal, learned Sr. Advocate assisted by Shri Arjun Agrawal – Advocate for respondent No.5.



WRIT PETITION No. 631 of 2018

SURAJ

Versus

DELHI PUBLIC SCHOOL AND OTHERS

Appearance:

None for the petitioner.

Shri Bhuwan Gautam – Government Advocate for the respondent/State.

Shri Amit Agrawal, learned Sr. Advocate assisted by Shri Arjun Agrawal – Advocate for respondent No.1.

Shri Vivek Patwa – Advocate for respondent No.2.

WRIT PETITION No. 856 of 2018

SAURABH MISHRA

Versus

DELHI PUBLIC SCHOOL (DPS) AND OTHERS

Appearance:

None for the petitioner.

Shri Bhuwan Gautam – Government Advocate for the respondent/State.

Shri Amit Agrawal learned Sr. Advocate assisted by Shri Arjun Agrawal – Advocate for respondents No.1 and 2.

Shri Vivek Patwa – Advocate for respondent No.4.

WRIT PETITION No. 2472 of 2018

VAIBHAV AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

None for the petitioner.

Shri Bhuwan Gautam – Government Advocate for the respondent No.3/State.

Shri Amit Agrawal learned Sr. Advocate assisted by Shri Arjun Agrawal – Advocate for respondents No.5 and 6.



WRIT PETITION No. 3979 of 2018

***LAKSHYA CHAITANYA WOMEN AND CHILD WELFARE SOCIETY
THROUGH ABHA GUPTA***

Versus

HOME DEPARTMENT AND OTHERS

Appearance:

Shri Manish Gupta - Advocate for the petitioner.

*Shri Bhuwan Gautam – Government Advocate for the
respondent/State.*

*Shri Amit Agrawal, learned Sr. Advocate assisted by Shri Arjun
Agrawal – Advocate for respondent No.8.*

Shri Vivek Patwa – Advocate for respondent No.2.

WRIT PETITION No. 7342 of 2018

MRS. VANDANA SHRIVASTAVA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

None for the petitioner.

*Shri Bhuwan Gautam – Government Advocate for the
respondent/State.*

Shri Vivek Patwa – Advocate for respondent No.3.

Reserved on : 19.11.2024

Pronounced on : 04.12.2024

ORDER

Per: Justice Vivek Rusia

Since the issues involved in these cases are identical in nature, these petitions are heard analogously and are decided by this common order. For the sake of convenience, facts of Writ Petition No.606 of 2018 are being taken for disposal of all these writ petitions.



02. All these petitions are filed for the public interest after the unfortunate accident of a school bus bearing registration No. MP 09 FA 2029 belonging to Delhi Public School, Nipania, Indore. On 05.01.2018, after collecting students from school, the above bus met with an accident which resulted in the death of four students and the driver. The police and local administration took action as per law against responsible persons but residents and portents have approached this High Court by way of these PILs with the sole intention of the safety and protection of children traveling in school buses, they are seeking various reliefs by way of direction/directions, writ/writs from Union of India, State of Madhya Pradesh through Principal Secretary Home Department, Commissioner, Collector, Central Board of Secondary Education, M.P.Board of Secondary Education, Management of DPS Indore and Regional Transport Officer as respondents. The reliefs claimed by the petitioners in their respective PILs are as under :

W.P.No. 606/2018

- (1) Maintenance of the buses in the government and private schools.
- (2) Seat belts in all seats.
- (3) Children are not to be seated in the cabin.
- (4) Respondents to frame rules for the safety of schools.
- (5) Two female and two male attendants are appointed for the bus.
- (6) Registration of criminal case against DPS.
- (7) The matter be investigated through an independent agency.
- (8) Not to run the old buses for more than 5 years.
- (9) Control of the fee charged by the school.
- (10) Alcoholic test of the driver and conductors from time to time.

W.P.No. 617/2018

- (1) Cancellation of sanction/approvals/license of DPS.
- (2) Enquiry and Punishment to responsible officers of respondents No. 1 to 4 and concerning staff of respondent No.5.
- (3) Compensation of Rs. 20 lakhs to each of the parents whose child died and Rs. 15 lakhs to the injured children.



