

I would request the Union Government to take immediate steps in this regard.

(vi) **NEED FOR DEEP MINING AT KARMATIA AREA IN JAMUYEE DISTRICT OF BIHAR FOR EXTRACTING MORE GOLD ORE.**

[Translation]

SHRI BRAHMANAND MANDAL (Monghyr): Sir, I would like to say that the Geological Survey Directorate of Bihar undertook - gold mine drilling operations during 1982-83 to 1991-92 in Karmatia area of Jamuyee district of Bihar. The drilling machine available with the Directorate can drill only upto 155 meters. There is possibility of finding greater content of gold in the gold ore if the drilling is done beyond 155 meters as is evident in Kolar gold fields in Karnataka.

I have written to concerned department in this regard, but this important matter has not been taken note of so far.

Therefore, I would request the Central Government to look into the matter and ensure deep drilling so that maximum gold ore is extracted.

[English]

MR. SPEAKER : The House stands adjourned to meet again at 2.15 P.M.

13.15 hrs.

The Lok Sabha then adjourned for Lunch till Fifteen Minutes past Fourteen of the Clock.

14.22 hrs.

The Lok Sabha re-assembled after Lunch at Twentieth Two Minutes past Fourteen of the Clock.

MR. DEPUTY SPEAKER in the Chair

[English]

NATIONAL HIGHWAY (AMENDMENT) BILL - Contd.

MR. DEPUTY SPEAKER : The House will take up further discussion on the National Highway (Amendment) Bill. Shri Dau Dayal Joshi to continue his speech.

[Translation]

SHRI DAU DAYAL JOSHI (Kota): Mr. Deputy Speaker, Sir, we are discussing National Highway (Amendment) Bill. It is this country's misfortune that the Government has not formulated any Highway Policy during the last 40 years. Many policies are referred to but Government do not have their own policy. The Rajasthan government has formulated its highway policy this year. If roads are not constructed we cannot expect the development of the Nation at any cost. Road network is the key for the development of the country. There are different types of roads and different agencies are responsible for constructing roads. The Central Government has brought in a new agency and the Government propose to entrust the construction of roads to private sector and this

amendment Bill has been brought to extend maximum concessions to that sector. I am unable to support this amendment but for the Government it is a compulsion. Jagdish Tytler ji wants to do something but he has also his limitations. May be the Prime Minister is angry with him and therefore the amount of outlay he demanded time and again is not being allocated, even the outlay for roads included in the First Five Year Plan is being slashed. Jagdish ji will himself tell how much amount was allocated when some roads were declared as National Highways in the country and the amount now allocated for 1994-95 for this head. A sum of Rs. 600 thousand crore has been allocated against his demand for Rs. 1,50,000 crore. When, through whom and how this amount will be made available?

The Government constructed roads by borrowing from all over the world. The roads are constructed with the aid of World Bank, but the condition of roads today is most pitiable. In Rajasthan, Jabalpur-Jaipur Section of the road was declared as national highway twelve years ago and when I was a Member of State Legislative Assembly, I used to demand that Jabalpur-Kota Section should also be declared as national highway and at that time, the Government, out of political compulsions, agreed to declare the road as national highway upto Jabalpur. The work on Jaipur-Jabalpur road has been going on for the last 12 years and there is no guarantee when this road will be completed. Only a token allocation is made, full allocation is never made. When will this work be completed?

Sir, I had been to Gwalior recently. The condition of the State National highways there is very bad. The load factor on roads is increasing and 80 percent vehicles are not adhering to the load factor prescribed by the Government. They are carrying extra load and causing great damage to the roads. He does not have funds and he is helpless. What can he do? It is a problem for him. The Government do not want to give him funds. He wants to do something but Government do not want to get things done by him. During Jawaharlal Nehru's and Indira Gandhi's rule, the only remedy was nationalisation. The bus transport in Delhi was nationalised. Millions of rupees were borrowed for operating buses. Only now Government has changed its policy, a new policy has been laid down. He is talking of inviting foreign investors for building roads. I am sorry to say, after all what the reputed indigenous road builders will do? They will not stand the competition. Today people from Singapore are coming to build roads in this country. He has concluded an agreement that 10,000 km. of roads, highway will be constructed by Singapore, U.S.A., U.K and Canada will build roads in India. He has no concern about our own people who are engaged in this industry. Today it appears to us that whatever is Indian, indigenous, is bad and whatever is made by foreigners is the best. This is a country of the civilisation of Harrappa, Mohan-Jo-Daro, Takshshila and the Nalanda. When the world had no buildings, Indian citizen used to live in houses and the same citizen is today considered inferior. It is true, that it is his compulsion. He has financial constraints. A national Highway Authority was constituted five years ago. What happened to that? I would like the Minister to tell us, what fate that authority has met with. It is true that foreigners

are being called upon to make investment in this country and therefore we will have to accept their conditions. Yesterday, he had stated that the by lanes on either side of roads will also be developed by foreign companies, and it is but natural, they will develop them on their own terms. The land belongs to us but the right to lease out land will rest with those road builders. They will come to India and build roads and the Indian citizen will have no right to plant trees along the roads. The land along the roads will also be given to the road builders.

Similarly, the foreigners have put a condition that they should be allowed to bring road building machinery from outside the country and he has conceded to this condition. I would plead with him not to accept each and every term put forth by them. He must also keep the interest of the country in mind. Rs. 60,000 crores is proposed to be spent on express ways in metro cities. In this context we must also put our conditions before them. The hon. Minister in a reply had said that the funds allocated to his department are only enough to meet the administration expenses. How can then he maintain roads? But he should consider in a dispassionate manner that his department is employment oriented and thousands of people get jobs thereunder. I am afraid, lest the foreign companies may not bring workers from their own countries and our own citizens may be deprived of the job they get in the construction of roads. His department will also have no work. Only the work of maintenance of national highways will be left with the department and, how does he plan to deploy such a big contingent of his staff. This is the most vital question. What will happen to C.P.W.D. which employs large number of staff. He should tell us about this also.

Sir, in my opinion, the Government has done no good to the country by adopting this new policy. Some effective guarantee must be sought from these companies. Nation's interest is much above the foreign investment. The foreign money that is coming today in the name of roads, is a matter of concern. I have no reservations as far as construction of Express way is concerned, but handing over this work to private sector will not serve the national interest. He should make it clear in his reply as to what will be our policy towards foreign companies when they enter the private sector here? Whom will be allow entry and whom not? So far, it is not clear how control will be exercised on these companies. Nowhere does this Bill deal with this aspect. No parameters have been laid down for evaluation of their work. For the time being the endeavour is to invite foreign companies and to attract maximum investment. My submission is that Indians should also have a fixed percentage of share in road construction. Our effort ought to be to attract maximum number of Indian industrialist to this sector. It should be taken care of that the entire work of road construction does not go to foreign companies and Indian road builders do not remain mute spectators.

With these words, I conclude

[English]

THE MINISTER OF STATE OF THE MINISTRY OF
SURFACE TRANSPORT

(SHRI JAGDISH TYTLER) : Sir, with your permission, before the other hon. Member start speaking I would like to give one clarification. This Bill is in no way only meant for the foreigners or the NRI's. This Bill is meant only for allowing the Government to give it to a private person and to charge toll and nothing else....(Interruptions)

MAJ. GEN (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal) : Whether he is a foreigner or an Indian(Interruptions)

SHRI JAGDISH TYTLER : It is open.....(Interruptions)

[Translation]

SHRI DAU DAYAL JOSHI : He must decide the percentage of share of Indian Citizen. The multi national Companies are coming to invest here in a large scale.

Tytlar: No body is coming. I shall reply all the points.

SHRI DAU DAYAL JOSHI: They are coming. They have come from Singapore

SHRI JAGDISH TYTLER : None has come They have also made an application

SHRI DAU DAYAL JOSHI : Canada has signed many contracts. I have a bitter experience. Hon. Minister, Sir a 420 megawatt atomic power plant was set up with the help of Canada and that project is lying closed at present and nobody from Canada is coming to handle this project. I would plead not to invite the country for investment in road sector which has deceived us. It will be in our country's interest.

SHRI JAGDISH TYTLER : I shall reply to all the points you have made

[English]

MR DEPUTY SPEAKER : Now I call Shri A. Charles to speak

SHRI A. CHARLES (Trivandrum) : Mr Deputy-Speaker, Sir, I stand to support the National Highways (Amendment) Bill, 1995, which is now before the House.

Sir, the need for development of our road system, I think, cannot be over-emphasised. The road system and the communication system are the main basis of our economic growth. For improving the quality of life and also for enabling the people to have normal traffic, facilities for travel and communication have to be improved. So, the major modes of transportation, that is, airways, waterways, railways and roadways are all important. But, air travel has become very costly. Only the rich section, the businessmen can afford to have it. So, the cheapest mode of transportation is either railways or waterways. But road system has remained for the major section of the people for both travel and traffic. Unless the entire road network is strengthened and facilities are given, the economic prosperity of the country will be stalled.

What exactly is our need at present? The target ofⁿ national highways, which is to be achieved by the Twentieth century, is about 66,000 kilo metres. As of now, we have only 34,000 kilo metres of national highways. That means, almost

32,000 kilo metres of national highways are yet to be constructed for achieving the target fixed at the end of the Twentieth century.

Sir, another study says that it is impossible to achieve this target with the funds that is available with the Government. Our immediate requirement is at least 10,000 kilo metres. And if this minimum requirement of 10,000 kilo metres of national highways is not met, our whole system is going to be congested and the progress of the country will be stalled. Even for the construction of this minimum requirement of 10,000 kilo metres, we have to have a sum of Rs. 80,000 crore. So also is the case with the existing national highways system. Only for 15 per cent, we have four lines and almost for 85 per cent, we have two lines. That has to be converted into four lines. For achieving all these targets, the minimum amount that is required is Rs. 1,50,000 crore. It is difficult for the Government to generate this huge amount because the financial support that is given is very paltry. Our annual allocation is between Rs. 600 crore and Rs. 700 crore per year. When the annual allocation is only between Rs. 600 crore and Rs. 700 crore, how many years will it take to get the required amount of Rs. 1,50,000 crore?

So we have to find out some other way for the construction of roads. A mistaken or wrong message is being given that the existing national highways are going to be given to the foreigners; we are surrendering the economic sovereignty of the country and we are knocking at the World Bank. We have been hearing all these slogans for the last several years.

Another fact is surprisingly, the Nehruvian policy of socialism was being totally opposed by some Parties till five years back. Suddenly one section has started supporting that Nehruvian Policy. They are very sorry that the Nehruvian policy has been changed. Sir, our hon. Prime Minister, on several times has expressed that all these changes are with continuity—continuity with change and change with continuity. We are not deviating from the earlier proposal or earlier policy. But when the need comes, we are making some changes. So even in the road sector, the proposal is to give or engage private entrepreneurs only for the construction of new roads. None of the existing roads or facilities are being given to them. If you want to construct new roads.....(Interruptions)

I stand corrected. I am sure the hon. Minister is here and he will answer the debate. If I have made a mistake, he will correct it. So far, I understand that not even an inch of existing national highway will be given to any private sector to operate. So such a wrong message shall not go. This is to attract the private entrepreneurs - whether he is a foreigner or an NRI or from within the country or anybody, whoever is willing - to invest in this major sector of construction of national highways, for which Rs. 1,50,000 crore is required. Anybody who has got any interest in the development of the country, who has got any quest for progress, they can come. We have to be very practical minded even on the Public Sector Undertaking. Now, after all, we are reviewing the functioning of the public sector undertakings. They are supposed to be at the commanding heights of our economy.

They still continue like that. But if there is a sick industry and if that is not making profit, we have to equip it. Even the hon. Prime Minister in an answer to the Question last week said that only 24 Public Sector Undertakings are making profit. What are we to do with the remaining more than 200 Undertakings? Can we subsidize all the time? So we have to equip the whole system so that we may be able to withstand the competition being faced throughout the world. If not, we may not survive. So it is only to enable this, the present Bill has been brought forward, because according to Section 4 of the parent Act, all the national highways shall vest with the Union and nobody else can take care. Even the State Governments are not looking after them. Even the care of the national highways is vested with the Government of India. Then again, Section 5 of the Act says that the responsibility for development and maintenance of national highways is with the Central Government. So according to the present Act, only the Government of India can invest, only the Government of India can make the roads and only they can supervise. Our hon. friends have been telling about the CPWD. I can tell you, Sir. What has happened to the CDWD? The CPWD will be additionally staffed if the proposal has to be implemented. Not even a single personnel of the CPWD will be retrenched because all the existing national highways are with the Central Government. Why do you worry about the CPWD? We want them to be the monitoring agency also. When a road is built, there should be somebody to monitor the whole thing and for that, additional staff will be required. So no wrong message should go to the nation that we are surrendering whatever we have achieved or earned or built over a period of time. This will be with the Government and the people. We are only attracting capital to build one of the major sections. So also, it is not a permanent surrender. It is a BOT, i.e. Build-operate-Transfer, if I understand it correctly. So they will come, build and operate over a period. Everything will be included in the contract.

The Government of India and the hon. Minister are there and, I am sure, they will protect the interests of the nation. We are not going to surrender. When we enter into an agreement, naturally the interests of the nation of the country will be protected. But when somebody will be bringing the capital, he will not be giving it in charity. He will be investing it to earn a profit. So, they will have to look after the roads and discharge their responsibility. Finally, over a period of time, when the investment and the interest and the profit is recovered by him, which will be a time-bound programme, he will transfer the whole thing to the nation and then it will become an asset of the nation. So I think this a revolutionary change and a welcome change, and, in the interest of the nation, we have to support it. Let those who are opposing it, tell where the funds will come from and how many years it will take to find these Rs. 1,50,000 crore.

