

KARNATAKA LOKAYUKTA

No.Compt/Uplok/MYS-1834/2015/DRE-1

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 19/2/20168

Report under section 12(1) of Karnataka Lokayukta Act

Sub: Complaint filed by SriB.V.Maheshwarappa
of Birur, Chikkamagalur District.

One Sri B.V. Maheshwarappa, filed this complaint against Sri R. Umesh, the then Executive Engineer, National Highways Authority, Chitradurga and Sri Mehboob Sab, the then Assistant Executive Engineer, National Highways Authority, Shivamogga (hereinafter referred to as 'Respondent-1' and 'Respondent-2' respectively), inter-alia, alleging that, Respondent-1 and Respondent-2, in particular and similarly placed other Executive Engineer and Assistant Executive Engineers in other division of National Highway Department have failed to construct and maintain the National Highways in accordance with specification, as a result they have allowed the construction of unscientific and dangerous road humps on the Highways including Express Highways. On National Highway No.206, particularly from Kadur to Shivamogga and onwards several unauthorised and illegal dangerous road humps have been constructed.

2. It is alleged that, the Respondents not only have committed dereliction of duty, but are negligent in performing/discharging their duties by not taking any action to remove such road humps. The complainant's allegation is that, due to the unscientific and dangerous road humps constructed, particularly on Highways, same have led to several accidents, and it is affecting the smooth traffic movements on National Highways. The complainant alleges that he had made several representations to the Respondents 1



and 2. However, Respondents have never bothered to take steps to remove the such authorised road humps, illegally constructed on the Highways.

3. In response to the allegations made by the complainant, the Respondents submitted their comments, inter-alia, stating that the density of traffic on National Highway No.206 is very high. As a result, frequent accidents do occur on the said Highway. As for as the construction of road humps, contrary to the specification and illegal construction of road humps at different places on the National Highways is concern, it is stated that, between Kadur to Shivamogga, there are about 09 unauthorised road humps constructed without permission. Though the Engineering Department, National Highways did take steps to remove such illegal road humps, the nearby villagers and the local public were against the removal of such road humps, and an any attempt to remove such road humps, has lead to law and order problem. In this regard the Deputy Commissioner, Chikkamagalur had issued direction to remove the illegal and unauthorised road humps and on the direction of the Deputy Commissioner, Chikkamagalur, about four such road humps have been removed and sought permission from the higher authorities for fixing the Rumble Strips, instead of said such road humps.

4. The preliminary investigation revealed that, there were several such unauthorized and unscientific road humps at different places, more so, on the National Highways and such road humps have been in existence since 2013 and no attempt appears to have been made to remove the same. No doubt, may be there are some instances of villagers opposing removal of such humps, but, it is the duty of the Engineers in charge of construction and maintenance of National Highways to ensure that, the National Highways is built and maintained as per the specification. Just because, there has been some opposition, is not a ground for the Engineers concerned to shirk their responsibility. It also appears that, except filing of statement by

the Respondents, no attempt appears to have been made to remove such road humps even now. It is also alleged that not only the unauthorized road humps are allowed to remain on the National Highways but they are also not maintained by painting, no Zebra lines, no reflectors are fixed to make it visible to the motorists to prevent the accidents and to alert the riders or drivers of the existence of the road hump. As a result, of the unscientific road humps it is reported in media that many accidents did occur due to such illegal and poorly maintained road humps.

5. During the inquiry/investigation, it is revealed that, the allegation made in this complaint is only a tip of ice-berg as there are several such unauthorized, unscientific and illegal road humps constructed, on most of the National Highways, including Express Highways causing hindrance to the smooth vehicles movement resulting in casualties, and two wheeler casualties are more in number.

6. During the course of enquiry, it is revealed that, not only on National Highway No.206 such illegal and unauthorized, unscientific road humps are built, but even in Express Highways such as Bangalore-Pune, Bangalore-Hyderabad, Bangalore-Chennai Highways etc., connecting capitals of the neighbouring states, the construction of such road humps have become common. Many of the newspapers and electronic media have high-lighted the unscientific construction of road humps causing several accidents, more so, in city like Bangalore, often it is reported that, accidents have occurred due to the unscientific construction of road humps and sometimes not being visible as humps being not properly painted with Zebra Line and no Reflectors be fixed. Many fatal accidents are reported.

7. It is, in this regard, even the Central Government has issued several directions to the State Highway Authorities to take action to remove unscientific and illegal road humps. The concept of

'Highways' is to provide smooth movement of vehicular traffic and protect the Highway from interference from either side. Though Central and State Governments have spent huge amount for construction of National Highways and State Highways but most of the National Highways, even Corridor Roads which are protected from both the sides, despite the same the corridor walls are often broken. Even on such Highways also, illegal road humps are constructed. Further at the interception of Highways and Main Roads due to allowing of number of illegal sheds, petty shops, has resulted in causing accidents.

