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POTHOLE DEATH IN INDIA

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By – Aditya Narayan Sinha¹

Abstract

In a country like India, the topic like “pothole” don’t need any introduction. It is very common and easily visible in Indian roads. In fact in every 5 kilometers, you’ll find a pothole. The size and depth of the pothole may vary from place to place. Potholes needed to be taken seriously. Potholes have the capability of causing accidents that may be serious or even fatal. It’s a sinking feeling to see our country’s roads in such conditions despite our continued efforts to elect better leaders. In this paper, I have researched and discussed how potholes are harming people’s lives. Who is responsible for pothole? How many cases are filled for potholes? Is it the government or is it authorities or is it those people who have got the contract? What are the changes required in our laws for pothole accidents? It is truly said that potholes kill more people in a year than a terrorist attack!



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Introduction

The pothole is said to be more deadly than terrorism. In India, a pothole is a very common thing and impacts one person can see a pothole every one kilometer in India. If we see across the globe, then in many countries, artificial pothole stickers are used for the people so that they can control the traffic. But in India stickers are not used rather original is made!

A pothole is a depression on any road surface or any plain ground too. Potholes are simply areas of road surface that have cracked, worn away, and eventually formed a hole. They start out as tiny cracks. If they're not fixed right away then it can damage the entire road and sometimes the entire area.^[1] A pothole is formed by the force of water and abrasion. It is basically formed when a circular current of water carrying small pebbles and sediment begins to wear away a rock surface. The force of water and the sediment it carries is greater than the resistance of the rock. Once the process has begun, it continues and the rock in that location continues to erode away.^[2]

Many Geologists associate potholes with large volumes of very turbulent water. Well, one person will be surprised to know that only Mumbai has 26,934 potholes and this is the data of 2018 as surveyed by Mumbai Mirror newspaper.^[3] The pothole is a very common thing in a country like India. And in fact of the death happening due to pothole or people getting injured, still, it is not considered as an important and serious issue. Every year around 3,597 people die due to potholes. More than 30% of people die due to potholes. Ministry of Road Transport and Highways provided figures that over 9300 deaths, 25000 injured in the last three years due to potholes and more than 25,000 people are getting injured due to potholes. But still, it is not taken as a serious issue in India. Still, potholes are getting originated.

The main question which arises here is “who is responsible? Is it the government or is it authorities or is it those people who have got the contract? Let’s understand further.

The problems of Potholes in India

To be frank, a topic like a pothole in India doesn’t need any introduction. It is a very common thing. Maximum people know what is pothole. In Hindi people call it “*gaddha*”. In India, almost every road has potholes. In fact in every 5 kilometers, you’ll find a pothole. The size and depth of the pothole may vary from place to place. Potholes needed to be taken seriously. Potholes have the capability of causing accidents that may be serious or even fatal. It’s a sinking feeling to see our country’s roads in such conditions despite our continued efforts to elect better leaders. But keeping politics aside, continuous harms will be faced by us and still we don’t do

anything. There are many cases of pothole deaths. Like one if the case which I want to talk about is Manisha Bhoir. Manisha Bhoir is a Mumbai based woman who lost her life on July 8, due to falling off her bike and coming under a bus. The incident happened after the woman fell post hitting a pothole on a water-logged street. Four days later, a 29-year-old man from Mumbai, lost his life after his two-wheeler skidded over a pothole on the road and was run over by a truck.^[4] These were just two cases that I have discussed. But the deep reality is there are more than 10,000 cases pending which is related to a pothole. Everyday pothole takes about 6 lives. The data varies from state to state. As per the reports, to date, Uttar Pradesh has the highest number of potholes deaths. Uttar Pradesh is followed by Maharashtra, then followed by Haryana, Gujarat, Delhi, Orrisa, Andhra Pradesh, Kerala, West Bengal, and then others. As per official statistics, potholes claimed 11,836 lives and left 36,421 persons injured in India from 2013 to 2016.^[5] Every year pothole gets more active in monsoon season or during rain. Road safety is a very important thing. India has only 2 pc of the world's motor vehicles but accounts for 12 pc of deaths related to traffic accidents. As per the study done by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), mentions that road traffic accidents cost India nearly 3 pc of its Gross Domestic Product (GDP) a year or, in absolute terms, about USD 58,000 million.

