



BRUHAT BENGALURU MAHANAGARA PALIKE

**GUIDELINES IN THE MATTER OF PAYMENT OF COMPENSATION,
TO THE ROAD AND FOOTPATH USERS, IF WERE TO SUFFER
INJURY OR LOSS OF LIFE OR DAMAGE IN AN ACCIDENT DUE TO
POTHoles / POOR CONDITION OF THE ROADS AND FOOTPATHS**

(1) Title, Commencement and Application.-

(1) These Guidelines may be called as the Guidelines in the matter of payment of compensation for pot-hole related injuries or loss of life, within the jurisdiction of Bruhath Bengaluru Mahanagara Palike;

(2) They shall come into force at once.

(3) The Guidelines which have now come into force are in supersession of all other guidelines, circulars and the practice hereunto followed, in the past.

(2). Definitions:-

(1) 'Act' Shall mean the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 25 of 1976)

(2) 'Claimant' shall meant the owner of the property which sustained damage or the person injured by himself or the legal representative of the person injured and thereafter died due to pothole, seeking compensation under these Bye-laws.

(3) 'Corporation' shall mean the Bruhat Bengaluru Mahanagara Palike

- (4) 'Pothole' shall mean depression or defect on an asphalted or non-asphalted 'public street' within the jurisdiction of the Corporation or on 'public street' which are maintained by the Corporation
- (5) 'Public Street' shall have the same meaning as provided under Sub-section (31) of Section 2 of the Act.
- (6) 'Road and Footpath' means road and footpath owned by BBMP as defined under Chapter-XIV of Karnataka Municipal Corporations Act 1976.

(3) Jurisdiction:

The Special Commissioner(Revenue) or an officer specifically appointed, shall exercise jurisdiction over claim petitions seeking compensation in respect of injuries sustained in an accident within his/her jurisdiction due to potholes/poor conditions of the roads and footpath.

(4) Right to receive compensation:

(1) The immediate family or dependents of any person whose death is a result of an accident which occurred due to a pothole/poor conditions of the road and footpaths, whether such person was commuting by motor vehicle or any vehicle or was a pedestrian on a public street shall have the right jointly and severally to claim compensation from the Corporation in accordance with these guidelines;

(2) Any person who suffers an injury as a result of an accident which occurred due to a pothole/poor conditions of the road and footpaths, while commuting by motor vehicle or any vehicle or as a pedestrian on a public street shall have the right to claim compensation from the Corporation in accordance with these guidelines.

(5) Procedure for determination and payment of compensation:

(1) A claim for compensation by a claimant shall be filed before the Special Commissioner(Revenue) or an officer specifically appointed,, by

way of an application with all material particulars as set out in Schedule-I, accompanied by an affidavit attesting to the truth of the particulars provided in the form alongwith such other document or documents or materials that the claimant may deem to share in support of the affidavit;

Provided that no claim shall be dismissed merely because it was filed before the Special Commissioner(Revenue) or an officer specifically appointed, who did not have jurisdiction over the area in which the accident occurred.

(2) Claim for compensation by a claimant under guidelines(No.4) shall be filed within one month from the date of occurrence of such accident, in accordance with these guidelines.

Provided that the application Schedule-I claiming compensation may be admitted by the Special Commissioner(Revenue) or an officer specifically appointed, after the prescribed period if the applicant satisfies that he had sufficient cause for not making the application Schedule-I within the period prescribed.

Provided further, that in no circumstance shall the Special Commissioner(Revenue) or an officer specifically appointed, condone the delay of more than one month in filing the claim.

(3) The Special Commissioner(Revenue) or an officer specifically appointed, shall within seven days of the claim being filed, satisfy himself of the prima-facie correctness of the claim by examining the affidavit, the document attached, visiting the claimants as and where necessary and record such satisfaction in writing.

(4) Where the Special Commissioner(Revenue) or an officer specifically appointed, is of the view that the claim relates to an accident

which occurred outside his jurisdiction he shall cause the claim and all necessary material to be transferred to the jurisdictional officer specifically appointed.

(5) Upon being satisfied that the claim is prima-facie proper, the Special Commissioner(Revenue) or an officer specifically appointed, shall direct to disburse to the claimant within fourteen days of the claim being made a compensation:

(a) In case of death, of a sum of Rs.3.00 lakhs

(b) In case of compound injuries of a sum of Rs.15000/-

(6) The Special Commissioner(Revenue) or an officer specifically appointed, in addition to the interim compensation payable under clause (5) of the guidelines shall direct to pay the medical expenses incurred by the claimant up to a sum of Rs.10,000/- respectively.

(7) The Special Commissioner(Revenue) or an officer specifically appointed, is not prima-facie satisfied of the correctness of the claim, he/she shall pass a reasoned order indicating the basis on which he is of the opinion that no compensation is payable.