W.P.No. 631/2018

- (1) Compensation.
- (2) Treatment of injured children by the school management.
- (3) Not to give buses on contract.
- (4) Permission be granted to run the vehicle to a suitable driver.
- (5) Regular check-up of school buses by the RTO.
- (6) Only new buses be authorised from the RTO for transportation of the children.
- (7) Registration of FIR against the respondent No. 1.

W.P.No. 856/2018

- (1) Registration of FIR against the authorities.

W.P.No. 2472/2018

- (1) Direction to respondent No. 1 to 4 for proper and regular supervision of the security provisions, driver and school bus.
- (2) Issuance of license to qualified persons and assurance of fitness of vehicles which are used for transportation (respondents No. 3 and 4).
- (3) To check the school bus function (respondents No. 5 and 6).
- (4) Tight supervisory check-up on the institution having facility of school buses (respondents No. 7 and 8).
- (5) Cancellation of license of driver driving improperly and cancellation of eligibility or registration of the school who have been found like subjected one.
- (6) Registration of crime against the responsible persons.

W.P.No. 3979/2018

- (1) FIR be registered against the Principal, Management and concerned government authorities.
- (2) Respondents be directed to pay compensation to the families of the deceased driver, children and injured children.
- (3) Directing respondents to raise the standard of government schools.
- (4) Formulate a policy to cap the school fee.
- (5) Directing the respondents to permit the school buses to ply in the BRTS.
- (6) Fix the age limit of school buses to a maximum of 10 years and other passenger buses 15 years.



- (7) Directing respondents to make a guideline for the ownership conditions to be fixed as first owners buses.
- (8) Directing CBSE to take punitive measures for the violation of their guidelines dated February 2017.
- (9) Directing respondents to issue similar CBSE guidelines as laid down by the Hon'ble Apex Court in the matter of *M.C. Mehta vs. Union of India & Ors., AIR 1999 SC 301*.

W.P.No. 7342/2018

- (1) To take appropriate action implementation of guidelines of the Apex Court as well as circulars and directives.
- (2) Issuance of licence and certificate to the vehicles used for transportation of children by the school.
- (3) Direction to the respondents to formulate policy for regular monitoring of buses and vans used for transportation of children.

03. Petitioners are seeking that some guidelines be framed by this High Court so as to avoid such types of incidents in future. Direction for compensation has also been sought from the State Government as well as the school management for the families of the students who died in the accident. Whereas, in some petitions, directions are being sought for the prosecution of school management. We hereby appreciate the concern and efforts of the writ petitioners.

04. So far as the direction to pay compensation is concerned, the management of Delhi Public School, Indore came with a reply that a just and proper amount of compensation had already been paid to the wife of the deceased driver of the vehicle along with life long free education to their children. Medical expenses of the injured persons and students had been borne by the school management. Rs. 2,30,000/- has been paid to the injured/family of the injured students. Regular salary is being paid to the conductor to date along with Rs. 50,000/- for further treatment. Rs. 13,35,744/- has been paid for the treatment of the conductor so far. Certain



claims under the Motor Vehicle Acts, 1988 (hereinafter referred to as the 'Act of 1988') are pending before the concerned Tribunal.

05. We are of the opinion that the issue of the appropriate amount of payment of compensation cannot be decided in a public interest litigation. Persons who have suffered injury or parents of deceased children have a remedy to approach the Court to claim compensation from the respective respondents. No general directions can be issued in the PIL for payment of fixed amount of compensation.

06. The direction to prosecute the responsible authorities and individuals is concerned, FIR has already been registered under Sections 304, 323, 325, 109, 188, 420, 467, 468, 471 and 120-B of the Indian Penal Code and charge-sheet has been filed on 06.04.2018. Hence no direction is required to be issued.

