

Concept Note

**Implementation of Hon'ble Supreme Court Guidelines on
School Transportation**

Organised by

**National Commission for Protection of Child Rights
(NCPCR)**

Introduction

In recent past, several accidents have occurred from time to time involving children while at the school premises. A large number of accidents leading to deaths that occur in the country are of those children who are below 18 (years). Stakeholder Ministries/Departments/Education Boards have issued circulars/instructions to the Schools on Safety and Security of Children in Schools.

An important area that needs supervision and specific measures is the transport facility (school as well as own transport) that children use to commute to school. Hon'able Supreme Court of India, vide judgement dated 16-12-1997 in W.P. (Civil) 13029 of 1985 in the case of Sh. M.c> Mehta Vs Union of India & Others, sensing the gravity of the issue has ordered which, inter alia includes guideline for safe plying of School buses and to ensure the safety of school children travelling in the bus. Based on it, certain points were focused upon:

- The need for safety of school children travelling in buses requires that such buses be fitted with door that can be shut.
- It would be in the interest of safety to require the presence of a qualified conductor on board every bus that is being used by an educational institution.
- The Education department to ask all schools including Government and Municipal schools to evolve a similar arrangement as far as possible, so as to ensure that in each bus there is at least one parent present who would be able to oversee the conduct of the driver.
- No bus belonging to of in use of any educational institution, shall seat children in excess of 1.5times its registered seating capacity. Same applies to the Private Transportation for the usage of educational institutions.
- The police Commissioner to frame appropriate guidelines for regulating processions – religious, Political or otherwise - which tend to obstruct the flow of traffic.
- No bus belonging to or hired by an educational institution shall be driven by a driver who has -
 - (a) Less than five years of experience of driving heavy vehicles;
 - (b) been challaned more than twice in a year in respect of offences of Jumping red lights. Improper or obstructive parking violating the stop line. violating the rule requiring driving within the bus lane. Violating restricting the overtaking. Allowing unauthorized person to drive;
 - (c) been challaned/charged even once for the offence of over speeding, drunken driving and driving dangerously or for the offences under Sections 279,337,338 and 304-A of the Indian Penal Code. All such drivers would be dressed in a distinctive uniform and all such buses shall carry a suitable inscription to indicate that they are in the duty of an educational institution".

- The Transport as well as the Police Departments are directed to ensure that the contents of this order are duly publicized so that the people using roads are made aware of the restrictions imposed. They should also give publicity to the basic rules relating to safe driving, particularly those relating to user of bus lanes, changing of lane, overtaking and right of way on roundabout.
- The word "buses" add the words "heavy goods vehicles, medium goods vehicles, and A-wheel light goods vehicles plying during the permitted hours

CBSE has specifically issued a circular, dated 23rd February, 2017 Circular No. : CBSE/AFF/Circular-8/2017/1217401 towards ensuring children's safety in school transport, based on the Supreme Court Guidelines.

Similarly, National Commission for Protection of Child Rights also published Safety and Security Manual in the year 2017. One part of it focuses on Safety in School Transportation, highlights are as follows:

A. Exterior of the Bus

- I. All the school buses must be painted with uniform color preferably Yellow with the name of the school written prominently on both sides of the bus so that these can be identified easily.
- II. The word "School Bus" must be written on the back and front of the bus if it is hired bus, "On School Duty" should be clearly indicated.
- III. Telephone numbers of the school and/or telephone numbers of any contact person shall also be written prominently in a prominent place in each school bus so that in case of necessity the public can inform the school authority/police or other authorities

B. Fixture and furniture of the Bus

- I. The windows of Bus should be fitted with horizontal grills and with mesh wire.
- II. The doors of the Bus should be fitted with reliable locks that can be locked.
- III. All school buses must be fitted with speed control devices so that they do not exceed the speed limit of 40 Kmph.
- IV. There should be a fire extinguisher in the Bus.

C. Manpower in the Bus

- I. Police verification of the staff of the bus should be done before appointing them.
- II. There must be a qualified attendant, preferably female in the Bus to attend to Children.
- III. Each school should designate one Transport Manager/ Coordinator who will ensure the safety of the school children.
- IV. The provision shall also to be made by the school authorities for travelling of at least one teacher in each school bus, keeping in view the safety of the school students all throughout

the journey and no outsider except the conductor or the said authorized teacher or one person authorized by the guardians shall be allowed to board school bus.