Along with this, I wish to make one humble proposal. Ours is a very vast country. I come from extreme south. People living around Delhi may not understand the problems of those who are living away from Delhi - the North-Eastern States or the Southern States. There are many persons who take the car from Delhi and bring the car from Trivandrum. The raw material needed for the industries in Kerala, is not

available within the State. We have to get all the raw material from far off places and we have to send the finished goods to far off States. And for that, roads are the main link. There is no other direct link between Kerala and the far off States. So, I plead with the Minister that when this Bill is passed, when roads are going to be constructed by private entrepreneurs, the first road should be the one coming from South to extreme North. We always say that the land of our country extends from Kanyakumari to Kashmir. So, I suggest that there should be one direct road from Kanyakumari, Trivandrum, touching all the States. From somewhere in Madhya Pradesh, one road can go to Kashmir, another road can go to Assam, touching Bihar and Orissa. If this road comes up, it will be a thrill to the nation, it will help in the national integration, it will help in the movement of traffic, it will help in boosting tourism and it will help in the overall development of the country. I request the hon. Minister to react positively to this proposal. Before long, within a time-bound programme, if this road is constructed, it will be the basis for the future development of the country.

With these words, I strongly support the Bill and request the hon. Members also that they should not send any wrong message with political motivation because that will be very unfortunate. This is an area where we want capital. This is an area where we want to develop the road. This is an area on which depends the future progress of the nation. So, I appeal to all sections of the House to unanimously support it and see that the roads are constructed without delay.

SHRI RUPCHAND PAL (Hooghly): Sir, in today's world, some countries are in the midst of a great dilemma about the quantum of retreat of the State from the important economic functions of the country. Because of certain changes that have taken place the world over, there is over-emphasis on the importance of the role of the private sector, in the thinking of certain people and in our country also. We do find that in the name of reforms, there is a whole-hog option occupying the minds of the ruling party, without taking care about the possibilities, the potentials and the problems that the nation will have to face even after this easy option which we are just selecting right at this moment.

I am saying this because no one will deny the importance of National Highways, or for that matter the expressways, by-pass roads and alignments and all these things and of all of them particularly the National Highways. The Indian Roads Congress had, long back, in its memorandum made very relevant and important suggestions. As long back as in 1989 a proposal was mooted that we should give a serious consideration for setting up an authority with adequate powers which will go deep into the problem. I request the hon. Minister that in his reply he may state as to what may have been the reasons for such a long delay in the matter of setting up of an authority. I am told and I find in the report of the Standing Committee also that it is because of lack of adequate personnel. Can it be a reason for a country like ours where there is so much of professionalism? What about the delay? Are they serious in this since 1989 till today? The other day I found that the authority, the General Manager and others, have come out with Rs. 1,000 crore fund for land

acquisition etc. and to solve all the problems. It was very recently. The proposal has been pending since 1989. I am trying to make this point because if there is any seriousness on the part of the Government, they would have brought out a total package. Are we facing this problem only today? No. There are about 133 new proposals pending with the Government. Out of them very few could be added to the national network. And the Indian Roads Congress is setting up a target. On what basis it is setting up the target? I also do not know. The Government does not have any data about the traffic. They do not have any relevant and important information available with them be it about passenger traffic or goods traffic. They are not aware where and which of the 77 National Highways covering a long distance of 34,000 kilometers or something like that require alignment or maintenance which is more important or where to develop it in the backdrop of regional imbalance and industrial possibilities and potentials. The Government did not have any policy even after the suggestions made by important organisations. We may say that all the points are relevant because they have been making their own points in their own interest. For example, take the case of F.I.C..C.I. or other important organisations of industrialists or trade organisations who have all been making very important suggestions all along.

In this very House itself we had decided to set up a Central Road Fund for the development and maintenance of the roads, National Highways etc. We all know how miserable is the condition of the National Highways. Why is the Government making false promises? The Government has collected money. Even this year, according to the draft calculation, about Rs. 9,000 crore annually is collected as revenue, road tax and all these things.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT SHRI JAGDISH TYTLER : It is for the State Governments.

SHRI RUPCHAND PAL : The question, whether it is for the State Government or Central Government will come later. Out of the above money less than 10 per cent is spent for the road sector and development. They are not fully subsidising it. They are giving all sorts of concessions and relief to industrial houses who are depriving the Government of the revenue. In the First Plan itself more than one per cent was provided for maintenance and other things. In the current Outlay we have found that it is less than one per cent, it is only 0.57 per cent or something like that. My question is : Have they even been serious with regard to the National Highway or for that matter infrastructure connected with it? Have they even been serious as to what is important for the growth of the economy and what is important for giving confidence to the people who have a sense of deprivation because regional imbalance?

There is *ad-hocism* even in their programme of reforms. For example, they are speaking too much about BOT, that is, Build, Operate and Transfer Scheme. But what is the experience, be it in Mexico, be it in Malaysia and be it in China? Sir, as it had happened in the case of airlines and as it is happening in the case of telecom which you are opening

up, it is a natural psychology of those who will invest to opt for areas where there will be more profit. They will not care for our economy. They will not care for our regional imbalance and they will not care for the problem of national integration which we are facing because of a sense of deprivation in certain parts of the country. The people in certain parts of the country have all along been deprived by the Central Government. The experience is that they will opt to construct those bridges only where the toll collection will be higher and also ensured. They will not care for other areas. For example, in the North East, as in the case of airlines the same will be repeated in the case of road sector also. They will not go to those areas which are continuously remaining backward, because of their policies.

Then, Sir, it is all right that the tariff structure will be decided later on. As it has happened in the world, the poorer sections of the people will not be able to bear the high cost of toll structure. What will happen in a country like ours? The poor farmer carrying the load in a Matador will have no other option but to cross the National Highway. *(Interruptions)*

I am speaking from my own experience as to what is happening in the Durgapur Expressway which has not been completed. I shall tell you as to what had happened during the past few months. Since there is no declared crossing, the people from this side of the road have to carry their agriculture produce to the other side of the road where lies the market. So, they are bound to cross that National Highway, because there is no declared crossing, there is no alignment and there is no parallel road. So, I would request the hon. Minister to take note of the fact as to how many accidents had already taken place, even though the Durgapur Expressway has not yet been formally opened. These accidents had happened as a result of peasants having had to cross that road because they had no other option.

Sir, now I come to the problem of the National Highways. What will happen in our country? *(Interruptions)*

SHRI G. DEVARAYA NAIK (Kanara) : Mr. Deputy-Speaker, Sir, I am on a point of order. What is this conversation going on there ?

MR. DEPUTY-SPEAKER : Your point of order is correct. We have not allowed them to speak.

*(Interruptions)**

SHRI RUPCHAND PAL : Sir, I have no objection for involving the private sector. There is no other option. But the Government also has a very important role to play. The Government can withdraw and allow the private sector to make profit in areas where they can make profit. Otherwise, they will have no social obligations for the backward areas, for the people who are facing serious problems with regard to crossing at the cross-roads, with regard to bridges and all such things.

15.00 hrs.

Sir, I am coming to my experience about Durgapur Expressway. As you know, in West Bengal we are also

thinking in terms of constructing a super highway from Calcutta to Siliguri. It is a long stretch. It will save the travel time and it will be very cost effective for the traffic operated in business as well as for passengers. Now, for the last 10-11 years what has happened is that the Central Government is believed to have taken into consideration the fact that Durgapur expressway has completed. So, this National Highway need not be given any money even for routine repairs. How it has happened, I do not know. I find that the Government did not give any money to the existing National Highway on the plea that it has been completed whereas till today it has not been completed. For the last 10-11 years the Government of West Bengal and the people of West Bengal are being deprived of the money by the Centre for the maintenance of the most important National Highway which is connecting the Port and the city of Calcutta to the industrial areas of Asansol, Durgapur and many other places.

Sir, the next thing is that what will happen if a parallel road is also developed along with the National Highway and the regulatory authority does not suitably find priority for the programme of development. I am saying this because it has happened in other countries that there is a parallel road and what is cheaper the people will opt for that. I do not know what sort of guarantee the Government going to give to those who invest. The Minister may corroborate when he replies because in the case of power and many other things the question of guarantee has come up and if no guarantee is given, I am told, they are not prepared to come as there is a long gestation period. I do not know whether the tax holiday or for that matter right to repatriate the profit or 30 year concession period or right to construct hotels/restaurants or the right to use the land will be given or not. I do not know what will happen to the question of land. All right the ministerial committees of the State Government and the Central Government are quickening the process. But what will happen? It has happened in the case of Durgapur expressway and it has happened in many other cases. The person who has lost his only source of income, i.e., his age-old agricultural land is deprived of any compensation. Who will intervene? The Central Government will say that it is the duty of the State Government and the State Government will say, 'no' it is the private party who is to look after. This has happened in other cases also. We have similar experiences in our areas where the Central government has deprived of the people for a long period. I support the Bill. But I want to remind the Government that such *ad hocism* will never result in what is necessary for the country. So, I would ask the Government to play a more important role to activate the powerful authority by using the Central fund and also those people—the black money holders—who deprived the Government of its revenue dues, should be made to pay for the road being used. In such a situation the money will be coming from them also.

MR. DEPUTY SPEAKER: Mr. Paswan, it is your turn now, But if you will agree, I will allow Shri Khanduri to speak before you because he wants to go somewhere. Anyway, I will leave the matter to you.

SHRI CHHEDI PASWAN (Sasaram) Mr Deputy Speaker Sir I have not risen to support the Bill to further amend the National Highways Act, 1956 which the hon Minister has introduced, but I would certainly like to make a few suggestions This is the country of Mahatma Gandhi who always favoured self-reliance and 'Swadeshi', but the present Government is inviting multi National Companies for building highways here which goes totally against the concept of 'Swadeshi', In my opinion, road network is a very significant developmental infrastructure of any nation, but the Minister is encountering financial constraints and hence he has brought forward this amending Bill

Sir, I do not think there is need for amending the Act What we need is a change in our mental set up a need to purify our conscience We need educating the people whose mental State had declined who have alienated themselves from nationalism We have to inculcate nationalism in them

Sir, the former Prime Minister late Rajiv Gandhi has during his premiership said that only 15 percent of the amount sanctioned for rural areas in Delhi goes to the beneficiaries This is like giving a piece of ice in the hands of a person which will ultimately be reduced to water after changing many hands Similarly, only 15 percent of the funds allocated for rural development reach the rural people The hon Minister should tell us where does the remaining 85 percent amount goes? Either we are to be blamed for this or there is something wrong with the implementation authorities The Minister must tell us in his reply where does this amount goes As I have said there is need to create a sense of nationalism in our people

Sir, there is talk of militant menace in the country but I think the hon Minister is the biggest militant If he is not a militant then his Ministry is the Surface Transport Ministry has become a man eater I would like to prove from the figures given by him in his reply as to how his Ministry has become a man eater In 1951 we had inherited 20,000 kilometerage of road which we have been able to increase by 34000 kms during the last 46 years of independence Today we have a total of 54000 kilometer road About road accidents and deaths caused therein we have been told that in 22 States and 9 Union Territories, 2 93 501 accidents took place in 1991 in which 56,596 persons were killed and 2,97,202 persons were injured In 1992 2 75 511 accidents occurred in which 49 720 persons were killed and 2 72 272 persons were injured Similarly in 1993 2 06 798 persons were involved in accidents and 42 043 persons were killed and 1,17 845 persons were injured while the total road length in our country is only 54 000 kms

Sir, the Minister in his reply has argued that various studies conducted to ascertain the causes of accidents showed that the causes of accidents include errors of drivers pedestrians, inclement weather, broken roads mechanical failure and increase in the number of road vehicles He has fixed a target of constructing 66,000 kilometerage of roads which involves an outlay of Rs 52,000 crore We have only 54 000 kilometerage roads but the annual rate of accident deaths in these roads is

nearly 60-70 thousand Such a staggering number of persons is not killed even in a war I again repeat the charge that if the Minister is not a militant, his Ministry is a man eater He will have to pull up this man eater officials The condition of roads will not improve until a sense of dedication is inculcated no matter he may invite any member of multi-national companies or other companies for carrying out development work of his Ministry

I will not take much time I will conclude after placing before you 2-3 points about Bihar In Bihar State, the total kilometerage length of national highway is 2118 Since 1974, not to talk of kilometerage not an inch of road has been constructed (*Interruptions*) The National Development Council continuously pleaded with the Central Government for declaring following 1000 kms roads as national highways Some of those roads are as follows

- (1) 1050 kilometre Barielly-Amin Gaon lateral road via Darbhanga Farbisganj, which is a link road of which 350 km is in Bihar
- (2) 201 km Ghazipur-Ballia-Chapra-Hazipur road of which 70 km is in Bihar
- (3) 250 Mokameh Farakka road of which has 240 km is in Bihar
- (4) The entire 80 km Arah-Buxar road is in Bihar
- (5) Patna-Mujaffarpur-Sone Barsa road the length of which is 160 km and the entire length is in Bihar
- (6) 95 km Kodha-Katihar-Harishchandra Pur-Farakka road is totally in Bihar But the Government of India has not taken any decision in this regard so far