WHO IS RESPONSIBLE FOR POTHOLE?

The government gives a budget for making the road and once the budget is allotted, money is sanctioned to the contractor, and then the materials required to make a road like cement, concrete, and others, their company gets money and then labors are hired and the work starts. It looks simple and clear but it isn't that much. It is easy to say that there is no gambling but we all know that there are gambling's in the entire system. Yeah, I agree that the weather is also responsible but with weather, the quality of materials used is also responsible. The money is allotted according to the quality of material but authority takes money and orders the material which is of low quality. Hence the money is saved and it goes into their pocket. Weak or low quality of materials used for making roads is as injurious as cigarette is injurious to human health. Governments and Civil Servants are also equally responsible because of their negligence done during the time of checking/inspection. If the officials catch the mistake, then there won't be a bad quality of roads. Corruption and greediness are also one of the factors that we can say that due to them it is responsible for the bad quality of roads. Engineers are also responsible because they know that there is some gambling/corruption done but still they keep

quiet. Maybe they also get some money. It primarily the responsibility of the developer who developed civic amenities along with the municipal operation of any authority who carries such work. There is no proper maintenance of the road. The roads need to be maintained and repaired from time to time. Well, I would say that somewhere our police system and judicial system are also responsible. Police don't take actions against the case filled and as usual, our justice gets delayed so much. Just because of justice being delayed, people get the motivation to do these kinds of things. Negligence of the authorities responsible for it. Putting names is not what we are here for but if it is required the Municipal authorities should take care of several unrequired potholes. But they don't they just create a new wide hole and left it open for no reason at all even during rainy days the mud wets and many vehicles skit due to that too.

Three years past, once Dadarao Bilhore lost his son, Prakash, to a road crash caused by a chuckhole in the city, he determined that it was time to require matters into his own hands. He visited native authorities and urged them to repair the potholes. He received condolences and assurances; however, things haven't modified. On July 11, a 45-year-old man was crushed to death by a passing truck once he fell into a chuckhole in Kalyan, Mumbai. this is often only 1 of the numerous recent deaths caused by potholes within the town. In 2016, potholes claimed six lives daily in the Republic of India. The numbers can be higher as dozens of pothole-related deaths go unaccounted as a result of crash news protocols vary from State to State.

Every year the deaths due to pothole are increasing and it will keep on increasing if things go in the same way. The only solution which every victim's family gets is compensation. But is compensation enough? The drivers of the car/bike or the vehicle which he/she was driving is always being held responsible. Sometimes, they are not let to file a case against the authorities who made the road.

Stepping up its response to the world road safety crisis, the globe Health Organization (WHO) dedicated the theme of World Health Day 2004, celebrated on seven Gregorian calendar month, to road traffic injury hindrance. This year's saying, "Road Safety isn't any Accident", stresses that road traffic injuries don't happen by mere probability. Most such injuries area unit each inevitable and preventable. typical thinking round the conception of "accidents" has modified drastically, as road traffic injuries became one of the foremost vital public health problems with the new century.

Ineffective justice system with a lack of resources. Often people in power try to digress the incident and people without assistance are left with bare hands at the end. As pothole accidents can cause death and also if not, death there are higher chances of the victim getting injured this causes mental agony to the family and also the medical expenses get increased because of the

injury caused. So, the compensation should be provided by the authorities for every victim who suffers due to this negligent act. Justice takes more time to be delivered to the victim. They are not taken seriously by responsible authorities nor they are adequately compensated only the government Announces the compensation when the incident takes place or it becomes an issue for the Government. A grave issue faced by Indians as the politicians are busy in hiding large bucks behind huge road projects. It's a known fact that every day 10 people die amidst accidents because of broad gaps on the road. About getting justice for those people it's a hectic process from one counter of a government office to another or a long litigation process. No evidence of mistake could also be a problem as this could be a human error from the department responsible for the maintenance of streets, manholes. Or in the case of Road, PWD. But very difficult to identify the culprit. The responsible authority should be answerable on these issues which become the cause of accident/ death and traffic jams. They might laugh and leave it but the victim is the one who will remember this whole life. They are neglected as such this is also negligence of municipal authority. Even before a rain, they are never put to test whether that would last long in heavy rains. And as facts show they never do last its all water-filled and many have been victim to those.

