

BOAT ACCIDENTS IN INLAND WATERS OF KERALA

(By Dr K.R.Shyamsundar, Special Rapporteur, SZ – 1)

An analysis of six boat tragedies that occurred since July 2002 killing as many as 110 persons reveals that accidents occur due to the following:

- **Poor conditions of the vessel** – Ageing; Lack of watertight subdivision & its consequent Free Surface Effect of the Hull
- **Shoddy maintenance** – under-water obstruction pierce and cause hull damage
- **Absence of Navigational aids** – Lack of adequate Life saving appliances
- **Lack of demarcation & upkeep of the channel**
- **Overloading** – Passengers crowding on one side
- **Negligent conduct of the crew** – Human error and dereliction of duty by crew

2) **Absence of Guide:** The boat accident that occurred at Punnamada in Alappuzha on 26th January, 2013 could have been avoided if the guide / crew of the hired passenger double Decker boat titled “Lily Darling” had properly guided the tourists and restricted their movement of the passengers to one side of the passage boat. Due to negligence and carelessness and lack of responsibility on the part of the crew of the hired boat “Lily Darling”, the tragedy had occurred. It is relevant to reproduce one of the recommendations of the Commission:

“The vessel crews have to guild and restrict passenger’s movement from one side to the other. Their duty is also to ensure loading as per the capacity of the vessel (Hon’ Dr. Justice K. Narayana Kurup Commission of Enquiry Report dated 30th April, 2003, p – 65 point no. 10).”

Boat Tragedies in Kerala Since 1980

Sl. No	Date	Boat Tragedies	Remarks
1	19.03.1980	30 persons were killed in Kannamaly Boat mishap	
2	25.09.1983	18 persons died when tragedy occurred while they were returning after Vallarpadam Church feast	
3	27.07.2002	Kumarakom Boat Tragedy caused death of 29 persons	The Commission of Inquiry, Hon' Dr Justice K. Narayana Kurup – poor condition of the boat & poor maintenance; overloading, negligent conduct of crew
4	30.8.2004	7 Boat workers drowned off Kollam coast	
5	02.01.2005	4 persons including an Arab were drowned in Vembanad Lake	
6	20.2.2007	14 students and 3 teachers were killed in Thattekkad Boat Accident	Justice M.M.Pareed Pillay Commission of Inquiry – over loading & untimely hour
7	30.09.2009	45 tourists drowned when 'Jalakanyaka', a double decker boat of Kerala Tourism Development Corporation capsized in Thekkady Lake at Manakkavala	E.Mytheenkunju Commission of Inquiry; Finding: Lack of stability of the boat, overloading & inexperienced crew
8	19.12.2001	Kuthiyathodu, Alappuzha boat capsized in which 2 were killed	No Commission was appointed as per Director, Ports
9	26.01.2013	4 persons were killed when a passage boat capsized in Punnakad in Allapuzha	No Commission was appointed as per Director, Ports
10	11.06.2013	2 Persons died when a Shikkara capsized in Punnakad in Allapuzha	No Commission was appointed as per Director, Ports

3) Poor Design: One of the officers of Port observed that the passage boat capsized owing to its poor design. In this regard, it is pertinent to recall the observation of Hon' Dr. Justice K. Narayana Kurup Commission:

"A properly designed passenger boat loaded to its rated capacity should not heel beyond a prescribed limit. However, a passenger boat which does not satisfy the prescribed stability criteria can heel beyond the limit, especially under overloaded conditions, and finally reach a heel and which is equal to or beyond the range of stability of the boat resulting in capsizing (Hon' Dr. Justice K. Narayana Kurup Commission of Inquiry Report dated 30th April, 2003, p – 64 point no. 7)."

4.1) Total Absence of Safety Measures & Supervision: Notwithstanding the standing instructions for possession of sufficient number of life buoys / life jackets and rubber tubes in each boat as per the norms and also to issue cautionary pamphlets, nothing was operational at the ground level on the day of the tragedy viz. 26th January, 2013, 63rd year of Indian Republic Day in contravention of the recommendation of E.Mytheenkunju Commission.

"Wearing of safety jackets and providing safety instructions to passengers must be made mandatory and sufficient number of life saving devices depending upon the capacity of each boat shall be provided (E.Mytheenkunju Commission of Inquiry Report P 224 Point no.20 under remedial measures)."

4.2) It is clear from the foregoing that periodical inspection as well as surprise inspection of the boats by the officers concerned was not being performed.

5) Absence of Rescuers: No divers or swimmers were found at the spot. Moreover, rescue coordination was conspicuous by its absence. When it capsized, it was left to the passengers to break open the glass to come out. In the absence

of an emergency rescue team or trained divers / swimmers some boat persons pulled the tourists who were drowned. In this connection, it is pertinent to point out the recommendation of E.Mytheenkunju Commission, which is reproduced below:

"Establish rescue ~~coordination~~ centers in important tourist centers (E.Mytheenkunju Commission of Inquiry Report dated 25th August, 2011 P 224 Point no.14 under remedial measures)."