07. Now we will take up the main relief regarding framing of guidelines for safety measures to avoid such type of the incidents in future. The State Government enacted "Madhya Pradesh Niji Vidyalaya (Fees Tatha Sambandhit Vishayon Ka Viniyaman) Vidheyak, 2017" published in the official Madhya Pradesh Gazette on 04.12.2017 in order to regulate the fee structure and other related issues in respect of private schools in the State of Madhya Pradesh, in which there is no such provisions for control and management of school buses. The State of MP has also not made any proviso in the Motor Vehicle Act and Rules made thereunder. Therefore the petitioners have come up with various suggestions in their PIL for framing guidelines to ensure that such unfortunate incidents can be avoided in future.

08. The State of Chhattisgarh has already amended **the Chhattisgarh Motor Vehicle Rules, 1994** by inserting Rules 76B and 76C in respect of the conditions for school bus permits and the conditions for



permit of vehicles taken on hire by educational institutions for use as school bus. However, in the State of Madhya Pradesh, no steps have been taken so far to amend local law i.e. the M.P. Motor Vehicles Rules, 1994. Rules 76B and 76C of the Chhattisgarh Motor Vehicles Rules, 1994 are comprehensive in nature and are reproduced hereunder :

"76-B. Conditions for school bus permit. - Subject to the provision of sub-section (2) of Section 74 the following conditions shall be attached to every school bus Permit, namely :

- (1) Each bus shall be painted in yellow colour and "School Bus" shall be written on the front and rear of the vehicle under sub-rule (5) of rule 114 of Chhattisgarh Motor Vehicle Rules, 1994. The name, address and telephone/mobile number of the School shall be written on a 09-inch board strip on the outer side of the school bus on both sides.
- (2) The buses shall have a horizontal grill fitted on the windows.
- (3) Each school bus shall have a first aid kit and fire extinguisher.
- (4) Each school bus shall have an attendant trained in first aid, safety of students and in dealing with emergencies who shall assist students in boarding and de-boarding.
- (5) The school buses shall be operated by drivers who have held permanent driving licenses and have a minimum of five years of experience in driving heavy vehicles.

Such drivers will not be employed who have been challenged on more than two occasions in one year for offences like violating lane systems violating signal lights or allowing an authorized person to enter. A driver who has been challenged even once for the offence of over speeding, drunken driving and dangerous driving shall not be employed. An affidavit to this effect shall be obtained by the educational institution from the driver of the vehicle.

- (6) Other than students, the school bus is permitted to carry only guardians of students or teachers of educational institutions who may travel to check safety norms. No other person shall be allowed to travel in such buses.
- (7) Each school bus shall have space to keep school bags under the seat.



- (8) The school buses shall operate within the prescribed speed limit. Each bus shall be fitted with a speed governor.
- (9) Each school bus shall have an emergency door on the right side which shall be closed properly and shall be opened only in emergency.
- (10) The doors of the school buses shall be fitted with a reliable locking system.
- (11) Coloured films on glasses and curtains shall not be used on the windows of the school buses. Security glasses as provided in Rule 100 of the Motor Vehicle Rules, 1989 shall be used.
- (12) No pressure horn shall be fitted in school buses. During operation, at night the school buses shall have blue colour bulbs fitted inside.
- (13) The school buses shall be regularly maintained and cleaned.
- (14) For contract vehicles, a valid fitness certificate under Section 56 of the Motor Vehicles Act, 1988 (No.59 of 1988) shall have to be obtained.
- (15) Each school bus shall have a valid insurance certificate, pollution control certificate and certificate of payment of taxes.
- (16) No school bus shall be more than 12 years old.

76-B. Conditions for permit of vehicles taken on hire by educational institutions for use as a school bus - Subject to the provisions of sub-section (2) of Section 74 the following conditions for a permit shall be attached to every vehicle taken on hire by the educational institution for use as a school bus, namely :

- (1) "On School Duty" shall be written in contrasting colours in front and rear of each vehicle. The name and other details of the vehicle owner and driver of such vehicles shall be given to the police station having jurisdiction over the area where the school is situated.
- (1) The vehicles shall have a horizontal grill fitted on the windows.
- (2) Each vehicle shall have a first aid kit and fire extinguisher.



