
(2002) 07 NCDRC CK 0057

In the National Consumer Disputes Redressal Commission

NORTH BENGAL STATE TRANSPORT CORPORATION

APPELLANT

Vs

PARBATI CHARAN ROY

RESPONDENT

Date of Decision : 15-07-2002

Acts Referred:

Citation : 2003 2 CPJ 223

Hon'ble Judges : S.C.Datta , S.Majumder , D.Karformas J.

Final Decision : Appeal allowed

Judgement

1. THIS is an appeal by the North Bengal State Transport Corporation, for short, Corporation against the order of the Forum at Coochbehar directing it to pay compensation of Rs. 1 lakh for the death of the wife of the complainant and other amounts on various counts.

2. THE fact leading to the case may be stated as under : On 28.8.1994 about 6/6.30 p.m. the complainant along with his wife and two daughters boarded a bus of the Corporation for journey from Krishna Nagar to Coochbehar. THEY purchased 4 tickets and seats were reserved for them. At about 8.30 p.m. when the bus just left Berhampur 8-10 dacoits who were travelling in the same bus in disguise forcibly stopped the bus and started looting the valuables and other articles from the possession of the passengers including the complainant and his family members. One of the dacoits fired at the wife of the complainant and she fell down with bullet injury. She was shifted to a hospital where she was declared dead by the doctor. THE complainant was also hit with a shot but no serious injury was caused to him. According to the complainant there was no arrangement for security resulting in this unfortunate incident, which took away the life of his wife. THE complainant states that had there been arrangement for security, the incident of dacoity could not have taken place. According to the opposite party they are not responsible for any incident of dacoity in a running long distance bus. The duty of maintaining the law and order rests upon the concerned Police Station. It is not possible to give separate security arrangement for the large number of buses running on different routes from different depots.

The Forum however observed that the opposite party is bound to provide security arrangements for the passengers of its night service buses and by not providing any such arrangement for safety and security of the passengers they have committed an act of negligence. In that view of matter the Forum granted compensation on merely humanitarian ground.

3. FEELING aggrieved by the decision of the Forum the Corporation has appealed. It is the stand of Corporation that maintenance of law and order is the duty of police and they are not required to make arrangements for security guard in every bus running on the highway. The Forum however observed that the Corporation is bound to provide security arrangements for the passengers in its night service. On consideration of the materials and the facts and circumstances of the case we cannot persuade ourselves to agree to this view. It is not disputed that the Corporation runs a fleet of buses daily to different directions and majority of the buses run on long distance routes at night. In our view it is not possible for the Corporation to provide security guard in every such bus travelling at night. Even if such arrangement is made, the dacoity as not be prevented. The Forum awarded compensation on humanitarian grounds. The position would have been different if the complainant had chosen the appropriate Forum. Since the Corporation is not bound to provide security staff in each of the buses plying on different routes there is no deficiency in service in not providing any. So we think that the Forum was not justified in allowing the claim merely on humanitarian ground. We should not forget the fact that in order to award compensation under the Act the consumer is required to show that a duty is enjoined upon the Corporation to provide such service and there has been breach of that obligation. Since we have already shown that it was not the duty of the Corporation to provide the security staff to the ill-fated bus no question of breach occurs. For the reason aforesaid we cannot uphold the judgment, which we hereby set aside. The copy of judgment be immediately forwarded to the respondent-complainant free of cost. Appeal allowed.