8) No doubt, safety of the people is more important than transportation. As such, in this regard, guidelines have been formulated providing guidance in the matter of construction and maintenance of Highways, but experience shows, that though guidelines are in force and directions have been issued to the authorities, since 1992 hardly such guidelines have been followed by the authorities.

9. In this regard, Home Ministry, Union of India by narrating several instances of accidents due to the unscientific road humps constructed on public road, way back in March 1992 itself had passed resolution as regard to the specifications in the matter of constructing road humps on such roads where it is permissible. The details of the resolutions are narrated herein below:

- Home Department's Resolution No. TFC-1092-991-V dated 23rd March 1992

Where can speed breakers be placed as per law?

Speed Breakers must be used only in urban areas for minor roads and residential areas. Speed Breakers are NOT recommended on high-speed roads or highways outside urban limits.

As per the Indian Road Congress guidelines, dated 12 June 1987, use of speed breakers is justified only in the following 3 circumstances:

1. T-intersections of minor roads with rural trunk highways, characterized by relatively low traffic volumes on the minor road but very high average operating speed and poor sight distances. Such locations have a high record of fatal accidents and as such a **speed breaker on the minor road** is recommended;
2. Intersections of minor roads with major roads, and mid-block sections in urban areas where it is desirable to bring down the speeds; and
3. Selected local streets in residential areas, schools, colleges or university campuses, hospitals, etc. Also in areas where traffic is observed to travel faster than the regulated or safe speed in the area.

Other place where these may be used include:

1. Any situation where there is a consistent record of accidents primarily attributed to the speed of the vehicles e.g. when hazardous sections follow a long tangent approach;
2. Approaches to temporary diversions;
3. Approaches to weak or narrow bridges and culverts requiring speed restriction for safety;
4. On the minor arms of uncontrolled junctions and at railway level crossings;
5. Sharp curves with poor sight distances; and
6. Places of ribbon development, where road passes through built up areas and vehicles travelling at high speeds are a source of imminent danger to pedestrians.

What are the specifications for ideal speed breakers?

The Indian Roads Congress has suggested that speed breakers are formed basically by providing a rounded (of 17 meter radius) hump of 3.7 meter width and 0.10 meter height for the preferred Advisory crossing speed of 25 km/h for general traffic. It is mentioned that more humps be

constructed at regular intervals depending on desired speed and acceleration/deceleration characteristics of vehicles and that the distance between one hump to another can vary from 100 to 120 meters centre to centre.

What type of marking and painting needs to be done on speed breakers?

What type of marking and painting needs to be done on speed breakers in India?

- Drivers should be warned of the presence of speed breakers by posting suitable advance warning signs. The warning signs, should be of the design 'HUMP OR ROUGH ROAD' detailed in IRC: 67-1977 'Code of practice for Road Signs'. The sign should have a definition plate with the words 'SPEED BREAKER' inscribed thereon and should be located 40 m in advance of the first speed breaker.
- Speed breakers should be painted with alternate black and white bands to give additional visual warning. For better night visibility, it is desirable that the markings are in luminous paint/luminous strips. Embedded cat-eyes can also be used to enhance night visibility.

In spite of the above guidelines prescribed by the Indian Road Congress, it is found that, the civic bodies themselves have erected/constructed speed breakers at various places on public road in violation of the standards set out by the Indian Road Congress. The speed breakers built by the civic bodies do not comply with the Indian Road Congress standards. The above said aspects indicate that, speed breaker needs to redesigned and re-engineering. There is a need for immediate repair of speed breakers all over the State to bring on par with the standards prescribed by the Indian Road Congress and removal of such speed breakers or road humps which are not allowed and do not meet the standard prescribed by the Indian Road Congress.

It is noticed that, due to unscientific construction of speed breakers several accidents are taking place every now and then. Pot-holes and badly designed road and speed breakers are not only irritate drivers but also damage the vehicles and life. According to the Road Accident Report (2014) published by the Road Transport and Highways Ministry, while 4,726 lives were lost in crashes due to humps, 6,672 people died in accidents caused due to potholes and speed breakers out of which approximately Karnataka reported 970 deaths.

Casualties due to road humps and potholes in various States in the year 2014 are as follows:

Death due to pot-holes		Death due to speed breakers		Death due to humps	
Crashes	Death	Crashes	Death	Crashes	Death
11,806	3,039	11,008	3,633	13,449	4,726

10. The above information goes to show the impact of unscientific road humps and casualties resulted there by. It is to be noted that, the Road Transport Ministry has asked State Governments and Agencies like N.H.A.I, State P.W.Ds., to remove all speed breakers from highways. Various Courts have also expressed the concern over the increasing rate of accidents due to the speed breakers, potholes and badly designed and maintained roads.

