

MR. SPEAKER: You should realise that the Constitution has been framed by the people and such discussion regarding the highest authority is not permissible.

SHRI RAM VILAS PASWAN: We are their voters.

MR. SPEAKER: You may be the voter but you are not a part of the Constitution, it is above you; it is above this House even. I would not allow you to go against the provisions made in the Constitution and you must go by these provisions. There must be an institution which you should—

(Interruptions)

[English]

SHRI BASUDEB ACHARIA: After Question Hour, you please allow us. This is a very serious matter

MR. SPEAKER: I will speak to you in my Chamber

(Interruptions)

ORAL ANSWERS TO QUESTIONS

11.06 hrs.

[English]

National Highway No. 52

*815. SHRI LAETA UMBREY: Will the Minister of DEFENCE be pleased to state:

(a) whether the progress in the construction of the National Highway No. 52 in Arunachal Pradesh is very slow;

(b) if so, the reasons therefor;

(c) the target fixed for the completion of the Highway;

(d) the progress in the construction work

of the bridges over the rivers Siang, Dibang and Lohit; and

(e) the details of the fund allocated, year-wise since the beginning of the construction of this Highway?

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS AND THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI S. KRISHNA KUMAR): (a) to (e). A Statement is laid on the Table of the House.

STATEMENT

The Arunachal Pradesh sector of National Highway 52 (approx 336 Kms) from Jonai to Dirak was taken over by the Border Roads Organisation in phases and the process was completed in 1988.

2. At present, 90 Kms of this road, comprising the sector from Jonai to Ranaghat (42 Kms), 8.5 Km of Roing-Hunli road and Tezu to Brahmkund (40 Kms) has been completed to all weather specifications. Another 166 Kms, in various stretches, is trafficable only during fair weather. As regards the balance 80 kms, construction has been taken up in respect of 21 Kms from Passighat to Mebo. Construction of the remaining 59 Kms will be taken up on finalisation of the road alignment and sitting of bridges, which is under investigation by a Technical Board. A time schedule for completion of the works on the Highway will be finalised on receipt of the Board's report.

3. The following progress has been achieved in construction of Siang and Lohit bridges:-

Siang	-	28%
Lohit	-	13.5%

The construction of Dibang bridge will be taken up only after the alignment of the Mebo-Nizamghat sector of the road is finalised.

4. The funds allocated and expenditure incurred on these works since 1982-83 are given below:-

<i>Year</i>	<i>Allocation</i>	<i>Expenditure</i>
	<i>(Rs. in lakhs)</i>	
1982-83	5	5
1983-84	43	43
1984-85	85	117
1985-86	98	127
1986-87	185	223
1987-88	280	311
1988-89	588	682
1989-90	695	976
1990-91	1104	968
	3083	3452
Performa Charges	87	
Total:-	3170 ***	3452

*** Excess expenditure of Rs. 282 lakhs is spread over a period of 10 years.

SHRI LAETA UMBREY: Sir, the Arunachal Pradesh sector of National Highway 52, which is approximately 336 Kms long, was taken over by the Border Roads Organisation in 1982-83. It has incurred an expenditure of Rs. 34.52 crores only in nearly 10 years. 90 Kms of this road has been completed to all weather specifications. Another 116 Kms, in various stretches, is trafficable only during fair weather. As stated by the Minister, this has not been constructed by the Border Roads Organisation but it has been taken over from the State P.W.D.

Unfortunately, even today the Border Roads Organisation could not complete the alignment of 59 Kms of this road. On completion, the National Highway 52 of this sector will connect three districts of Arunachal Pradesh, namely, East Siang, Dibang and Lohit. So, I would like to know from the hon. Minister, whether the new Government will take up this road on priority by allocating more funds.

SHRI S. KRISHAN KUMAR: Sir, we share the concern of the hon. Member about

the priority to be given to this National Highway and the importance this National Highway has in the development of Arunachal Pradesh. Sir, it is true that the construction of this Highway has not been as fast as we would have desired and this is because of some factors which are peculiar to the North-Eastern region.

There is no road at all existing for 80 Kms between Ranaghat Nizamghat and 8.5 Km on Roing-Hunli and these Portions of the road have to be constructed. Another 77 Kms road requires realignment. Yet another 95 Kms require proper siting of bridges, that is marginal realignment.

Sir, this road cuts across a very large number of major rivers. 46 water gaps require major permanent bridges. Some of the rivers change course during the year. Therefore, there is difficulty in finalising the alignment of the road and siting of bridges. Movement of men, material equipment, etc. is very time consuming. Three bridges are under construction; 18 bridges are under investigation. Considering the magnitude and importance of the problem a Technical Committee has been constituted by the Defence Ministry to coordinate planning, programming and speedy execution of the projects. Availability of funds is not the constraint. The problems which I mentioned are the constraints.

SHRI LAETA UMBREY: Sir, I do not know the hon. Minister has received this information. As I belong to this locality, I know very well about it. About 90 km. to 160 km. of all weather roads are not constructed by the Border Roads Organisation. But this has been taken over by the PWD. My second supplementary question is this. After completion of this National Highway 52, this will link some of the routes, leading to the Chinese border.

There is another District Headquarter of Dibang Valley which is called Anini and it was linked by road only last year, but it is not an all-weather road.

There is another circle administration by name Walong. It was captured by Chinese during 1962 aggression. This administrative headquarter had also been linked by road last year. In these two roads, traffic cannot go. So, I would like to know from the hon. Minister whether, you will take up this issue on a priority basis.

SHRI S. KRISHAN KUMAR: We are aware that this National Highway is of a strategic importance and that is the reason why it is under the administrative and works control of the Border Roads Organisation. As I have mentioned in the answer to the first supplementary, several portions of this National Highway's alignment are yet to be finalised. The suggestion of the hon. Member for linking these two points which he has mentioned in his supplementary can be considered by the Government. We can examine his suggestion.

[*Translation*]

SHRI SURYA NARAYAN YADAV: Mr. Speaker, Sir, almost all the border areas of the country have been covered by road and in the same line the construction of the road (highway) from Darbhanga to Forbesganj had been approved by the then Prime Minister, Pt. Jawahar Lal Nehru in order to cover the border areas touching China, Bengal (Bangladesh) and Nepal. But the Ministry of Defence has not yet started the construction of this road. Hence, I would like to know from the hon. Minister whether the construction of that road is under his consideration which is very important from the security point of view.

[*English*]

SHRI S. KRISHAN KUMAR: Sir, the Border Roads Organisation has constructed and is in charge of more than 18000 km. of roads and we are achieving something like 700 km. of construction of roads, on an average, every year. It is a continuing process. To the question which the Hon. Member has asked, about a particular road near Bengal-Nepal Border. I do not have the

ready answer. I will have to verify it at what stage that particular proposal has reached.

Separation of Judiciary from Executive in hill districts of Assam

*816. DR. JAYANTA RONGPI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the judiciary is not separated from executive in Karbi Anglong and North Cachar hill districts of Assam;

(b) if so, the policy of the Union Government in this regard;

(c) whether the Government propose to separate the judiciary from executive in these two hill districts and bring it at par with the rest of the country;

(d) if so, when; and

(e) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): (a) As per information made available by the State Government, the judiciary is not separated from the executive in these districts of Assam.

(b) Provisions of the Sixth Schedule to the Constitution of India apply to the Administration of the tribal areas referred to in (a) above.

(c) to (e). No such proposal is under consideration at present.

DR. JAYANTA RONGPI: Mr. Speaker, Sir, the hon. Minister has confessed that judiciary is not separated from the executive in the hill districts of Karbi Anglong and North Cachar. To the part (b) of my question regarding the Government's policy in regard to non-separation of judiciary from the executive he has mentioned this.

He has mentioned that it is a provision of the Sixth Schedule which is applicable to the administration of these two districts of Assam. Here the concerned provision of this para four of the Sixth Schedule has clearly restricted the District Councils from judicial functioning; they can administer the judicial functioning only when the cases are among the tribals. If one of the parties of the dispute is non-tribal, the District Council cannot try their case. So, all other cases, where involvement of the non-tribals is there and where one of the parties is non-tribal, are tried by the normal courts.

Even the District Councils could not be established in 1951 because of the obstacles and hindrances placed by the State Government. So, not a single case of the tribals during the last 40 years has been tried by the District Council. So, for all practical purposes, the judicial functions have been performed by the normal courts since independence. In view of this, I would like to know from the hon. Minister, whether he thinks that this practice of non-separation of judiciary from the executive is in violation of the basic principle of neutrality and natural justice; whether he thinks or not that these people of the hill districts of Assam are being deprived of their natural justice because the judiciary is not being separated from the executive.

SHRI RANGARAJAN KUMARAMANGALAM: With regard to separation of judiciary from the executive, under Article 50 of the Constitution itself - Directive Principles of State Policy - it is clearly laid down that the State would and shall take steps to separate the judiciary from the executive in the public services of the Union. But, in addition to this, the Constitution itself envisaged in the Sixth Schedule and has categorically set out a methodology by which the question of application of laws of Civil Procedure as well as Criminal Procedure would apply in case of certain tribal areas which are notified, specified. This has been done in the framework of the Constitution in the case of tribal areas which have got historical background where the customs and methods of functioning are