- (3) Each vehicle shall have an attendant trained in first aid, safety of students and in dealing with emergency situations who will assist students in boarding and de-boarding.
- (4) The vehicles shall be operated by such drivers who have held permanent driving licenses and have a minimum of five years of experience in driving heavy vehicles.

Such drivers will not be employed who have been challenged on one or more than two occasions in the year for offences like violating lane system, violating signal lights or allowing an authorized person to enter. A driver who has been challenged even once for the offence of over speeding, drunken driving and dangerous driving shall not be employed. An affidavit to this effect shall be obtained by the educational institution from the driver of the vehicle.
- (5) Other than students, the vehicle is permitted to carry only guardians of students or teachers of the educational institution who may travel to check safety norms. No other person shall be allowed to travel in such vehicles.
- (6) Each vehicle shall have space to keep school bags under the seat.
- (7) The vehicles shall operate within the prescribed speed limit. Each bus shall be fitted with a speed governor.
- (8) Each vehicle shall have an emergency door on the right side which shall be closed properly and shall be opened only in emergency.
- (9) The doors of the vehicles shall be fitted with a reliable locking system.
- (10) Coloured films on glasses and curtains shall not be used on the windows of the vehicles. Security glasses as provided in Rule 100 of the Motor Vehicle Rules, 1989 shall be used.
- (11) No pressure horn shall be fitted in the vehicle. During operation at night the vehicles shall have blue colour bulbs fitted inside.
- (12) The vehicles shall be regularly maintained and cleaned.
- (13) For contract vehicles, a valid fitness certificate under Section 56 of the Motor Vehicles Act, 1988 (No. 59 of 1988) shall have to be obtained.
- (14) Each vehicle shall have a valid insurance certificate, pollution control certificate and certificate of payment of taxes.



(15) No vehicle shall be more than 12 years old."

09. **Chapter – II** of the Motor Vehicles Act, 1988 deals with the licence of the driver of the motor vehicle. **Chapter – VII** deals with the construction, equipment and maintenance of motor vehicles. **Chapter – XI** deals with the insurance of motor vehicles against third-party risks. **Chapter – XIII** deals with offences, penalties and procedures.

10. As per Definition 2 (40) of the Act of 1988, "stage carriage" means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers. As per Definition 2 (47) "transport vehicle" means a public service, a goods carriage, an educational institution bus or a private service vehicle. Therefore, the educational institution bus is treated as a "transport vehicle" under the Act of 1988.

11. **Chapter – IV** (Sections 39 to 47) of the Act of 1988 deals with the registration of motor vehicles by the concerned regional transportation authority. Section 58 provides Special provisions regarding the registration of transport vehicles in which the school buses have not been taken into consideration as a special category in respect of safety majors to be taken for the children. Section 59 provides the power to the central and state Government to fix the age limit of motor vehicles having regard to the public safety, convenience and objects of this Act, by issuing notification in the official gazette. But no such notification has been issued for fixing the age limit of the school buses.

12. **Chapter – V** deals with the control of transport vehicles wherein also school buses have not been considered as a separate class of transportation vehicles by any of the Government.



13. In the State of MP in the exercise of powers conferred by Sections 28, 38, 65, 95, 96, 107, 111, 138, 159, 176, 211 and 213 of the Motor Vehicles Act, 1988, the M.P. Motor Vehicles Rules, 1994 (hereinafter referred to as the 'Rules of 1994') are framed. **Chapter – IV** of these Rules deals with the registration of motor vehicles. However, there is no specific provision for registration, permit and special conditions for school buses, as has been done by the State of Chhattisgarh.