I would appeal to the hon Minister to declare all these roads as national highways I would also like to say one thing more concerning my area The hon Minister should consider converting into 4 lanes the Banaras-Barahi road which is considered to be the busiest road where many accidents take place daily and many buses and trucks overturn in which deaths of many persons is certain In my Parliamentary Constituency Sasaram an overbridge from Berah to S P Jain College should be constructed on G T road where many offices and shops are located which is also District Head quarters besides a historical and religious place where accidents occur everyday This G T road was built by Sher Shah Suri who ruled this country for 5 years I would request the hon Minister to inaugurate this overbridge before elections are held on this condition I support this Bill

MAJ GEN (RETD) BHUWAN CHANDRA KHANDURI Sir, I am grateful to you and to all the hon Members for giving me a change to speak In the statement of Objects and Renews of the National Highway (Amendment) Bill, it has been stated that for economic development of any nation roads and infrastructure are two essential factors It is surprising that Government are bringing forward this Bill after 48 years of independence This statement is of that Government and of that party which has ruled the country for 45 years out of 48 years Nevertheless, I am happy that at last they have brought this Bill-better late than never But this Bill has been brought forward in a very casual manner, it contain 24 lines of which only 12 lines are devoted to the

amendment aspects This show how casually this Bill was drafted by those who were responsible for drafting it This does not give good impression I think, he must have considered all those factors which necessitated this amendment

SHRI JAGDISH TYTLER This Bill was introduced in 1993 but was withheld because of addition of one line

[English]

MAJ GEN (RETD) BHUWAN CHANDRA KHANDURI They have issued an amendment in the Bill containing total 24 lines But the amendment is 12 lines It shows how carelessly the Bill has been drafted

[Translation]

SHRI JAGDISH TYTLER His committee had sent recommendations

MAJ GEN (RETD) BHUWAN CHANDRA KHANDURI I would say that amendments are good When I read this Bill it also struck me that we needed these amendments but the experts of his Ministry should have thought of this earlier

Clause 8(a)(2) provides for the funds, to be mobilised Earlier, there were many apprehensions which have now been made clear to some extent

[English]

Government "may" by notification, in the Official Gazette I think, it should be building on the Government that Government "shall" do it I do not know if there is much difference

[Translation]

The impression is that Government may do it may not do it In case any reputed multinational company comes, and is contracted, it should not be given absolute right to abrogate the contract This can encourage corruption, create doubts about the bona-fide of the Government which may be charged of favouration I therefore suggest that "may" should be substituted by "shall" Secondly, a technical committee be constituted in this regard It should be left to him or to his officers I still feel it will lead to corruption More fees will be levied where investment is more There must be some provision for this aspect Similarly, clarification is necessary about "profiteering, whether it is an Indian Company or a multinational company

Clause 8(a)(3) is about regulation Although an explanation has been provided still some doubts remain about the amount of powers given to private companies This is also not clear what type of highways he wants to build. Whether security aspects and traffic control will be left to them? I think, this has to be made more stringent and move powers should vest on Government It will create difficulties if everything is left to road builders If he thinks it is, he can make amendment to this effect here and now Otherwise, it can be done during stage by stage consideration

There is yet another important thing He has nowhere

mentioned what type of National Highways will be entrusted to them for maintenance because there are many highways which can not be handed over to private parties from security and strategic angles, for instance Rishikesh-Badrinath road Whether he has laid down some guidelines in this regard? I know this will not happen, still it will be better if a provision is made to make it amply clear that such and such national highways will not be handed over to private parties for maintenance and in case such a need arises, the Ministry of Defence will be consulted It will not be wrong to add such clauses

It will be difficult for indigenous road building agencies, private or multinational to compete with foreign multinational companies This aspect will also have to be looked into because economic regulations are applicable to both

Sir, we have an organisation namely, Indian Road Construction Corporation a public undertaking which has built roads in foreign countries which shows it has some competence, but is incurring loss for the last four years which is not totally its own creation Some countries, like Lybia have not made payment it Of course, management is also responsible for this loss I would like to know whether he will try to energise it make it move viable and streamline its management so as to enable it to complete with foreign multinationals?

Lastly as my hon Friend Paswanji has said there were many roads which we wanted to be declared as National Highways and my State Uttar Pradesh has also sent several proposals in this regard My constituency has a very important road - Rishikesh Badrinath Road- very important from national security and tourism points of view From Rishikesh, Lakhs of pilgrims go to Badrinath Kedarnath, Hemkund Valley of flowers etc He knows how strategic it is from national security angle Now that his financial position is likely to improve, whether he will consider declaring such roads as National Highways particularly the Rishikesh-Badrinath Road in the near future ? As I have said, the aim and objects are good the spirit is good but its methodology and the way it is being done create some apprehensions Because its objects are good I support it I hope he will remove the loopholes apprehensions to ensures its effective execution

[English]

SHRI B AKBER PASHA (Vellore) Mr Deputy Speaker, Sir, I have come forward to support the Bill for further amendment of the National Highways Act, 1956

We find that the traffic is multiplying day by day Since 80s, just in the course of ten years, the traffic rate has increased to four time more than what it was But I am pained to see that the National Highways as well as the State Highways remain were they were there has been a slight improvement though

To quote an example since 1950-51 the National Highways have increased from four lakh kilometres to 20 lakh kilometres up to 1993 This is not keeping pace with the amount of traffic that we have got to handle We find that

today we have National Highways only to the tune of 34,058 kilometres. This about two per cent of the total network.

The National Highways system in India is under great stress and pressure because of the phenomenal growth in traffic. There should be an urgent need for modernising the network. I find from the figure that 50 per cent of the roads only are surfaced, 15 per cent of them are still single-lane roads, and only 51 per cent of the total National Highways is having four-lane carriageways.

I am glad that the Cabinet has cleared the broad parameters of policy related to private sector participation in the national highways. This includes foreign participation as well. We, in fact, require about 60,000 kilometres, looks something like crying for the moon. It was planned to be completed between 1981 and 2000. But I find in the course of 14 years only 4000 kms. have been made.

The country needs about ten thousand kilometres of expressways but there is dearth of funds. A huge sum is required. The estimated requirement for this is about Rs. 53,000 crore and what we find in the Budget this year is an allocation of Rs. 600 crore. What can Mr. Jagdish Tytler do with this meagre sum? So, privatisation is the only way out.

There is a hope of quickly achieving this target by BOTs, that is 'build, operate and transfer'. These companies will invest their own funds in creating and sharing the highway facilities. There will also be a toll levied for the use of this kind of facilities for a certain number of years. I have seen this kind of a collection of toll in foreign countries and it is quite an usual thing abroad. They have a lot of expressways and they collect the tolls. This is the only method now at our disposal to quickly increase the number of kilometres of our highway. Similarly, we have to go in for a lot of bypasses, a lot of bridges and expressways. We have called for some tenders and 27 BOT projects were offered to the private sector as an experiment. The responses have come from USA, UK and Malaysia. They have also come from local companies like Gayatri Engineering of Hyderabad and SPIC Group of Madras.

Sir, I am glad that the Finance Minister, Dr. Manmohan Singh has announced a five-year tax holiday on any investment in such projects. This has lent a new impetus to the activity in this sector. The National Highways have been more or less stagnant at 34,000 kilometres for the last ten years, but the traffic does not remain stagnant. It keeps on multiplying year after year. The conversion of single lane road to a double lane road brings down vehicular operation cost of a common truck by 20 per cent, the average speed of truck will also improve by 20 per cent and the average tyre-life will be increased by 50 per cent. The total operational cost of vehicle for road use in this country is estimated to be about Rs. 1,00,000 crore. Out of this, by converting these roads, not only can accidents be avoided but also a calculated savings in the expenditure to the extent of about 15 per cent, including fuel is expected. We feel that at least the present national highways of 34,000 kilometres have to be doubled. The cost for improving the roads by getting better technology comes to about Rs. 1.8 crores and the cost for new roads come to Rs. 6 crore per kilometre.

We also have to provide for hotels, motels, restaurants petrol pumps, shopping complexes, etc. All these things are necessary. Otherwise, the journey on the road would become monotonous. Roads are not a status symbol or a luxury but it is an essential pathway to progress. It is highly needed.

Sir, I fully support the Bill through which it is seeking to enter into an agreement with any person in relation to the development and maintenance of the whole or any part of the national highway; secondly, to levy fees and authorise a person who has undertaken to develop the whole or any part of the national highway to collect such fees; to empower such a person to regulate the traffic on such national highways; and also a proposal for punishment of mischief for causing injury to such national highways. These are the four things which the Bill seeks to introduce.

Sir, I fully support this Bill and thank you very much for giving me the opportunity.

SHRI LOKANATH CHOUDHURY (Jagatsinghpur): Mr. Deputy-Speaker, Sir, I very painfully support this Bill. I painfully support this Bill because we have been driven to such a position where we have no other option. I am telling it because even if we go for privatisation, the problem that we are facing today would not be solved. Why I am saying so is, since Independence - though roads play a very vital role not only for the national integration but also for the national development and helps in removing imbalances - the Government of India has taken such an attitude towards this sector for which the problems acted by this sector are not over till today. Unless the whole attitude of the Government towards the roads and the subsequent emerging scenario undergoes a change, the road sector would continue to face the difficulties. Since Independence, we have been spending about Rs. 20,000 crore for the purpose of building national highways. But the annual revenue generation out of it is Rs. 8,500 crore.

Sir, in other countries, the money is ploughed back for the construction and expansion of the roads. But what have we done? We are able to generate only Rs. 8,500 crore out of an investment of Rs. 20,000 crore and out of that Rs. 8,500 crore so generated, we spend a very negligible portion for the construction and expansion of roads.

Sir, the other aspect is, the operative cost of vehicles as assessed is Rs. 1 lakh crore. It is said that if the condition of roads would have been better, the country could have saved Rs. 15,000 crore annually. In regard to the consumption of petrol - which we get by paying foreign exchange - the country could have saved Rs. 2,280 crore annually. This is the state of affairs. We have come to this position because of total mismanagement and lack of clear perception of national development and national progress. If this attitude remains, we would be further driven towards the wall. The apprehensions that are being expressed should not be laughed away.

Some friends are saying that it is a revolution. But I would like to say that it would never bring in a revolution. There is even possibility of its being a counter revolution; because along with it, the question of security of the country is also related.

We should not forget it. Moreover, we should also take into consideration the apprehension expressed by many others. The main apprehension is that the private parties would not like to take up work on those roads which we really require for our national development. They will go only to those areas where there will be high profits. As a result, there is a possibility of greater regional imbalance. This is the main objection of many of the speakers who have spoken before. They have stated how roads and communication systems have not at all developed in certain areas, though road transport has increased manifold and how adversely it affects the whole of our economy.

From this point of view, I would like to mention certain things. This privatisation question arose mainly in relation to the assessment of the Asia Development Bank for about 10,000 kilometers. We now have 34,000 kilometers of National Highway. But our target, at the end of the year, as per the Plan was 66,000 kilometers. From our point of view, this is absolutely necessary. But what do we find when we look at the allotments that are actually made? In the First Plan, the allotment for National Highways was 1.4 per cent, which is now reduced to 0.6 per cent! On the road sector as a whole, it was reduced from 6.7 per cent in the first Plan to as low as three per cent now. This is the sad fate of our roads. Even in the Eighth Plan, there was a proposal for Rs. 6067 crore by a Working Group. Later, it was revised to Rs. 7,730 crore. But a meagre amount of Rs. 2,600 crore was allotted for the roads. This is the attitude of our planners and the Planning Commission. What sort of planning is done by the Planning Commission? I wonder whether the Planning Commission has a full view of the national development before them. If they had a proper perspective, there would not have been this sort of regional imbalances. It appears as though there are certain Ministries which can easily influence the Planning Commission and get a bigger share; whereas there are certain other Ministries who cannot get even a portion of the share that they are really entitled for. I do not understand the very basic attitude of the Planning Commission.

Secondly, I would like to mention certain things with regard to less. In 1931, there was a 25 per cent cess on petrol consumption. It was reduced to half per cent by 1987. Then, in both Houses of Parliament, a Resolution was passed that five per cent of the cess would be given to the Central Road Fund. When the House had taken this decision, the hon. Speaker also gave a ruling that the Government should come with another plan or it should be decided that there should be an alternative resolution. The Speaker commented on it two years back. The Government is still there. The Cabinet Committee keeps on meeting again and again and again and reports are continually being asked. Here I would like to put a question to the Government. The Minister should reply to it. The Attorney General gave his opinion that Resolution passed by both Houses is only commendatory. This is the view of the Attorney General. Is this the respect that this Parliament deserves? If that money were paid to the Central Road Fund, conditions would have improved and our requirements could have been met to a great extent. Because of these circumstances only,

I say again and again that it is indeed very painful. If this is the attitude of this Government or any other Government that may come to power, and if this is their behaviour, then it is not a mere question of giving the work to the private parties. The whole country will simply be handed over to the outsiders!

That would be the only alternative left before you. There are so many other problems. Many State Governments are giving proposals for construction of national highways, but those proposals are not being acceded to. A State like Orissa has got a portion of the national highways as a connecting link between Bombay and Calcutta. There is no highway in Orissa to link up the different centres. We have been giving proposals for construction of a national highway in Orissa. I would like to make suggestion to the hon. Minister that the Ministry of Surface Transport should make a survey of the roads and make an estimate of the proposals that are coming from various State Governments. In consultation with them, the Central Government should implement those proposals by utilising the Central Roads Funds. The new proposals that are floated by the Ministry of Surface Transport for increasing the taxation of the vehicles, through which sufficient funds could be generated, should be approved by the Cabinet and implemented.

