

Clause 20—Penalty for wilful failure to comply with orders of Authority or High Court

SHRI K.P. SINGH DEO : Sir, I beg to move:

Page 7, line 46,—

for "one lakh" substitute "fifty thousand" (4)

MR. CHAIRMAN : I think it is in order to keep the Treasury Benches a bit alert!

... (Interruptions)

SHRI RAM NAIK : No Sir. He is getting acclimatised to work really as an Opposition M.P. ... (Interruptions)

MR. CHAIRMAN : I shall now put amendment No. 4 to Clause 20 moved by Shri K.P. Singh Deo to vote.

The amendment No. 4 was put and negatived.

SHRI NITISH KUMAR (Barh) : Sir, the 'Ayes' have it. I demand a division.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : Sir, the 'Noes' have it. ... (Interruptions).

SHRI GEORGE FERNANDES : Sir, the 'Ayes' have it.

SHRI NITISH KUMAR : Sir, please do not keep mum. I am not going to be persuaded by the Minister of Parliamentary Affairs. ... (Interruptions)

SHRI K.P. SINGH DEO : Sir, only the amendment will be passed. The Government will not fall. ... (Interruptions).

SHRI NITISH KUMAR : Sir, the Minister all the time remains absent from the House. I am not going to be persuaded by him. ... (Interruptions) How can I be persuaded by him?

MR. CHAIRMAN : Shri Nitish Kumar, you have all rights to demand a division. But you should have demanded it before I negatived the amendment.

SHRI GEORGE FERNANDES : No Sir. The demand has been made as per the rules.

SHRI NITISH KUMAR : I asked for division in time.

MR. CHAIRMAN : You were just late by ten seconds.

SHRI GEORGE FERNANDES : No sir. How can one demand a division before you have declared? Only when you have stated that the 'Noes have it' then we can demand a division.... (Interruptions) I cannot possibly ask for a division before you have said 'Noes have it'.

SHRI NITISH KUMAR : Sir, How can I know your mind? How can I demand a division before you have stated anything? ... (Interruptions)

MR. CHAIRMAN : You are as well aware of the general feeling of the House as I am. You saw the general feeling. At that time the Treasury Benches have said it loudly. They were shouting the loudest at that time.

... (Interruptions)

MR. CHAIRMAN : The question is.

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

MR. CHAIRMAN : The question is:

"That clauses 21 to 40 stand part of the Bill."

The Motion was adopted.

Clauses 21 to 40 were added to the Bill.

MR. CHAIRMAN : The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill".

The Motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

[Translation]

THE MINISTER OF COMMUNICATIONS (SHRI BENI PRASAD VARMA) : Chairman, Sir, I move "that the Bill be passed."

[English]

MR. CHAIRMAN : The question is:

"That the Bill be passed."

The motion was adopted.

[English]

16.50 hrs.

STATUTORY RESOLUTION RE : DISAPPROVAL OF NATIONAL HIGHWAYS LAWS (AMENDMENT) ORDINANCE— 1997

AND

NATIONAL HIGHWAYS LAWS (AMENDMENT) BILL—1997

MR. CHAIRMAN : The hon. Speaker had given a ruling that item number 32 would be taken up after item number 19. So, we are now taking up National Highways Laws (Amendment) Bill, 1997.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Hon'ble Chairman Sir, I move:—

"That this House disapproves the National Highways Laws (Amendment) Ordinance 1997 (No. 9 of 1997) promulgated by the President on 24 January 1997."

Chairman Sir, I am making my submissions before you regarding National Highways Laws (Amendment) Ordinance. I oppose this Ordinance in the same manner as I have opposed earlier ordinances. Chairman Sir, who is the Minister Incharge so far as this ordinance is concerned. ... (Interruptions)

MR. CHAIRMAN : Bhargava ji, even after one year you are not able to recognise the Minister. He is sitting in the corner.

SHRI GIRDHARI LAL BHARGAVA : My submission is that the Government should stop this practice of issuing ordinances. I oppose this ordinance but I support the spirit of the Bill. I do not oppose the spirit of the Bill in any manner. Such things can be taken care of at the time of taking up the Bill for clause by clause consideration. You should not issue the ordinances. In this regard, I would only submit that this Session commenced on 20 December and it came to an end on 24 January. Issuing 13 ordinances in this small period in not something good on the part of the Government keeping in view the old age of His Excellency the President of India. Jena ji it is not good on your part. God will never pardon you. Of course we can pardon you but it is not good to trouble the President of India again and again

You issued only one Ordinance during the last session but you have issued 13 ordinances between 20 December and 24 January

SHRI RAMESH CHENNITHALA (Kottayam) : You are opposing every statutory resolution. What is its solution?

SHRI GIRDHARI LAL BHARGAVA : It is because of my fate. Please sit down. I would add your name also.

SHRI AMAR PAL SINGH (Meerut) : Chairman Sir, My name is mentioned against item no. 15 of the List of Business. Hon'ble Deputy-Speaker has announced in the morning that item Nos. 16 and 17 would be taken later and item No 18 and 19 would be taken first. Since item Nos. 18 and 19 have been disposed of, what is the position of item Nos. 16 and 17.

MR. CHAIRMAN : Hon'ble Speaker had announced after the question hour while sitting in the morning that the Reserve Bank of India Bill would be taken up tomorrow. Perhaps you were not present in the House at that time. He had made an announcement to this effect.

SHRI GIRDHARI LAL BHARGAVA : My submission is that Ordinances should not be issued like this. You will appreciate that road transport is the major mode of transport. It has been stated in statement of objects and reasons that the present length of the National Highway is 34,298 kms which is 2 per cent of the total road network. 40 per cent traffic passes through the National Highway. Similarly, the number of vehicles have also increased to 80 times in comparison to the year 1991 that means this has increased 5 times. So more National Highways should be constructed. It has been mentioned that contract would be given to the private companies and even foreign contractors who would construct the National Highways and royalty would be charged from them after constructing the Highway. Hon'ble Minister has not mentioned anywhere in the ordinance as to what amount of this royalty would be charged from these companies. They will charge Rs. 2 or 4 or 5 per truck. Nowhere it has been mentioned as to what amount would be charged in the form of royalty.