(8) Notwithstanding anything contained above, owner of the property, sustained damage to his/her property or where the loss of life, or bodily injury to, any person gives rise to a claim for compensation under the Motor Vehicles Act and also under these guidelines, the person entitled to compensation may without prejudice to the provisions of Chapter-X claim of such compensation under Motor Vehicle Act or under these guidelines but not under both.

(9) Where the Special Commissioner(Revenue) or an officer specifically appointed, is satisfied that the injury suffered by the victim is in the nature of simple injury, he shall award a global compensation, viz.,

(a) In case of simple injuries, for first injury Rs.5,000/- for every additional independent simple injury suffered on the part of the body an additional Rs.500/- to be granted.

(b) In case of simple injuries where there is prolonged treatment for more than 3-4 days resulting in lasting pain and suffering for 3-4 days, a global compensation of Rs.10,000/- to be awarded.

(i) Any incidental simple injuries sustained in an accident with grievous injuries, no separate compensation to be granted in respect of such a simple injuries.

(ii) In case of simple injuries the compensation awarded is a global compensation and no separate amount is awarded for medical expenses.

(iii) If any X-ray or scanning is done the actual expenses incurred has to be reimbursed in addition to global compensation.

(6) Grounds for rejection of claims:

Notwithstanding anything contained in these guidelines the Special Commissioner(Revenue) or an officer specifically appointed, may reject any claim for compensation if;

- (a) Is of the view that the document or documents submitted by the victim or the claimant, are forged;
- (b) Is of the view that the claimant has suppressed material facts;
- (c) Is satisfied that the claim for compensation was submitted beyond the time period indicated;

- (d) Is satisfied that the Corporation took all precautions to warn the public in a conspicuous manner indicating the existence of pothole in the location where the incident occurred; or
- (e) Is satisfied that the claimant has committed any fraudulent act in making the claim under these guidelines;
- (f) Is of the view that any party has put forward a false or vexatious claim or defence he may make an order for the payment by the party who is guilty of mis-representation or by whom such claim or defence has been put forward of special costs by way of compensation to the party against whom such claim or defence has been put forward;
- (g) No person against whom an order has been made for payment of special costs by way of compensation shall by reason thereof be exempted from any criminal liability in respect of such mis-representation claim or defence as is referred above.
- (h) Any amount awarded by way of compensation in respect of any mis-representation claim or defence shall be taken into account in any subsequent suit for damages for compensation in respect of such mis-representation claim or defence.

Provided that any order denying compensation shall be made only after giving the claimant an opportunity of being heard in person or through authorised representative appointed by him and after recording reasons in writing for such denial of compensation.

Provided that where the Special Commissioner(Revenue) or an officer specifically appointed, has denied compensation on the grounds of forgery, suppression of material facts or

fraud, he/she shall also direct the recovery of any amount paid to the claimant by way of compensation if such compensation has been paid.

(7) Payment of compensation:

Compensation awarded by the Special Commissioner(Revenue) or an officer specifically appointed, to the claimant shall be paid within fifteen working days of the order. The Corporation shall maintain a record of the amount of compensation paid and the persons to whom such compensation has been paid.

(8) Maintenance of Records:

The Special Commissioner(Revenue) or an officer specifically appointed, shall maintain a record of Schedule-I and also the amount of compensation paid and the persons to whom such compensation has been paid and to cause to make a provision in an annual budget allotment.

(9) Removal of difficulties:

If there were to be any difficulties in the implementation of any of these guidelines, the specific issue to be brought to the notice of the Commissioner.

(10) Savings:

Nothing in these guidelines shall take away the jurisdiction of any claims Tribunal or civil court to award compensation or damages in accordance with any law in force.


COMMISSIONER

Bruhat Bengaluru Mahanagara Palike
Bengaluru

Schedule-I
From application claiming compensation in respect of injuries sustained due to potholes.



BRUHAT BANGALORE MAHANAGARA PALIKE

To,

Special Commissioner (Revenue),
BBMP Central Office.

SL No.	Description	Particulars
1.	Name of claimant(s).	
2.	Name of victim of accident (if different from claimant).	
3.	Age of the victim.	
4.	Name of street on which the accident took place.	
5.	Approximate location of the pothole.	
6.	Date and time of accident.	
7.	Ward in which the accident occurred.	
8.	Nature of the injuries suffered by the victim.	
9.	Whether death or permanent disability was suffered by the victim.	
10.	Extent of the permanent disability of the victim. (Medical certification to be enclosed).	
11.	Registration number of the vehicle/vehicles which met with an accident due to pothole.	
12.	Whether Rider/Driver had valid driving license.	
13.	Name of the Insurance company of the offending vehicle.	
14.	Crime No. in the FIR and the name of the police station. (copy to be enclosed)	
15.	Whether claim petition has been filed before the claims tribunal /City Civil Court, if so the number of the claim petition. (copy to be enclosed)	
16.	Amount of compensation claimed- specify heads.	

Signature of the Applicant

Date: