

Sebastian Vs. State of Kerala

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Court : Kerala

Decided On : May-17-2005

Reported in : IV(2005)ACC217; 2005(3)KLT930

Judge : M. Ramachandran and; K.P. Balachandran, JJ.

Acts : Kerala Motor Vehicles Act - Sections 2, 71, and 112; ;Kerala Motor Vehicles Rules, 1989 - Rule 212; [Constitution of India](#) - Article 14; ;Motar Vehicle Act, 1988 - Sections 68(3), 112 and 112(1)

Appeal No. : W.P. Nos. 16171 and 16637 etc.

Appellant : Sebastian

Respondent : State of Kerala

Advocate for Def. : M.A. Fayaz and; Augustine Joseph, Government Pleaders

Advocate for Pet/Ap. : P. Gopalakrishna Menon,; K.P. Dandapani,; Sumathy Dandap

Disposition : Petition dismissed

Judgement :

M. Ramachandran, J.

1. This batch of Writ Petitions were heard together and on the suggestion of the parties are being disposed of by a common judgment. We may refer to the facts as narrated in O.P.No. 12774 of 1997 as also W.P.(C) No. 19392 of 2003.

2. Excepting W.P.(C) No. 19392 of 2003 the rest of the petitions have been filed basically challenging a Circular issued by the State Transport Authority dated 31.5.1997 (hereinafter referred to as Circular No. 3/97). Further Circulars had also come to be issued in the course of further developments. It may be of relevance to note that ultimately on 11.1.1999 the State Transport Authority had decided that since amendments to Kerala Motor Vehicles Rules were on the anvil, it would have been more appropriate that directives need be issued only after the Government completes such proceedings. It was therefore decided that till that time implementation of Circular No. 3/97 and consequential orders are to be kept in abeyance,

3. Nevertheless the petitioners in O.P.No. 12774 of 1997 and the connected cases were obliged to pursue on in view of orders that had come to be passed by this Court in certain other proceedings, presented at the instance of the Kerala Commuters' Association claimed as motions brought about in public interest. W.P.(C).No. 19392 of 2003 has been filed by the Kerala Commuters' Association for enforcement of Circular No. 3/97 and for a direction to set aside the decision of the State Transport Authority dated 11.1.1999, referred to earlier, whereby earlier Circulars were to be kept in abeyance.

4. Noticing that there were orders passed by a Division Bench, whereunder the State Government was bound to enforce Circular No. 3/97, and therefore a decision on merit in the Writ Petitions by a single Judge would have been inappropriate, a learned Judge had on 24.7.2003 referred a few of the Writ Petitions to be considered by a Division Bench or even by a Larger Bench. The above Writ Petitions came to be posted before the Division Bench in the aforesaid circumstances.

5. In the meanwhile, aggrieved by the orders of the Division Bench, referred to earlier, a few petitions had come to be filed before the Supreme Court pointing out that the judgments as above came to be passed without noticing the pendency of

the Writ Petitions and without hearing the version of the affected persons. Reference had been made to Review Petitions filed as well. Interlocutory orders had been passed by the Supreme Court directing status quo to be maintained in the matter. When ultimately the matter was listed for hearing, the Apex Court had found that decision on merits in the pending petitions were yet to be passed. Thereupon by order dated 20.7.2004, in Civil Appeal No. 7902 of 2001 and connected appeals, Supreme Court had directed that the pending matters were to be expeditiously disposed of by the High Court. It had been further directed that after the disposal of the Writ Petitions the matters before the Supreme Court are to be listed.

6. It has been made clear that the High Court was to dispose of the Writ Petitions without being influenced in any way by the observations or expressions made so far. Therefore, we do not think it is necessary that the matter has to be placed before the Full Bench, as opined by the learned single Judge, since the course to be followed has been advised by the Supreme Court and the matter could be dealt with, without being unduly influenced by the observations of the earlier Division Bench.

