

**COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)**

FOURTEENTH REPORT

**MINISTRY OF SHIPPING, ROAD
TRANSPORT AND HIGHWAYS**



**LOK SABHA SECRETARIAT
NEW DELHI**

May, 2006/Jyaistha, 1928 (Saka)

FOURTEENTH REPORT
COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

MINISTRY OF SHIPPING, ROAD
TRANSPORT AND HIGHWAYS

(Presented to Lok Sabha on 23 May, 2006)



सत्यमेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

May, 2006/Jyaistha, 1928 (Saka)

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FOURTEENTH REPORT OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Fourteenth Report of the Committee to the House on the representation requesting to enquire into delay in construction of National Highways in Bihar.

2. The Committee considered and adopted the draft Fourteenth Report at their sitting held on 22nd May, 2006.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

4. For facility of reference observations/recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;
22 May, 2006
1 *Jyaistha*, 1928 (*Saka*)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Raj Babbar
3. Shri Nandkumar Singh Chauhan
4. Shri N.S.V. Chitthan
5. Dr. M. Jagannath
6. Shri Jitin Prasad
7. Shri Baliram Kashyap
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SECRETARIAT

- | | | |
|-------------------------|---|--------------------------|
| 1. Shri P. Sreedharan | — | <i>Joint Secretary</i> |
| 2. Shri A. K. Singh | — | <i>Director</i> |
| 3. Shri U.B.S. Negi | — | <i>Under Secretary</i> |
| 4. Smt. Jagriti Tawatia | — | <i>Committee Officer</i> |

**REPRESENTATION REQUESTING TO ENQUIRE INTO DELAY IN
CONSTRUCTION OF NATIONAL HIGHWAYS IN BIHAR**

1. Shri Kailash Baitha, M.P. forwarded a representation signed by Shri Brajesh Thakur and others from various district of Bihar on the above subject.

2. In the representation, the petitioners have *inter-alia* submitted that the condition of the roads in various States of the country, particularly in Bihar is very bad. There are only remains of the roads. Only 2200 KM. from among the major road of the State have been declared National Highway. For example National Highway No. 101 from Chapra to Muhammadpur *via* Baniyapur, National Highway No. 85 from Chapra to Gopalganj *via* Siwan, National Highway No. 19 from Hajipur to Gazipur have been declared National Highways. The condition of these highways too has deteriorated due to occurrence of floods every year in Bihar. The State Government do not undertake maintenance work of such roads by taking the sheer plea that since it is a National Highway, the maintenance work of such roads is done by the Union Government. The Union Government are sending the money for construction and maintenance of highways but is not clear as to how and where the money is utilised.

3. They have further stated that, funds have been allocated for expeditious construction after sanctioning construction work of National Highway No. 101, National Highway No. 85, National Highway No. 19. The construction work has already started but the pace of said work is very slow and it could not be completed in 2 to 3 years. The above highways have been victim of negligence.

Lakhs of people had got hope with the approval given for the construction of the above highways and initiation of the construction work but their hopes were shattered due to delay and negligence in the above construction work.

4. They have, therefore, requested that investigation of delay in the construction work of highways may be carried out by the Committee on Petitions, Lok Sabha keeping in view the emotions and hopes of lakhs of people so that the construction work will be completed at the earliest by identifying the obstacles in the construction work of highways.

5. The Ministry of Shipping, Road Transport & Highways (Department of Road Transport & Highways) were requested to furnish their comments on the issues raised in the representations. In response the Ministry of Shipping, Road Transport & Highways (Department of Road Transport & Highways) *vide* their communication dated 22nd September, 2004 submitted as follows:—

"The National Highway (NH) No. 101 from Chapra to Muhammadpur *via* Baniyapur, NH-85 from Chapra to Gopalganj *via* Siwan and 19 from Hajipur to Gazipur were declared National Highways in year 2001, 1999 and 1996 respectively. At the time of their declaration these roads suffered from

inherent deficiencies such as inadequate number of lanes, weak pavement and bridge structure and absence of safety features. To upgrade these roads to the standard of National Highways a huge investment of fund would be required besides maintenance. This Ministry is carrying out upgradation of all such Highways in phased manner depending upon the availability of funds."

6. The Ministry further stated that:—

"The projects in Bihar are used to get delayed due to the following main reasons:

1. Delay in award of works due to lengthy tendering process;
2. Lack of good contractors and poor response necessitating re-tendering;
3. Slackness on the part of the contractors for timely completion;
4. Erratic supply of Bitumen;

This Ministry has been consistently pursuing with the Road Construction Department of Bihar at various levels for taking necessary steps for improving this situation so that the projects are completed in time. The State Road Construction Department of Bihar has reported that they have now streamlined the existing tendering process whereby the time taken in award of works is expected to reduce considerably. They have also assured that the supply of Bitumen has improved. With these steps by the State Government, the situation is expected to improve.

A statement showing status of sanction projects on NH-101 (Chapra-Mohammadpur), NH-85 (Chapra-Gopalganj) and NH-19 (Patna-Jajipur-Manjhi section) is enclosed as Annex-1.

Recently, this Ministry has entrusted the upgradation of NH-85 from Chapra to Gopalganj and NH-19 from Patna to Chapra *via* Hajipur to National Highway Authority of India under Pradhan Mantri Bharat Jodo Pariyojana."

7. The Committee, thereafter took oral evidence of the representatives of the Ministry of Shipping, Road Transport & Highways (Department of Road Transport & Highways) at their sittings held on 19th October, 2004 and 10th April, 2006 along with the officials of the State Government of Bihar. The Committee also undertook on-the-spot study visit to Patna on 16th April, 2005 to get the first hand information on the subject.

8. Giving in the brief the role of the Central Government and the State Government involved in up-keeping and maintenance of the National Highways, the Ministry of Shipping, Road Transport and Highways (Department of Road Transport and Highways) *vide* their written replies dated 13 October, 2004 had submitted as follows:—

"The Seventh schedule of Article 246 of the Constitution envisages the responsibilities of all the roads declared as National Highways (NHs) with the

Central Government, Ministry of Shipping, Road Transport & Highways is the concerned Ministry for National Highways.

As per the allocation of business by Central Government highways declared by or under law made by Parliament to be NHs shall be responsibility of Ministry of Shipping, Road Transport & Highways and Department of Road Transport & Highways under this Ministry shall be the concerned Department.

Department of Road Transport & Highways under Ministry of Shipping, Road Transport & Highways is responsible for development and upkeep of NHs in the country. The actual construction and maintenance is, however, got executed through Public Works Department of the concerned State Governments on an agency basis under the provision of Clauses 5 and 6 of National Highways Act, 1956.

Funds for development and maintenance of NHs are given by the Planning Commission to the Ministry every year. These funds are then allocated to the respective States by the Ministry depending upon the length of NHs in the States and their capacity to utilize the funds. State Governments undertake actual construction and maintenance of the works planned to be executed each year with mutual consent through their Public Works Departments and for this they are paid 9% of the work cost as agency charges."

9. Giving a brief account on the construction and development of National Highways in Bihar, the Ministry of Shipping, Road Transport & Highways (Department of Road Transport & Highways) *vide* their written replies dated 13th October, 2004 submitted as follows:—

"Bihar has 27 nos. of National Highways (NHs) having total length of 3629 kms. Out of this, 719 kms. are being upgraded under National Highways Development Project (NHDP) by NHAI. These stretches are being maintained by NHAI, by giving funds to Bihar State Road Construction Department (RCD). Around 225 kms. of recently declared NHs are to be entrusted to the State. Balance 2685 kms of NHs are presently being developed and maintained by RCD, Bihar. In the year 1999, Ministry initiated a crash programme for improving riding quality by the name of Improvement of Riding Quality Programme (IRQP). 2139 kms of aggregate length of NHs have been sanctioned for improvement under this programme in the last 5 years, out of these works in aggregate length of 1799 kms have been completed and those in 340 kms length are at various states of progress."

10. The Ministry *vide* their subsequent written reply dated 10.4.06 further added:—

"719 kms of National Highways in Bihar are being upgraded by NHAI under NHDP-I (Golden Quadrilateral) and NHDP II (East-West Corridor). However, NHAI maintained these stretches by giving funds for maintenance to Bihar State RCD until contractors for development to four lane standards got mobilized. After contractors are mobilized, maintenance is done by NHAI

themselves through their contractors. Remaining length of NHs in Bihar is being upgraded and maintained by Ministry with normal budgetary resources through State RCD under agency system."