With these words, with apprehension and pain, I support this Bill. It is because, I feel that unless the Government totally changes its attitude towards the national highways, the position will be worse. Even the road sector is also being given to the foreign companies. I know what will happen in practice. In practice, all these projects which have been drawn up would be given to the foreign companies. Money would be required for every project. So, for that purpose, we must keep a contingency plan to meet the increasing requirements of the future. With these words, I conclude my speech.

MR. DEPUTY-SPEAKER : Shri Shahabuddin Ji, Shri Suraj Mandal wants to go for some meeting, so please if you could permit him to speak before you.

SHRI SYED SHAHABUDDIN (Kishanganj): O.K. Sir,

MR. DEPUTY-SPEAKER : Yes, Shri Suraj Mandal.

[Translation]

SHRI SURAJ MANDAL (Godda) : Sir, I rise to support the Bill further to amend the National Highways Act. I am sorry to say that proper attention is not being paid towards the maintenance of National Highways.

While confining myself to my area, I would submit that the Government receives maximum tax revenue from Jharkhand area, whether it is road tax or coal tax or iron-ore tax. 3000 to 5000 tonne coal is loaded daily from this area, but what is the condition of roads there? 6 months ago, the BBC had telecast that there are no roads. no power, entire picture was telecast. The West Bengal-Barhi-Sasaram section of G.T. Road receives the highest traffic load, but the situation is such that if we travel 3000 k.m. by our vehicle, it has to be locked in the garrage. If you happen to travel on this section of G.T. Road, you will feel that you are travelling over pits. On Durgapur; Raniganj; Barhi section of G.T. road

one can see broken differentials of trucks, separated wheels of vehicles and sites of accidents.

Now, you can imagine what would be the state of other roads. In our area, there is a national highway which comes from Madhya Pradesh leads to Gumala via Jaspur and another highway connects our area to Uttar Pradesh. Betala, Netrahar, both are tourism centres. I had gone to Netrahar on 20th and 21st. It should take hardly two and a half hours to travel from Ranchi to Netrahar but it took us five hours to reach that place. Betala is a national Park and tourists from far off places visit this spot. But the condition of roads is such that there tourists have to engage a person for message. Therefore, I demand this national highway should be repaired. Government receives enormous revenue from Bokaro Ramgarh-Bokaro is a national highway and Bokaro is sixty kilometres from Ramgarh. It takes us five hours to reach Bokaro from Ramgarh, because of dilapidated condition of the roads. Now you can imagine what expectations one can have from this government. They say that they have allocated funds to the State Government. It is all right. Sir, you have been the Chief Minister of your State. There are less pilfrages in your state. Engineers pocketed lower percentage. But now things have changed; twenty percent funds are spend on the job and rest of eighty percent is pocketed by Engineers, etc. The road surface is powdered.

In my area an entry fee of Rs. 75 per truck is charged. The Bihar Government is always worried about north Bihar. The Government have already constructed Rajendra bridge and Mahatma Gandhi bridge and now a bridge is proposed to be constructed at Pahleja Ghat. But nothing has been done to construct a bridge over the Barakar river. A bridge has also been constructed between Giridih and Dhanbad. The State Government's position is at seventh or eighth place in matter of sanction of such jobs. I requested the State P.W.D. Minister to accord top priority to Bhagalpur Govindpur, via Hasiya Jamtara road but he had accorded it fifth priority. I shall, therefore, request the honourable Minister to construct a bridge on Baran Ghat Assam road. He had already received a proposal for construction of Govindpur via Hasiya-Jamtara road. The construction of a bridge on Barakar river would reduce the load factor on this road. Roads are constructed for transportation of coal, wagons are provided for loading coal but no pedestrian way is constructed. The condition of 120 km. Ranchi-Jamshedpur section of road is so bad that it takes five hours to cover this distance. I do not know whether Government monitors or not as to how the funds provided by it are spent. Now, a Bill on National Highways has been brought, and it may perhaps have provision for a national highway to be constructed from Delhi to Calcutta via Ranchi, I support this Bill, I am of the view that whichever company, multinational or otherwise may come, roads will be constructed. ours is a tribal area, and I want that leaving everything apart, national highway in that area ought to be repaired. No road and railway line have been constructed in my area after Independence. The position is as it was during British rule. I am afraid, this indifference on Government's part may not create hatred among Indian brothers. So, I demand of the hon. Minister to announce in reply today itself that Barari-Govindpura via

Startia - Jayalara road will be declared a national highway and connected with G.T. Road.

SHRI CHANDRAJEET YADAV (Azamgarh): How much kilometer is it ?

SHRI SURAJ MANDAL : It is nearly 100 kilometres. Bihar produces maximum amount of mineral, 41 percent of total mineral resources of the country; gold, silver, coal, uranium, every mineral is produced there. The Bihar people allege that Government of India is exploiting Bihar, making it pauper, while the Bihar Government is making Jharkhand pauper. I would request him to stop this exploitation. With these words, I support this Bill.

[English]

MR DEPUTY-SPEAKER : The time allotted to this subject was one hour. We have taken one hour and forty minutes. There are also other hon. Members who want to speak. There are so many other Bills. We are also sitting on Saturday and in spite of that we will not be in a position to complete the whole business.

My request to you is that please stick to the relevant points so that it might be easy for him.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Deputy-Speaker, Sir, first of all I would like to express my anguish and dismay that fifty years after independence, we are not in a position to provide even surface transport to our people. I think it is a disgrace for a country which has the necessary expertise and I fail to accept the excuse of the hon. Minister that there is a revenue constraint. As has been pointed out in the House, already, there are many ways of raising the necessary resources if there is a political will. I am sure that this is such a basic infrastructure facility that the people will not mind if they have to pay a few more taxes or a little higher taxes in order provide funds for the hon. Minister so that he can not only maintain the present national highways but can also expand the network.

SHRI CHITTA BASU (Barasat): Provided it must be in their interest.

SHRI SYED SHAHABUDDIN (Kishanganj): Yes, it must be in their interest.

Mr. Deputy Speaker, Sir, I find from the reply of the hon. Minister the other day on the floor of the House that in the original Eighth Five Year Plan outlay of Rs. 2460 crore had been provided for on-going and new national highway way projects. Against this the Minister have been very diligent and worked out projects and schemes worth about a little over Rs. 4150 crore. Perhaps, he was optimistic, perhaps he had some faith in the people, in his colleagues in the Government or in the Planning Commission which was rather misplaced. What he has been given is, against Rs. 492 crore that he should have received every year, which comes to Rs. 1300 crore for three years, only Rs. 910 crore. That is only 66 per cent of the original outlay. I do not blame the hon. Minister but I am trying to point out the apathy of the Government and lack of sense of priority in the Government as a whole for national highways, which do not

receive the due consideration, due allotment and even the allotment which is promised is not released, is not made available to the Ministry concerned.

Sir, coming to the Bill, I find the main issue here is that the Govt. do not have necessary funds for expanding or maintaining the national Highway network

If I read entry 23 of the List I along with entry 13 of the List II in the Constitution, the first speaks of the national highways declared by or under any law passed by the Parliament on such and about the States' basic responsibility as far as roads are concerned, the presumption would be that first you must have a road before you declare it as a national highway. Therefore, we shall always require, in every instance, whether you agree to State's proposal or you do not agree to the State's proposal, the State's consent. The State's consent is required because after all, you acquire the land and the land is provided under the Land Acquisition Act by the State Governments.

I doubt that the method that they have chosen for raising finance will always receive the approval, support and consent of every State Government because many a State Government would be extremely jealous and suspicious of bringing in foreign investor or accepting foreign regulation and control investment in this field because I have a feeling that there are other ways in which funds could be raised which you have either not consider or not given due thought. I would like to make it very clear that I am not against privatisation. I was once posted in New York. I remember that New York could not be developed without the network of the bridges and bridges could not be built purely by the New York Municipal Corporation or the New York City Government. Finally, they devised a formula. They floated bonds and they have created an independent organisation and that independent organisation built all the bridges. I am sure the Minister is fully aware of that and over a period of time through the toll system they recovered the outlay on that entire system. I do not have to dilate on the economic benefits and the economic outflow from that investment. So, I am not against privatisation in that field.

But here you have used the word 'person'. If I read that word 'person' not only in the legal sense but also along with what you have stated in the Statement of Objects and Reasons, your primary purpose appears to be to invite foreign investors in this field. I have a basic objection to foreign investment in this core sector of the national economy, in this basic sector and in this basic infrastructure. That is where I have a feeling that perhaps the hon. Minister should consider other means of raising funds, for example, as has been pointed out, by raising taxes, by persuading the Planning Commission to allocate higher share of the plan outlay for this field, by first inviting Indian private sector to come in, by establishing special structures which could then draw upon public resources, private resources, by issuing bonds, by devising other methods and then building on it.

16.00 hrs.

But these have not been tried anywhere in India. Suddenly we jump in what should have been the last resort,

foreign investment as if the foreign investment is the key, is the panacea for all our ills, for getting everything we are seeking, a sort of globalised short cut.

I doubt, of course, whether foreign investors would come in. They would come in only on their own terms and they would not come in for all these petty little projects that have been mentioned on the floor of the House by various distinguished colleagues here. They come in only for a very big project. But quite apart from that, I have a principled objection to inviting foreign investment unless and until we have tried all the internal methods of raising money, of creating autonomous bodies and entering into agreement directly with the private sector and found them inadequate. I have also a suspicion that supposing these are to provide Rs. 50,000 crore to the hon. Minister, would he be able to digest it, would he be able to put it to any meaningful use. He does not have the necessary machinery, he does not have the necessary equipment.

I know that we passed a National Highway Authority Bill some years ago and until today, I am not aware of any project being handed over to the National Highway Authority. It has not even come into existence. I do not know if that has been notified. But I know that he is not able to even utilise the money that has been collected.

Therefore, I would caution the hon. Minister not to jump the fences, not to get to the other extreme of inviting foreign investment because we cannot possibly live on foreign support. A country of our dimension must have an independent autonomous existence. We cannot possibly base the core sector of our economy on grants and loans and financial assistance from foreign investment.

Sir, I would end up just by quoting a line from Ghalib. He says :

[Translation]

Karz kee peete the maya aur kahate the han,
Rang Layegi Hamari Frakamasti ek din.

(Used to drink borrowed wine and say, Yes, it will bring prosperity and joy one day)

[English]

So I must caution the hon. Minister that if he banks on foreign assistance in this manner, one of these days he will have to face a very difficult situation for the country. So I would suggest to him that instead of proceeding with this Bills he should either give us a solemn commitment on the floor of the House that until all the indigenous possibilities have been tried and found to be inadequate the word 'Person' will not be interpreted in a manner to include a foreign company, a foreign registered company or a company in which majority participation is a foreign investor. At least, that much assurance we must get from him before we could pass the Bill. That is why, in its present form, I have no option but to oppose this Bill, Mr. Deputy Speaker, Sir.

SHRIMATI D.K. THARADEVI SIDDHARTHA (Chikmagalur): Sir, I support the National Highway Bill, 1995 moved by the Surface Transport Minister.

The existing road network is incapable of providing the necessary support for growth of our national economy. Our economic reforms and liberalisation have opened up our economy to private and foreign investment in various sectors. As a consequence of this rapid industrialisation, pressure will increase on all infrastructure, especially on the road network. If Government fails to take measures to cope up with the situation, the whole road traffic system will collapse. In this context the object of this Bill is laudable and timely.

Sir, in the total road network in the country, the National Highway constitute 34,051 kms. According to the target fixed to achieve the total length in the National Highway between 1981 and 2000 A.D, it is approximately 60,000 kms. With only five years to go, I think this is a pipe dream.

Our road network is suffering from several deficiencies in terms of poor driving conditions, congested city sector, lack of wayside amenities and insufficient pavements. The present condition of roads and retardation in development are due to inadequate attention of the Government. Resource crunch is one of the main reasons. Sir, the Government alone cannot take this responsibility. Therefore, enabling the private sector to participate in the development is imperative.

Sir, this Bill, which paves the way for private investment, itself will not solve the problem. Of course, it is the first and the important significant strength to remove the various hurdles. But there are many practical problems. The biggest problem is that road building is not a sufficiently attractive proposition for the investors. The experience, so far, is that not many parties come forward to take up the assignments because the returns are not commensurate with the risk involved. The investors are demanding guarantee and counter-guarantees. Apart from this, there are legal and administrative hitches. For example, if the Government land is not available, then we have to go in for the private land. For this, they have to acquire this land. This acquisition process may take a long time, not only the time consumption but also sometimes it leads to litigation also. This will take a long time.

Apart from this, there is another apprehension or concern that private builders may put a levy, toll charge. This heavy toll charge may hurt the common passengers, not only the common passengers but also even the farmers and the tiny sectors, those who want to transport their produce. Therefore, I would like to know from the hon. Minister whether the Government has done any comprehensive survey to identify these problems, which are creating the hurdles at the implementation level. Also I would like to know from the Minister as to what are the measures explored to address these problems.