- V. Medical checkup regarding the physical fitness of the driver including the eye testing shall be made every year.

D. Facilities in the Bus

- I. Bus should have a First Aid Box.
- II. To keep the school bags safely, there should be a space fitted under the seats or as convenient.
- III. The buses should be fitted with alarm bell/siren so that in case of emergency everyone can be alerted.

E. Permits

- I. The driver should have valid license and at least 5 years of experience of driving heavy vehicles.
- II. A driver who has been challaned more than twice in a year for offences • like red light jumping, violation of lane discipline or allowing unauthorized person to drive cannot be employed.
- III. A driver who has been challaned even once for the offence of over speeding, driving dangerously or for the offences under Section 279,337,338 and 304A of the Indian Penal Code cannot be employed. Every vehicle shall carry a suitable photograph of the authorized driver duly certified by the RTA.
- IV. Periodical fitness certificate regarding roadworthiness of the vehicle shall have to be obtained.
- V. Any school authority and/or driver found to have violated the provision of the Motor Vehicles Act, 1988 and the rules framed there under as well as of the directions must be penalized.

F. Arrangements in the Schools

- I. All the affiliated schools will make safe arrangement for boarding and de- boarding of school children from the school bus.
- II. The school authority shall ensure that the doors of the buses remain shut while in running condition.
- III. They will ensure that buses halt only at bus stops designated for the purpose and within the marked area.
- IV. Refresher course for driver training so as to fine tune and increase the proficiency of the driver shall be given to the drivers of the school buses periodically, i.e. least twice in a year.

- V. No person shall be allowed to drive the school bus in drunken condition. Regular check in the respect shall be undertaken by the school authorities and in case of any doubt in that regard such drivers must be subjected to medical test immediately and proper action including the action for cancellation of the license have to be taken.
- VI. All drivers of the school buses have to be dressed in a distinctive uniform with their names inscribed in it.
- VII. In every school bus there shall be another qualified person to keep attending children travelling in such buses, as conductor, who have to be , dressed in distinctive uniform with their names inscribed in it.
- VIII. The school authority must provide one set of mobile phone in each school bus so that in case of emergency the bus can be contacted or the driver/conductor can contact the police or State authority as well as the school authority.
- IX. The authority shall ensure that the school buses are not permitted to over take any other four wheelers while carrying the school children in the bus.
- X. The School authority shall ensure that the students maintain discipline when boarding and disembarking the bus so that no children get hurt.
- XI. Effort shall be made by the school to make necessary arrangement for parking the school bus inside the school campus at least at the time of boarding and disembarking. In case it is not possible to park such vehicle inside the school campus, the buses must be parked in such a way so that it does not create any traffic problem for other vehicles.
- XII. The school should encourage its children to conduct programmes through play, exhibition etc. during Road Safety Week to create an awareness in public.
- XIII. Periodic feed-back from students using school Transport facility with regards to driver/conductor be taken and records are to be maintained.

Recommendations based on 7 consultations (Conducted in Andhra Pradesh, Chhatisgarh, Jharkhand, Haryana, Himachal Pradesh, Telangana) on Safety and Security of Children in School Transport in India

- Under Motor Vehicle Act Rule 17 of Motor Vehicles Rule, 1993- School drivers should have 5 years of experience but the government of Haryana allows three years experience. 5 years experience should be mandatory for all.
- School's Staff Police verification should be mandatory to all. Also, if any staff of school ever found under any crime case then they should not be allow to work as staff.
- Police Verification of the School Staff should be properly conducted and on time.

- All the Parents must attend school PTA (Parents Teacher Association) meetings.
- DC or School Authority should have timing charge of schools during weather change such as heavy rainfall, fog etc. It will help in reducing chances of accidents.
- There should be some mechanism for the safety of children going in auto rickshaw. Policy should work for Auto Rickshaws as well. Auto rickshaws are high prone accidental which risks life of children. If Auto rickshaws are used as transport vehicles for school children then same guidelines of safety should be given to them. Focusing on number of adequate number of children in Auto Rickshaws, no child hanging during the ride at the back of Autos etc.
- More awareness regarding the safety of children should be stressed among all.
- Camera and GPS facility should be provided in the school buses.

Objective

- Improving the safety and security of children while spreading awareness on safe school transportation.
- Identifying the gaps exist to implement the Hon'ble SC Guidelines on School Transportation.

Stakeholders

Traffic Police, Education Dept including Teachers, School management, Drivers, Parents etc.