11. The Secretary, Department of Road Transport & Highways while tendering oral evidence, before the Committee on 19th October, 2004 further submitted as follows:—

"There is no doubt about the fact that there is a great need to do work on roads in Bihar. Roads are life lines and especially in Bihar. They are a part of social economic development. But I take pleasure to say that from the very beginning stress is of being laid on roads in Bihar by the Union Government. For example I would like to submit that the national average is of 1000 Sq. kilometres and of which 20 km are National Highway roads, but in Bihar it is double.

The average is 39 kms. The percentage at national level of the total road length is 2 percent while the national highway comparing to remaining road length it is 4.5 percent in Bihar. 20 percent of national highway length in Bihar is going to be 4 lane under NHDP. In all a lot of emphasis has been laid on this by the Central Government. Funds are going to be allocated by us in accordance with this. Initially, some difficulty was experienced in Bihar. As you know heavy damage is caused by floods in Bihar. This is the common problem there. A lot of steps are being taken to check it. For example, efforts are being made to make arrangements from the beginning keeping in view the part of East West Corridor and in regards the other roads, efforts will be made keeping this in view while preparing DPR. The condition of roads that have been taken over from State Government is poor. Geometrics alignment, low embankment, poor drainage, weak pavement and structures and absence of safety measures. Besides this the other problem is of law and order. In the meantime some incidents took place because of which difficulty cropped up. Any how, keeping all these difficulties in view efforts by the Central Government to see that every effort are made to ensure good maintenance of roads."

12. The Ministry *vide* their subsequent written reply dated 10.4.06 submitted that:—

"Most of the 2148 km of roads declared as National Highways during 9th Plan suffered badly from deficiencies in terms of poor geometrics, inadequate lane width, crust composition, weak/narrow bridges and culvert, low embankments etc. This required substantial investment for upgradation to 2-lane NH standards. Accordingly, keeping in view the financial constraints attempt is made to improve these roads in phases giving initial priority to keep the roads in traffic worthy condition as far as possible. Ministry has sanctioned improvement works amounting to Rs. 403.93 crores covering a length of 1619 kms. under various programmes such as PR, IRQ and widening. Out of this, work on 1404 kms. has since been completed and remaining works are in various stages of progress."

13. When asked about the time schedule for upgrading/improving the NH in Bihar, the Ministry in their written submission made before the Committee during their study visit to Patna on 16th April, 2005, stated as follows:—

"Development/Improvement of National Highways is a continuous process. Every year, the Annual Plan is prepared in consultation with the State Government and the works to be undertaken are included in the Annual Plan based on the condition of the road and *inter-se* priority. The works are sanctioned depending upon the availability of funds and capacity of the State to utilize the allocated funds."

The target for upgradation of improvement of National Highways under National Highways Development Project (Phase-I and II) in Bihar being implemented by NHAI is as under:—

Sl. No.	Project	NH No.	Total length (in Km.)	Already completed	Under implementation	Scheduled for substantial completion
1.	Golden Quadrilateral	2	206	104	102	December, 2005 except major structures
2.	East-West Corridor	28 57 31	160 310 43	— — —	— — 43	December, 2007 March, 2006

14. As regards the highways which are categorised as priority areas, the Ministry submitted as follows:—

"NH-2 on Golden Quadrilateral under Phase-I and NH-28, NH-57 and NH-31 forming part of East-West Corridor under Phase-II which have been proposed to be upgraded to 4-lane carriageway under NHDP are priority areas. Besides, based on the recommendation of the State Government, 890 km. of National Highways have been identified for upgradation under NHDP (Phase-III) to be implemented by NHAI."

15. As regards the development of NH-85, NH-19 and NH-101 the witness submitted before the Committee while tendering evidence on 19th October, 2004 that:—

"The total length of NH 85 is 93 km. Out of it the estimate to maintain the 68 km of highway since 2001 has already been sanctioned and the work for 18 km of road has already been completed, the work for rest of the highway of 50 km is being undertaken by the Bihar Government out of which the work for 25 km is actually in progress and rest of 25 km of highway work could not be undertaken due to the tender problem. We have floated tenders for five times but there is no response. Again we have floated tenders, we have received two tenders on which decision is being taken and very soon work is likely to be commenced."

16. Giving reasons for getting no response despite floating tenders for five times, for completion of NH-85 the witness submitted that:—

"The reasons for getting no response for tenders was that there was a scheme, according to which for Rupees 7 crores 95 lakhs technical bid requirement the contractor should have a turnover of rupees 16 crores, for this tenders were floated five times but no contractor was found eligible as he was unable to complete the condition of turnover of rupees 16 crores."

17. When pointed out that if the Government is getting no response from Bihar, then the Government should get the work done by its contractors in response the witness submitted that:—

"Keeping this in mind that the Bihar Government was requested, on which the Ministry of Surface Transport took a decision that the 904 km of National Highway will be built by National Highways Authority. The tender which we have floated was a National tender but it has been observed that the contractors of other areas do not want to go to that area. For five times we floated National Tenders. Any body can give tender. Keeping this in view that we do not have sufficient contractors beside we do not have such a big contractor, who can take the work of rupees 10-15 crores, we have allotted this large scale work to National Highways Authority and he has given the work to IRCON and C.P.W.D."

18. When asked if the government had ever invited tenders from contractors from other States in the absence of trained and resourceful contractors in Bihar, the Ministry in their subsequent written reply dated 10th April, 2006 submitted as follows:—

"It is generally difficult to attract contractors from other States for low value works on National Highways as they do not find it financially viable due to high overheads involved for mobilization and demobilization. However, for value of works more than Rs. 5.00 crore, bids are invited in accordance with Ministry's standard bidding documents as per National Competitive Bidding and wherein contractors from outside the State are equally eligible. Generally, in addition to the limitation of size of project, contractors have not shown encouraging response in part in Bihar owing to perceived risk due to law and order problem. It is only in large size projects of NHAI, where contractors from outside the State have come forward."

19. When asked about the time by which the work is expected to be completed, the witness stated that:—

"It is expected that within 10 days everything will be finalised. We will try that such work may be settled within one month. We solved the causes of delay and we hope that the moment this matter is settled we will start the work on war footings and the work will commence within one month. Since this is a very important highway we hope that we will be able to complete the work before the next budget."

20. The Ministry in their subsequent written reply dated 10th April, 2006 further submitted as follows:—

"The work on NH-85 has been physically completed on 23rd September, 2005. With the completion of the works from km. 11 to km. 60 mentioned above and PR works in km 61-64, 66-67, 71 & 73-92, condition of NH-85 is reported to be good except first 10 kms from Chapra. Improvement of the section will be considered for sanction during annual plan 2006-07. Sanction of work will depend upon availability of funds and *inter-se* priority of works."

21. Giving reasons for delay in completion of maintenance work at NH-85 the Committee were informed during the study visit of the Committee at Patna on 16th April, 2005 that the availability of Bitumen was the factor.

The officer from IOC assured to release required quantity of Bitumen. It came out that there was need to coordinate with railways for timely transportation of Bitumen from Barauni.

The Committee were also informed that another reason for delay in surfacing NH-85 was that some enquiry was going against the contractors who did repair work after 2002-03 funds. Chief Engineer, Government of Bihar assured to send a report to the Committee in this regard.

On the condition of NH-104 and NH-77, the Committee were informed that 20 Km of NH-104 and 122 Km of NH-77 was very bad. The officials assured to include these portions in the priority work schedule.

22. As regards supply of Bitumen, the witness further submitted during evidence that Bitumen can be collected from only one point *i.e.* Barauni. It is a Government enterprise. It comes under Indian Oil Corporation. This is the only place from where we can collect bitumen.

23. Regarding progress made on NH-19 the witness submitted:—

"The length of NH-19 in Bihar is 93 km rest is in U.P. Out of the total length of the NH-19 we have sanctioned to improve the condition of 50 km of national highway since 1999. Most of the work is completed. Only a stretch of 23 km between 185 to 196 km of road repair work is in progress as it was sanctioned recently."