Sir, another hurdle is from the Government itself. A number of States are receiving proposals from the foreign investors. As I have understood, so far, the Government has not built up any system at the Centre to go through these proposals, to evaluate the feasibility of these proposals and to take a decision to clear up these proposals. Therefore, I request the Minister to constitute a technical body at the level of the Centre for looking into all these aspects. The Government cannot absolve itself of this responsibility. It

cannot depend only on the private sector because private sector investment is an untried proposal and we do not know how many years will it take. Also there are a number of remote areas, hilly areas and small States, like the North Eastern Region, which require a good transport system. So, for this and also to ease the immediate pressure on the road network, I request the Minister to take some immediate measures to build up fly overs, bridges, and undergrounds.

Sir, my last request is this. Sir, as far as Karnataka is concerned, not a single proposal for the national highway has been considered. A number of times I myself pleaded with Minister to take up Bangalore-Kadur-Mangalore road as a national highway. This road is very important. It gives outlet for the Western Ghat region and also it helps to develop the economy of the region.

So once again I request the Minister to consider this proposal and take up the work.

SHRI C. SREENIVAASAN (Dindigul) : Mr. Deputy-Speaker, Sir, I thank you very much for giving me this opportunity to participate in the discussion on the National Highway (Amendment) Bill, 1995.

The National Highways (Amendment) Bill 1995 seeks to provide powers to any person or private organization to collect certain fees for construction, development and maintenance of national highways. In other words, it is an invitation to the private sector to the road sector. This would mean that the Central Government is extending the policies of liberalization and globalization to the transport sector.

In this connection, I would like to state if the private parties collect such fees and toll taxes, then what will happen to the Octroi tax which is the main source of revenue to the States. The State government is already facing severe financial constraint. Moreover, the vehicle owners would refuse to pay Octroi tax at different points both at the national highways and at the State controlled roads. Ultimately, a situation might be created for the abolition of State Octroi posts. Therefore, I would like to know that out of the collection of fees from the road users, what percentage of fee would be given to the State Government concerned.

Sir, it is the general tendency that the private parties may not pay much attention to the maintenance of environmental balance, preservation of forest areas and the necessity for controlling pollution while taking up road construction and their maintenance. The State Government should, therefore, be the sole authority to give clearance for the three main areas before awarding the work to the private parties.

Sir, coming to my constituency, on the Madurai-Dindigul National Highway No. 47, frequent accidents take place. To avoid accidents, this highway is required to be widened from the present two-lane highway to four-lane highway. A sum of Rs. 60 crore is estimated as the cost for this work. An estimate for this purpose has been sent to the Central Government for approval and for sanction of the amount. The World Bank is also willing to help financial for widening this highway. I would request the hon. Minister to look into his matter and accord approval and sanction of funds

Immediately. I expect the Minister would reply to me. Last year the Centre allocated only a paltry amount of rupees seven crore for the National Highways in Tamil Nadu.

Sir, for the maintenance of the roads and highways throughout Tamil Nadu, a sum of Rs. 860 crore would be required. I would therefore, request the Central Government to convey their approval and recommendations to the World Bank for the sanction of the above amount.

Sir, it is worth mentioning here that the World Bank has appreciated that in the whole of India, Tamil Nadu stands first in the service of highways and roads. The World Bank has also appreciated that the roads in Tamil Nadu are best maintained, neat and clean. I may bring to the notice of this House that the World Bank's full appreciation is due to the concerted effort taken by our Party leader and the Chief Minister, Dr. Puratchi Thalaivi.

Sir, in the development of roads and national highways, Tamil Nadu has been neglected for a long time and the State is getting step-motherly treatment in this respect. I would request the Central Government to consider the points and suggestions brought out by me and sanction required funds to the State for the road sector work in Tamil Nadu.

With these words, I conclude.

[Translation]

SHRI CHETAN P.S. CHAUHAN (AMROHA) . Mr Deputy Speaker, Sir, I shall neither support nor oppose the National Highway (Amendment) Bill introduced by the hon. Minister, but would like to make some suggestions. If he does good work, I will support it after making an objective assessment of the results achieved.

Sir, I am pained to say that India has the lowest standard of highways compared to that of any other country and even after forty six years of independence, no improvement therein is in sight. Of course, money constraint is there but the fact is that competition is stagnant everywhere, whether it is the Chief engineer or superintending engineer of P.W.D. They have a fixed commission of two percent. Similarly executive engineers, assistant engineers and Junior engineers have a fixed amount of commission. The entire department has become corrupt. I don't know whether it is in the knowledge of the minister or not.

Mr. Deputy Speaker, Sir, last time when this bill was brought, I had said that India has the highest incidence of accidents because of the increase in the number of vehicles, trucks. There is such a contrast that on the one side there are pedestrians and on the other side vehicles run at a speed of 100-130 kms. It has become very difficult to control various types of traffic. The figures show that sixty thousands persons are killed, two lakh persons are injured and nearly 1 lakh persons are rendered disabled in road accidents every year. This is very serious matter. The Minister will have to look into this aspect also and make some law therefore.

Sir, the licensing system also needs streamlining. We are constructing national highways, express ways, free ways, auto ways, but who will operate vehicles on them when they are opened for traffic? The vehicles will be

operated only by those who get licences sitting in their homes. There will be no bullock carts, etc. and these roads will be used only by the children of those who get their licenses sitting in home. How this system will work? He has to take note of this aspect also. Some provision will have to be included in the bill that only those persons will be allowed to operate vehicles on free-way who have a minimum experience of driving of one year. The people will drive their vehicles at a Speed of 150 and 175 kms. per hour on these ways as against the present speed of 120 to 130 km. People here are very fond of purchasing vehicles but lack traffic sense. Therefore, the licensing system will have to be streamlined.

Sir, I would like to say one more thing. Government had constituted a national highway authority and we hoped that this authority will be equipped with sufficient powers. A proposal was mooted that all the highways would be maintained, supervised and constructed by this authority. But these jobs are in the jurisdiction of State Governments. The existing express-ways in various states will have to be reconstructed. Then, which authority will maintain them, supervise them? What powers will be vested on the new authority he proposes to set up? If there is a law and order problem and if there are cases of accidents, they come under the domain of the State Government. How does he propose to devolve powers on this authority in respect of such cases?

Sir, I would also like to say a few words about the toll. No toll tax is paid by Central or State Governments vehicles or by scooters. Now if he proposes to involve any private party in toll collection I think he is introducing 'build own and transfer system'. I think he will adopt this system but this will create problems and will not last long. He knows that there are long queues at toll tax posts and at times barriers are broken. It has also to be seen how the toll posts will function. He is bringing in foreign and indigenous private companies in this field and I have suggestion to make that the Indian private undertakings should be given preference because they are doing a good job. They are constructing fine roads in Middle-East and other countries. They have the experience of construction of free-ways. He has visited foreign countries many times and I have also gone abroad. Our companies are constructing highways in all the Middle-East countries like Dubai, Sharjah etc. He will have to give a little preference to them. They should be given first priority against any quotation or tenders received. Earlier also a rebate of 10 percent was given to them. Their financial condition is in shambles. It will be a good proposition to uplift them.

Sir, the condition of existing national highways in the country is very bad. Speed breakers are raised wherever accidents occur. This issue has also been raised during Zero Hour. He will have to lay down same standards for it. In place of speed breakers a mole type rumbler should be constructed. The express highway which he wants to construct will be completed after five years. What will we do during these five years? It will be a good idea to hand over the maintenance of existing national highways to the private Undertakings. It is immaterial from which source he mobilises resources. He should not depend totally on State Governments because

they have no funds. Although their annual revenue amounts to Rs. 9 to 10 thousand crore still it is not enough. Therefore, I suggest that he should levy more taxes. The state of the highways passing rough cities is most hazardous and accidents often occur there because heavy load vehicles operate on it. Earlier, six wheeled trucks were operating but now 24 wheeled trucks are on the road which carry load up to 25 tones.

There is yet another aspect. The bridges constructed in 1950 have become weak. The bridges on NH-24 which passes through my constituency have worn out. They have been repaired many times. These bridges are also very narrow. These are single way bridge and many accidents take place there because they are narrow and two vehicles cannot cross together. The traffic on one side has to wait the clearance of the traffic from opposite side. This needs to be widened and vitalised so that traffic may operate smoothly.

Sir, the object of the bills is very good. He needs funds and nothing can be done without funds. This will enable him to mobilise funds from multinational companies or private companies. It is definitely a very good and profitable proposition. As an honourable member has said, we need good roads and it is for him how he constructs them. Good highways are essential for the development of the country. With these words I conclude.

[English]

SHRI S.B. SIDNAL (Belgaum): Mr Deputy-Speaker, Sir, I thank you for giving me the opportunity to speak on this Bill. The Bill has come quite late, but it is bright. I support this Bill.

Sir, after privatisation is introduced so many things have happened. But the highways are so narrow and they are very much inadequate. About five or six accidents per kilometre take place very month and it has come to such a state that almost at every 100 kilometers in a highway we require a good hospital to carry the people who are involved in accidents. That is the present position. When the privatisation has come, any agency can be given the task of constructing good roads. This is one of the best Bills which the Government has brought and I support it.

Sir, there are about 13 proposals which have been sent by the Government of Karnataka which are pending before the Ministry. I do not know what has happened to the Ministry of Surface Transport which is not looking at us. Therefore, I request the Minister, through you, sir, to look at us. The main proposal is about the road from Belgaum to Hyderabad. Belgaum is my constituency also. It is learnt that a proposal for declaring a network of 13 roads as National Highways has been sent by the State Government in 1984. Belgaum-Hyderabad road is one of the main heartlines for both the States which will bring very good development in commerce, trade etc.

Sir, the train services are very much inadequate in Karnataka and highways are also very much inadequate. How can we progress without a good road? This is the second line of defence in the country, but we have not taken much care about it. At least after this Bill is passed, the

roads can be developed in this country. By developing the roads, the tourism industry can also get accelerated. This is one of the good industries that can produce good revenue and foreign exchange. Compared to the neighbouring States like Tamil Nadu, we are very much hard hit with regard to development of roads and we have never been taken care in this regard. So, more care has to be taken with regard to the State of Karnataka.

Therefore, in this background this Bill is quite good, though it has come late. But it is bright. I support this Bill in too and I request the Minister, through you, again to help the State of Karnataka for development of roads.

MR. DEPUTY-SPEAKER : What about the road from Belgaum to Bangalore ? Everyday there are a number of deaths taking place in that road, not one or two.

SHRI S.B. SIDNAL : Sir, upto Tumkur you must be knowing very well, because it is your area. You know as to how many accidents take place regularly and how many deaths occur in that road. When you travel in the night, it is hell of a job. If the road is not doubled from Bangalore to Pune, I think, every person has to get his life insured before stepping on that road. There is so much rush on that road. You need not travel by road to die. Even if you walk on the road, there is every possibility of running over. Of course, the Minister might not have gone there and experience may not be there.

Sir, your area is on the highway. You can also request the Minister, as the Deputy-Speaker, to effectively develop the road from Tumkur to Bangalore. Some agency should be entrusted that job on priority. Then, many new highways should also be declared. Otherwise, there will be rush only on one road and there will definitely be accidents. The money which is saved by the Government by not constructing the road can be diverted to the rural areas where roads are not there. The people are walking even now. They cannot transport their goods and agricultural produce. Neither they have godowns to store, nor do they have road transport. Therefore, roads should be constructed in the rural areas on top priority.

Sir, in the rural areas the people always blame us even though we have done many things. But still a lot of things have to be done. So, this fund could be diverted to the rural areas. Even the State Governments may be advised to do so.

Sir, everybody is toeing our line of privatisation. In the beginning, our friends from the other side were not happy.

They were happy inside but were reluctant to concede in the open house. We do not mistake. At least now they are happy and are conceding and welcoming. I congratulate them rather than the Minister. Sir, after the privatisation there were so many things for which we could not get loan from the foreign countries. In 1991, we were forced to pledge our gold and we redeemed it and all foreigners were tempted to invest money. Now, Sir, more than Rs. 100 thousands crore have already been invested which will multiply and percolate down and will increase the purchasing power of the common man. For example, the government's export was to the extent of Rs. 300 crore in 1991 and now

it is Rs. 1,000 crore. So many people will indirectly get employment. Therefore, I congratulate the Prime Minister and the Finance Minister for giving a new direction to the country for its development in all the fields.

[Translation]

MR. DEPUTY SPEAKER : Ram Prasad Singh ji, please speak for five minutes only.

SHRI RAM PRASAD SINGH (Vikramganj) I will take less than that

MR. DEPUTY SPEAKER : You have some talking trouble isn't so?

SHRI RAM PRASAD SINGH : Sir, this Bill has been brought belatedly, it should have come much earlier. I would neither support it, nor oppose it because the main objective of his amending Bill is to privatise this sector and hand it over to private companies, that too foreign companies..

SHRI JAGDISH TYTLER : Where has the 'foreign' word been written?