7. The first petitioner in O.P.No. 12774 of 1997 is an operator of stage carriages in Kannur District. The General Secretary of an Association of Private Bus Operators is the second petitioner. Individual operators and Association of Operators are the petitioners in the connected Writ Petitions. They challenge the proceedings of the State Transport Authority (for short S.T.A.). The effect of Circular No. 3/97 would have been that the settled timings of a large number of town services, ordinary services, and limited stop ordinary services were to be re-scheduled by the respective Regional Transport Authorities in the State, in view of speed restrictions suggested. For example, notwithstanding the timings in operation, speed of a town service stage carriage was to be compulsorily reduced. It was expected to cover a distance of one kilometer only in three minutes. The operators were apprehensive, more out of the anticipated repercussions on the generally adopted pattern in the industry. Trips might have been forced to be curtailed, and additional crew were likely to be recruited.

8. Under Section 71 of the Kerala Motor Vehicles Act, an applicant is expected to furnish a set of time schedule along with the application for permit. Speed limits have been prescribed in the State in respect of motor vehicles, under Section 112 of the Act. Exercising powers under Rule 212 of the Kerala Motor Vehicles Rules, the Regional Transport Authority fixes time schedules taking notice of the application. It is averred that the petitioners were carrying on operations on the basis of the time schedules supplied to them, but by Circular No. 3/97, the running time is enhanced through out the State for certain types of motor vehicles and a uniformity is prescribed. The time so fixed is 3 minutes per kilometer for City/Town services. In the case of Ordinary Mofussil Services, it is 2.5 minutes per kilometer. In the case of Limited Stop Ordinary Services, it is again fixed as 2.5 minutes per kilometer for the districts of Idukki and Wayanad. It is 2.15 minutes for all other districts. The Regional Transport Authorities were to revise the timings accordingly. The first submission of the petitioners is that the Circular was issued without looking into the notifications issued by the Central Government as also the State Government (Exts.PI & P2).

9. By Ext.PI dated 9.6.1989, the Central Government had, in exercise of powers conferred under Section 112 of the Motor Vehicles Act, prescribed the maximum speed in respect of various classes of motor vehicles. In respect of medium or heavy passenger motor vehicles, the speed limit is 65 Kilometers per hour, as could be seen as against item 1(d) of Ext.PI. The State Government, by notification dated 3.2.1996, also have exercised similar powers, so as to cater to local needs. As could be seen from the table of Ext.P1, Cl.1(f) deals with medium or heavy passenger motor vehicles. The maximum permissible speed is 60 Kilometers per hour, but it is lower as far as Corporation and Municipal areas are concerned.

10. The petitioners contend that prescription of running time was not logical or in consonance with the notifications. They have apprehended that the prescription as above may not apply to the State Transport undertakings and is likely to be confined to private operators and to their prejudice. The further contention is that the Circular is issued without jurisdiction, since Section 68(3)(a) of the Motor Vehicles Act gives power to the State Transport Authority only to coordinate and

regulate the activities of the Transport Authorities in administrative matters. They also argued that the direction violates Section.71 of the Act and the jurisdiction of the Regional Transport Authorities was interfered with. It is settled principle that a quasi judicial authority has the discretion to conceive and decide matters exclusively coming within their jurisdiction.

11. With reference to the reasonings given in Ext.P3 (Circular No. 3/97), it is pointed out that it was too short sighted and not safe enough to be accepted or followed. The rainy season is projected as the villain, which was fast approaching. Rates of accidents is greater in rainy season and the timings needed revision urgently, according to the S .T. A. Petitioners contend that the Circular is not intended to operate only in rainy seasons. The further submission is that the generic reason for issuing the Circular is misconceived. The State Transport Authority has found that the running time fixed by different Authorities are different and this leads to unhealthy competition and over speeding and therefore there is need to lay down uniform timings. According to the petitioners, this discloses a basic misunderstanding, as uniformity of timings in different geographical regions is impractical. Unofficial members are included in the Regional Transport Authority, so as to bring in local flavour, who are aware of local necessities. Such needs vary widely from district to district. If the idea was to prevent unhealthy competition and over speeding, according to them, this in any case was not the procedure to be followed. Crawling vehicles would have only contributed to confusion, ire and bottlenecks.

12. It is further submitted that the present timings suggested is thoroughly unworkable. Mr Gopinathan Nair, counsel for the petitioner, cited an example. A stage carriage conducting town service is obliged to move only at 20 Kilometers per hour, since it was to traverse one kilometer only in three minutes. But fast passenger buses overtake them at speeds 400% more than them. This will not be in public interest and will not also contribute the need projected. He emphatically argued that the Circular is unworkable. Mr. Gopalakrishna Menon and Smt.Sumathi Dandapani supported him, as according to them, the real problems have not been adverted to and a section of the transport operators alone are subjected to unhealthy discrimination. This is one side of the picture.

13. More details, however, have been supplied in the Writ Petition filed by the Commuters' Association. Reference is made to Ext.P1, it being an order passed by the State Government on 9.5.1997, which has led to Circular No. 3/97. A meeting had been convened by the Chief Minister That High Level Committee had discussions about the measures to be evolved to curb the trend of increasing road accidents in the State. The Committee had directed the Public Works Department, Police and Transport Departments to work up on definite and identified contributing factors. Later pages of Ext.P1 indicate that as far as the Transport Department was concerned, inter alia the following course were to be adopted:

'The timings now fixed for super express, super fast and limited stop fast services (both in public and private sectors) are in excess of the statutory speed limits. [Maximum speed limits prescribed for National Highway, Municipal area, built-up area, schools etc., are different]. The timings for faster services referred to above do not conform to the statutory speed limits. Action should be taken to revise and reduce the timings now fixed for the above fast services.'

14. This became the working paper for the S.T.A. to draw Circular No. 3/97. Only three categories of vehicles were specifically identified thereby. This had been subjected to challenge by the stage carriage operators in the State. Because of interim orders, it was not straight away implemented. Further instructions thereupon came to be issued by the Transport Commissioner Dilating on Circular No. 3/97, it had been directed that the date on which the revised timings were to come into force would be 1.9.1998. The operative portion of the above was to the following effect:

'Secretaries of R.T.As. are requested to continue and complete the process of revision of timings as ordered in Circular No. 3/97 and implement the revised timings in their jurisdiction uniformly with effect from 1.9.1998. Receipt of this Circular will be acknowledged immediately and compliance reported by 5.9.1998.'

Closely thereafter, by an interim order in the pending Writ Petitions, a learned single Judge had ordered that there was no justification to hold back implementation of the Circular The Commuters' Association jumped into the fray at this point. Although the developments had been noticed by the State Transport

Authority, the Association accused them by alleging that the Authority had only recorded their displeasure over the lack of progress achieved by some of the Regional Transport Officers, and it was not logical that time was further extended for implementation of Circular up to 1.12.1998.

15. In the meanwhile, a few other Original Petitions also came to be filed, at the instance of the operators, and by an interim order in C.M.P.No. 41592 of 1998 in O.P.No. 23628 of 1998, the State Transport Authority had been directed to consider the grievances raised by them about the workability of the directions in the Circular. Consequent to the said direction, a meeting had been convened and a decision was taken to keep in abeyance the implementation of Circular No. 3/97 as well as Circular No. 15/98 and consequential orders. As referred to earlier, the State Transport Authority felt that an amendment requiring reclassification of stage carriages should have been a precondition before proceeding further in the matter.