6) **Under-water obstructions:** Under-water obstructions are not uncommon in lakes and back waters. The obstructions will have to be necessarily removed for the safe voyage of vessels. Obstructions like stanchion made of coconut tree trunks may perforate hull causing damage to the boat and consequent flooding of it leading to sinking or capsizing of the boat. In the instant case, the photos of the accident spot (Enclosed) that was taken on June 8th 2013 reveals that lake was adorned with weeds, obstructions and slush and that no lesson has been learnt though the boat tragedy had occurred not long before but just six months earlier. Similar obstructions had delayed in rescuing the drowned by the boat persons. In this connection, the recommendation of E. Mytheekunju Commission is reproduced below:

"Navigable waterways shall be properly maintained by dredging and removing obstacles." (E.Mytheenkunju Commission of Inquiry Report P 224 Point no.19 under remedial measures)."

7) **Licensing:** In my report dated 13th August on my visiting notes on Kerala, number of licences issued were given as follows:

“13 including 11 under passenger boat registered in Trissur, 326 in Ernakulum and 30 in Idukki have registered under Inland Vessel KIV Act, 2010.”

However, Director of Ports, Kerala Government vide his letter No. B-3-3879/13 vide email informs that house boats registered in Kerala are as follows:

Sl. No	Name of the Port	No. of Boats Registered
1	Vizhinjam	2
2	Kollam	29
3	Allppuzha	558
4	Kodungallur	5
5	Bey pore	35
6	Azheekal	Nil

A discreet and confidential inquiry reveals that only a small portion (a maximum of 20% as per activists and also officials who do not want to be quoted) of the boat owners have registered themselves. There was a huge resistance to begin with and slowly the registration is picking up. However, it is pointed out by activists that never 100% registration could be achieved as many local politicians and some bureaucrats have invested in their benami names. Moreover, it is also pointed out that not only framing of stringent rules but also strict implementation of rules could not be achieved so far owing to vested interestedness.

8) Inland Waterways Transport Directorate: In the back drop of boat tragedies in the State of Kerala, the necessity of an Inland Waterways Transport Directorate / Authority / Board manned by professionals to ensure prevention of such calamities cannot be ignored (Justice M.M. Pareed Pillay Commission of

Moreover, the Inspecting Officer must be saddled with statutory powers so that he could take effective, prompt and exemplary action.

13.2) Notwithstanding the provisions of the Act, the following observations of E. Mytheenkunju Commission of Inquiry made on 25th August, 2011 reveal that recommendations of ~~previous Commissions~~ have not been heeded scrupulously.

"Existing Kerala IV rules shall be subjected to through scrutiny and review to identify any anomalies, omissions, gray areas etc., and steps are to be taken to correct deficiencies (E.Mytheenkunju Commission of Inquiry Report dated 25th August, 2011 P 224 Point no.15 under remedial measures.")

14) *If the rules are framed by the State incorporating all the specific safety norms from A to Z and also ensure proper licensing to effective implementation, accidents are avoidable and definitely could be averted. As it is the duty of the State to prevent boat tragedies, every provision under the Act should be borne in mind when rules are made.*


16.09.13

Dr. K.R. Shyamsunder, 125 (1-14)
Special Rapporteur
(S2-I-TN, Kerala, Pondicherry & Lakshadweep)
National Human Rights Commission
Off : 31A, Park Road, Anna Nagar (W) Extn.,
Chennai - 600 101.

HUMAN RIGHTS COMMISSION VISIT
MOST IMPORTANT

Directorate of Ports

Vahiyathura, Vallakadavu P.O
Thiruvananthapuram - 695 006
Phone: 0471-2504483/ 2506415/2500438
Fax: 0471-2501335/2500436
E-mail: director.port@kerala.gov.in
Website: www.keralaports.gov.in
Dated: 08 /07/2013

No B3-3879/2013

FROM

The Director of Ports

TO

Dr. K R Shyamsundar IPS,
Ex. DGP & now Special Rapporteur ,
NHRC

Sir,

SUB: Port Department - visit of Dr. K R Shyamsundar, Special
Rapporteur, National Human Rights Commission from 5-8 July,
2012. Details furnishing of - Regarding

Ref: Govt Letter. No.10194/E2/13/F&pd dated 05/07/2013

I may invite your attention to the Government letter cited and to furnish
the following information as desired:

a. The details of house boats registered in Kerala are as follows:

Name of Port	No. of boats registered
Vizhinjam	2
Kollam	29
Alappuzha	558
Kodungallur	5
Beypore	35
Azheekal	Nil

h. Please note that Kerala Inland Vessels Rules 2010 came into existence on 15th September 2010, and Port Department has been appointed as implementing agency for carrying out Rules since then. The Irrigation Department had been looking after the licencing of the vessels before that. The details of the major houseboat tragedies since 15th September 2010 is only available with this Department, which are as follows:

- * No. of House boat capsizes resulting in death -1
(At Kuthiyathodu, Alappuzha on 19/12/2011)
No. of Casualties -2
- * No. of House boat capsizes resulting in death -1
(At Punnamada, Alappuzha on 26/01/2013)
No. of Casualties -4
- * No. of Shikkara capsizes resulting in death-1
(At punnamada, Alappuzha on 11/06/2013 ; No. of casualties-2
- * No major injuries have been reported other than the incidents stated above.
- * The details on monetary compensation given to the victims or their families are not available with the Port Department.
- * No commissions have been appointed to probe into above tragedies.

Yours faithfully,

- Sd -

For Director of
Ports