24. The Ministry further submitted *vide* their subsequent written reply that the improvement work of NH-85 from km 36 to 60 has been awarded in the last week of March 2005. The work is under progress:—

"The Ministry had approved the estimate for Detailed Project Report (DPR) for improvement of Manjhi-Chapra-Hajipur section of NH-19 for Rs. 18.13 lakhs in September, 1999. The DPR has been received by the State RCD and is under scrutiny for further submission to the Ministry for consideration."

25. The Ministry in its subsequent written reply dated 10th April, 2006 have submitted that:—

"Gopalganj-Chapra-Hajipur section of NH-85, 19 has been identified for 4-laning under NHDP Phase III B on BoT basis. The bypass connecting NH-19 and NH-85 at Chapra is under consideration under this project. The DPR for this stretch is under progress. The consultant has submitted Feasibility Study Report for this section, which has been examined in NHAI. The DPR for Gopalganj-Chapra-Hajipur section is likely to be completed by June, 2006."

26. As regards progress made in construction of NH-101, the witness stated:—

"Its total length is 65 km and for undertaking work of 30 km we have sanctioned around 4 crores of rupees since last three years. And for the rest of 30 kms., as has been said by the Secretary, C.P.W.D. as our rules, we follow as per Bank of sanctions, and how much funds have been spent from the Bihar's allotments, that is why we are unable to do this but we are thinking that we will increase our Bank of sanctions ratio, resulting to which we will be in a position to include the rest of the kms, which are very critical."

27. When the Committee desired to know about the time required for its completion the witness submitted:—

"Survey has to be conducted where Bypass is going to be constructed and the problem regarding land acquisition also. Apart from this the estimates will be sent within a month. Minimum period of one month is required for the entire process."

He further added:

"Before starting the work, process related to tender has to be completed and we have given five months to start the work after awarding the contract."

28. The witness further added that:—

"National Highway No. 101 where 35 km of construction is remaining, the 30 to 45 km of stretch is in a dilapidated condition. We will first construct the stretch and on the remaining there will be provision of culvert. It is our concept that this time the provision will be made for the work."

29. The Ministry *vide* their subsequent written reply dated 10th April, 2006 have further stated that:—

"The work of widening and strengthening in km. 31 to 45 has been sanctioned for Rs. 1256.91 lakhs in July, 2005. The work has already been awarded and contractor has started mobilizing.

In addition to this, work of widening in km. 46 to 55 has also been recently sanctioned for Rs. 866.70."

30. The witness further assured during evidence on 10th April, 2006 that it will be sanctioned in this year.

31. When asked about the number of highways which have been declared subsequently in Bihar, the Ministry in their written note dated 6th October, 2004 submitted that:—

"Out of the three National Highways referred in this point, NH-101 was the last NH declared in October, 2000. Subsequently, following 3 NHs, as below, have been declared in February, 2004:

Sl No.	NH No.	Description	Important cities connected	Length in km.
1.	57A	Forbesganj-Jogbani	Forbesganj-Jogbani	15.00
2.	28B	Chhapwa-Bettiah-Lauriya Bagaha-Chhitauni rail cum road bridge-U.P. border	Bettiah, Lauriya, Bagaha and Chhitauni	121.00
3.	110	Arwal-Jahanabad-Bandhuganj-Ekangarsarai-Biharsharif	Jahanabad, Bandhuganj, Ekangarsarai	89.00
Total				225.00

Entrustment order for these NHs to Government of Bihar for development and maintenance is being issued."

32. As regards construction work on 1.5 km stretch on Hajipur to Gazipur, the witness submitted that for this 1.7 crore have been sanctioned.

33. For maintenance of 16 km road from Chapra to Gopalganj and Daudpur the Secretary, Road Construction Department, Bihar submitted that, "for this plan has been made and if it will get the approval, then the work will be done."

34. As regards maintenance of Chapra to Muzaffarpur, NH-102, the Secretary, Road Construction Department, Bihar submitted that the estimate of Rs. 15.4 crore for Chapra has been received.

35. When pointed out that from Rewa Ghat to Chapra it is 40 km but the Government is only maintaining a small stretch of 14 km from Gorkha to Sona. In response the witness submitted that for 38 km stretch the total expenditure would be 38 crore.

The Secretary, Road Construction Department, Bihar ensured that we will make it worth transport moving and there will be no potholes.

35A. In response to progress made on Arwal-Jahanabad-Ekang Sarai-Bihar Sharif, the witness submitted that they would fix the priorities in consultation with Secretary, RCD, Bihar because funds are less and work is more.

36. The Committee were informed that, during the visit of the then Hon'ble Minister on 25th June, 2004, a special package of upgradation of NHs in 890 km in Bihar was to be implemented by NHAI. The Committee desired to know about the progress made on these stretches to which, the Ministry vide their written reply dated 10th April, 2006 submitted that the special package consisting of upgradation

of 890 km length of National Highways in Bihar is approved under NHDP Phase-III B. The DPR for various stretches are in progress/completed. The present status of DPR is as follows:—

Sl. No.	Route	NH No.	Length (km.)	Status
1.	Purnea-Khagaria-Begusarau Barh-Bakhtiarpur	31	255	Final feasibility submitted
2.	Bakhtiarpur-Fatuha-Patna	30	53	Detailed Project report completed
3.	Patna-Hazipur-Muzaffarpur	19,77	46.3	Detailed Project report completed
4.	Motihari-Raxaul	28A	67	DPR completed in EWI Division
5.	Forbesganj-Jogwani	57A	13	DPR completed in EWI Division
6.	Gopalganj-Chapra-Hajipur	85,19	153	Final feasibility submitted
7.	Buxar, Patna	84	130	Final feasibility submitted
8.	Muzaffarpur-Sonbersa	77	89	Final feasibility submitted
9.	Mokama-Munger	80	70	Draft PPR submitted
Total:			890	

37. When asked about the reasons for delay in completion of job on which DPR has been done, the Secretary, Department of Road Construction and Highways submitted that:—

"After DPR is completed that is sent to the Cabinet. Where we have to explain regarding the expenditure that is likely to be incurred. DPR has to be done every year. On the basis of DPR we will be able to tell about the total amount that will be sanctioned by the Cabinet, and for the DPR has to be made. DPR regarding 6 thousand km stretch was to be made. This year a part of DPR will be made earlier and the remaining DPR will be made thereafter. DPR regarding 4 km stretch has been completed. We have deliberated with the Planning Commission in this regard. We believe that if we present the DPR before the Cabinet the Planning Commission will give its consent that is why we were told that if it is submitted till June-July then it can be approved upto December."

38. The Secretary, Department of Road Construction & Highways further submitted that:—

"As I have already said I will try to complete the Patna-Muzaffarpur and Patna-Bakhtiarpur stretch. We desire to incorporate this into NHDP-3A because DPR has been done in this regard. On my behalf I will try my level best but the

Minister and other peoples have to be talked about it and we have to see that we have to drop some of the works from the earlier sanctioned NHDP-3A because construction have to be restricted upto 4000 km. I assured you that, I will try to include these two blocks in NHDP-3A.

39. When asked that for how much distance DPR has been done, the witness stated:—

"DPR for 890 km has been done. Out of these 890 km excluding stretch of 80 of Motihari, Raxaul, Kokama, Jogwani, Forbesganj etc. DPR of 810 km has been done. As such DPR for 810 km will be completed in June-July and presented before the Cabinet but I will try that DPR for Patna 50 km, Bakhtiarpur 60 km and Patna-Muzaffarpur will some how incorporated in NHDP-3A, but after that we have to be cautious to exclude some of them because this has to be curtailed upto 4000 km. I will definitely try to complete this work."

40. To a query as to why this 890 km of NH is kept under B-category and the criteria being followed to mark a particular NH under category A or B, the Secretary, Road Construction Department submitted that:—

"As far as NHDP-3 is concerned, the feasibility of the NHDP-A and the NDHP-3 may be kept in mind. The situation of Bihar was there that it was possible to undertake works from Patna to Bakhtiarpur and Muzaffarpur. Before the approval of the NHDP tenders were invited in May, 2004, but they were not invited till April, 2005. When the NHDP-3 was constructed, it was divided into two parts. The first part of the work was started in four kilometre of which detail projects may also be submitted. When it was being approved, the Secretary of Bihar stated that the work culture was not good there for which it was kept in B-category and the remaining was kept in A-Category. I would like to make efforts to bring the roads from patna to Bakhtiarpur and Muzaffarpur in category-A but I am not sure that I will succeed in my efforts. If we do not get success in bringing them in 3-A and where we do not succeed in inviting tenders, then we will try to take rest of them. All Detail Project Reports have been constructed in Bihar. We do hope that we will take approval of them from the Cabinet in June-July."