16. Such details have not been supplied in the Writ Petitions filed by the operators. This decision is produced as Ext.P8 in the present Writ Petition. Thereupon, the Commuters' Association had filed O.P.No. 1853 of 2000 to get the decision quashed with a further direction to be issued for enforcing Circular No. 3/97. This Court had not gone to the merits of the contentions, but had directed the State Transport Authority to pass appropriate orders, in case a representation was filed before them and after noticing the versions of affected parties. The petitioner submits that though a representation was filed, no orders had been passed thereon. To get over the impasse, they chose to file O.P.No. 27515 of 2000 for almost identical reliefs, as according to them, State Transport Authority had failed to comply with the directions in the earlier judgment. However, they are seen to have adopted a short cut method, since the affected persons and operators were not made parties to the proceedings.

17. The above Writ Petition was disposed of by a Division Bench with a peremptory direction to implement Circular No. 3/97, simultaneously holding that the decision of the S.T.A. to keep the circular in abeyance was not acceptable. Special Leave Petitions before the Supreme Court came to be filed in this context. The petitioners therein, who were stage carriage operators, complained that the

judgment was passed behind their back and the Commuters' Association (Petitioner herein) had practically suppressed the filing and disposal of O.P.No. 1853 of 2000 and fresh case was filed as if there was no previous proceedings.

18. The justifiability or otherwise of the course adopted by them is the subject matter of Special Leave Petitions. Smt.Daisy Thampy appearing on behalf of the Commuters' Association submits that if at all only a few persons have obtained interlocutory orders from the Supreme Court and there is no justification for the State Government for not enforcing the circular. They contend that the State Transport Authority had issued Circular No. 3/97 bearing in mind all relevant aspects and it was to be enforced in public interest. Retracing of the steps by a decision dated 11.1.1999, according to her, was unwarranted and irregular, as has rightly been found by a Division Bench of this Court. Even though the State was aware of the urgent steps to be taken, in public interest, the issue was being dragged on at the instance of vested interests, and therefore the reliefs prayed for are to be granted.

19. As the Supreme Court has directed that the matter should be gone into untrammelled by the findings and observations of the Division Bench, we may deal with the issues as if we are treading on virgin field.

20. The contentions raised by the stage carriage operators about the jurisdictional defects in the issue of Circular Nos.3/97 and 15/98 could be dealt with first, for the sake of completeness. Because of the subsequent developments, namely the decision that has been taken by the State Transport Authority dated 11.1.1999 [Ext.P8 in W.P.(C).No. 19392 of 2003], although practically the Writ Petitions have become infructuous, nevertheless as the sustainability of Ext.P8 is also to be de novo examined, we feel their arguments about the sustainability of Circulars should not go unnoticed. The first objection, as briefly referred to earlier, is that Circular No. 3/97 runs counter to the earlier orders issued by the Central Government and State Governments (Exts.P 1 and P2 in O.P.No. 12774 of 1997) in exercise of powers Under section 112(1) of the Motor Vehicles Act. We had heard the counsel in extenso. But this argument is not found as impressive.

21. The above earlier orders, which have statutory flavour, prescribed the upper speed limits alone. In so far as Circular No. 3/97 prescribes still lower speeds, the stage carriage operators may not be justified in contending that there is conflict as between them. As such no further examination of the contention appears to be relevant or warranted.

22. As about the jurisdictional aspect, the argument raised was that the State Transport Authority had no power for prescribing speed limits. The petitioners have developed their contentions on the basis that even at the time of making application for permit an operator is obliged to supply the timings, which he intends to adopt and the Regional Transport Authority while granting the permit makes appropriate modifications and adaptations so as to make them in consonance with the rules. It is therefore argued that when it becomes part of permit conditions, it is unalterable at a later stage by general orders.

23. However, we see that there is no legal basis for such submissions. Of course an operator is obliged to present the timings while he makes an application for permit, but that is no reason for him to insist that he should get such timings. Even the timings granted, which are incorporated in the permit, could be appropriately altered by the Authorities under the Act, both by the State Transport Authority and the Regional Transport Authority. RULE 212 of the Kerala Motor Vehicles Rules also lends additional support and authority for bringing a change later in the conditions of permit. Express power is granted for incorporating additional conditions. It is even made clear that variation of timings will not be deemed as variation of conditions of permit, and the Government Pleader is justified in contending that the argument is of no substance.

24. Circular No. 3/97 as well as Circular No. 15/98 evidently have been issued in exercise of powers conferred by Section.112 of the Kerala Motor Vehicles Act. The provision appears in Chapter VIII of the Act while dealing with 'control of traffic'. Central and State Governments had issued Exts.P1 and P2 (O.P.No. 12774 of 1997) in exercise of such powers and they are not the subject matter of any attack. Likewise, Sub-section (2) of Swction.112 of the Act provides that State Government or any Authority authorised in this behalf by the State Government

may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience, or for other valid reasons, can fix the maximum speed limit or minimum speed limit, as it think fit, for motor vehicles of any specified class or description, either generally or in a particular area or on a particular road or roads. The power is exhaustive and the only area of examination is as to whether such restrictions are issued reasonably to achieve the desired objective. Rules, under Chapter VIII of the Motor Vehicles Rules, deal with control of traffic. The authorities, which are granted the power for restriction of speed are the State Transport and the Regional Transport Authorities. There is therefore jurisdiction to impose speed limit, including minimum speed. Perhaps the only sphere of examination is the manner in which such powers are exercised, so as to meet the objectives. Therefore, we have to proceed on the basis that there was no jurisdictional error in the issue of the Circulars, presently under challenge.

25. The same wallpapers provide guidelines, when we consider the challenge posed against Ext.P8 in W.P.(C).No. 19392 of 2003. The contention raised is that since the earlier Circulars were issued in public interest, they should be enforced forthwith and the retracement of the steps brought by Ext.P8 is to be held as irregular and unwarranted.

26. We have to notice that the State Transport Authority was constrained to look into the scenario brought about, because of the interlocutory directions issued by this Court, at the instance of the stage carriage operators. It is evident that the earlier Circulars came to be issued without taking notice of the possible objections of this group, and this Court had felt that they could also have contributed to the final pattern, which was to be introduced in the matter of speed restrictions. From the documents it is not clear as to whether the Commuters' Association was heard, but we see from Ext.P8 that the State Transport Authority was conscious of the discrepancies in the finer details of the directions including difficulties that surfaced while attempting to enforce the Circulars issued. We have to find that when powers had been relegated to the State Transport Authority, so long as we find that there is no arbitrariness shown by them, they were justified in taking a stand that a more detailed study was required, including further deliberations. Therefore, it cannot be acceptable that any error was committed by the State Transport

Authority in recording a decision whereunder the status quo ante was directed to be maintained in the matter of revision of timings. Unambiguous and precise directions are essential before a policy decision is formulated and applied. Even if there is no consensus, the course to be followed should be definite and workable, and should simultaneously subserve public interest.

27. We had been addressed about the nonapplication of mind in the matter of issuing Circulars, one after another, but we do not think it is necessary at this juncture to go deeper into the issue as a final decision about the proposals made by the Government, by way of Ext.P1 (W.P.(C) No. 19392 of 2003), is yet to come, as could be gatherable from the text of Ext.P8. In the parent Government Order dated 9.5.1997, the State had constituted a Committee to suggest measures to reduce road accidents, which of course is a laudable and urgent requirement. However, the criticism that Ext.P2 Circular dated 31.5.1997 (Circular No. 3/97) was practically oblivious about the Appendix to the order is of substance. It had been pointed out there that the timings fixed for super express, super fast and limited stop fast services are in excess of the statutory speed limits. The timings for such fast services therefore required to be streamlined. In fact, the suggestion was to revise and reduce the timings as made available to the above fast and express services. The operators contend that Circular No. 3/97 has ignored the above altogether and the State Transport Authority confined the timings in respect of ordinary services, mofussil services as also limited stop ordinary services, as if they alone were the trouble makers. If the idea was to bring about safety, there should have been restriction in the timings awarded to super fast services and any other class of vehicles as well.

28. But, in such matters, more care has necessarily to be invested. We cannot also ignore the provisions of Rule 212 of the State Rules, since the statutory authorities are not empowered to tinker with the timings of the State Transport undertakings. The State has to see to it that if the ultimate idea is road safety, measures should be employed to make it effective, and in any case, they are not exempted from Exts.P1 and P2 orders. Ext.R8 has come to be passed, as the S.T. A. has found that a comprehensive game plan alone would have been the remedy.

29. The private operators, who are the petitioners herein, alleged that the State Transport Authority was mortally afraid to resort to steps whereby super fast and express services were to be brought under orders of speed restriction. The only fleet operator in the State is the State Transport Corporation. They allege that there was only an attempt on the part of the S.T.A. to show that some steps were taken to implement the Government directive of bringing about restrictions. This would have served no purpose of public interest. The apprehension, as above, appears to be justified, but for that reason, the S.T.A. cannot be faulted. The State has not explained as to the proposals on anvils in respect of such classes of vehicles, whose speed also has to be brought under restriction.

30. The limited stop ordinary services are really ordinary services. City/Town services may be contributing much to road accidents, if they are allowed to be their own masters. That is the case with speeding vehicles also. But much is not gained by restricting two categories of stage carriages alone, while super fast and express services are permitted to run through the road in brake neck speed.

31. With the availability of better roads and efficient modern vehicles, which can touch speeds above 200 kilometers per hour, unless there is purposive pursuit, it may not be possible to restrict over speeding. Large variety of vehicles on the road, include vehicles which are drawn by animals, two wheelers and three wheelers. Plus the presence of persons, who have practically abandoned road sense, contribute to the melee. Animals in abundance have chosen the roads as their habitat. What is seen on roads is a kaleidoscopic, but eccentric picture. It can safely be assumed that a speed restriction would drastically reduce the accidents, although it is likely to invite criticism from a large section of people, who are accustomed to travel fast. (We feel that the commuters themselves will be unhappy if speed governors are installed in the public transport vehicles in which they travel). As a cumulative conclusion, we have to observe that Circular No. 3/97 is deficient and cannot deliver the goods as expected of Ext.PI Government Order. Likewise, uniformity in the matter of speed pertaining to certain class of stage carriages through out the State, without taking notice of the local needs and geographical conditions also may not contribute to the desired ends. The State Transport Authority has to make an indepth study into the matter under the

guidance of the State Authorities and are to give directions of general nature for the Regional Transport Authorities who are to follow with appropriate adaptations. In respect of categories of vehicles which do not come within the jurisdiction, the State Government has to bring in supplemental provisions. We are aware that the efforts required will not be simple. But, the expert bodies will have to conceive ways and means so as to prescribe the medicines. The anxiety voiced by the Commuters' Association had been shared by their counter parts in the other States also, as could be gatherable from the judgment of the Supreme Court in Chandigarh Administration and Ors. v. Namit Kumar and Ors., 2004 AIR SCW 7232. The Supreme Court had directed that any curbs brought in should necessarily have the statutory support as a precondition for enforcement.

32. By Ext.P1 in O.P.No. 12774 of 1997, the Central Government had introduced speed limits in respect of different classes of vehicles, namely those without a trailer, those with trailers, articulated vehicles etc. In close heels, the State Government by Ext.P2 had passed orders with particular reference to the conditions prevailing in the State. Ext.P2 by itself shows that speed per hour is suggested with reference to the nomenclature of the area. Evidently, uniformity of speeds of specified classes of vehicles is not thought of. This principle does not find its reflection in Circular No. 3/97. Under Clause 1(f) of Ext.P2, a medium or heavy passenger vehicle is not to be driven beyond 15 kilometers per hour near educational institutions. The maximum speed is 25 kilometers per hour for such vehicles on ghat roads. Likewise, in the three Cities of the State, the maximum speed is prescribed as 35 kilometers per hour. This speed limit is to be maintained in Municipal towns and built up areas. Only in the rest of the places in the State, such a vehicle will be entitled to travel at a speed of 60 kilometers per hour

