



SUPREME COURT COMMITTEE ON ROAD SAFETY

Chairman : Justice K.S. Radharishnan
Members : S. Sundar
Dr. Nishi Mittal

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Immediate
No.06/2018/CoRS
Dated: 10th September, 2018

To

The Secretary,
Deptt. of Urban Development,
Govt. of Uttrakhand,
Dehradun
Email : secy-urban-us@nic.in

Subject: Road accidents and deaths due to potholes

Sir/Madam,

The Hon'ble Supreme Court has constituted a Committee on Road Safety to monitor and measure road safety in the country.

2. The Hon'ble Supreme Court, in its Order dated 20th July, 2018, has expressed its concern over a large number of deaths as a result of fatal accidents which occur due to potholes on the roads and has directed this Committee to look into this matter at the earliest and give a report to the Supreme Court in this regard including determining the quantum of compensation.

3. A list of items to be considered by the Committee in this regard is enclosed.

4. You are requested to kindly furnish the views of your Govt. on the issues mentioned in the list latest by **10th October, 2018**.

Yours faithfully,

(S.D. Banga)

Secretary to the Committee.

Copy to:

- 1. The Chief Secretary,
Govt of Uttrakhand,
Dehradun
Email : cs-uttranchal@nic.in**
- 2. The Principal Secretary (Transport),
Govt. of Uttrakhand,
Dehradun
Email : transportdeptuk@gmail.com**

List of items to be considered by the Committee

1. Order of the Hon'ble Supreme Court dated 20th July, 2018 (**attached**)
2. Total deaths due to Potholes:

Year	No. of deaths
2013	2607
2014	3039
2015	3416
2016	2324
2017	3597
Total	14936

3. Order of the Bombay High Court dated 12th April 2018 on **PIL no. 71 of 2013**. It, briefly, states that:
 - (i) The citizens have the fundamental right under Article 21 of the Indian constitution to use properly maintained roads
 - (ii) It is the duty of the road owning agency to maintain the roads in good condition
 - (iii) The citizens have the right to get compensation from the road owning agency in case of fatality or injury caused due to poor maintenance of roads
 - (iv) There should be a Grievance Redress Mechanism to enable the citizens to file a complaint.
 - (v) The Road Owning Agency should maintain a website for Grievance Redress Mechanism to enable the citizens to file and track the complaint
4. How do potholes develop and accidents occur?
5. What is the procedure to decide that the accident has occurred due to potholes?
6. Is there any provision or clause in the Contract to fix responsibility on the Contractor, Concessionaires and Consultants?
7. Amount allocated for maintenance of roads and its adequacy. How much of the funds allocated were spent doing the last 3 years?
8. What are the arrangements made for maintenance of roads? Is it done in-house by PWD or contracted out?

9. Are there any provisions for fixing responsibilities on the officers/ staff of the road owning agency responsible for maintenance of roads?
10. Is there a Protocol for inspecting all the roads to see whether any pothole has occurred or likely to occur and to take corrective action?

11. Compensation to the victims:

- (i) Is there any provision for paying compensation by the road owning agency?
- (ii) Should compensation be determined in each case on the lines of the compensation decided by MACT or according to the MoRTH Notification dated 22nd May, 2018?
- (iii) Can a Committee be constituted by each State to determine the compensation on the basis of the principles/methodology used by MACT?

Order of the Supreme Court dated
20th July, 2018 7

Annexure

Issue concerning potholes

It is a matter of common knowledge that there are large number of deaths as a result of fatal accidents which occur due to the potholes on the roads. This is particularly so in the city of Mumbai as well as in the city of Bengaluru.

There is little doubt that those who are obliged to maintain the roads under the municipal laws are not doing their job as effectively as they should. It is as a result of this that fatal accidents are taking place and the families are facing distress.

Recently, there was a report in one of the newspapers that the number of deaths as a result of accidents due to potholes are more than the the number of deaths due to terrorists' attacks. This is frightening, if true.

Even otherwise, this is obviously a very grave and serious issue and the legal representatives of persons who have lost their lives as a result of accidents due to potholes on the roads should be entitled to compensation if nothing else as a tortious claim.

We request the Supreme Court Committee on Road Safety to look into the matter at the earliest and give us a report in this regard including determining the quantum of compensation.

List the matter on 18th September, 2018