

**(1999) 05 BOM CK 0024**

**Bombay High Court (Goa Bench)**

**Case No:** Suo Motu Writ Petition No. 63 of 1999

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99

APPELLANT

Vs

The Chief Secretary and others

RESPONDENT

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**Date of Decision:** May 4, 1999

**Acts Referred:**

- Constitution of India, 1950 - Article 226

**Citation:** (2000) 3 ALLMR 277 : (2000) 1 BomCR 855

**Hon'ble Judges:** R.M.S. Khandeparkar, J; R.K. Batta, J

**Bench:** Division Bench

**Advocate:** M.S. Usgaokar, A.G. and V.P. Thali, G.A., for the Respondent

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### **Judgement**

@JUDGMENTTAG-ORDER

R.K. Batta, J.

Two students of Higher Secondary School, Miramar, Goa, were drowned at Utorda Beach, where they had gone alongwith other students and teachers for a picnic. The total number of students who had gone for the said picnic was 18 and they were accompanied by five teachers. It appears that none of the said five teachers who were accompanying the students knew swimming. Taking cognizance of the newspaper reports about the death of the two students and the fact that there are drowning deaths on the beaches all around the year, notices were issued to the Chief Secretary, Government of Goa, Director of Tourism, Government of Goa, Director of Education, Government of Goa, Captain of Ports, Government of Goa, Superintendent of Police, South Goa, Margao and the Principal of the said Higher Secondary School.

2. After the returns were filed, it was noticed that inspite of deaths occur-ring at regular intervals on the beaches, the Department of Tourism did not take appropriate measures to deal with the problem and the first return filed by the

Director of Tourism revealed that there were only 17 lifeguards who were posted at some of the beaches in Goa and the other beaches had absolutely no facility of life-saving mechanism, in case of any untoward incident resulting in drowning on the beaches. Even the literature which was published and the sign boards which were put up were not only found to be inadequate, but they were not in the local languages, namely in Konkanni and Marathi, which enjoys official status. Accordingly, certain interim directions were given vide order dated 15th March, 1999, which set the executive machinery in action. In fact, the executive machinery should have, on its own, taken steps to deal with the problem, but the executive authorities had to be reminded of the duty which they are required to perform and discharge. Ultimately, the Director of Tourism came out with a scheme by filing additional affidavit on 28th April, 1999. This Affidavit in a nut shell deals with various aspects including putting up of sign boards in English, Hindi, Konkanni and Marathi, which shall be put up by the end of May, 1999; Police assistance booths at all prominent beaches to be set up by end of September, 1999; tourist literature containing warning on "Swimming/Bathing in the Sea" in all four languages to be brought out by end of May, 1999; Tourist Directory and Accommodation Directory containing useful hints in all four languages to be printed by end of September, 1999; installation of observation chairs on all prominent beaches by end of September, 1999; recruitment of 31 additional life-guards in addition to 17 and in this respect the learned Advocate General has stated that a decision has already been taken that 31 posts of additional lifeguards shall be filled by direct recruitment and the additional life-guards shall be appointed before 1st October, 1999. This measure was taken since it was a question of life saving. Likewise provisions for required equipment of rescue tubes, nylon ropes, lifebuoys, first aid kits, etc. shall be supplied to lifeguards by end of September, 1999, coupled with further details in relation to the said aspects and with whose assistance all the said aspects shall be executed.

3. We take the scheme put up by the Director of Tourism in the said additional affidavit filed on 28th April, 1999 on record and direct the Director of Tourism to file compliance report in respect of each and every aspect referred to in the said additional affidavit within fifteen days of the date within which compliance has been undertaken in the said additional affidavit.

4. It may also be pointed out that the Director of Education has also issued Circulars dated 25th March, 1999 and 30th March, 1999, relating to safety measures to be adopted during school excursions. In Circular dated 30th March, 1999, every educational institution has been directed to intimate the taluka A.D.E.I. Office in advance before it goes on any excursion with students, with a copy to the Assistant Director of Education of the concerned zone; the educational institution is required to inform the Police Station/Village Panchayat/Municipality within the respective jurisdiction in which the students are taken for excursion and the educational institutions are further directed to inform the Director of Tourism in the event the

excursion is proposed to be held on any beach/waterfall/lake. It is also considered necessary that the Director of Education should issue further instructions to the educational institutions that wherever Police assistance booths are installed and the students are taken for excursion on the beaches, the teacher in charge of the excursion group shall first approach, on arrival, the police on duty at the assistance booth as well as the lifeguards posted on the beach so that they are informed of the excursion by the students and that they take appropriate measures to ensure that the students do not any more lose their lives and necessary assistance is available in case of emergency from the Police and the lifeguards posted on the beach. These instructions which are issued by the Director of Education and further instructions which we have directed the Director of Education to issue, should be scrupulously adhered to and in case these instructions are not adhered to by any educational institution appropriate action should be taken against the institution concerned.

5. Rule is accordingly made absolute in the aforesaid terms and the petition is disposed of.

6. Rule made absolute.