Similarly you have yourself admitted that capacity is inadequate, payment is weak, quality of driving is poor, bridges are old and outdated and there are no overbridges on the railway crossings. Saying all this you have demanded only Rs. 75000 crores but no budgetary provisions have been made. He has talked of Rs. 75000 crores and he has not said anything about the amount of compensation to be paid to those whose land will be required for this purpose. Nothing has been said about all these things. Land would be made available to him and he would start the work.

Now I come to the original question. I said in the very beginning that I oppose this ordinance. You must have framed the rules because it has been mentioned in the ordinance that rules will be laid on the table of the House immediately after these are framed. Hon'ble Minister, Sir what are those rules? When you could not frame the rules then what was the need to issue the ordinance and if at all ordinance is issued you must have taken some action, some land must have been acquired and some private companies might have approached to you for constructing the road because lot of time from January to March has elapsed since the issue of this ordinance on 20 December. Neither any company approached you nor any land has been acquired nor any rules have been framed then what was the need to issue the ordinance. You should have directly brought the bill before the Parliament. This is my submission. If you have framed any rules please show me a copy of those rules. Hon'ble Minister is sitting here. He has no copy of the rules with him. From where this amount of Rs. 75000 will be provided tell me. A provision of Rs. 52080 crores only have been made in the budget for the year 1997-98.

You please tell us as to from where this amount of Rs 75000 crore would come and from where the remaining

amount would be provided. Please tell us about all these things?

What are your proposals regarding private companies? What would be charged from the public? You have not said any thing about all these things. I mean how much land would be acquired? Notices to how many parties have been sent? After saying all these things my submission is that the condition of the roads is pitiable. At present four lane road is being constructed between Jaipur and Delhi, between Jaipur and Ahmedabad, between Jaipur, Kota and Mumbai and between Bharatpur, Agra and Lucknow. I do not know about others but I know about Rajasthan that it has maximum number of National Highways. Other states have less number of Highways in comparison to Rajasthan but Rajasthan is provided less funds for repair of National Highways. More funds are provided to the states of Haryana, Punjab, Madhya Pradesh, Uttar Pradesh and other states where you have Chief Ministers of your choice. You provide them maximum funds but not to Rajasthan for repairing its Highways. ... (Interruptions) I have already said. Might be Madhya Pradesh also getting less funds.

Soon after crossing Dharuhera from here and on entering Rajasthan border you will find Rajasthan written there and your vehicle would start giving hissing sound. That means Rajasthan has come. We feel as if we are travelling on camel's back. Same is the condition near the midway also. You must consider the condition of your Highway. Lot of pits are there. No body knows in which pit the bus would fall, whether it would reach at the destination or not, it would reach Jaipur or not, this all depends on the mercy of God and not yours. You must consider this aspect and provide more funds to Rajasthan in comparison to other states because Rajasthan has maximum highways as per your figures. Hence Rajasthan should be given more and more funds this is what I want to submit.

17.00 hrs.

In the context of express highway I would say that Hon'ble Minister might have conducted foreign travels. He might have visited England and America. These people say that vehicles run at a speed of 130 kilometres per hour but here vehicles cannot be run at a speed of 50 kilometers per hour. I think the vehicles run there with fast speed because of better condition of roads. It is not possible here. This is the plight of India. I am not talking about any state highway or District highway. I am talking about National highways. Recently there was a decision of the High Court that the width of the road would be 80 feet. There will be divider in the middle. The moment the High Court delivered its judgment you started demolishing the houses. You please accompany me. I will take you by the roadways. While going you will see that there are Dhabas, restaurants and Pacca Cement Houses constructed on both the sides of the national highways. You did not demolish them earlier but now you are demolishing these. It is also a national loss. Therefore you must also consider about these Dhabas,

restaurants and Pacca Cement houses constructed on the National Highways.

MR. CHAIRMAN : You have submitted very important points. Now please conclude.

SHRI GIRDHARI LAL BHARGAVA : Sir I am just concluding. Under this Bill people have no right to go to any court. Atleast a provision of right to appeal should be made in the Bill. A Central Road fund was there. The hon. Minister should inform as to how much amount is there in the fund and how much has been spent. In case any truck overturns on a National Highway, it remains there for even more than two days, as a result of which the entire traffic of the highway remain disrupted. Earlier this matter was discussed here and it was told that police posts would be constructed on national highways at a distance of every 20 or 30 km. Where crane and Ambulance would be made available. In case of any accident the vehicle would be removed immediately but till now no such steps have been taken by the Government.

17.02 hrs.

[SHRI NITISH KUMAR *in the Chair*]

The hon. Minister should think about it and bring a Bill to this effect before the House. I am not opposing this Bill but I am opposing the Government's attitude to issue ordinances time and again. The Government has issued this ordinance so it should inform the House as to how many roads have been acquired, how much payment has been made and how much toll tax has been collected during these last six months. I am opposing this ordinance because the Government has become habitual of issuing ordinances every now and then. I hope the hon. Minister would reply my points. Sir, I thank you for giving me time to speak.

17.04 hrs.

[English]

THE MINISTER OF SURFACE TRANSPORT (SHRI T. G. VENKATRAMAN) : Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the National Highways Act, 1956 and the National Highways Authority of India Act, 1988, as passed by Rajya Sabha, be taken into consideration".

Sir, I am thankful to the senior Member who has made all the points and also stated his strong and violent objection—if I can put it without any violence to the language—for bringing this ordinance. But in sum and substance, he is not against the Bill. I am thankful to him for that averment.

As regards the points which he has stated, I would like to submit that to alleviate all those difficulties, I am coming before this House to have this Bill passed.

The senior Member wanted to know whether I have visited any foreign country. So far, I have not had any opportunity to visit any foreign country, but if the Government gives me an opportunity, I will go and come back. Fortunately

[Shri T.G. Venkatraman]

or unfortunately, so far, I have not made any foreign trip. I am able to get the hon. Member's viewpoint and I have also got some knowledge about how the roads are being kept. The Member also enlightened me on this aspect. Keeping that in view, I am now bringing this Bill and this will ensure that India also will have such roads of international standard.

It is the wish of those hon. Members, who came to me, that a single lane should be made into a double lane, and a double lane into a four-lane road. Everybody is aware, and I am telling for the past nine months that there is a financial crunch and all that. After the announcement in the Budget, there is some relief. I bring in this Bill now because you want a single lane to be made into a double lane, a double lane to be made into a four-lane, and a four-lane to be made into a six-lane road. For this expansion, what I am going to take, after all, is not 10 acres or 40 acres or 50 acres, but a mere three metres or either side of the road. So, I am going to take only about six metres and it is not going to affect anybody. As per the provisions in the Bill you might have seen it, I am going to compensate in the form of a reasonable price, that is, at the market value. Therefore, there is nothing strange in this.

It was relevantly pointed out that the Bill is a taboo for those people who are not going to the courts. I must say here that it is the main bottleneck. The judicial officers just say one word 'stay' and the entire project is delayed for years together. I have got the list with me and if the Members want it, I can give that list. For example, five or ten or fifteen years ago, a scheme would have been approved and the allocation would also have been made, but because of a small hitch—for a small piece of land, the concerned person would have gone to the local *Munsif* Court or he would have approached the higher Court and got a 'stay order' or 'injunction'—the stay order would be in operation for ever and, therefore, we could not proceed ahead.

So, in order to relieve that bottleneck, I am bringing in this Bill. As rightly pointed out by the senior Member, so far, we have covered only 34,290 kilometres. The national highways network constitutes about 2 per cent of the total road length in our country and it is carrying over 40 per cent of the total traffic.

It is not as though I am giving you any new information, and I would only request your indulgence. After receiving all your suggestions, I will be able to substantiate and satisfy you all. At this point of time, the need of the hour is to make single lanes into double lanes, double lanes into four-lanes and four-lanes into six-lanes. As I had already submitted, what I am going to take is only three metres on either side of the road. It is not going to affect any major property holder or any individual.

By way of introduction, I only wish to say that it is on the lines of the Metro Railway Construction Act, 1978. There is nothing strange in this or anything that you do not know. Therefore, I request that the Bill be taken into consideration.

MR. CHAIRMAN : Motions Moved:

"That this House disapproves of the National Highways Laws (Amendment) Ordinance, 1997 (No. 9 of 1997) promulgated by the President on January 24, 1997."

"That the Bill further to amend the National Highways Act, 1956 and the National Highways Authority of India Act, 1988, as passed by Rajya Sabha, be taken into consideration."

SHRI V. DHANANJAYA KUMAR (Mangalore) : Respected Chairman, Sir, the National Highways Laws (Amendment) Bill will have to be welcomed with some reservations. In the past 50 years, if you see the behaviour and conduct of the various Governments, there has been a total neglect of this basic infrastructure.

Sir, even the Statement of Objects and Reasons in the present Bill says:

"In order to create an environment to promote private investments in national highways, to speed up construction of highways and to remove bottlenecks in their proper management, it is considered necessary to amend the National Highways Act and also the National Highways Authority of India Act."

So, the main intention behind this is to create an environment for promoting private investment. As I have said, the roads are one of the basic infrastructures for the development of the nation. How the successive Governments have totally neglected this sector could be seen with the data which I am presently going to submit before you.

The total public sector plan investment regarding roads has gradually declined from the First Five Year plan up to the Eighth Five Year plan. During the First Five Year Plan period, the investment for this road sector was 6.9 per cent and it has gradually declined to three per cent during the Eighth Five Year Plan. In our country, we have a total road network covering about 2.7 million Kms. which consist of not only national highways but also State highways, the major district roads, the *kutcha* roads, the Panchayat roads etc. Out of this, as was pointed out by the hon. Minister, the total length of the national highway network currently is only 34,298 Kms. It does not even form two per cent of the total road network in our country. On the other hand, as was rightly pointed out, the national highways carry about 40 per cent of the goods and passenger traffic. With the present conditions of the roads, how is it possible to maintain this at least? So, there is a very strong case for improving

the quality as also the capacity of the national highways. The quality and the capacity of the national highways will have to be enhanced consistent with the traffic expansion and also the overall economic growth of the country.

Sir, I have some statistics. But I do not want to dwell at length. I would just like to bring to the notice of the House only a few points for the benefit of the hon. Members so that all of us can come together collectively and have a positive thinking as to how more and more investment could be attracted to this sector and how the quantity as well as the capacity of the total road network, specifically the national highways could be improved.

The traffic movement on the highways is suffering from frequent stop-overs as almost 20 per cent of even the national highways is still single-lane roads. We have very little national highways out of which 20 per cent is just single-lane roads. Then, 75 per cent of the State highways is also single-lane roads. The problem even in respect of the national highways is further complicated by the inadequate road facility, pavements, thickness, poor riding quality, existence of a number of railway level crossings, weak and distressed bridges and culverts, congested city sections, lack of wayside amenities and also inadequate road safety measures. All this has contributed to safety hazards and also raising the cost of transportation.

It is estimated that augmentation of the capacity of the existing national highways is required by upgrading the existing structures. Twenty per cent of the national highways need widening of roads from single to double lanes; fifty per cent of the two-lane roads need to be strengthened and 36 per cent of the existing two-lane roads are to be converted into four-lane roads. I fully agree with you and at the same time, I sympathise with the Government that they require a lot of money.

We must not forget at the same time that the Government has, all along, been giving a step-motherly treatment to the expansion of the road network, for the up-keeping of the existing national highways as also other roads. An estimate was made as to how much of investment is required in the ten years from 1996 to 2006. A study was made about it and a great anxiety was expressed saying that the investment for this sector had gradually declined. Some measures have been recommended which are worth consideration by the Government.

Firstly, super national highways are to be constructed, by-passes and spot improvements are to be taken up through the help of private sector. The Parliament would authorise the Government to attract more and more private investments by making this amendment so that they can instill confidence in the minds of the investors. They can participate in the nation-building activity by creating or strengthening the basic infrastructure.

A Highway Infrastructure Savings Scheme be set up on the pattern of the National Savings Scheme. This is one of the very valuable suggestions that has been made. Does the Government have the will, courage and determination to do that? Can they think of setting up an Infrastructure Savings Scheme?

Then a substantial portion of the revenue from the taxes, specially, on motor vehicles and fuel for the transport be earmarked for road development. Now it is a sorry state of affairs. Shri Girdhari Lal Bhargava was mentioning about the Central Road Fund. As we know, the main contribution to the Central Road Fund comes from the levy that was charged on the sale of petrol and diesel. And the money so collected would be distributed among the States and the Union Territories as per the consumption estimated by different States and the Union Territories. But, all along, the Government have closed their eyes. They have never spent the money which is collected out of the levy that was charged on the petroleum products. A very meagre portion of the revenue collected by levying of excise duty and the sales tax on the spare parts like tyres etc., motor vehicles, is invested in the road sector.

Another valuable suggestion has been made about setting up of a Road Board to ensure coordinated development of trunk road system. I do not know whether the present National Highways Authority is having the same powers which are demanded of it.

It is recommended that a Highway Policy be prepared and adopted by the Government. I do not know, whether the Government has the policy at all in this regard. Otherwise, this could not have been the sorry state of affairs of our total road network.

Then, four laning of some of the existing highways be done through the toll road method.

Now, nobody prevents them. In fact, this House has authorized the Government long before to levy toll for the usage of the roads. But I am at a loss to understand, why the Government is not serious in implementing the provisions of that Act. I have, in the past also, raised this issue. I understand, the Government is not able to finalize the rules which would enable them to collect the toll. There has been a dispute between the Surface Transport Ministry and the Finance Ministry, whether a separate fund will have to be created and this money be credited to that fund or it should be credited to the general budgetary allocation that would be made for the Surface Transport Ministry. So far, with this dispute prevailing, the Minister is not in a position to implement the provisions. He is not able to exercise the rights which are vested in his hands. We would like to strengthen your hands, Mr. Minister, but I do not know whether you will be able to implement it.

[Shri V. Dhananjaya Kumar]

SHRI T.G. VENKATRAMAN : The Bill should have the will.

SHRI V. DHANANJAYA KUMAR : There is no use of amending the Acts unless you have the will and courage to execute the powers which are given.

First of all, you must have a political will also. Now, doubts have been expressed how long will the Government survive. But the Government as such, is a continuing entity. This party or that party may be in power, that is a different aspect.

SHRI ANANTH KUMAR (Bangalore South) : The Bill should have the will. That is all.

SHRI V. DHANANJAYA KUMAR : Sir, one more recommendation has been made that comprehensive guidelines and procedures will have to be laid down for approval of private sector projects. During the earlier regime, we saw a very big advertisement given in the newspapers that we were going to construct super national highways connecting all the important cities in the country, namely, from Delhi even upto Bangalore or Trivandrum, Delhi to Chennai, Delhi to Calcutta, Delhi to Mumbai; and some very attractive names were given to those super national highways, viz., 'Mahavira' etc., etc. So many other names were given, I do not recall them. What I mean to say is that full page advertisements were given in all the national dailies in this regard. But I do not know, what has happened to that. Could it not instill confidence in the minds of the private parties who are supposed to come forward to make the investments or whether still the bureaucracy is coming in the way of attracting that kind of investments.

Sir, this being the situation, I would only try to pin-point the plight of my State of Karnataka and with that I am going to conclude my speech. In Karnataka, during the past 25 years—I am really pained to say—whatever proposals had been sent by the State Governments, were kept in cold storage. During 1970–71, the total length of the national highways, that was existing in Karnataka, was 1269 kilometres. In 1994–95, it was increased to 1996 kilometres. That is all! My learned senior colleague and the Minister, Shri Bommai, is just nodding his head. While he was the Chief Minister, I know that whenever an occasion arose, he used to come to Delhi. He would hold meetings with the Surface Transport Minister and he would also hold meetings with the Prime Minister.

We have been, all along, pleading that we have enough capacity to contribute to our share. You please prepare a plan.

You please permit us so that this State Highway will be converted into a National Highway. Of course, we know it will be done in stages. It will be done only gradually. The moment you declare one State Highway as a National Highway, the total upgradation of the State Highway will not

take place. It will take some time. But at least you must have the will and the guts to take a decision that this much length of the road will be converted into National Highway and this will be improved and upgraded over a period of time. Even that decision is not being taken.

One survey says that by the turn of this century, that is, by 2000 AD, Karnataka must have a total length of 3000 kms. of National Highway. Otherwise Karnataka will be reckoned with either Uttar Pradesh or Bihar as one of the most backward States. Shri Rajesh pilot knows that when he was the Surface Transport Minister, all along we had been making this demand. We were saying that Karnataka has the potential, Karnataka is on the path of growth and we want to grow further. That is why I would make an earnest request to the hon. Minister not to wait only for this amendment. Through this amendment you want to acquire some more land. You want that the moment you issue a notice, whichever land is required for either widening the existing roads or for laying a new National Highway, that land is deemed to have been vested with the Authority. I do not know why this kind of an amendment is required at all. As it is made out, it is only to circumvent the provisions of the Land Acquisition Act. Even as per the existing provisions of the Land Acquisition Act, nobody can challenge the motive behind the acquisition, the only condition being that the land which is sought to be acquired will have to be used for the specific purpose for which it is being acquired. That is all. The owner of the land has the right only to challenge the compensation part of it. If the compensation award is not sufficient, then he can challenge that and ask for more compensation through the courts of law. Otherwise he does not have the right to question the motive behind the acquisition.

Anyway the Ministry thought it fit that they must have more powers. The moment they issue the notice, automatically the land should vest with the Ministry, so that immediately they can start constructing or widening the roads. We welcome this.

I would like to make only one request to the hon. Minister. They have a plan to widen the existing National Highways, to convert some of them from two-lane to four-lane roads. They have made a mention about the main National Highways between Delhi and Mumbai and between Delhi and Chennai. Please take into consideration the National Highway No. 17 running from Kanyakumari to Mumbai. This is one of the very very important roads. There have been a number of road accidents specially in my District, the Dakshina Kannada District, between Mangalore and Baindur. National Highway No. 17 requires immediate widening and sufficient land is already available there. You do not require issuing even further acquisition notice also. You have plenty of land there. Please take this request into consideration. The other National Highway which is the shortest one running between Mangalore and Bangalore is

connecting the State capital. Mangalore is the only major port city in the whole of Karnataka and Bangalore is the State Capital. National Highway No. 17 is connecting these two important cities. This requires to be widened.

MR. CHAIRMAN : We are not discussing the Surface Transport Ministry's Budget.

SHRI V. DHANANJAYA KUMAR : But this is the only occasion we get to discuss this. As you know, we will not get an opportunity to discuss the Demands of that Ministry at all. That is why I thought it fit that I would make my request to the hon. Minister whenever I get the opportunity to do so.

With these suggestions, I would once again request the hon. Minister to kindly take a decision today with a strong determination and a strong will to proceed with the proposals which we have made and try to attract more and more investments in the road sector so that we can really go on the path of development by improving the basic infrastructure.

SHRI RAJESH PILOT : Mr. Chairman, Sir, I stand to support this amendment and I bring back the attention of the House to 1988 when I move this National Highways Authority Bill.

Before the National Highways Authority came into existence, the procedure was that whatever money we gave from the Central Budget used to go to the States and the State PWDs used to look after the maintenance and construction of national highways. Whenever we asked them why some money has been spent or has not been spent or why the roads were bad, as the hon. Member has said, the answer used to be, 'we will look into it'. There was no accountability to the Central Government on the money sent to the State Governments. But when I thought of this idea of constituting a National Highways Authority, there were a lot of objections from the State Governments. Nobody was caring for NHA. Every State Government was opposing it. At that time, in Karnataka, Shri H.D. Deve Gowda was the Minister-in charge of PWD and Shri S.R. Bommai was the Chief Minister. At that time, everybody wanted PWD to be the wholesale authority.

Mr. Chairman, Sir, I have been to your State. I have gone to Bihar to attend some function at Patna. After the function, I told them, 'I am in a hurry; I have to go to the airport soon'. They said, 'We will take you through a bypass, which is a national highway'. I told them that that would be better and they took me through a bypass. Believe me, it was worse than a rural road. I said, 'Am I on a national highway or on a rural road?' They told me that it was the bypass of national highway so and so. I reached the airport. When I came back, I rang up the Secretary of my Department and called him over. I said, 'If this is the way we are keeping our national highways, I think, we are

dumping our money in this way.' Then, we wrote to all the Chief Ministers. We held a meeting of all the Chief Ministers and pleaded for a National Highway Authority. We thought of this problem at that time itself.

Whenever we acquire land, we have to acquire it from the State Government. The hon. Minister is very correct in saying that these problems do come. But Shri V. Dhananjaya Kumar may not agree with me when I say that sometimes the problems are so much that some portions of a national highway are not built and the rest of the portions are built up by the Department. This is a very important necessity. We could not bring this up at that time as there were many objections from every State Government. So, I support this Bill.

Any Minister who heads this Department has to speak this language as my colleague has spoken today. This is because of shortage of funds. In 1985, when I became the Minister-in charge of this Department, the total length was 32,000-odd kilometres. Whatever has been added has been added during this period. After that, not a single kilometre has been added because of paucity of funds. So, I would like to request the hon. Minister to do that. We had passed a legislation in Parliament that five per cent of the cess of fuel must go to the road. I think, he would be able to get it done. Otherwise, roads will never be improved and funds will not be available. This was a Resolution passed by both Houses of Parliament. We got it passed by both the Houses. Now, he must insist on that. Till now, we have not been able to do it. It is mentioned in the Motor Vehicles Act; it is not something new that is being asked for.

The road sector has been neglected. As my colleague, Shri Kumar, has said, the rate of investment has come down from 6.9 per cent to 3 per cent during the Eighth Five Year Plan.

SHRI V. DHANANJAYA KUMAR : We should make the State Governments also to invest more from the motor vehicles tax that they collect.

SHRI RAJESH PILOT : As far as the national highways are concerned, the total responsibility is that of the Central Government. You have said that we can do it if we have the will power to do it. We must have the money. If we do not have the money, we cannot produce results.

The second point on which I would make a request to the hon. Minister is in respect of construction of roads. We can bring in a lot of mechanisation in construction of roads. It is very necessary. Otherwise, whatever amount is spent, would not be spent properly. This was initially to be done by the State Governments and now by the National Highways Authority. Somehow, I really cannot blame the present Government much because it was during our period from 1991-96 that this was to be done. This Bill was passed

[Shri Rajesh Pilot]

in 1988. We could not make it operational, I think, till 1993. We really took five years to make the National Highways Authority operational by appointing a Chairman and other officers. I have no heart to blame the hon. Minister, but now whatever has been done, if some steps could be taken on the mechanisation part of construction of roads, it would be good.

My next point is about transparency in the functioning of the National Highways Authority.

We had decided that even for pre-qualification tenders, there has to be a small committee because there is going to be a very large scale investment. Till such time the transparency is not there, the difficulties will come up. It was also said that many parties are not interested in coming to this national highways sector. So, some kind of attraction was thought over, like toll tax etc. We have decided that whenever such contracts are given, a small pre-qualification committee would look into and it would be so transparent that the whole nation could know that this Rs. 200 crore project or Rs. 300 crore project has been given to so and so with such and such yardstick.

The next point is about the patrolling of national highways. We know that many accidents take place on the national highways. Everyday we read in the newspaper about the accidents and non-availability of proper medical assistance. At that time we thought over two things. One was that for patrolling the national highways, we would take people on deputation. Second, talks could be held with the State Governments so that patrolling of national highways could be more effective. We had also given petrol pumps on priority basis on the yardstick of wayside amenities. Medical aid could also be made available. Since the communication sector has improved so much now that could also be made available. So, it was a total package. National Highways Authority was a package so that when a person is travelling on the national highways, he is safe, smooth and is in contact with others.

I would like to appeal again to the hon. Minister that he must insist on this five per cent cess. Otherwise, the road sector will lag behind other sectors and we will not be able to improve the roads.

Normally, it is said that national highways are gateways of the country. You look at other countries, like Malaysia, you go to South-East countries, like Indonesia or you go even to a small country, like Philippines. Even in these countries, the national highways have improved very much. That is why the economy has also improved. It has got a direct link. Of course, I do not want to give a lecture on how good quality roads help in improving the economy.

A survey was done to find out how much we are losing due to bad quality of roads. When the roads are of bad

quality, fuel consumption is more and damages to tyre are also more. According to that survey, we are losing thousands of crores of rupees per year. Apart from this, safety of the people who are travelling is also in danger.

As our hon. colleague, Shri Dhananjaya Kumar has said, this must become totally operational and result oriented. A national highway should look like a national highway like in other countries.

With these words, I whole heartedly support this Bill.

SHRI AJAY CHAKRABORTY (Basirhat) : Sir, I would like to support the Bill which has been introduced by the hon. Minister. The hon. Minister has introduced this Bill with some objects. The main objects are to create an environment for promoting private investment in the national highway sector and to expedite the process of acquisition of land.

Sir, before entering into various provisions of the Bill, I would like to draw the attention of the hon. Minister to the bad condition of the national highways. Throughout the country, the condition of the highways is very pathetic. People are avoiding travelling by buses because of the fact that buses ply through the national highways. So, I humbly submit before this House and request the hon. Minister to come forward and improve the condition of highways. At present the condition of the national highways throughout the country is very bad. At the time of the introduction of the Bill, the hon. Minister has told this House that there is no provision of courts because courts take long time to dispose of the cases and due to that people wait for years together for the disposal of cases. But in place of courts, there is a provision for a competent authority.

Who will be the competent authority, what will be the functions of the competent authority and the area or the jurisdiction—these things would be determined by the notification. I do not know what will be the position of the notification. There should be a fixed time limit to dispose of the matters which would be pending before the competent authority. There should be a provision in the Bill or in the Act so that the matter may be adjudicated or disposed of as quickly as possible.

There has to be a time limit for this because otherwise—if it is to function like a court—if an aggrieved person files a petition before the competent authority for redressal and relief, that may be pending for years and years. So, there should be a time limit and it should be specifically stated that within a stipulated period, the matter may be adjudicated.

I would also like to draw the attention of the hon. Minister and the august House towards the other provision of 'arbitrator.' A person aggrieved by the order of the competent authority would rush to the arbitrator. The arbitrator may be functioning like an appellate authority. I do not know who

will be the arbitrator. That will be decided by the Central Government by means of a notification. Why should there be only an arbitrator? Why can there not a Board of Arbitrators? At least a three member Board should be constituted. There is no such provision in the Bill and there is no fixed time limit.

There is another provision in the Bill which says that if anybody has not complied with the order of the competent authority or if anybody is reluctant to surrender the possession in favour of the competent authority or in favour of the Central Government, the Police Commissioner in the case of the Metropolitan Cities and the District Collector in the case of other places, will take the possession of the land. But there is no provision in this Bill which explains about the mode of recovery. There is no single word about this and there should be a definite assertion about this. There is no prescribed definition in this Bill as to who will be treated as 'possessor.' Will the person who is having the title be made as the possessor or will a person who is enjoying the adverse possession be made as the possessor? There is no specific mention about this in the Bill.

As the hon. Member Shri Rajesh Pilot has mentioned correctly, the fund should be increased for highway sector; and the Parliament should look into the matter. The condition of the highway sector is very pathetic. I urge upon the hon. Minister to come forward and take initiatives so that the fund to this sector may be increased.

Lastly, I would like to submit before the august House and to the attention of the hon. Minister, the condition of the highways which has been mentioned by the hon. Member who spoke earlier.

I hope the hon. Minister will come forward to look into the matter, take positive and suitable measures to improve the pathetic conditions of the highways. So, I again support this Bill which is introduced by the hon. Minister.

SHRI SUBRATA MUKHERJEE (Raiganj) : Respected Chairman, as I have nothing to say against this Bill, it may be treated that I support the Bill.

MR. CHAIRMAN : If you have nothing to say against the Bill, you may support the Bill and take your seat so that other Members may speak.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Sir, this is very unfair. Kindly permit him to stand up for some time. ... (Interruptions)

SHRI SUBRATA MUKHERJEE : The peculiar conditions of the National Highways have come out in the statement

of the hon. Minister as well as in the speech of Shri Rajesh Pilot. In this connection, I would like to draw the attention of the Government to one point. We are now going through the process of liberalisation. We are inviting private and foreign investments and it is correlated with transportation. For any country, the economic condition depends on the condition of transportation. In our country, 80 per cent of transportation is dependent on roads. So, we should consider not only National Highways but also the total network of our roadways.

The peculiar conditions of our roads have already been stated by the hon. Minister. I would not like to repeat them. But I would like to draw the attention of the hon. Minister and especially the Ministry of Surface Transport towards a very specific case of National Highway Nos. 31 and 34 which are very important. Sir, perhaps National Highway No. 31 is running through your State also.

MR. CHAIRMAN : It runs through my Constituency also.

SHRI SUBRATA MUKHERJEE : A part of it is running through North Bengal. After Independence, North Bengal has been totally neglected and it has not been treated like South Bengal. So, it is neglected and called a backward area. Both the National Highway Nos. 31 and 34 are not only important but they are busy also. They are not properly maintained due to lack of proper assistance to the State Government by the Central Government. Moreover, the total system of maintenance should be changed. This is my suggestion.

So far as North Bengal is concerned, after the rainy season, the Department does the finalisation of work process like tendering, scrutiny of quotations, etc. as a result of which, the work order comes out from the Department in the month of April or May, and the work is being done in the monsoon period. In North Bengal, there is heavy rainfall in the monsoon period. So, no fruitful results come out due to such work process. Therefore, the total system should be changed so that the work may be completed before the rainy season. By this way, roads can also be maintained.

Another important point is, National Highway Nos. 31 and 34 meet at Dalkola.

The traffic passes through a level-crossing at Dalkola, that is, through the broad gauge and metre-gauge main lines. The vehicles which pass through this road are detained there for hours together. A flyover over the level-crossing at Dalkola is urgently required. It is impossible for a State Government to construct a flyover on a National Highway. So, I request that the Department of Surface Transport and the Railway Board should come forward so that a flyover could be provided over that level-crossing.

[Shri Subrata Mukherjee]

I would also like to say about the Indo-Bangladesh border. The work on the highway is going on. So far as Indo-Pakistan border is concerned, there are lighting facilities. But on the Indo-Bangladesh border, there are no lighting facilities. So, I wanted to bring it to the notice of the Minister of Surface Transport that the work relating to provision of lighting of the road on the Indo-Bangladesh border should be taken up. With these words, I thank you for giving me the opportunity to speak.

SHRI ANNASAHIB M.K. PATIL (Erandol) : Sir, the National Highways play a very important role in the development of the country. As it has been mentioned by many of my colleagues, the condition of the roads is very bad. Starting from the First Plan to the Eighth Plan, the growth aspect has not been at all attended to well. It has been totally stagnant during the last several years. As it was pointed out very rightly, 34,200 kms of National Highways contribute hardly two per cent to the total length of the roads in our country.

The development of National Highways, both in the sense of constructing new roads and in maintaining the existing roads, has been totally neglected. Because of such a situation, we find that the economy of our country has not been developing. On account of bad quality of the roads, both in regard to construction and maintenance, we find that there is a lot of corruption and the quality is not maintained. Moreover, it has to be done in time. You know it very well that a stitch in time saves nine. It is observed that according to this proverb, it has not been done in the case of our National Highways. It has already been pointed out by some of the speakers that because of bad roads, there are a lot of accidents and also more consumption of fuel.

On account of the bad roads, there are a lot of disadvantages in transportation of both the passenger as well as the goods traffic.

Sir, the statistics would show that day by day transportation of passenger traffic as well as goods traffic by roads is increasing. The investment that has been made for roads from the First Five Year Plan to the Eighth Five Year Plan has been on the decrease. The statistics clearly show that this aspect of roads has not at all been considered on a priority even though it is one of the important modes of development of the country.

Sir, acquisition of land would certainly hasten the improving and increasing the road network in the country. But I am really surprised to hear and I do not know also whether the acquisition proposal in one of the highways, namely, highway no. 4, from Mumbai to Bangalore, was for

the private land or for the land within the range of the road. This aspect needs to be clarified. I would like to request the hon. Minister to kindly clarify whether the private land would also have to be taken in order to compensate for the cost of roads.

MR. CHAIRMAN : Please conclude now.

SHRI ANNASAHIB M.K. PATIL : Sir, I have already mentioned about the passenger and the goods traffic. The percentage in terms of goods traffic and passenger traffic in the year 1950-51 was 12 and 26 respectively. Now, in comparison, the percentage in terms of goods traffic and passenger traffic is 53 and 59 respectively. I think, if all the provisions of the Bill are implemented well and with a will, then it would certainly help in improving the road network in the country.

With these words, I conclude my speech.

MR. CHAIRMAN : Should we continue with this now?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : Sir, it was suggested by the hon. Speaker that we should complete this Bill by six o'clock. From six o'clock onwards we could sit up to 10 o'clock for General Discussion on the Budget. I think, within another half-an-hour or an hour's time we would be able to pass the two Bills and would be able to take up the General Discussion on the Budget from 7 o'clock. In the meantime, I would like to bring to your notice that today the house would be sitting late and arrangements have been made for dinner for the hon. Members, the Presspersons and others also.

SHRI AMAR ROY PRADHAN (Coochbehar) : Sir, thank you very much for giving me this chance.

MR. CHAIRMAN : No. I have not given you any chance. I have called the hon. Minister to reply to the debate. If we have to finish this within half an hour, how could I allow you?

... (Interruptions)

18.00 hrs.

SHRI T.G. VENKATRAMAN : Out of the discussion that has just been concluded, we could infer that there are no two opinions that there are bad roads. However, the Members also agree that it is not on my account but it is a part of an on-going process of which I am just an element. Now, the responsibility lies on my shoulders to answer the clarifications raised by the hon. Members.

I am glad that all the hon. Members have taken into consideration the laudable purpose behind which the Bill is brought before the august House. The Members wanted me to take note of certain points. My predecessor, the hon.

Minister, has also pointed out certain things. I wish to point out one important aspect on which I am still having discussion with the Cabinet. As the Members are aware, in this House as well as in the Rajya Sabha, we had a Half-an-hour discussion on having five per cent cess on diesel and petrol. After the discussion, I went to the Cabinet with a request that five per cent cess should be levied as on account of this I will be getting about Rs. 2000 crore per year in addition to the meagre Budgetary support. Hence, I will be able to maintain the affairs properly. I was under the impression that I could declare at least one State road as the National Highway.

The hon. Members have expressed concern saying that no proper allotment has been made to the States. I beg to submit that it is not as though we have any grievance with any State. The allocation is made according to their own subscription. As they are subscribing, they are taking it back. As has been mentioned by many hon. Members, there is no discrimination at all. The allotment is not made taking into consideration how big a State is. As per their contribution, they are taking it back. So, you cannot blame the Central Government saying that we have no accountability. I do not want to mention the names but there are certain States which are returning funds without using them. I do not want to disclose the names in the House.

SHRI RAMESH CHENNITHALA : Please disclose the names so that they are made aware that they have to spend the money allotted to them.

SHRI T.G. VENKATRAMAN : There are one or two such States. I told them that this is the fact. They went and clarified the position. They are now taking steps in this direction. I do not want to disclose it for this particular reason.

I am taking all steps available at my command. I am still pressing for the funds and I hope that with the support of all of you I will be able to get the fund and disburse it accordingly. I will rise to the occasion and do whatever is required. I assure the House that I will do my best for all the States. I also request that the amendments, given by the Members, may be withdrawn and the Bill be passed.

SHRI N.K. PREMCHANDRAN (Quilon) : I would like to seek one clarification regarding Sections 3C(1), 3C(2) and 3D concerning the objection, hearing and disposal of petition. No specific time is fixed in this regard. I would also like to know. ...*(Interruptions)*

SHRI T.G. VENKATRAMAN : We will do it if it comes under the rules.

MR. CHAIRMAN : I shall now put the Statutory Resolution to the vote of the House.

The question is:

"That this House disapproves of the National Highways Laws (Amendment) Ordinance, 1997 (No. 9 of 1997) promulgated by the President on January 24, 1997."

The motion was negated.

MR. CHAIRMAN : Shri Bhargava, the train has left the platform. What can we do? You have missed the train. The House has negated your Resolution. Nothing is possible now.

SHRI NIRMAL KANTI CHATTERJEE : At least for once, we should congratulate him for being kind to the House.

MR. CHAIRMAN : The question is:

"That the Bill further to amend the National Highways Act, 1956 and the National Highways Authority of India act, 1988, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The House shall now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 10 stand part of the Bill."

The motion was adopted.

Clause 2 to 10 were added to the Bill.

MR. CHAIRMAN: The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill.

The Motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI T.G. VENKATRAMAN : I beg to move:

"That the Bill be passed."

MR. CHAIRMAN : The question is:

"That the Bill be passed."

The motion was adopted.

[English]

SHRI NIRMAL KANTI CHATTERJEE : Mr. Chairman, Sir, it is 6 o'clock. The hon. Speaker announced that the General Discussion on Budget would begin at 6 p.m. If you do not want to turn the discussion on the Budget into a farce, you should take it up now. The Minister of Parliamentary Affairs is trying to convince me that this Bill

[Shri Nirmal Kanti Chatterjee]

will be passed in 15 minutes. Have we ever had such an experience in the House? No Bill can be passed before two hours. I, therefore, suggest that either Budget discussion should be taken up now or it should not be taken up tonight at all.

MR. CHAIRMAN : Let us try to pass it in half-an-hour. The Minister has submitted in the House and I have taken the sense of the House.

SHRI SURESH PRABHU (Rajapur) : What happens to the ruling of the Speaker in the House? ... (*Interruptions*)

18.08 hrs.

STATUTORY RESOLUTION RE : DISAPPROVAL OF LALIT KALA AKADAMI (TAKING OVER OF MANAGEMENT) ORDINANCE—1997

AND

LALIT KALA AKADAMI (TAKING OVER OF MANAGEMENT) BILL—1997

As Passed by Rajya Sabha

[*English*]

MR. CHAIRMAN : Item Nos. 34 and 35 will be taken up together. Shri Ram Naik.

[*Translation*]

SHRI RAM NAIK (Mumbai-North) : Sir, I beg to move:

"That this House disapproves of the Lalit Kala Akadami (Taking Over of Management) Ordinance, 1997 (No. 10 of 1997) promulgated by the President on January 24, 1997."

Mr. Chairman, Sir, I rise to oppose the manner in which the ordinance was issued. While supporting the Bill, introduced by the Government, I would like to express my views.

Sir, the question of opposing is arising time and again only when ordinance is issued. I think, so long as 13th Ordinance is not approved by the House, a new record of issuing ordinances cannot be set up by this Government. Today, I went to library to find out the maximum number of ordinances issued between two sessions. I could not get information of issuing such ordinances more than 5 to 10.

[*English*]

This Government has established a new record in issuing ordinances. It goes to the credit of this Government.

[*Translation*]

Now the question arises as to what was the necessity of issuing this ordinance. In the Objectives and reasons given in the Bill it has been stated that a Haksar Committee was appointed in 1988 which gave its report in 1990 but later on no action was taken on this report. Then some hon.

Members, including Shri George Fernandes and myself made some complaints. Then an Administrative Enquiry was ordered to look into the complaints and thereafter the Government thought that an ordinance should be issued in this regard. This has been stated in the Bill. This was under consideration since 1990 and our last winter session ended on 22nd December. When this matter was under consideration for last 6-7 years then why you have not brought a bill to this effect in the last session itself. No action was taken on this report during last 6-7 years and you can say that you were not in the Government during this period but I fail to understand that when nothing was done in the last 6 years, what major damage would have been caused, had it been delayed by a month or so. Therefore, I would request the hon. Minister to state the reason for bringing it through an ordinance. What I think is that we have started a system of Standing Committee and this Government, on one pretext or the other, is trying to oppose this system because if a new Bill is referred to the Standing Committee, the Committee would go through it very minutely and make improvement in the Bill. But this Government does not want any such improvement. It seems that the Government want to keep everything in its own hands and that is why it is by-passing the Standing Committee in this process. That is why I am condemning this ordinance.

After talking about ordinance, now I would like to say about this Bill that on August 5, 1954 a Resolution was adopted by the Parliament to set up a Lalit Kala Akadami. This Akadami was registered forty years ago on March 11, 1957. After giving all sorts of autonomy, it was most unfortunate that this Akadami could not rise to the occasion in the field of art and literature. I think if we look at the working of this Lalit Kala Akadami during the last 40 years we would find that the artists have themselves blemished their names. The artists and their leaders have lost the confidence expressed in them by the Parliament. They should not have done so. I think it is necessary to criticise each and every one who headed this Kala Akadami. It is very sad that the Parliament has expressed confidence in them but they could not rise to the occasion. Such persons were appointed there to head the Kala Akadami. Now what would happen by the elections? Due to elections, many wrong things are happening in politics and I think the same thing is happening in Kala Akadami and corruptions, irregularities, discriminations and many such other things are going on there for last 15-20 years. That is why it has reached to this condition today.

Now it is an age of privatisation. The Government Organisations are not working properly, so we are going for privatisation. But in this Akadami, the private people have not worked properly and that is why it is being taken over by the Government. This is the motive of this Bill. This is a reverse trend and the Government should not resort to it so frequently. In this context I would like to say that it is the duty of the management of the Akadami to bring forward