He further stated:—

"I would like to say one thing more. Now the projects which are being taken now are being taken on BoT basis and their works are being done with the private participation. In this regard there is a constitution that out of total project costs 40 per cent is provided as a government. If the said grants is more than 40 per cent, then, the work is not feasible. Tenders having upto 40% grant are not being invited in Bihar or North-East or in such other states. Then we approached the Cabinet and said that in such cases condition of providing 40% grant may be abolished and now the same has been done accordingly and the Cabinet have decided that in these circumstances where the works are not feasible on 40% grant and the roads connecting North-East regions and Nepal, tenders may be accepted on any grant. This is a big

concession. This is not in our Detail Project Reports. We have seen that in case of Patna to Bakhtiarpur tenders have gone down below 40%. In case of Patna-Muzaffarpur tender below 40 % is viable. Except them there is no segment where the viability is accorded upto 40%. The viability rests on 70% or 60% or 75% in some cases. Sonpure, Mokama, Munger are such a segment. There was a stay on this also that if the grant of more than 40% comes the works are not to be undertaken. With this majority of our National Highways would be in position to be taken into NHDP-3.

In this case, particularly for Bihar relaxation has been received from Cabinet. As far as the question of JBIC, raised by the Secretary of Bihar, is concerned, if such a proposal is received, we will definitely convey this thing to JBIC."

41. The Secretary, Road Construction Department, Bihar further submitted:—

"Roughly The Central Government are of the view that Patna-Bakhtiarpur and Patna-Muzaffarpur segments may be brought from NHDP-3B into NHDP-3A, but they are not agreed to be taken other segments in 3A. In making categorisation of any road, the State Governments are of the view that the national importance of the said road should be taken into consideration. We are taking that there should be four or six lane roads. You can see there any day, there is always heavy traffic out only on the roads passing through Patna-Mokama-Purneh or Patna-Muzaffarpur but also one the roads passing through Muzaffarpur, Motihari, Raxaul or Gopalganj, I therefore, understand that there must be four lane roads.

The situations of these routes are so critical that they are required to be taken into phase-3A. In this regard a meeting was held in the Planning Commission. The meeting was also attended by the representatives of NHET and the Ministry of Road Transport and Highways respectively. In the meeting the Planning Commission said that they should be brought into Phase-3A by removing them from Phase-3B. If such proposal is made, the Planning Commission will agree to them immediately."

42. To a query as to how it will be changed from category B to Category A, the witness stated:—

"As I have earlier said that the proposal of NHDP-3 was submitted before the Minister then they said that for 4000 kilometre it should be made NHDP-3A and for 6000 kilometre it should be made NHDP-3B. For 4000 kilometre selection of roads was made and the same was also made for 6000 kilometre. How many DPRs should be made for 6000 kilometre? In it DPR has already been made and it will be completed shortly. But there is a hurdle that for 4000 kilometre it has been selected in NHDP-3A and in the distance of about 1500 kilometre it has already been selected in NHDP-3. After that the rest of it is 2500 kilometre, but the problem is that for taking into 4000 kilometre, it should be removed from NHDP-3A. Efforts will be made intaking Patna-Muzaffarpur and Patna-Bakhtiarpur into it."

43. When asked about the reasons for poor conditions of roads in Bihar, the Secretary, Road Construction Department, Bihar during evidence held on 10th April, 2006 submitted before the Committee as follows:—

"There are National Highways total in about 3 lakh and 600 kilometre. Amongst them such an allotment is made roughly for their maintenance. For the ordinary repair works Rs. 8 to Rs. 9 crore are allotted every year. For the periodical repair about Rs. 16 to Rs. 18-19 crores are provided and for NHO, which is for the original upgradation work, about Rs. 66-70 crores are allotted. This is very low allotment as the total length of our major district roads are 7,400 km. For this the State Government have provided in about Rs. 1100 crores in total this year. It is clear from this how low allotment it is. This is one of the main reasons and the another reason is that amongst them about 2400 kilometre roads are newly declared National Highways. They are mainly either in Buddhist Circuit or in Jain circuit and some of them go to Nepal. Therefore, for various reasons they were declared National Highways. Ever since they were declared National Highways, no action was taken for their upgradation and with the amount of Rs. 65 crores, this work cannot be made. That is why the conditions of these roads have worsened. So, one of the reasons is the low allotment and the another reason is that no action has been taken regarding upgradation of those roads which were declared National Highways. Even the State Government have taken no action on their own level. It is very unfortunate that despite being such a low allotment the predecessor Government could not spend the amount in the previous years. The main reason of it was the work culture. The work which was taken was awarded to the contractor.

The work which was to be accomplished within six months, he used to complete in four years. There was no effective control over that. Now we have changed the system. We have started blacklisting such contractors who had been working for two to three years. We had given them deadline to accomplish the job within specified time. Besides that we have forbidden the extension. If a job is allotted it has to be completed within the said period and no extension will be given. So far we have spent 65 crores of rupees this year and we have not yet got the required remaining money so far. There were some faults in favour of government, whatever faults were from State Government side the all have been rectified. But as I have told 65 crore or 70 crore rupees is just a drop in the ocean. We have undertaken two major projects which are having future prospectus. It is national highway No. 2 within Golden Quadrilateral, where four laining and six laining has to be done. I would like to claim that the golden quadrilateral leg from Delhi to Kolkata has Bihar route within it and the part that lines with Bihar is the best constructed part and that special corridor is being made. World Bank team visited that spot and they too agreed with this point that the progress made in Bihar is better than progress made in any other State. If these two projects are complete situation will improve in a big way. The location of Bihar is strategic. It feeds the entire traffic to North-East. It's all requirements are fed through Bihar. If this corridor is closed, entire north-east will be ruined. So, is the case with Nepal. If this

too is closed Nepal will also be ruined. This also is marked within National Highway No. 3. Earlier DPR of its two portions was ready from Patna to Muzaffarpur and from Muzaffarpur to Bakhtiyarpur, but no tender was received. Now the situation has changed. Now men with money are coming to Patna. Tomorrow also some investor are coming to see. If we offer tender again on the base of BOT then the work on four lane and six lane will be started. I have made a request to the Government of India to issue the tender of NHDP-3 for which DPR is ready. We have been told that this NHDP is in phase B. Now the work in NHDP-3A is to be done. Hon'ble Chief Minister has also written to Hon'ble PM and has told to minister also that if no tender is issued to the project whose DPR is ready and there will be price escalation at latter stage. These two paths are very important strategically also these corridors lead to Assam and Nepal. So these should have been but in NHDP Phase-3. Hon'ble Chief Minister has told to put them in NHDP-3A because it is a matter of Welfare of Bihar and besides this it will also benefit eight north-east States and Nepal. It will benefit our arteries also."

He further added:—

"The Japan Bank of International Co-operation had also said that it would give money for the same. For this purpose, it is required to make a project report and to get an amount of Rs. 2800 crore within a period of five years. The 2400 kilometre long National Highways will be covered under the project. The State Government have stated that it may be forwarded to the JBIC. Besides, the other financial institutes like ADB, also provides assistance for the same. The issue of tourism was also discussed. The State Government have the opinion that the Patna, Bodh Gaya and Gaya circuit should be converted into a four lane or six lane circuit. A number of international tourists visit this area and they face a lot of difficulties. If these roads are made express way by converting them into a four lane road, then I feel that it will be very much smoother for them to travel. Moreover, we will get the funding from ADB, World Bank or Bank of Japan immediately. The State Government also holds the view that we are upgrading all the important roads which we have of all the roads we are converting ten new roads into a ten metre wide road. Due to deteriorating condition of National Highways, the development of our State has been adversely affected, leaving aside the issue of image of the State. The State Government are ready to state that our allocation for NHO worth Rs. 65 crore may be increased to Rs. 85 crore if not Rs. 100 crore. The allocation for this year has been fixed at Rs. 70 crore which is being refused by the State Government. If, the Central Government express their inability to sanction such an amount, then we are ready for it and in this case we will provide an amount of Rs. 100 crore. I think that the Central Government will say that the amount was not spent earlier, but this is a matter of history. The time has changed and the work culture has also changed. I think that if we get even an amount of Rs. 125 crore, we will be able to spend the same properly."