POTHOLE LAWS: WHAT ARE MY SUGGESTIONS?


Justice delayed is justice denied. It is very common in India that justice is not given easily. Sometimes it takes years to get justice. Looking at the existing ones there is a quiet need to change the pothole laws. Pothole laws should be changed to some extent and we can also take certain measures such as keeping an eye on traffic patterns and reporting potholes to our state or local transportation department. In charge of the Road transportation department of that particular area should be punished for such an accident. He must be responsible for monitoring and repair of Road in his locality. Full compensations to be paid to the victim by local authority / Administration. An online portal to be made for public use to lodge such complaints of the bad condition of the road. An officer to be appointed to assist all complaints. There need to be provisions to take care of such negligence and there needs to be a proper law to provide compensation in such accidents or god forbid deaths of such innocent riders. Heavy compensation to be levied from the contractor, who built the road and from the salary of the officials, who are responsible for ensuring quality at the time of construction as well as maintenance in a proportion fixed by the law.

The Motor Vehicles (Amendment) Bill, 2017 which seeks to strengthen the Act, has attempted to handle the problem of liability for road defects. For any road crash injury or death caused by defective road design and engineering, the designated authority responsible to construct and maintain the road is to be penalized with a sum capped at ₹1 lakh. The Bill directs that safety standards be prescribed by the Central government. Unfortunately, road contractors and engineers will still not be held criminally answerable for causing deaths and injuries, which organizations just like the Save Life Foundation are demanding. But a fine, whether or not it's a little amount, could be a step in the right direction.

Road safety may be a multisectoral issue. At a policy level, the first step is to create an Associate in Nursing sanctionative framework that weaves in various progressive aspects across neutral sectors below one legislation. The Motor Vehicles (Amendment) Bill, 2017 aims to rectify many general problems by providing the same driver licensing system, protective youngsters and vulnerable road users, rationalizing penalties, and making a system of answerableness among the development of roads. The Bill was sent to the Rajya Sabha last Monsoon Session; a year later, it still awaits passage. The Bill is not a curative for all issues, however it is the primary step towards making certain that no deaths are caused by road crashes.

Conclusion

With this, I hope you are clear about how a pothole is an important issue. Well, pothole indeed causes many more deaths than terrorism. A pothole is a severe issue and if not solved then it can be more dangerous. Deaths are increasing every year. Hope you have understood who is responsible and how our laws need to be strengthened. Anyways if you see anything happening around you then inform the higher authority.

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- [1] <https://www.wonderopolis.org/wonder/what-is-a-pothole>
[2] http://www.geo.mtu.edu/KeweenawGeoheritage/The_Fault/Potholes.html
[3] <https://mumbaimirror.indiatimes.com/mumbai/civic/26934-potholes-is-that-enough-to-get-mumbai-a-world-record/articleshow/65569488.cms>
[4] [https://mediaindia.eu/business-politics/the-pothole-problem/#:~:text=As%20per%20latest%20figures%20by,lives%20every%20day%20in%20India.&text=In%20Maharashtra%2C%20the%20number%20of,\(726\)%20had%20nearly%20doubled.](https://mediaindia.eu/business-politics/the-pothole-problem/#:~:text=As%20per%20latest%20figures%20by,lives%20every%20day%20in%20India.&text=In%20Maharashtra%2C%20the%20number%20of,(726)%20had%20nearly%20doubled.)
[5] <https://www.thehindu.com/opinion/op-ed/fix-the-pothole-problem/article24436287.ece>