SHRI RAM PRASAD SINGH : That is there, He may read the sentence that 'notwithstanding this, the Central Government may enter into a contract with any person for the development and maintenance of a whole national highway or a part thereof. This also does not say that it will be only indigenous company. It does not say 'foreigners' for whom he is seeking powers. Then Clause (7) of the Bill says that the specified person shall have the right to levy and collect fees etc. for the services and facilities rendered by him. He is going to give him the right to collect taxes. Mr. Minister, we must develop our roads because maximum road accidents take place in our country, as explained by Shri Chedi Paswan. The Prime cause is bad roads He has himself admitted that dilapidated roads, drivers and pedestrian, crossing roads are responsible for causing accidents. The villagers have to cross the roads passing through their villages. His proposal of construction of four-lane roads is most welcome because we generally have two lane roads. It must be ensured that funds released for roads are spent on the construction of roads. He is inviting foreign companies' multinational participation, and they will be allowed to realise, collect fees, toll tax arbitrarily. This will create an inferiority complex among our indigenous industry, their hopes will be shattered. He is inviting foreign multinationals to invest Rs. 70,000 crore in this sector and 32 such companies have already been invited. I think it would have been much better if this development work had been awarded to our own people. Every body makes investment to earn profit. The multinationals are also coming here to earn profit, they are not going to dole out money to him. Our entrepreneurs would have made investments in their own way and the money would remain in the country. A conspiracy is being hatched to take money outside the country through this proposal.

The country has a road network of 34,088 kilometre length of which Bihar's share is 2118 kilometre which is much less in proportion. Not a kilometre road has been constructed in Bihar since 1974. The Bihar Government had

submitted some proposals to him, but they were ignored.

I had raised this issue some times during Zero hour also, but no attention was paid.

Sasaram, Ballia and Buxar are historical cities and the 200-300 kilometre Sasaram-Balia-Azamgarh Buxar road is one lane road and it is over-crowded. It should be declared as a National Highway. The 100 kilometre section of Sasaram Arah road should also be declared as National Highway. Sasaram is linked with the name of Shershah Suri and freedom fighter Vir Kunwar Singh.

I want him to develop roads, but reconsider his proposal of inviting foreign participation and save the country from being enticed by them.

[English]

MR. DEPUTY SPEAKER : Whatever the hon. Member is saying will not go on record.

(Interruptions)*

MR DEPUTY SPEAKER : Shri G.M.C. Balayogi to speak now. The Reporters can take down the speech of Shri G.M.C. Balayogi.

SHRI G.M.C. BALAYOGI (Amalapuram): Sir, while speaking on the National Highways (Amendment) Bill, 1995 I agree that there should be a proper....

MR. DEPUTY-SPEAKER : Shri Balayogi, please stick to five minutes. We have already spent two hours.

SHRI G.M.C. BALAYOGI (Amalapuram): Sir, this rule should be applied to all and not in the case of junior Members and backbenchers alone. The members on the front-benches are speaking for hours together whereas for the junior Members and backbenchers you are giving this direction

MR. DEPUTY-SPEAKER: Please come to the subject straightaway.

SHRI G.M.C. BALAYOGI (Amalapuram): Sir, while speaking on the National Highways (Amendment) Bill, 1995 I agree that there should be a proper road network for the economic development of every country. But due to financial constraints, the Government is not allocating sufficient funds for the road maintenance in this country. That is why, the Government is allowing private people to participate in this road network and for laying and maintenance of the roads.

In this connection, I request the Government to keep in mind that it should not be a shifting of the burden from the Government to the public because ultimately the public has to repay the amounts spent on the roads by the private people.

The Government should give a clear-cut direction while giving sanction for laying of these roads by the private people.

The government must keep in mind the fact that there are two lakh villages in this country. These villages are not

* Not recorded

having even a metal road. First of all, the Government should recognise road is important to reach the village people

We can see from the rulers that the Government has not achieved the target for laying the national highways. Our target is to have 60,000 KM of national highways before 2000 AD. We have laid only 400 Km of national highways for the last 14 years. Not only the laying of the roads, but the maintenance of the roads is also very important.

In this connection, I draw the attention of the hon Minister to a very important matter. There is a road in my parliamentary constituency in Andhra Pradesh which connects Ravulapalem. It is national highway No. 5. Its length is 2 KM. Every day a minimum of three to four people are dying because of congestion of traffic on the road. For the last four to five years, the officials have been saying that the Government has given sanction to improve the road, but the Department is not taking action. People are thinking that the national highways are laid for the purpose of killing the people. This is not correct. Therefore, the maintenance of the national highways is also very important.

I would request the hon. Minister to give a clear direction to the Department people to widen this road.

Kakinada Port is now being developed with the aid of the Asian Development Bank. The Central Government and the State Governments are investing Rs. 3 crores to Rs. 4 crores on this Port. If it not connected to the national highway, the investment will not be useful

The government is already forelaying the road from Visakhapatnam to Anakapalli with the aid of the Asian Development Bank. It should be extended up to Kakinada. From Kakinada, it should be extended up to Kathipudi. There is a National highway No. 5. This is a junction.

There is also one coastal road from Tada to Inchapuram. It is an important road between Madras and Andhra Pradesh. If it is developed, you can divert the entire produce from coastal side also. A number of industries are coming up on the coastal side also. Some ports are also coming up there.

I would request the hon. Minister to develop them.

Some investments have already been made for the development of Tada-Inchapuram road. I request that some more funds may be released for the development of the coastal roads. The Inter State road between Yamuna Kakinada is still pending in the Ministry. Please release funds to the above road.

The roads between Vijayawada and Hyderabad and, Vijayawada to Vishakapatnam should be forelaid. Otherwise, the traffic and transportation will increase. It should be National Highway No. 5. It should be developed.

Coming to my State of Andhra Pradesh, the length of National Highway in Andhra Pradesh is 2,587 K.M. As per the norms of Government of India, the length of national highways in Andhra Pradesh has to be 5,540 Km. Proposals for the upgradation of 22 roads to a length of 6410 Km were sent to Government of India for conversion into National Highways. Later, on a suggestion from Government of India,

these 22 proposals were consolidated into nine proposals to a length of 4,812 K M. and were sent to Government of India. But these nine proposal are still pending with Central Government. The proposal for the roads of Hyderabad-Warangal-Mulugu-Nagaram--Venkatapuram of 290 K M. and for Warangal-Karimnagar-Jagityal- of 120 KM to be converted into national highways should be sanctioned by the Central Government, They are still pending with Central Government. The Chief Minister and the Chief Secretary have requested the Central Government a number of times but still they are pending.

I request the hon. Minister to clear these proposals to convert these roads into national highways expeditiously.

Thank you very much.

MR. DEPUTY SPEAKER : I can accommodate Members. But the difficulty is the lack of cooperation. One gets a chance, he presumes that he is the last speaker. We do not look to our right or left We also speak of *Samatavad* or Social justice

Shri Chitta Basu to speak.

SHRI CHITTA BASU (Barasat) : Sir, in all humility, I rise to express my objection basically on principle. My objection is that I have found and I think, the House might have noted that this Government had been increasingly abdicating the responsibility of meeting and fulfilling the social obligations.

To provide improved and easy transport is necessary not for a particular area but for the overall economic development of the nation. The development is particularly needed in the infrastructural areas. Therefore, I welcome the Government's attempt to providing certain facilities for the improvement of the infrastructure facilities for the economic growth of the country. But I have got certain apprehensions. I am also well aware of the fact that the Government has got the financial constraints I had a chance of coming across a paper prepared by the Ministry of Surface Transport wherein the financial constraint has been highlighted. According to that paper, the gap between the requirement and availability of funds for the road projects was estimated to be a staggering amount of Rs. 52,400 crore. I know this is a very big financial constraint for the Government., Therefore, having regard to this aspect, I do not find any objection in involving the investment from the private sector. But that investment should not be made in a blanket manner. I observe that in the Bill.

There should be selective approach wherever it is needed. As my friend Shri Shahbuddin has pointed out, if all the resources have been exhausted, if this project is found to be very important for the growth of the nation's economy, certainly I shall not object if such an investment if accepted from the private sector. But to me, the apprehension is that your intention is to increasingly abdicate the responsibility and the social obligation. In order to cover up that bad intention you bring in the necessity of foreign or private investment.

(SHRI SHARAD DIGHE *in the Chair*)

16.50 hrs.

I have got apprehension because of the objective

contained in the Bill. Had it been simply in collaboration with some private sector, I would not have objected to it. Even colleges, universities and hospitals are set up with the financial collaboration in the private sector. That is a different thing. In the Statement of Objects and Reasons, it is stated:

"It is, therefore, proposed to enable the Central Government :-

(1) to enter into agreement with any person.....

That person may be either a corporate body.

The proposal in the Bill is to enable the Central Government to enter into an agreement with any person in relation to the development and maintenance of the whole or any part of a national highway. Then you go on to say, 'to collect such fee, to fix the levy and collect.' Lastly, you also say 'to empower such person to regulate traffic on such national highway.' There may be national highway which is of strategic nature. Sir, a high road connecting Jammu and Kashmir or a high road connecting Kohima has got some strategic significance. Suppose, it is dreadful to imagine that a certain company or a certain person has taken the contract of improving the road or connecting the border and he says that he has got the right to control the traffic or he has the right to regulate the traffic and if he regulates in such a way, that it helps the enemy or it works in a manner prejudicial to the national security and strategic importance. Therefore, I smell something dangerous and is because of that, many private investors may be interested to put pressure to blackmail the Government to have more concession. Yes, I am ready to give you the permission for the traffic - I hope you agree. Mr. Tytler - provided you give us this concession or that concession. I think the Government should not expose itself to be blackmailed in that manner when the national interest is concerned. Therefore, I am very much apprehensive of these clauses, *v.l.w.f.*, to empower such person to regulate traffic on such national highway.

But, what is the job of the State Government? You are not sending you police to take care of the law and order situation, which might have been created because of a particular decision of that contractor or that person authorised by you. Suppose, there is a trouble in the national high road in West Bengal, there is a riot to or there is some kind of a law and order problem, you are not going to send you Army to tackle that situation. The West Bengal Government or for that matter any State Government of that area is bound to provides you the facilities for taking care of law and order problem. But I am not sure whether the State Government have been consulted as to whether that will form part of their responsibility. I am in agreement with Syed Sahahabuddin ji when he says that many State Governments will be agreeable to find resources for investing on improvement, maintenance and creating new avenues for transport. Therefore, they may not disagree. May I know from the hon. Minister whether you have a discussion with the State Governments and got and secured their consent in this matter, because they are also involved.

Lastly, there is a proposal which is called BOT - build, operate and transfer, I am told that already the Government had cleared 27 bypass and express projects under this

proposal and the road length of these projects would be about two thousand kilometres. I do not know what has been the terms and conditions. Are these terms and conditions there? Are there is another set of terms and conditions for clearing these projects? If you had cleared the projects, may I be favored with the terms and conditions offered to the State Governments concerned? What are the conditions under which this permission, this consent or this clearance were given? I am told, in particular, that there has been a condition that no State Government will have any say in the matter of employment of contractor, in the employment of technology and in the employment of certain other ordinary routine matters.

Everything will be controlled and managed by the company of the person to whom you have given the authority, although this construction is taking place within the territory of the State. Shall not the Government of the State have any say in the matter, have any control in the matter, have any advice to render or have any kind of necessary administrative interference in the matter of construction? Therefore this is absolutely beyond the scope of the Constitution of the country also. You are eroding the rights of the States. You are undermining the federal relationship, the federal concept of the Constitution.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER) : It is not true.

SHRI CHITTA BASU (Barasat) : Good, you make it clear. I have got some newspaper cutting and therefore I say this. You make it clear that the State Governments have also some role to play in appropriate cases in an appropriate manner. I will be happy about it.

Yesterday I met the Minister regarding Tripura case. I quite appreciate his difficulties. I would also feel that there are vast opportunities for the trade improvement between West Bengal and Bangladesh, between Tripura and Bangladesh, between Assam and Bangladesh and between northeastern States and Bangladesh. For that potential improvement of trade relationship with Bangladesh, the surface transport infrastructure is needed to be improved, reconstructed and modernised. If you can do it, I think you can give effect to you reform about which I have got a great doubt. Your reforms need to be reformed.

With that, I say with all hesitation that I have got mixed reaction to it. I would have been happy had I been able to give you complete support without any hesitation. But I have got hesitation, I have got reservation and I have not apprehension. Therefore, I am not in a position, excuse me, to give you my wholehearted support

MR. CHAIRMAN (SHRI SHARAD DIGHE) . Now the allotted time is already over. I will allow only one or two persons. Let them be very brief now. Take only two minutes each, Shri Mohan Rawale.

[Translation]

SHRI MOHAN RAWALE (Bombay South Central): Mr. Chairman Sir, the kilometreage length of National Highway

was 20,955 in 1951 and we have been able to add only 13-14 thousand kilometers during these 45 years, making a total length of 34058 kilometres. The Asian Development Bank has said that 10,000 kilometreage more should have been added. In 1951, we had merely 3 lakh vehicles which now have swelled to 2 crore 13 lakh which is putting heavy pressure on roads and the roads are getting damaged. This is causing us a loss of Rs. 15000 crore annually and consumption of Petrol and diesel is also more. Traffic jams are created. There should be a perfect coordination between rail and road transport. Therefore, the road should be good, wide and long. We transport vegetables, fruits and other commodities by road after unloading them from trains. In Maharashtra, the national highway length is 3000 kms. The responsibility for construction of national highway lies with the Central Government but the maintenance part of it has been entrusted to State Government on payment of agency charges. The agency charges amount 9 percent of the total cost of original works and repair works.

17.00 hrs.

I would appeal to the Government to increase this to 26 percent. The national highways have two faces-original work and maintenance work. For Maharashtra State, 55 percent allocation was made in 1991 for original works and for repair and maintenance works, which has been reduced to 27 percent in 1994-95. Similarly, for the maintenance of original work 61 percent allotment was made in 1990-1991 which has gone down to 39 percent in 1994-95. How can he maintain the national highways in this way? Whenever the Government of Maharashtra demands more allocation for maintenance of national highways, the Central Government gives no reply. I would like to know what is the precise policy of the Union Government in this regard. I think a Central assistance of Rs. 1000 crore will be required.