44. To this, the Secretary, Department of Road Construction & Highways further added:—

"In this connection, I would like to say that this department gets a very few amount for the scheme. This year, a sum of Rs. 792 crore has been received for maintenance. But, I would like to say that those states have been provided more amount which have been spent by them in a planned way and money have been drawn from those states which were not able to spend their amount and this time a sum of Rs. 4766 lakhs has been given to Bihar for maintenance. We were of the view that Rs. 1 crore 70 lakh have not been spent, but Hon'ble Secretary has informed that the money has been spent. They were not able to spend the money in the previous years, but if they will spend the money, we will increase the amount. Similarly, we had allocated a sum of Rs. 65 crore to NHO. Earlier, this amount was insufficient but thereafter, we allocated Rs. 65 crores again. Hon'ble Secretary has mentioned that they have a plan and they will spend the money. They have spent Rs. 65 crores. If they will be able to spend Rs. 100 crore, we will give them Rs. 100 crore. We had discussions with Hon'ble Secretary. He told that now they have fixed the targets and they will meet the targets strictly and if they will spend this money. We will enhance the amount for Bihar. The Hon'ble Minister of our department has also mentioned that whatever proposals are received for the maintenance of the roads of Bihar, we try our best to sanction them the same day. Last year, Hon'ble MP informed Hon'ble Minister in the morning that the condition of National Highway 60 is very bad and an agitation is being taken out there. We sanctioned sum of Rs. 4.5 crore the same day by the evening and informed the then Secretary that we are sanctioning this amount but they were unable to utilise that amount. The Hon'ble Minister of our Ministry have given clear instructions that, matter relating to Bihar should be taken on priority because the condition of roads in Bihar is not good. If the performance of Bihar will be satisfactory, then more money will definitely be released for Bihar, for maintenance. If the reform works are executed in NHO, then we will definitely increase the money."

45. When asked if any proposal has been sent to the Ministry giving the expected expenditure to be incurred in this year by the Bihar Government, the Secretary, Road Construction Department, Bihar submitted as follows:—

"There is three and half times bank of sanction of the allocation. Allocation for the current year is 70 crores. Accordingly, we must have bank of sanction of 245 crores. At present we have sanction for the work worth Rs. 80 crore. Before the beginning of the year 2005-06 we had sanction for the work worth Rs. 4-5 crore out of which work amounting to Rs. 65 crore has been completed there are some pending bills. I think the amount of pending bills are 4-5 crores. Work worth Rs. 70 crores has been done. There is one crore which is left with us. Sanction for the current year is approximately 40 crore rupees. We require further sanction for the plans amounting Rs. 170 crores. I came to know that out of 170 crores plans amounting Rs. 70 crores has been sanctioned plan for this year,

which was sent in December has not been sanctioned. No schemes for 2006-07 have been sanctioned. I hope sanction will be accorded. Overall we must have a sanction of banks for at least 245 crores. I hope Rs. 125 crore will be utilised definitely in this year."

46. The Secretary further submitted:—

"We have accorded approval in the March this year for Rs. 144 crore for expenditure. Its sanction will reach. Even after that there are lot of work left to be done by the Bihar Government. If these are done then we can do further. Recently in March sanction of Rs. 144 crores rupees have been accorded."

47. The Committee pointed out that there is shortage of 100 crore, because as per proposal it should be three times *i.e.* approx. 240 crore but 144 crore has been sanctioned, to this the witness submitted that, old works which are being undertaken are also to be completed.

The witness further added:—

"Usually Bank sanctions 2.5 times but in case of Bihar it has been 3.5 times. The Hon'ble Minister had got the special approval of 3.5 times accorded for the State of Bihar. An amount of Rs. 72 crore has been sanctioned in the month of March for the execution of work. This Rs. 72 crore has already been sanctioned. A total sum of Rs. 144 crore has been sanctioned this year. We have reached the figure of 3.5 times. The next sanction shall be meant for the next years."

48. The Secretary, Road Construction Department, Bihar further submitted as follows:—

"Under Carry over scheme the work to be executed amounted to Rs. 100 crore in the month of March last year against which work involving the expenditure of Rs. 70 crore has been completed. Rs. 49 crore was unutilized. During the financial year 2005-06 we were informed that the work worth Rs. 121 crore has been sanctioned. However, merely Rs. 41 crore figures in the sanction letter. Sanction of Rs. 70 crore is under issue. Work amounting to Rs. 40 crore is being executed. The balance amount is Rs. 41 crore. Thus it is Rs. 81 crore in toto. Work involving the expenditure of Rs. 160 crore should be executed. Out of which sanction of Rs. 71 crore is under issue. A sanction of around 90 or 100 crore rupees remains to be accorded. The scheme of 2006-07 is yet to be sanctioned. On being that sanctioned, it will see the light of the day but it has not been executed till date."

49. When asked if the funds can be increased, the Secretary, Department of Road Transport & Highways finally submitted that they would review it in December and if the performance is very good, they will increase it.

Observations/Recommendations

50. The Committee note that under the Constitution of India, the responsibilities for development and up-keeping of National Highways (NHs) in the country rests with the Department of Road Transport and Highways under the Ministry of

Shipping, Road Transport & Highways. The actual construction and maintenance is, however, executed through Public Works Department of the State Governments concerned on an agency basis under the provisions of clauses 5 & 6 the National Highways Act, 1956. The Committee further note that the funds for development and maintenance of National Highways are allocated by the Planning Commission to the Ministry every year. These funds are then allocated to the respective States by the Ministry depending upon the length of National Highways in the States and their capacity to utilize the funds. The State Governments undertake actual construction and maintenance of the works planned to be executed each year through their public works departments and for this they are paid 9% of the work cost as agency charges.

51. The Committee further note that National Highways Authority of India (NHAI) has launched an ambitious National Highway Development Project (NHDP). The projects being taken up under NHDP Programme, include NHDP-I covering NHs connecting Delhi, Mumbai, Chennai and Kolkata with road length of 5846 Kms., known as Golden Quadrilateral (GQ) and NHDP-II a 7300 Kms. North, South and East-West corridors known as NSEW corridor connecting Srinagar to Kanyakumari and Silchar to Porbunder. In March, 2005 NHDP-III was approved by the Government for four laning of 10,000 Kms. length of National Highways on Build Operation and Transfer (BOT) basis. Under this programme 4,000 Kms. length was approved for implementation under NHDP-III(A) and balance 6000 Kms. length under NHDP-III(B).

52. The Committee note that in the State of Bihar there are 27 National Highways covering a road length of 3629 Kms. Out of this NHAI is upgrading 719 Kms. of road length under NHDP Programme which includes 206 Km. under NHDP-I (GQ) and 513 Km. under NHDP-II (NSEW). Besides, based on the recommendation of the State Government 890 Kms. of National Highways have been identified for upgradation under NHDP-III to be implemented by NHAI. The Committee note that the Ministry of Shipping, Road Transport & Highways have released an amount of Rs. 110.48, 92.76, 49.63, 112.35 and 112.66 crores, during the years 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 respectively for maintenance/repair and original work of NHs in Bihar.

53. The Petitioner in his representation under examination has submitted that the condition of roads in various States of the country, particularly in Bihar, is very bad and even after issue of sanction for construction work there has been inordinate delays and negligence in the execution of the work. The Petitioner has requested for intervention of the Committee for investigation in the matter and ensuring completion of the construction work at the earliest. In brief the following issues emerge from the representation which have been dealt with by the committee in the subsequent paragraphs:—

- (i) Conditions of NH-101 from Chapra to Mohammadpur *via* Baniapur, NH-85 from Chapra to Gopalganj by Siwan and NH-19 from Hajipur to Gazipur, have deteriorated.

