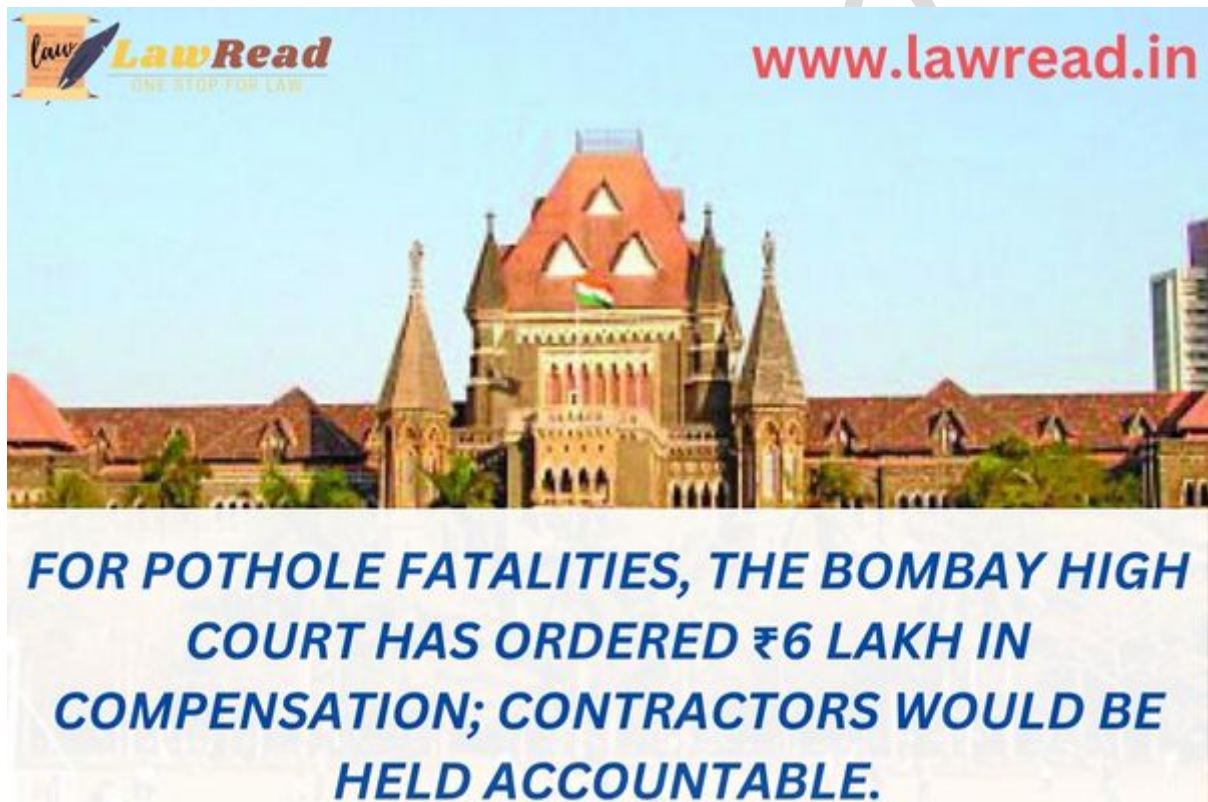


News

For pothole fatalities, the Bombay High Court has ordered ₹6 lakh in compensation; contractors would be held accountable.



According to the Court, people who cause pothole-related fatalities and injuries won't comprehend the seriousness of the problem until they are held financially and personally liable.

The Bombay High Court ruled on Monday that there is no excuse for poor roads in a metropolis like Mumbai, and it ordered the State and local governments to compensate the families of anyone killed in Maharashtra due to potholes or open manholes with ₹6 lakh.

Those wounded by potholes or open manholes shall receive compensation ranging from ₹50,000 to ₹2.5 lakh, according to the Bench of Justices Revati Mohite Dere and Sandesh D. Patil.

The ruling was made in a 2013 suo motu case that was based on a letter that Justice GS Patel, who is now retired, sent to the Chief Justice.