11. In spite of guidelines being in place, it appears that state has not taken the said guidelines seriously. As a result, number of people have lost their life in accidents which is a matter for serious concern. It is high time that, the state takes this issue seriously and take steps to set right the designs of the roads, speed breakers as per the Indian Road Congress Guidelines. If it

is not done, the same may invite many more such causalities. Unless, the guidelines issued by the Indian Road Congress or prescribed standard are complied, the road safety measures cannot be achieved, and the road traffic accidents cannot be brought down. It is the duty of the state to see that, there are sufficient road safety measures, which includes the construction of scientifically well designed roads, which should be long lasting and potholes free. Sufficient safety measures should be ensured for motor vehicle users as well as the pedestrian crossing the road. Therefore in exercising the powers conferred u/s 12(1) of Karnataka Lokayukta Act, 1984, a recommendation was made to the Competent Authority to take action not only to remove the unauthorized and illegal road humps/speed breaker, but ensure that all construction of National Highways as well as other important roads are constructed as per the specifications to keep such roads free from potholes and long lasting without tampering into the quality of such roads to prevent the casualties and smooth movements of the vehicles.

12. Secretary, P.W.D, Department appeared and submitted a report to the effect that all unscientific road humps existing on the national highways coming under the jurisdiction of State Government would be removed and where ever necessary scientific road humps would be constructed in consultation with technical experts. He has also submitted that the recommendation would be brought to the notice of National Highway Authority of India and they would be informed to remove unscientific road humps and to bring the national highways as per the guidelines of the Indian Road Congress.

13. The Secretary to Government, P.W.D, Department in his report dt.30/1/2018 stated that out of 11 unscientific road humps on national highway 206, 9 road humps were removed and steps are being taken to construct scientific road humps where ever necessary. It is also stated that a meeting would be

convened with National Highway Authority of India for removal of unscientific road humps. On 30/1/2018 the Secretary to Government, P.W.D, Department submitted a letter of undertaking to complete the process within a period of 3 months.

14. The Chief Engineer, National Highway, Bangalore has submitted a report dt.8/2/2018 regarding the existence of scientific road humps, unscientific road humps and removal of the unscientific road humps on 16 national highways. The statistics submitted by the Chief Engineer is as follows.

ಕ್ರಮ ಸಂಖ್ಯೆ	ರಾಹೆ ಸಂಖ್ಯೆ	ವೈಜ್ಞಾನಿಕ ರಸ್ತೆ ಉಬ್ಬುಗಳ ಸಂಖ್ಯೆ	ಅವೈಜ್ಞಾನಿಕ ರಸ್ತೆ ಉಬ್ಬುಗಳ ಸಂಖ್ಯೆ	ತೆರವುಗೊಳಿಸಿರುವ ಅವೈಜ್ಞಾನಿಕ ರಸ್ತೆ ಉಬ್ಬುಗಳ ಸಂಖ್ಯೆ	ಉಳಿದಿರುವ ಅವೈಜ್ಞಾನಿಕ ರಸ್ತೆ ಉಬ್ಬುಗಳ ಸಂಖ್ಯೆ
1	13	7	0	0	0
2	50	30	2	2	0
3	63	44	0	0	0
4	67	0	38	2	36
5	150	45	8	8	0
6	150A	21	14	6	8
7	150E	20	5	5	0
8	169A	0	4	0	4
9	173	0	28	0	28
10	206	18	15	14	1
11	212	0	36	0	36
12	218	3	0	0	0
13	234	3	6	4	2
14	275	74	82	80	2
15	367	11	3	3	0
16	766C	0	2	0	2
ಒಟ್ಟು ಸಂಖ್ಯೆ		276	243	124	119

15. It is further stated in the report that on national highway 67 and 212 72 road humps are existed in forest area. The same cannot be removed without permission from the Forest Department. Except the above road humps, remaining 47 road humps would be removed by the end of March 2018.

16. On perusal of the above report, it indicates that the unscientific road humps are still in existence on national highways and action has to be taken to remove such unscientific road humps on national highways. For the facts and circumstances stated above, in exercising the powers conferred under Section 12(1) of Karnataka Lokayukta Act this recommendation is made to the competent authority to take action to remove all unauthorized road humps existed in national highways all over the State.

17. The Competent Authority shall intimate or cause to be intimated to this Authority about the action taken on the report within ^{three} ~~one~~ month thereafter as stipulated under Section 12(2) of Karnataka Lokayukta Act, 1984.

Copies of connected records are enclosed.

Sg. M. 22/2/18
(Justice Subhash B. Adi)
Upalokayukta-2,
State of Karnataka.
6