- (ii) Union Government are providing funds for construction and maintenance, but the same are not being utilized.
- (iii) The construction work has started but the pace thereof is very slow.

54. The Committee note from the comments received from the Ministry of Shipping, Road Transport & Highways that NH-19 from Hazipur to Chapra, NH-85 from Chapra to Gopalganj *via* Siwan and National Highways-101 from Chapra to Mohammadpur *via* Baniapur, were declared as National Highways in the year 1996, 1999 and 2001 respectively. At the time of their declaration, these roads suffered from inherent deficiencies and a huge investment of funds was needed to upgrade these roads to the standards of National Highways. The Ministry have informed that they have been constantly pursuing with the Road Construction Department (RCD) of Bihar for taking necessary steps for completion of the projects in time. The Committee understand that the Road Construction Department of Bihar has reportedly streamlined the existing tendering procedures and the situation thereafter was expected to improve. The Committee also note that the Ministry have entrusted the upgradation of NH-85, Chapra-Gopalganj, NH-19, Patna-Chapra *via* Hazipur to NHAI under Pradhan Mantri Bharat Jodo Pariyojna (NHDP-III). The Committee note that the work on NH-85 covering its entire length of 93 kms. Has been physically completed. However, improvement of the first 10 kms. From Chapra will be considered for sanction during 2006-2007 depending upon the availability of funds. As regards, NH-101 out of its total length of 65 kms., 30 kms. Has been improved for which the amount of Rs. 4 crore was sanctioned during last three years. Out of balance 35 kms. the work on kms. 31 to 45 has since been sanctioned for Rs. 12.57, but work on damaged critical section from kms. 31 to 45 would be sanctioned on priority after increase in ratio of bank of sanction. In addition, an estimate amounting of Rs. 8.67 crore for further 10 kms. has been processed for sanction during the current year. Insofar as, NH-19 is concerned, out of its total length of 93 kms. substantial improvement work on 50 kms. sanctioned in 1999 has since been completed and for the remaining road length work was under progress.

55. The Committee note that the reasons for delay in improvement work in all these three National Highways were primarily due to the poor response of the contractors and non-utilisation of funds by the State Government apart from lengthy tender process and shortage of Bitumen. The Committee are extremely unhappy that have attempted to present a rosy picture against the reported abysmal condition of roads even after their so called improvement work. The Committee are not convinced that the supply of Bitumen is posing any constraint since during the study visit of the Committee to Patna in April, 2005, the officials of IOC assured about the supply of required quantity thereof. The Committee, therefore, desire that the Ministry should make sincere efforts to complete the remaining improvement work in a time bound manner, with specific target dates set and their strict adherence for each section. The Committee also desire that the Ministry should coordinate with Ministry of Petroleum & Natural Gas, Indian Oil Corporation (IOC) and Ministry of Railway to ensure adequate and timely supply and transportation of Bitumen. The Committee would also like the Ministry to ensure that the contractors complete their projects

on time and any delays in this regard are not condoned with provision of penal action against the defaulters.

56. The Committee also recommend that the work of Patna-Fatuha-Bakhtiyarpur section of NH-30, UP/Bihar border to Muzaffarpur section of NH-28 and by-pass on NH-31 near Barh should be taken up on priority and a time frame be finalized for their completion expeditiously.

57. The Committee note that in February, 2004, Forbesganj-Jogpur (15 kms.), Chapra-Chitauni border (121 kms.) and Arwal-Biharsharif (89 kms.) roads were declared as National Highways numbers 57-A, 28-B and 110 respectively. The Committee desire that the Detailed Project Reports (DPRs) in respect of these National Highways be prepared urgently and improvement work thereon commenced at the earliest.

58. The Committee are anguished to note that the connecting roads and sections on very important National Highways are in pathetic condition. The Committee are concerned about the 1.5 kms. stretch on Hazipur to Gazipur, Chapra-Gopalganj-Daudpur (16 km.), Chapra-Muzaffarpur, Rewaghat-Chapra (40 kms.) and Sahjipur-Malwalia (15 kms.), since the improvement/prepared work thereon are still at tender/sanction stage with remote possibility on their completion in near future. The Committee, therefore, desire that as assured by the State Government of Bihar, during the course of evidence, the tender process and the issue of sanction for the above road works should be expedited as to ensure the completion of the work within a reasonable time frame.

59. The Committee note that the upgradation work of 890 kms. length of National Highways in Bihar is approved under NHDP Phase-III(B). The Committee are surprised to observe that whereas substantial progress has been made in preparation of DPR and feasibility studies with DPR for 810 kms. already completed, Ministry have chosen to ignore the rightful claim of the Bihar to progress at fast pace by relegating the upgradation work to Phase-III(B). The Committee are convinced that the Bihar is poised for a big leap and the momentum of growth should not be slowed down. The Committee, therefore, desire that wherever the DPR has been completed viz. Bakhtiyarpur-Patna (NH-30) Patna-Muzaffarpur (NH-01977) Motihari-Raksol (NH-28-A) Forbesganj-Jogpur (57-A) Mokama Munger (NH-80) should be included in NHDP-III A. The Committee also desire that the Ministry should provide necessary technical assistance to the State Government of Bihar for early completion of feasibility studies in respect of other road stretches, as well as the speedy execution of the upgradation package. The Committee would also like the Ministry to explore the possibility of raising the limit of NHDP phase-III A from 4000 kms. to a higher level.

60. The Committee note that funds for development and maintenance of National Highways are allocated to the respective States by the Ministry depending upon the length of the National Highways in the States and their capacity to utilize the funds. In respect of Bihar, an amount of Rs. 46.28 crore for maintenance and repair and 66.07 crore for original work was allocated to the States Road Construction Department in 2004-2005, which could not be fully utilized. Further in 2005-2006, though the allocation were more or less same the entire amount

was utilized by the State Road Construction Department. The Committee are surprised to note that whereas the total length of National Highways entrusted to State Road Construction Department is 2910 kms., the meager allocation in the range of 110 crore both for maintenance and repairs and original work is pittance by any stretch of imagination. The comparison became glaring in the light of the fact that the State Government is stated to have allocated an amount of Rs. 1100 crore as their share for their District Road covering 7400 km.

61. The Committee would like to stress the peculiar situation of State of Bihar facing onslaught of regular floods and droughts with its entire road length suffering from inherent deficiencies. The Committee also observe that the State of Bihar, the land of Buddha and Mahaveera, apart from being connecting point for the entire North-East, Nepal and Bangladesh has seen spurt in developmental activities significant improvement in the performance of RCD. The Committee, therefore, recommend that the Ministry should consider enhancing the annual allocation to the Government of Bihar for maintenance/repair and original work on National Highways.

NEW DELHI;
22 May, 2006
1 Jyaistha, 1928 (Saka)

PRABHUNATH SINGH,
Chairman,
Committee on Petitions.

MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON PETITIONS
(FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Tuesday 19th October, 2004 from 1100 hrs. to 1150 hrs. in Committee Room No. 139, First Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Nandkumar Singh Chauhan
3. Shri N.S.V. Chitthan
4. Shri Suresh Kurup
5. Mohd. Muqueem
6. Shri Damodar Barku Shingda

SECRETARIAT

1. Shri Brahm Dutt — *Director*
2. Shri R.K. Bajaj — *Under Secretary*

WITNESSES

*Representatives of the Ministry of Shipping, Road Transport and Highways
(Department of Road Transport and Highways)*

1. Shri Dhanendra Kumar — *Secretary*
2. Shri Indu Prakash — *Director General (RD) & Special Secretary*
3. Shri Santosh Nautial — *Chairman, National Highways Authority of India*
4. Shri A.P. Bahadur — *Chief Engineer*
5. Shri Shishir Sinha — *Secretary, Road Construction Department, Bihar*
6. Shri Ashok Wasan — *Chief General Manager, National Highways Authority of India*

7. Shri Kamlesh Kumar — *Regional Officer, Department of Road Transport & Highways, Patna (Bihar)*
8. Shri B.N. Ram — *Engineer-in-Chief-cum-Additional Commissioner-cum-Soil Secretary, Road Construction Department, Patna (Bihar)*

2. At the outset, the Chairman welcomed the representatives of the Ministry of Shipping, Road Transport and Highways and drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

3. Thereafter, the Chairman and Members of the Committee sought clarifications on the representation requesting to enquire into delay in Construction of National Highways in Bihar.