"There is just no excuse for poor and dangerous roads. Mumbai, the nation's financial hub, makes a significant contribution to the federal government's, state's, and local governments' revenue. The MCGM is actually among the wealthiest companies in Asia. In addition to putting lives in danger, poor roads have a negative impact on the economy, especially businesses' financial stability," the Court bemoaned.

The Court restated that, in accordance with Article 21 of the Indian Constitution, people's right to life includes having decent and secure roadways. It also stated,

"In addition to putting lives in danger, bad roads have a negative impact on the economy, particularly the financial stability of businesses. Providing the taxpaying public with adequate municipal facilities, such as safe roadways, is the duty of state agencies and civic authorities.

The Court concluded that during the monsoon season in Maharashtra, fatalities and severe injuries brought on by potholes and open manholes had become commonplace.

"Citizen authorities and the contractors hired to maintain roads should be held responsible for these fatalities and injuries. We don't think the authorities are taking this recurring issue seriously. This awful situation will keep happening year after year until civic leaders are held accountable. The Court continued by stating that accountability must be placed on both the city authority and the contractors.

According to the Court, people who cause pothole-related fatalities and injuries won't comprehend the seriousness of the problem until they are held financially and personally liable.

As a result, it directed the authorities to begin compensating victims of manhole or pothole accidents.

The Court reasoned, "Only then will it serve as a wake-up call for the agencies concerned,"

It said that qualified individuals must get their compensation within six to eight weeks of the claim being received, and that interest must be paid if payment is delayed.

"Failure to do so (pay compensation in a timely manner) shall render the Municipal Commissioner, Chief Officer, District Collector, CEO, Chairperson, or Principal Secretary, as the case may be, personally responsible for the delay," the directive said.

The Court said that after the victims have received their compensation, the money paid might be recouped from the officials, engineers, or contractors who were determined to be at fault for the pothole or open manhole.

In order to investigate claims of pothole or manhole accidents and determine the amount of compensation owed to the victims, the Court also mandated the creation of committees. Depending on the municipal area in which the committee is established, different individuals make up the committees that supervise this procedure.

After learning of a death or accident, these committees are required to convene within seven days. The committee will thereafter convene at least once every fifteen days, or sooner if required, to oversee development, execution, and adherence to the Court's directives, especially during the monsoon season.

The Court further said that the committee may decide to take up cases on its own initiative, in response to petitions for compensation, or even in response to news articles.

The committees must be notified of any complaints regarding such accidents that are received by the District Legal Services Authority (DLSA), municipal, district, or highway authorities. Additionally, police personnel are required to notify these committees of any accidents within 48 hours.

The Court further demanded that authorities, engineers, or contractors found guilty of doing poor or subpar road construction face severe disciplinary and criminal penalties.

Furthermore, the Court has said unequivocally that any pothole must be fixed or attended to within 48 hours of being brought to the attention of the relevant authorities.

"Failure to do so shall constitute gross negligence and shall warrant departmental action against the responsible officers and contractors," the Court stated.

Amicus curiae Advocates Ronita Bhattacharya Bector and Dipesh Siroya provided assistance to Jamshed Mistry.

The applicants were represented by advocates Siddharth Ingle, Rashid Khan, and Ruju Thakker.

The State was represented by advocates MM Pabale, RA Salunkhe, and OA Chandurkar.

Advocates Joel Carlos, KH Mastakar, Oorja Dhond, Mandar Limaye, Reshmarani Nathani, Tanu N Bhatia, Sarang S Aradhye, AS Rao, Rohit Sakhadeo, Neeta Patil, SR Nagolkar, Swati Sagvekar, Aniruddha Garge, Ajai Fernandes, Anjali Kotecha, Sandeep Mahadik, Shishankar Patil, Aparna Devkar, Aparna Vhatkar, Gaurav Ugale, Vaishnav Brahmanekar, Swapnil Mhatre, Shriram Kulkarni, Shailesh Chavan, and Milind Deshmukh appeared for various municipal authorities.