33. The conclusion therefore is easy to arrive at that as far as the National Highway and State Highway of Kerala are concerned, practically a vehicle of this nature can travel only at a maximum of 35 kilometers per hour, as cities, towns and built up areas are interlaced, if not contiguous. It can be noticed that every other vehicles are under restriction; the maximum permissible speed for a motor car or a motorcycle being 40 kilometers per hour in these areas. The Government was therefore justified in observing in the G.O. dated 9.5.1997 that express

vehicles were allotted a time schedule in violation of the statutory limits permissible. While permitting such schedules to remain in tact, the State Transport Authority perhaps was mechanical in its approach in picking and choosing certain types of vehicles. This would not have definitely attained the goals, which were aimed.

34. Therefore, our conclusion is that no interference is warranted at this juncture, as the S.T.A. and the State Government have to carry out the necessary exercises de novo, and we hope it will be done expeditiously. We notice that by Ext.P8 in W.P.(C) No. 19392 of 2003 dated 11.1.1999, the State Transport Authority has showed that it is proceeding in the correct direction. The pending proceedings might have bound its hands, but that can no more be a reason for lethargy. The amendment to the Rules had been brought in.

35. The validity of the rules had been subjected to challenge in O.P.No. 7211 of 1999. This Court had held that especially since such amendments were attempted in view of the observations passed by a Division Bench, it could not have been subjected to attack. Nevertheless, the Court had found that the rules operated so as to discriminate the State owned K.S.R.T. Corporation vis-a-vis other operators, who were engaged in the industry and it had not been possible for the State to explain as to why such distinction had been drawn, whereunder facility for running Express and Fast Passenger services were exclusively to be reserved in favour of the Kerala State Road Transport Corporation. Leaving liberty to the State to proceed appropriately in the matter, the definition clause as contained in Section.2(c)(b) was declared as violative of Art. 14 of the [Constitution of India](#). A reasonable definition to the word 'fleet owner' was to be given. It has not been pointed out that further steps have been taken in this regard. However, some expedition appears to be necessary, if not already shown. It is submitted at the bar that practically no new roads have come, but there has been a four fold increase in the number of vehicles after 1999, in the State. Life and property loss is in the increase and the General Insurance Companies have classified the State as a high risk area suggesting enhanced insurance premium for coverage of losses. This might be true and it points out necessity for extreme and urgent steps to effectively control the traffic. Speed has to give way to safety and its enforcement.

There need not be different yardsticks as between private operators, private vehicle owners, public transport system and State owned Corporations, as the effort should be to see that there is orderliness and safety in road traffic. Even extreme and intrepid measures for reaching these objectives may not be out of place. But beyond these observations it may not be expected of the Court to lay down further guidelines; the executive machinery has to step in.

36. In view of Ext.PS dated 11.1.1999, Circular Nos.3/97 and 15/98 have no relevance as such, and the Writ Petitions filed by the stage carriage operators have become practically infructuous. Though smouldering still, they are presently incapable to be of real help. They are not to be rekindled. As far as Ext.PS, we find that the decision has been taken by the STA in exercise of powers conferred on it, as a practical measure, and no interference is called for. We dismiss the Original Petitions/Writ Petitions. In so long as restrictions in speed limit in the State are in operation, it may not be possible for any authority to prescribe timings, which is likely to over reach the orders or making them ineffective. The State Government and the State Transport Authority should ensure that appropriate follow up action, as envisaged by G.O.(MS) No.55/97/PW & T dated 9.5.1997 are brought about, and hopefully before 31.10.2005. No order as to costs.