4. The following important points were discussed by the Committee:—

- (i) the role of the Central Government and the State Government in the upkeep and maintenance of the National Highways, especially the condition of National Highway Nos. 19, 85 and 101 in the State of Bihar.
- (ii) the policy/criteria with regard to allocation of funds to Bihar in regard to maintenance of Roads/National Highways.
- (iii) the details in regard to funds allocated/utilised for the development works of the National Highways in Bihar.
- (iv) the reasons for non-finalisation of tenders for undertaking construction of National Highways and steps taken to improve the same.
- (v) the reasons for the erratic supply of Bitumen and steps taken to improve same.
- (vi) the reasons for entrusting the work of upgradation of NH 85 and NH 19 to National Highway Authority of India.

5. The Committee directed the witnesses to send written replies to some of the points on which replies were not readily available with them during the evidence.

6. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

The witnesses then withdrew.

7. The Committee then decided to hold their next sitting on 8th November 2004.

The Committee then adjourned.

MINUTES OF THE THIRTY-FIFTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, 10th April, 2006 from 1400 hrs. to
1640 hrs. in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri Raj Babbar
3. Shri Nand Kumar Singh Chauhan
4. Dr. M. Jagannath
5. Mohd. Muqem
6. Shri Vijoy Krishna

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Shri A.K. Singh — *Director*
3. Shri U.B.S. Negi — *Under Secretary*

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Representatives of the Ministry of Shipping, Road Transport & Highways

1. Shri L.K. Joshi — Secretary, Ministry of Shipping,
Road Transport & Highways
2. Shri Indu Prakash — Director General, (Road
Development)
3. Shri V.K. Sinha — Additional Director General-II
4. Shri Arun Kumar Sharma — Chief Engineer (P-3)
5. Shri V.L. Patankar — Superintending Engineer (P-3)

National Highways Authority of India

1. Shri Santosh Nautial — Chairman
2. Shri Nirmal Jit Singh — Member (Technical)
3. Shri Mahesh Kumar — CGM
4. Shri B.N. Singh — CGM

Government of Bihar, Road Construction Department, Bihar

- | | | | |
|----|-----------------------|---|-------------------------------------|
| 1. | Shri R.K. Singh | — | Secretary |
| 2. | Shri Sheo Darshan Ram | — | Chief Engineer, (National Highways) |

12. Thereafter the Committee took the evidence of the representatives of Ministry of Shipping, Road Transport and Highways to enquire into delay in construction of National Highways in Bihar and on representation from Shri Dharmendra Kumar Singh regarding delay in construction of sanctioned paths under NHDP-3 Yojana.

13. The Committee enquired about the reasons for poor condition of roads in Bihar.

14. The following points were discussed:—

- Allocation of funds for repairs, upgradation and maintenance of National Highways.
- Funds allocated and spent on National Highways.
- Contractors indulging in delaying tactics.
- Upgradation of Roads from four lane to six lane.
- Criteria adopted for placing 890 km roads in Bihar under B-category and efforts to place Patna-Bakhtawarpur-Muzaffarpur road in 3-A category.
- Allocation of funds as per demand of the State.
- Review of progress of work and allocation of funds based on performance.
- Tenders for the project for which DPR had already been prepared.

The Committee then adjourned.

MINUTES OF THE THIRTY-EIGHTH SITTING OF THE COMMITTEE ON
PETITIONS (FOURTEENTH LOK SABHA)

The Committee on Petitions sat on Monday, 22nd May, 2006 from 1500 hrs. to 1530 hrs. in Chairman's Room No. 45 (II) Ground Floor, Parliament House, New Delhi.

PRESENT

Shri Prabhunath Singh — *Chairman*

MEMBERS

2. Shri N.S.V. Chitthan
3. Smt. Nivedita Mane
4. Mohd. Muqueem
5. Shri Darmendra Pradhan
6. Shri Damodar Barku Singda

SECRETARIAT

1. Shri A.K. Singh — *Director*
2. Shri U.B.S.Negi — *Under Secretary*

2. The Committee considered the draft Fourteenth and Fifteenth Reports and adopted Reports with amendments in Fifteenth Report as shown in the *Appendix-I*.

3. the Committee also authorised the Chairman to make, consequential changes, if any, arising out of the factual verification of the Reports by the Ministries/ Departments concerned and present the same to the same to the House.

The Committee then adjourned.

APPENDIX—I

(See Para-2 of Minutes dated 22nd May, 2006)

AMENDMENT MADE BY THE COMMITTEE ON PETITIONS IN THE DRAFT FIFTEENTH REPORT

- (i) Insert para 8.5, after para 8.4 and before para as under:—

"Subsequently, the Committee came to understand that there were certain discrepancies in the selection of dealership as were found during investigation in the matter and accordingly fresh Interviews were proposed for the selection of the dealership."
- (ii) Pages 33-37
Replace Paras. 9.0,9.1,9.2,9.3,9.4 & 9.5
By — **Appendix II**
- (iii) Page 46, Para -18.4, Lines 2-3 from bottom
For — "considered for appointment as IOCL dealer at Supaul without further delay subject to the decision of the Court."
Substitute — "appointed as IOCL dealer at Supaul immediately without any further delay as there was no interim decision of the Court in this context. However, if there is any decision of the Court in matter in future, the same will be effective."
- (iv) Page 48, Para 19.2, Lines 1-2 from bottom
For — "considered for issue of LOI"
Substitute — "issued LOI"
- (v) Page 50, Para 21.2, Lines 3-4 from bottom
For — "considered for issue of LOI."
Substitute — "issued LOI immediately without any further delay."
- (vi) Page 2, Para 22.2, Lines 4-5- from bottom
For — "considered for issue of LOI"
Substitute — "issued LOI immediately without any further delay."
- (vii) Page 53, para 23.1, Lines 2-5
Substitute — The Committee are not satisfied with the explanation given by the BPCL regarding the marks awarded to the petitioner

and the selected candidate and recommended that matter may be examined by a senior officer of the BPCL.

By — Subsequently, it was understood that there were certain discrepancies in the selection of dealership as were found during investigation in the matter and accordingly, fresh interviews were proposed for the selection of the dealership. In view of this, the Committee do not wish to pursue the case further.

(viii) Pages 53-54

Substitute — Paras—24.0, 24.1 & 24.2

By — **Appendix III**

APPENDIX—II

9.0 Representation from Shri Sanjeev Kumar

9.1 The petitioner stated that he applied for retail outlet dealership in response to an advertisement for location Amnor, Distt. Saran, Bihar, for which the interview was held on 24.12.2005. After the interview, Shri Dashrath Singh was selected. The petitioner alleged that the selection of Shri Dashrath Singh was illegal as he furnished wrong information in the application as well as at the time of interview. In this context, the petitioner alleged that the land offered by Shri Dashrath Singh did not have clear title and that he was suffering from paralysis. The petitioner, therefore, requested that the inquiry may be conducted into the matter and justice may be granted to him.

9.2 The representation from the petitioner was forwarded to the MOP&NG to furnish their comments on the points raised therein. In their response, the MOP&NG *vide* their communication dated 24.02.2006 stated as under:—

"2. HPCL have reported that they have received a complaint from Shri Sanjeev Kumar, 2nd empanelled candidate against the first empanelled candidate Shri Dashrath Singh that the land offered by the 1st empanelled candidate is not having clear title and cannot be leased to HPCL as the same is a disputed land. In view of the complaint, the Letter of Intent was not issued to the 1st empanelled candidate, Shri Dashrath Singh. Further, the search report is being carried out through a competent Advocate for the land offered by the 1st empanelled candidate.

3. HPCL have further reported that as per their established Grievance Redressal Procedure, the complaint would be fully investigated and the investigation report would be reviewed by the competent authority *i.e.* GM-East Zone and the final decision would be taken based on the outcome of the investigation report. The speaking order would also be issued by the competent authority to dispose off the complaint."

9.3 The MOP&NG further informed *vide* communication dated 31.03.2006 as under:—

".....The investigation in the case is yet to be completed, as HPCL is waiting for certain documents/information for which they have approached different agencies. A final decision on the complaint can be taken by the Company only after the ongoing investigation is completed and the investigation report is considered by the competent authority in the Company. However, the latest position of the case, as intimated by HPCL, is briefly mentioned hereunder....."