14. Therefore, till the State Government makes provisions by way of amendments in the Madhya Pradesh Motor Vehicles Rules, 1994 this Court in exercise of powers conferred under Article 226 of the Constitution of India, for the safety of children travelling in the buses belonging to the private and Government educational institutions, coaching centers, sports academy and local bodies etc. we deem it appropriate to frame following guidelines:-

The following conditions shall be attached to every school bus Permit and every vehicle taken on hire by educational institutions for use as a school bus namely :

- (1) Each school bus shall be painted yellow colour and "School Bus" or "On School Duty" as the case may be written on the front and rear of the vehicle. The name, address and telephone/mobile number of the vehicle in charge of the school shall be written on a 09-inch board strip on the outer side of the school bus on both sides.
- (2) The buses shall have a horizontal grill fitted on the windows.
- (3) Coloured films on glasses and curtains shall not be used on the windows of the school buses. Security glasses as provided in Rule 100 of the Motor Vehicle Rules, 1989 shall be used.
- (4) Each school bus shall have a first aid kit and fire extinguisher.



- (5) Each school bus shall have an attendant trained in first aid, safety of students and in dealing with emergencies who shall assist students in boarding and de-boarding.
- (6) The school buses shall be operated by drivers who have held permanent driving licenses and have a minimum of five years of experience in driving heavy vehicles.

Such drivers will not be employed who have been challaned (fined) on more than two occasions in one year for offences like violating the lane system violating signal lights or allowing an authorized person to enter. A driver who has been challaned even once for the offence of over speeding, drunken driving and dangerous driving shall not be employed. An affidavit to this effect shall be obtained by the educational institution from the driver of the vehicle.
- (7) Other than students, the school bus is permitted to carry only guardians of students or teachers of educational institutions who may travel to check safety norms. No other person shall be allowed to travel in such buses.
- (8) Each school bus shall have space to keep school bags under the seat.
- (9) The school buses shall operate within the prescribed speed limit. Each bus shall be fitted with a speed governor.
- (10) Each school bus shall have an emergency door on the right side which shall be closed properly and shall be opened only in emergency.
- (11) The doors of the school buses shall be fitted with a reliable locking system.



- (12) No pressure horn shall be fitted in school buses. During operation, at night the school buses shall have blue colour bulbs fitted inside.
 - (13) The school buses shall be regularly maintained and cleaned.
 - (14) For contract vehicles, a valid fitness certificate under Section 56 of the Motor Vehicles Act, 1988 (No.59 of 1988) shall have to be obtained.
 - (15) Each school bus shall have a valid insurance certificate, pollution control certificate and certificate of payment of taxes.
 - (16) No school bus shall be more than 12 years old.
- 15.** Apart from the aforesaid conditions, we also issue the following directions :
- (1) In the case of auto-rickshaws personally engaged in the transportation of students to schools, not more than four persons including the driver can be seated.
 - (2) The Regional Transport Officer, Dy. SP / CSP Traffic of each and every district in the State shall be responsible for the proper implementation of the provisions of the Motor Vehicles Act, the M.P. Motor Vehicles Rules and the aforesaid guidelines.
 - (3) Every Principal of Government and the management/owner of Private School management shall appoint/ nominate/ authorize any senior teacher/staff member as **Vehicle Incharge** to monitor the registration, condition, safety norms and route of the school buses and in case of any violation he/she shall be responsible along with the school management.



- (4) Every "School Bus" or "On School Duty" shall have a GPS tracking system and a CCTV camera so that the vehicle can be tracked and viewed by the parents through the mobile app.
 - (5) Every school management shall depute a male/female teacher, as the case may be, who shall travel along with the students in the bus from the first till the last stoppage of the route.
 - (6) There shall be regular medical check-ups for the drivers and conductors and also monitoring of their criminal activities.
- 16.** The Principal Secretary, State Education Department, Collector and Superintendent of Police of each and every District of the state of Madhya Pradesh shall give due publicity to the aforesaid guidelines / directions in all the schools providing transportation facilities to their students and they shall be responsible for strict compliance.
- 17.** The above guidelines shall remain in operation till the Government of Madhya Pradesh examines and make provisions in the M.P. Motor Vehicles Rules, 1994.
- 18.** With the aforesaid directions, these petitions stand disposed of.
- 19.** Let a copy of this order be placed in the record of the connected writ petitions.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE