

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

Present: Mr. Justice N. Dhinakar, Hon'ble Chairperson

Dated this the 7th October, 2010.

H.R.M.P.No. 67 of 2009

Petitioner : Suo-motu action based on a report in a daily

Respondent :

ORDER

A Member of this Commission took the above HRMP suo-motu on seeing a news report in a daily wherein it was reported that a bus belonging to the Kerala State Road Transport Corporation (KSRTC) met with an accident on account of which the driver of the bus died and thirty five passengers suffered injuries, which according to the report, was on account of the fact that the driver was forced to drive the vehicle continuously for twenty four hours without any rest.

The Member called for a report from the Managing Director, KSRTC, Thiruvananthapuram, after registering the HRMP suo-motu.

In the report filed by the Managing Director, KSRTC, the allegations are denied. It is stated in the report that the bus in question left Pamba at 9.40 p.m. on 5-1-2009 and it was proceeding towards Thiruvananthapuram. According to the report, a vehicle was coming in the opposite direction on the wrong side with bright head light on account of which a collision occurred between the vehicles. It is further stated in the report that on the left side of the road there were granite stocked on account of which the bus turned on the right side of the road and the driver was trapped under the vehicle and died, on account of grievous injuries, on his way to the hospital. According to the report, the bus in question left

Thiruvananthapuram Central Bus Station at 00.25 a.m. on 5-1-2009 and reached Ernakulam at 5.30 a.m. and the crew of the bus took rest for three hours and thereafter the bus reached at Pumba at 6.50 p.m. where they had taken three hours rest and started the return journey to Thiruvananthapuram at 9.45 p.m and in total the crew had six hours rest and that the driver was not forced to drive the vehicle continuously for 24 hours.

It is also stated in the report that the domestic enquiry conducted revealed that the accident was on account of loss of vision of the driver due to the bright head lights of the vehicle which was coming on the opposite direction and that too on the wrong side and the investigation conducted by the Police after the crime was registered in respect of the accident also revealed the said fact. It is further stated in the report that there was no negligence on the part of the officials of the Corporation since the officials of Kilimanoor Depot and Venjaramood Depot reached the accident spot immediately and had given maximum help to the injured passengers by taking them to Gokulam Medical College Hospital and that the accident was unfortunate.

In view of the above report no further orders are required on this HRMP especially when the investigation in the crime registered in respect of the accident did not reveal that the accident was on account of the stress and strain on the part of the driver due to over work.

The petition is, therefore, closed.

Justice N.Dhinakar,
Chairperson.