2. Shri Dashrath Singh, the first empanelled candidate, had offered two plots of land, along with copies of registered lease deeds, under (a) Survey No. 208 with

Shri Baliram Singh and (b) Survey No. 207 with Shri Dilip Singh, and these two plots of land, put together, met the requirement of plot of land at the advertised location. Shri Sanjeev Kumar, the second-empanelled candidate, complained about clear title to the land offered by Shri Dashrath Singh. The present position *vis-a-vis* the complaint, as obtained from the Company is indicated below:—

- (i) It has been alleged that plot No. 208, taken on lease by Shri Dashrath Singh from Shri Baliram Singh, does not belong to the latter. The allegation is not correct. The Right Title Interest of the land rests with the owners, and Shri Baliram Singh is the sole legal heir of the owner.
- (ii) It has been alleged that plot no. 208 has been mortgaged by a relative of Shri Baliram Singh to a Bank for a "tractor loan".

The matter is being verified with the Bank.

- (iii) It has been alleged that there is an Application under Section 144 of Cr PC applicable on the entire land of plot No. 208.

The contention raised in the CrPC 144 Application does not stand and the case has been dismissed as withdrawn by the Court.

- (iv) It has been alleged that the land (plot no. 207) leased by S/Shri Dilip Singh and Yogendra Singh to Shri Dashrath Singh, is also owned by their paternal uncles.

HPCL's Advocate is trying to obtain the written petition document to show the share-holding of Shri Dilip Singh in the subject land.

- (v) It is alleged that 1st empanelled candidate is suffering from paralysis.

HPCL is getting the 1st empanelled candidate examined by Civil Surgeon/ Govt. Medical Officer.

3. In view of the ongoing investigation into the complaint, HPCL has not issued 'Letter of Indent' to the 1st empanelled candidate."

9.4 The MOP&NG furnished the latest status on the representation of the petitioner *vide* communication dated 17.4.2006 as under:—

- "(i) The allegation is not correct. The right and the title of the interest of the land for 4 cottahs under Khata No. 14, survey No. 208 of khaitani land is the ancestral property of Shri Shivprasad Singh, the father of Shri Baliram Singh. And, Shri Baliram Singh has the peaceful possession of the same as per title certificate and possession note No. 84 dated 7.4.2006 issued by the Circle Officer, Amnor. The same has been leased by Shri Baliram Singh to Shri Dashrath Singh, the 1st empanelled candidate.
- (ii) The total area of plot under survey No. 208 has 8 cottah and 1 dhur. Out of which, 4 cottah and 1 dhur is in possession of Shri Ramparvesh Singh, which was not given on lease to 1st empanelled candidate, Shri Dashrath

Singh. Instead, the other 4 cottah of land Dashrath Singh on 12.09.2005 and the same was not hypothecated to SBI for any loan as confirmed by SBI under their letter dated 21.03.2006.

Further, SBI *vide* their letter dated 11.2.2006 have confirmed that there are no dues against tractor loan taken by Shri Ramparvesh Singh and the leased property khata No. 14, survey No. 208 is free from mortgage.

- (iii) The contention raised in the Cr PC 144 application does not stand and the case has been dismissed as withdrawn *vide* order dated 29.12.2005 of the Sub-Divisional Officer, Marhora.
- (v) The land under Khata No. 247, survey No. 207 is an ancestral joint property. This land was recorded in the name of late Shri Shivrindan Singh, who had three sons namely S/Shri Duna Singh, Dashrath Singh and Devi Singh (three shareholders). Wife of late Shri Duna Singh, legal heiress, has gifted her share/interest in the joint property in favour of Shri Rajendra Singh, son of Shri Dashrath Singh *vide* Gift deed dated 22.2. 1983.

The three sons of Shri Dashrath Singh namely, S/Shri Rajendra Singh, Jogendra Singh and Dilip Singh, have executed a Memorandum of Understanding giving their confirmation and authorization/No Objection to the said lease deed No. 2593 dated 12.9.2005 registered at Marhora between Shri Dilip Singh for 6 cottah of land under survey No. 207 in favour of Shri Dashrath Singh.

As per the search report of the Advocate and the non-encumbrance report of the Sub-Registrar dated 25.1.2006, there is no dispute and no court case is pending in any court of law and the property is free from all encumbrances.

- (v) According to the Investigation Report, Shri Dashrath Singh met with a road accident and was hospitalized. It is evident from the medical certificate dated 23.3.2006 issued by Dr. Brajesh Kr. Singh, Civil Asstt. Surgeon stating that Shri Dashrath Singh is not suffering from paralysis. Moreover, Shri Dashrath Singh appeared in person on 5.4.2006 before the Committee for the subject investigation and it was found that he was not suffering from paralysis.

9.5 The Committee took the oral evidence of the representatives of the MOP&NG at their sitting held on 18.04.2006. The witness from HPCL stated as under:—

"I want to inform you that the petition received from Sanjeev Kumar contains five points which were investigated in details and we got all the relevant documents which we wanted to and after going through all these we found that the selection of dealership was correct."

The witness also stated:

"In this regard, the petitioner said that he has paralysis and could not run dealership. In this context, we got a certificate from surgeon Dr. Brajesh Kumar Singh. He said that he is not suffering from paralysis in any limbs. He had given

reason that in November, 2005 that he met with an accident in which his hip was fractured. He was under treatment he is an orthopaedician. He said that as a result thereof, he has to take the help to walk. We have also quoted in our written reply. There was an accident and there is no problem like paralysis. In this regard, all the documents have been taken from the relevant authority and all these attached with the written reply."

9.6 The Committee inquired as to whether the Ministry is satisfied with the witness, the Secretary MOP&NG responded as under.

"I think our recommendation is that it be dropped because the doctor's certificate, the concerned district authority's certificate on the ownership—everything is available on record as he mentioned. It is authentic authority. It is not bogus authority. Authentic authorities have certified. Our view is that the Committee may please consider the certificates."

APPENDIX—III

24.0 Case of Shri Sanjeev Kumar

24.1 The Committee note that the petitioner applied for retail outlet dealership at location Amnor, Distt. Saran, Bihar in response to an advertisement of HPCL on 11.08.2005. The petitioner was interviewed on 24.12.2005 for the said dealership and he was empanelled second. Shri Dashrath Singh was placed first on the merit panel. The petitioner alleged that the selected candidate had furnished wrong information about the ownership of the land and property etc. The petitioner also alleged that the said candidate was also suffering from paralysis. According to the petitioner, the selected candidate was not eligible for the said retail outlet and therefore requested that the matter may be enquired into and justice may be given to him.

24.2 The Committee were informed that the matter was investigated and the allegations against the first empanelled candidate Shri Dashrath Singh were not found correct. The Committee were informed that Shri Dashrath Singh had submitted copies of registered lease agreements for two plots of land, one under survey No. 208 with Shri Baliram Singh and two—under survey No. 207 with Shri Dalip Singh along with his application for dealership. Both the above referred plots put together met the requirement of plot of land at the advertised location for the first empanelled candidate. The petitioner alleged that a plot under survey No. 208 were taken on lease by Shri Dashrath Singh from Shri Baliram Singh did not belong to the latter. on investigation, the said charge was not found correct. The allegation that the plot was also mortgaged by the relative of Shri Baliram Singh to a bank for a tractor loan was also not found correct. The bank had confirmed that the said property was free from mortgage and there were no dues against tractor loan taken by the relative of Shri Baliram Singh against the said property. It was also informed that there was no dispute about the land (under survey No. 207) and no court case was pending in any Court of Law and the property was free from all encumbrances. The Committee were also informed that Shri Dashrath Singh met with a road accident and was also hospitalized but he was not suffering from paralysis, as certified by the doctor. During the course of evidence, it was also informed that the selection of candidate for the dealership was correct and there was no irregularities in the selection of the candidate. As the investigation did not bring out any fact or nothing was found adverse against the first empanelled candidate, the Committee do not wish to pursue the case further. However, the Committee would like that the retail outlet be commissioned at the earliest without further delay and the relevant documents of the case may be furnished to the Committee.