

ITEM NO.2

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(REPORT NO. 15 & 18 - ISSUE OF POTHOLE)

Date : 18-09-2018 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gaurav Agarwal, Adv. (AC)

Mr. Krishna Kumar, AOR
Ms. Srujana Suman Mund, Adv.

For Respondent(s) Ms. Pinky Anand, ASG
Mr. Ajit Kumar Sinha, Sr. Adv.
UOI Mr. R. Bala, Adv.
Mr. G.S. Makker, AOR.
Mr. S.S. Ray, Adv.
Ms. Snidha Mehra, Adv.
Mr. Hemant Arya, Adv.
Ms. Aarti Sharma, Adv.

GIC Ms. Prerna Mehta, Adv.

IRDA Mr. Dipak K. Nag, Adv.
Mr. Ekansh Bansal, Adv.
Mr. Akhil Sharma, Adv.
Mr. Parmanand Gaur, Adv.

For States of
Andhra Pradesh Mr. Guntur Prabhakar, Adv.
Ms. Prerna Singh, Adv.

Assam Mr. Shuvodeep Roy, Adv.
Mr. Somnath Banerjee, Adv.

Bihar Ms. Abha R. Sharma, Adv.
Mr. D.S. Parmar, Adv.

	Ms. Sujeeta Srivastava, Adv. Mr. Ankit Mishra, Adv.
Goa	Ms. Ruchira Gupta, Adv. Ms. Surabhi Mehta, Adv. Mr. Anurag Sharma, Adv.
Gujarat	Ms. Hemantika Wahi, Adv. Ms. Jesal Wahi, Adv. Ms. Pallavi Baghel, Adv. Ms. Mamta Singh, Adv. Ms. Vishakha, Adv.
Haryana	Mr. Samar Vijay Singh, Adv. Ms. Monika Gosain, Adv. Mr. Ashish Chouhan, Adv.
J&K	Mr. M. Shoeb Alam, Adv.
Jharkhand	Mr. Tapesk Kumar Singh, Adv. Mr. Mohd. Waquas, Adv. Mr. Aditya Pratap Singh, Adv.
Karnataka	Mr. V.N. Raghupathy, Adv. Mr. Parikshit P. Angadi, Adv.
Kerala	Mr. G. Prakash, Adv. Mr. Jishnu M.L., Adv. Ms. Priyanka Prakash, Adv. Mrs. Beena Prakash, Adv.
Maharashtra	Ms. Swarupama Chaturvedi, Adv. Mr. Nishant R. Katneshwarkar, Adv.
Manipur	Mr. Leishangthem Roshmani Kh., Adv. Ms. Maibam Babina, Adv. Mrs. Anupama Ngangom, Adv.
Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. S.C. Ghosh, Adv. Mr. S. Bhowmick, Adv. Mr. Daniel Stone Lyngdoh, Adv. Mr. K.V. Kharlyngdoh, Adv.
M.P.	Mr. Anil Kumar Pandey, Adv. Mr. Sunny Choudhary, Adv.
Mizoram	Mr. Pragyan Sharma, Adv.
Nagaland	Mrs. K. Enatoli Sema, Adv. Mr. Amit Kr. Singh, Adv.

Punjab	Mr. Karan Bharihoke, Adv. Ms. Navkiran Bolay, Adv.
Rajasthan	Mr. S. S. Shamsbery, AAG Mr. Amit Sharma, Adv. Mr. Sandeep Singh, Adv. Mr. Ankit Raj, Adv. Ms. Indira Bhakar, Adv. Ms. Ruchi Kohli, Adv.
Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. For M/s Arputham Aruna & Co.
Telangana	Mr. S. Udaya Kumar Sagar, Adv. Mr. Mrityunjai Singh, Adv.
Tripura	Mr. Shuvodeep Roy, Adv. Mr. Rituraj Biswas, Adv.
West Bengal	Mr. Suhaan Mukerji, Adv. Ms. Astha Sharma, Adv. Mr. Abhishek Manchanda, Adv. Ms. Dimple Nagpal, Adv. Mr. Amit Verma, Adv. For M/s PLR Chambers & Co.
For U.Ts A&N	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, AOR Mr. Mrinal K. Mondal, Adv.
Puducherry	Mr. V. G. Pragasam, Adv. Mr. S. Prabu Ramasubramanian, Adv. Mr. Shivam Singh, Adv. Mr. Animesh Kumar, Adv. Mr. Neeraj Shekhar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Report No.15 & 18 submitted by the Committee on Road Safety.

The Committee has submitted a report stating that some of the States have not complied with the directions contained in Report No.15 and which form part of the order passed by this Court on

12.07.2018.

It is submitted that a month's time may be given to enable the Committee to ensure compliance with the directions.

Acceding to the request, we grant time to non complying State Governments / UT Administrations to comply with the directions of this Court as well as the directions of the Committee. Necessary compliance should be made by 31.10.2018.

Report No. 15 stands disposed of.

Report No. 18 of the Committee on Road Safety

The only remaining issue in this Report is with regard to potholes on roads and deaths caused due to existence of potholes on roads.

In our order dated 20.07.2018, we had noted that 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 number of deaths due to terrorists' attacks. This is frightening, if true.

In this context, we had requested the Supreme Court Committee on Road Safety to look into the matter and also on the compensation to be paid and give a report. The Supreme Court Committee had a meeting on 04.09.2018 which was attended by the representatives of the Ministry of Road, Transport and Highways (MoRTH), National Highways Authority of India (NHAI) and 8 States.

One of the points for discussion in the meeting of 04.09.2018 was the number of deaths caused due to potholes. It was noted in the agenda that in the year 2017, there were as many as 3597 deaths all over the country. The Minutes go on to record that in the

discussions, the States had disputed the data published by MoRTH on fatalities due to potholes in their States and claimed that the data was sent by their respective State Police Department to NCRB/MoRTH. This data was not verified by the respective State Transport Departments.

We are surprised that the State Governments are disowning the data which was sent by its own officials to the MoRTH. The view taken by the State Governments is unfortunate to say the least. It is also recorded in the Minutes that the States submitted that funds allocated for maintenance (of roads) were inadequate.

We are surprised that maintenance of roads is something which does not seem to have drawn the attention of the State Governments. If they are constructing roads, surely the State Governments are expected to maintain them as well. Construction of roads is not a one-time exercise which is given up after the roads start crumbling.

The Committee has requested for one month's time to submit a report.

List the matter on 1st November, 2018 by which time we expect the State Governments / UTs to respond to the request / directions of the Committee and take up the matter with due seriousness including the issue of compensation to the victims of accidents caused due to potholes on roads.

Report No. 18 to this extent stands disposed of.

I.A. Nos. 133929 & 133933 [Insurance Agents Welfare Association]

The applications are dismissed.

**(MEENAKSHI KOHLI)
COURT MASTER**

**(KAILASH CHANDER)
ASSISTANT REGISTRAR**