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BAD ROADS? SUE THE CITY

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By Invitation
Rishi Aggarwal

The high court upholding citizens' right to well-maintained roads and footpaths should empower the common man.

It is significant that the high court, in a judgment on Wednesday, has recognised wellmaintained roads as a fundamental right and opened the door for citizens to seek compensation in the absence of the same.

The bigger gain is that the court has clearly mentioned that when it mentions roads, it also includes pedestrian and pedestrian infrastructure like footpaths. This should really open up an opportunity for citizens in Mumbai and the metropolitan region to ensure that they hold their municipal corporations accountable to

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of these people start using this wonderful high court order to seek compensation. When their cars break down because of bad roads, people should seek compensation from the civic body. When sufficient numbers of citizens start using this court order, it will automatically ensure that the municipal corporations are forced to provide good roads in the first place. Cities like New York, London and Singapore have adequate provisions and instances of citizen activism to hold their municipal corporations accountable. In New York, for instance, cyclists sue their city to seek compensation in case

of crashes.

It is good that the order has raised the issue of compensation. It is not just rare but maybe there is no precedent of any citizen having sued the municipal corporation for damages incurred. We need to bear in mind that the issue of potholes and bad roads has added an enormous economic significance in the context of a business city like Mumbai and it would be pertinent for businesses and chambers of commerce to be taking the lead in suing the municipal corporation in this regard. The municipal corporation and especially the road department is endowed with an enviable budget. Taxpayers need to know what is being done with it.

My concern is whether the order is sufficient to bring about real institutional reforms in the BMC's standing committee and road department, which continue to work in the most opaque manner and tolerate brazen collusion between vested interests.

One also hopes that following the order, there is material difference to the situation from the status quo. As an activist who has seen numerous orders from the Bombay High Court on different civic matters, my only interest is in the final outcome and whether there will be sufficient and sincere efforts by some minimum number of citizens and officials within the government to make use of the substance of the order to deliver real outcome.

There is significant history to the BMC's efforts and high court interventions in the matter of delivering pothole-free roads to Mumbai.

On traffic congestion, for PIL No 18 of 2010, the HC took laudable steps of forming a high powered committee to look into the matter and submit a report, which the committee did in February 2013. The report did not adequately address the issue of potholes and bad roads, but still dealt with some important aspects like junction design and improved pedestrian infrastructure. The report had very clear actions identified and also responsibilities assigned to the necessary authorities. It is pertinent to note that nobody - including the committee members - has any clue about the report's status. The current order does take cognizance of this.

A few years ago, the BMC had roped in a software company to develop a pothole tracking system. There is no understanding of how that software, developed using public money, is being utilised. In 2012, newspapers reported that the municipal corporation will be employing a Road Monitoring and Maintenance System. Officials at the rank of junior engineers at the ward level would have clear responsibility assigned. A web-based citizen interface was to be part of the system, and the current order does significantly mention the need for systems to accept citizens' complaints. In 2006, the same corporation formed the standing technical advisory committee. I had significant interactions with the committee members.

The court order touches on digging of road for utilities. On this there is enormous need for institutional reform and it is pertinent to study Bangalore's efforts through TenderSURE.

The writer is an activist and research fellow, [Observer Research Foundation Mumbai](#)

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