Sir, I support this Bill but I would plead not to award contracts to foreign multinationals and award them to indigenous industrialists. I have no objection to privatisation but the people over here have enough money to invest add they should get priority in this sector. He has mentioned in the Bill 'Foreign Parties', but I would plead not to hand over the control entirely to the foreigners.

Sir, I am grateful to you for giving me time to speak.

SHRI MOHAMMAD ALI ASHRAF FATMI (Dharbhanga): Mr, Chairman, I will take only 4-5 minutes to express my views. I will be brief. I am thankful to the Hon. Minister that he at last has give a thought to national highways. He had made a press statement and explained the concept of this Bill on the floor of this House last time. Today he has translated that concept into reality and I am very happy over it. We can understand the impediment he will have to face in the present Indian dispensation. This Bill provides absolute power to the Government to conclude any type of contract about construction of national highways, their maintenance or collection of tax of fees.

Sir, we want that the national highways should be brought to the level of international standard but as Mr. Chitta Basu has indicated there will crop up difficulties. The concept

of highway which has been enunciated by the Hon. Minister in India, as I have said earlier, should interconnect 4 metropolises of the country namely Delhi, Calcutta, Madras and Bombay. This will result in economic growth of the country and save us petrol and diesel and also save money of car owners, bus and truck operators to extent of half of the expenditure incurred by them on maintenance aspect i.e. on wear and tear at present. In India, nearly 60-70 thousand persons die in road accidents every year. Unofficial reports put these deaths to about 1 lakh. It is a matter of regret that human life in India is not valued. The major cause of road accidents is bad shape of highways. There are bullock carts, rickshaws, pedestrians dogs, goats and other animals, walking, running on the same road on which you are driving your vehicle and you have to be very cautious from being hit by any one of them. It is most perturbing that 1 lakh persons, i.e. the population of a small town die in road accidents every year. My submission is that the national highway concept will save us foreign exchange because we will import lower quantity of diesel and petrol after these highways are opened for traffic. We can utilise this saving on the construction of roads and avoid killing accidents. But as Shri Chitta Basu has said, the Government will have to obtain the approval of the State through which the proposed national highway will pass. This highway concept will not allow frequent and easy crossing points. Therefore, there is need to have efficient police patrolling, good hospitals, restaurants and petrol and diesel filling stations at shorter distances along these proposed highways.

As regards invitation to foreign participation in road sector, I oppose this proposition and would like that the major road building companies of India or alternatively NRIs should be given preference in matter of investment on highway sector. If international companies come here to build roads and take away the profit to their country, it will be a matter of regret for our country. So, our first priority in matter of construction of highways, their maintenance and collection of tax should be to go to such NRIs or major Indian companies who desire to make investment in the whole network. Then the national highways to be constructed must be of international standard. These highways will pass along various cities and it should be Government's responsibility to provide approach roads to provide a link between the main road of the city and the national highway. The other roads should also not be neglected. We have been demanding and Government has been making efforts-construction of a highway from Darbhanga to Farbis Ganj. There are so many other such roads. They should not be neglected.

Sir, I had any points to make but there is paucity of time. The Hon. Minister has a dream of a national highway network, he has a clean heart and Government is sincere and we welcome their efforts to realise this dream, but it must be kept in mind that investment should be Indian and the earnings there from should remain in India. The multinational companies should not be allowed to take advantage of this project. Whatever method Government may adopt we want that the condition of national highways should be improved to ensure economic development of the country.

[English]

'KUMARI PRIDA TOPNO (Sundargarh) Mr Chairman Sir I would like to speak very briefly Sir I rise to support the National Highway (Amendment) Bill, 1995 moved in this House by the Hon'ble Minister of Surface Transport Communications plays a vital role in the promotion of trade and industry in the country If the roads are developed the country will developed in all spheres Therefore, there is a need to develop the roads, highways and National Highways on priority

Sir while participating in the discussion I would like to confine my speech on the problems of National High Ways in Orissa and particularly my Constituency since the time at my disposal is very short When we look at the present state of affairs of road sector in Orissa we really feel very sad due to the fact that adequate steps have not been taken for the development of those roads We have a limited number of National Highways in Orissa Proper attention is not being paid for the repair and renovation of those Highways I have raised this matter a number of times in the House in the form of speeches and Matter Under Rule 377 I have drawn the attention of the Hon'ble Minister to the need to develop those roads and Highways The condition of some of those National Highways Particularly from Biramitrapur to Banarpal near Golda Lathikuta, is very bad These National Highways are passing through the tribal populated areas Everyday thousands of cars trucks and heavy vehicles pass through those National Highways Due to this those National Highways are being damaged within a short period During rainy season the condition of those National Highways are being damaged within a short period During rainy season the condition of those National Highways become worse The deteriorated condition of roads lead to accidents Every year 7 to 8 persons die due to accidents on that National Highway which is connecting Banarpal to Rourkela

Sir similar is the condition of the National Highway between Rourkela and Sambalpur The Raja Sahib of former Gangpur State had planted different beautiful tress on that road Now the trees have been uprooted Due to felling of trees there is no shadow on the Highways So the peadestrains who were getting shelter in the past are now deprived of that facility Moreover the Highways has lost its beauty after the trees are felled Now the Government of India has taken up a number of afforestation programmes Why not trees are planted on both sides of every National Highway ? Apart from giving shadow to the tired pedestrians the tress will add beauty of the Highway and help in restoring the ecological balance As such, I request the Hon'ble Minister to plant trees on both sides of the roads during the rainy season of the current year

Apart from this, Sir, there is a need to widen that National Highway I have been stressing on this point time and again because of the fact that the movement of vehicles on that Rourkela Sambalpur Highway has increased substantially and the road has become congested on this account The

increasing congestion has been causing the death of 8 to 10 persons due to accidents every year The people of that area are very much discontented I am happy to say that the Government have taken up the widening of that road with the assistance of the Asian Development Bank So, now there should not be any problem on planting tress The repairing work should be taken up on all National Highways where it is urgently needed

Lastly Sir I would like to stress upon the condition of road between Rourkela and Biramitrapur in my constituency which is in a very bad condition The condition of the road near Lathikatha has become so bad that the plying of vehicles become very difficult This road should also be widened in such a manner that the communication facility will remain open without any difficulties even during rainy season Sir all items of work need adequate fund I request the Hon'ble Minister to provide fund for the same keeping in view the urgency so that the people Orissa will be benefitted

With these words I thank you for giving me an opportunity to speak and conclude my speech

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) Mr Chairman Sir my state Rajasthan is most backward but large in area and has the highest kilometrage of national highways We had demanded an amount of Rs 44 crore but only a sum of Rs 20 crore has been sanctioned and for want of funds we are unable to repair and maintain national highways

Sir the Government has taken up the work of constructing a 4 lane road but so far Ajmer-Jaipur and Jaipur-Delhi have not been linked? The Haryana section of national highway No 8 is in good condition but it is in a very bad shape right from the border of Rajasthan It is the responsibility of Central Government to maintain the national highway No 8 but the State Government is blamed for its dilapidated condition He has to look into this

Sir, the Pramod Mahajan Committee has recommended time bound action programme and simplification of policy guidelines and procedure It has pointed out that only half the amount is made available for maintaining and repairing national highways The recommendations of this Committee should be accepted and implemented He should also have implemented the Resolution adopted by Parliament in 1988 recommending increase in State's revenue share and in contribution to Central Road Fund to ensure investment in road network Then the Indian National Highways Authority which was constituted 5 years ago is lying dormant and is not doing anything All this has resulted in poor maintenance of national highways

Government allocates half the amount of the funds needed for proper maintenance of these highways A major portion of it is spent on labour because of increase in prices and wages This further increase the gap between the amount needed and the amount released I would plead to him to increase the allocation so that the highways are properly maintained

*Translation of the speech originally delivered in oriya

Sir, he has proposed construction of 4 lane highways and foreign and indigenous investment will be made on by pass roads, hotels, motels, petrol pumps etc. along these highways. I have given a notice of amendment in this Bill because of an apprehension which I have. Suppose a contractor fails to carry out the job or does not collect fees in an appropriate manner or does not stand the competition and abrogates the contract unilaterally after recovering half of the investment made by him, then will the Government pay interest on the investment? This has to be clarified. If it is clarified, I will not press my amendment.

The speed-breakers to be constructed should have a proper shape and lighting arrangement during night hours. This is all what I wanted to say.

I hope the Minister will pay special attention to the interest of Rajasthan. I am his neighbour, he belongs to Delhi and I to Rajasthan, We are brothers and I hope he will definitely try to allocate more funds to Rajasthan.

[English]

MR. CHAIRMAN : This is the last speaker, I would not allow anybody else. All Party list are over now.

....(Interruptions)

17.10 hrs.

[MR. SPEAKER *In the Chair*]

SHRI RAM KRIPAL YADAV (Patna) : Sir, I thank you for giving me time to speak on this Bill.

Sir, through this Bill, the Hon. Minister wants to hand over national highways to private agencies. This shows that our country is in economic shambles particularly in highway sector. This has compelled him to bring this Bill. The national highways throughout the country are in the most dilapidated condition. Good roads particularly national highways are the basic infrastructure for the progress of a country and because they are the means of easy transportation and trade and industry mostly depend on them. The fund constraint was responsible for poor construction of several national highways. I have a suggestion that the Hon. Minister should convert PWD into corporation, a commercial enterprise and entrust the responsibility of these enterprise and entrust the responsibility of these highways to it. I think we can improve road conditions through PWD. If the PWD is commercialised, it can take up the work of widening highway, and construct several petrol pumps, shopping complex hotels, restaurants along the road-net-work and income accrued from them can be utilised for maintaining the National Highways

Sir, through you, I would request the hon. Minister to think in term of converting PWDs into commercial organisations. On the Parameter of the country. We have only 8 percent National Highways, which receive very heavy traffic load. I, think, provision should be made for the improvement and maintenance of national highways. We can be put to a great loss because of bad condition of national highways. The Central Road Research Institute has opined that proper maintenance of national highways can lead to considerable

saving in petrol consumption and purchase of motor parts etc. It can also improve our economic condition.

I would request the Hon. Minister to lay down same policy in this regard. The national highways which are in bad shape should be got repaired. It will save many lives which get perished in road accidents. I think, more than two lakh persons die annually in road accidents. I would suggest to the Hon. Minister to convert all the single lane highways into double lane highways. No doubt, he has in mind this proposal. This will facilitate national traffic movement to a great extent. The expenditure incurred on the maintenance of vehicles will come down by 20 percent. I have yet another request to make. Through this Bill he proposes to hand over national highways to private companies and they will be entitled to fix and recover fees arbitrarily. It will create difficulty for the poor people of this country. Therefore, I want him to consider this aspect and take a decision. It appears that he has followed the BOT Policy and I think this has prevented the contractors or parties to make applications because they want assurance of risk guarantee which he is not giving. My feeling is that his dream of privatisation of highways is not going to be realised.

There is a large network of national highways in Bihar but no new highway has been constructed after 1974 and the condition of existing ones is also very bad. He should pay attention to them. He has not released funds for their maintenance. Sufficient funds should be released for Bihar to carry out proper repair and keep these highways in good condition. A proposal for the Motihari-Janakpur national highway is pending with him and I would like him to throw light on this project while replying to the debate.

With these words, I conclude.

SHRI PRAHU DAYAL KATHERIA (Ferozabad) : Sir, I will support this Bill brought forward by the Hon. Minister on one condition i.e. the Government should entrust this work to reputed Indian Companies instead of foreign companies. What are his compulsions in inviting foreign companies? I have met the Minister in his chamber. I shall not go into the details but would like to repeat what the Minister had said ... (Interruptions)

[English]

MR. SPEAKER : I am not going to allow this kind of a discussion

[Translation]

SHRI PRABHU DAYAL KATHERIA : I am discussing national highways. One road accident occurs in every 3 minutes in India. We have several vehicles of Japanese technology but don't have the highways of Japanese standard. Had there been highways of that standard so much accidents would not take place. I want to say that whatever funds he wants to provide they should be given to indigenous enterprises

The Agra national highway.....in the world(Interruptions)

[English]

MR. SPEAKER : If you want to speak on the Bill then I will allow you.

[Translation]

SHRI PRABHU DAYAL KATHERIA : If you go by road you will see the condition of this highway.

I will only plead that whatever funds are advanced, they should go to Indian Companies, not to foreign companies.

[English]

SHRI JAGDISH TYTLER : I would like to first of all, thank all the hon. Member who have participated in a healthy manner some with condition and some with condition and some on principle, but by necessity they have said, 'We support it'. But I think after I give answers to all the queries, everyday body will agree that this is something which the country needs, Sir, we have about two million kilometres length of roads in the country, out of which, 34,580 kilometres are national highway. As the hon. Members have said and I agree with them that the state of the highways is not very good. It is because I will be able to explain and justify it. Only 5 per cent of the national highways have four lines, 80 per cent have two lines and 15 per cent have only one line.

[Translation]

People want to use road passenger and goods transport more than the railway transport and every year vehicle traffic on these highways increases by 12 percent. The present system is therefore not enough to cope with our present requirement and this leads to more accidents. These highways lack maintenance also. So, it is actually not privatisation. The Act of 1993 provides for collection of toll and we have been collecting it. We have been charging toll since 1976 on those bridges which involved construction costs of above Rs. 1 crore. The collection of toll is stopped when the cost of the bridge is recovered. However we are thinking of continuing levying a small amount of toll tax beyond this period to ensure proper maintenance of such bridges. This is necessary. This proposal is being processed in my ministry.

I have brought this Amendment Bill to enable to non-Government parties to collect toll for recovering the amount invested by the in highway construction. The Government can charge toll under the existing law on the road constructed by it but not the private parties. This necessitated the introduction of this amendment. Whenever this question came up for discussion during the last four and a half years on the floor of this House, each Parliament Member, irrespective of his party affiliation, wanted building of such highways. Building of highways also ensures developmental work and generates employment both in rural and urban areas.

Why am I unable to invest on highways. Keeping in view the bad condition of roads. It is because funds are not available for this sector, although I should not say anything about the Government, but the Hon. Members have raised this issue and therefore, I am supposed to explain the position to them. In the first five year Plan, allocation for roads was 6.68 per cent which declined to 3 per cent in Eight Five Year Plan. Similarly, the allocation for national highways in the first Five

Year Plan was 4.5 per cent but it was slashed to 0.6 per cent in the Eighth plan. We have 34000 kilometre highways and I need rupees 20,000 crore only for their repair and upgradation. I had not a feasibility study conducted by Asian Development Bank which said that India needs 10,000 kilometre highways more which involves an outlay of Rs. 80,000 crore. We need this % amount today. We have to construct and strengthen 4 laning system. The need for funds is there. The question of payments(Interruptions)

SHRI DAU DAYAL JOSHI : Will he please tell us the tie by which this project will be completed or will it remain on papers only ?

SHRI JAGDISH TYTLER : I will reply to your point. Let me first reply to each of the points you have raised. You have raised(Interruptions)

SHRI DAU DAYAL JOSHI : Whom are you complaining by telling all these things? You are the Minister. What arrangements have you made to mobilise this amount ?

SHRI JAGDISH TYTLER : I have said, I should not have complained but the Centrally Government does not spend itself on the roads which are in dilapidated condition. In fact, the funds are allocated to State Government and if the state Government... (Interruptions)

SHRI DAU DAYAL JOSHI : My Government is doing this. The Rajasthan Government is carrying out the maintenance work with great interest.

SHRI JAGDISH TYTLER : You please listen. You have raised this question and therefore, I am replying it. I never wanted to say this. I did not want to politicise it. You have raised very good points and I want to reply them. I have asked, why I am privatising this sector, why I am inviting foreigners, Indians to build roads here and charge toll. You have 2-3 apprehensions in your mind. If you listen to me(Interruptions)... Your question is very good. It would have been better if you could hear me. Where is the need of interrupting me? If I am not able to satisfy you, then only you stand and say that your question has not been replied to.

Many Hon. Members think that we are privatising the national highways. It is not so. It is regarding new express way and free way. If we demand more budget, the Central Government will continue to provide it and we will continue to construct roads. I will demand funds if there is demand from Central Government or Members of Parliament or Money is needed for maintenance purposes. So, nobody should entertain any apprehension that the entry of these companies will render CPWD or labourers jobless. This is a wrong motion. On the contrary, their entry will provide jobs to millions of India. It will also ensure development of the country. Who-so-ever will invest... (Interruptions)... There is no dispute in Goa and the work is progressing successfully. If there is any dispute, the police is there, the law of land is there. You should have no misconception that we will stop constructing, these highways and other roads. They will construct roads and charge fees. One who pays tax will use the road and if anyone does not want to use then it is left to his will. For him Government has alternative roads. The Government of India will continue to maintain these roads and construct new

roads. This work will not stop the highways to be built by private companies will be new ways. We have thought of a very good plan. One new highway will connect Amritsar-Chandigarh, Delhi-Patana-Calcutta, Bhubneshwar-Madras and Kanyakumari. The othe highway will start from Delhi and lead to Rajasthan, Bombay via Gujarat and from Bangalore to Kanyakumari via Kerala. The third highway will lead to Kanyakumari via Delhi, Mysore, Manglore. Similarly, a highway will connect Bombay with Calcutta directly

A suggestion has also been made about the Golden Triangle. We have a planning for it also. It will connect Delhi, Agra and Jaipur which are important tourism centres. The tourist complain to us that it takes them 5-6 hours to reach these tourist place and they want free flow of traffic and for this they are prepared to pay any amount of Rs. 50, Rs. 100 or Rs. 200. We have done this planning keeping in mind these suggestions. . (Interruptions)

[English]

SHRI GOVINDA CHANDRA MUNDA (Keonjhar) I am also supporting you. I will request to you that you should specially look after the national highway No. 5 where so many accidents take place.

[Translation]

The Hon Speaker is also aware of it. No attention is paid to it, so I am pained.

MR. SPEAKER : I am not aware of it

SHRI JAGDISH TYTLER Shri Shahabuddin has raised a very good point that the Indian companies should be given preference. We are framing a policy in this respect. It has been raised earlier also. We never thought that the Indian Companies might have this staggering amount. Therefore, a feasibility study was ordered. I am happy that a large number of Indian Companies are prepared to make investment.. I have had talks with almost all the twelve foreign compaines and I told them that our preference will be that they should work in partership with Indian companies because the job will require labour and material. They have to make investment and it should be invested in collaboration with Indian companies because the entire labour will be Indian and the entire material will be purchased in India. I am of the opinion that it will lead to large scale development and create jobs for the people. We have to keep in mind all these things.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj) . This should be under the majority control of the Indian company. That should be made clear. It should not be a foreign controlled company.....(Interruptions)

[Translation]

SHRI JAGDISH TYTLER : Whosoever brings in money. (Interruptions) We need Rs. 80,000 crore.

SHRI SYED SHAHABUDDIN : We are talking of different projects(Interruptions)

SHRI JAGDISH TYTLER : We need Rs. 80,000 for

12,000 kms. We will have a feasibility study. The equity will be decided according to the money invested. There are no such business norms where I should say that Indian company should invest 51 per cent and others 5 per cent. This is not the business norm. Equity will be as per investment. Every company will have to respect and work under the Indian law, whether it is investment or the reparation of money, both will be governed by Indian laws

The Honourable Members have raised a very good question about State Governments. I would like to say that no project can work and proceed without the consent of the State Government. Their consent is necessary because the question of land acquisition and law and order are also involved.

SHRI SRI KANT JENA (Cuttack) : Is there any guarantee or not ?

SHRI JAGDISH TYTLER : No guarantee will be given to the company. This we have laid down from the very beginning. We have already made a study about traffic load. The feasibility study will indicate whether guarantee is required or not. It is insisted, they will not be allowed to work and asked to go back. If they do not seek the guarantee, they will be given contract.

The roads belong to us. The project is with us. We can give land. We have the National Highway Authority which can give clearance as per the rules. Many members have asked questions about this Authority. I am pleased to inform them that the National Highway Authority is fully operational since January 1995. It has taken up the first project of Asian Development Bank. The entire project will be monitored by this authority. There is no question of arbitrary acts.

The Honourable Members have raised the point about the funds being released to State Governments. At this moment, I would not like to comment on it because the funds have been properly utilised at some places and not utilised at some other places. I hope, when the National Highway Authority has become functional, the funds will be utilised judiciously. Whatever the Hon. Members have said, the work has progressed to a good extent and we are determined to make it a success.

[English]

17.43 hrs.

(SHRI SHARAD DIGHE in the Chair)

As the hon. Member, Shri Ruphand Pal has said, we have received 133 proposals. First of all I would like to tell the House that most of the Chief Ministers, most of the Transport Ministers, most of the CPWD Ministers have sent a number of proposals totalling about Rs. 70,000 crore to Rs. 80,000 crore to us. They are regarding where they want new National Highways to come up, new repairs to be undertaken and new links to be made and I feel that is is very necessary. But I am sorry to say that I do not have that much of money. But I would see to it that once we are planning at the express ways that would meet the demands of the Members of Parliament and somehow or the other, we cover the maximum areas. These expressways will be going into their areas so that the

people who want to use after paying the money will be able to have an access to those areas. And for those who do not want to pay the money, the Government of India has got another alternative route for them to go. Of course, the guarantees will not be given. The Indian Road Congress is a registered body, whose suggestions are recommendatory in nature. We do sometimes examine them and wherever it is possible we do implement them.

Another thing which Mr Paswan was telling was that deaths are taking place in the road. Even in one death, it does not make any Government feel very happy but we are trying our level best to improve whatever situation like this. If it is the stoppage, it is the village people who do it. We do not want a single road breaker because it damages the vehicle and it is also responsible for many accidents. I want to tell you that from 1990, rather the rate of accidents is coming down while the traffic is going up. In 1991 we had two lakhs accidents and 56 000 deaths took place. In 1952, 49 700 deaths took place. This means the death rate is coming down. It is only because of more roads. Engineers are also going and the State Governments are also helping us in a big way for maintaining the disciplines by whichever way it is possible. The police of course with their own role sometimes they play have also been doing a good work in controlling and checking the drunkard drivers and the people who are not having valid licences. I think once these express ways come with the dispersal of the road, the traffic will spread and I hope that the death rate would come down more. Mr Khanduri had mentioned about *(Interruptions)* If you say about Germany, it is okay. But I do not want to use Hitler as name or a man of that kind which is not something which should be used in such an august house. The road will be good roads as good as America or Europe would have it.

These are the highways which will be thought out by the Narasimha Rao's Government and I hope we will start this work and one day your children and your grandchildren will remember and say that when our grandfather was a Member of Parliament that was the time, this Bill was passed and that is why they could have this facility.

Sir, I think with these I was able to answer all the questions *(Interruptions)*

MR CHAIRMAN I think there has been sufficient discussion. Full discussion has taken place.

(Interruptions)

MR CHAIRMAN I have not allowed you

(Interruptions)

MR CHAIRMAN (SHRI SHARAD DIGHE) Now let us take the motion for consideration of the Bill.

The question is

"That the Bill further to amend the National Highways Act, 1956, be taken into consideration."

The motion was adopted

MR CHAIRMAN (SHRI SHARAD DIGHE) Now the House will take up clause-by-clause consideration of the Bill.

Not recorded

Clause 2 Insertion of new section 8A and 8B

MR CHAIRMAN In Clause 2, there are amendments to be moved by Shri Girdhari Lal Bhargava. There are Government amendments also. Mr Minister, are you moving amendments Nos 1 and 21?

SHRI JAGDISH TYTLER I beg to move

Page 1,-- for line 14, substitute

"Government may by notification in the Official Gazette, specify having regard to the management and operation of the whole or part of such national highway interest on the capital invested reasonable return the volume of traffic and the period of such agreement."

Page 1 -- for lines 15 to 18 substitute-

"(3) A person referred to in sub-section (1) shall have powers to regulate and control the traffic in accordance with the provision contained in Chapter VIII of the Motor Vehicles Act 1988 on the national highway forming subject matter of such agreement, for proper management thereof."

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MR CHAIRMAN Mr Girdhari Lal Bhargava, are you moving your amendments No 3 and 4?

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) I beg to move

(3) That in the amendment proposed by Shri Jagdish Tytler printed as SI No 1 in List No 1 of Amendments,— lines 4 and 5 — *omit* "interest on the capital invested reasonable return"

(4) That in the amendment proposed by Shri Jagdish Tytler, printed as SI No 2 in List No 1 of Amendments, *add* at the end,

"Provided that the person shall not act arbitrarily and observe the guidelines as prescribed by the Government in this regard"

Sir I want to ask what rate of interest will he pay on the balance amount of the investment made by company which it could not recover due to incompetency *(Interruptions)*

SHRI JAGDISH TYTLER As per the policy which has been adopted by the Finance Ministry we are allowing 16 per cent net return to these people and if anybody falters on this we will not be responsible for any of his debts.

SHRI GIRDHARI LAL BHARGAVA I withdraw my amendment

MR CHAIRMAN Are you withdrawing in both the amendments?

[Translation]

SHRI GIRDHARI LAL BHARGAVA Secondly there should be central Governments' control which will be there. Therefore, I beg you leave to withdraw the amendments.

[English]

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his amendments ?

SEVERAL HON. MEMBERS : Yes.

Amendments No. 3 and 4 were, by leave, withdrawn.

MR CHAIRMAN : I shall now put Government amendment No.1 to the vote of the House.

SHRI RUPCHAND PAL (Hooghly) : On this amendment, I have to say something, Sir. When I spoke, I raised a point that when there is already an existing national highway and a new one is constructed, will the Government continue to describe the existing national highway as a parallel national highway or will they cease to be called as national highways?

SHRI JAGDISH TYTLER : Sir, I wish, the hon. Member had been here when I answered. I have said that national highways will always remain national highways. These are the Government's obligations to the people of this country. We will have to give to them a free passage. These new express ways or super highways, as you may call them, will be toll-based ones. Anybody who wants to use them, will have to pay for it.

SHRI RUPCHAND PAL : What about the Government's commitment to maintaining the old national highways?

SHRI JAGDISH TYTLER : That will remain. The maintenance will remain and also extensions and additions will always continue.

MR. CHAIRMAN : The question is :

Page 1,--- for line 14, substitute--

"Government may, by notification in the Official Gazette, specify having regard to the expenditure involved in building, maintenance, management and operation of the whole or part of such national highway, interest on the capital invested, reasonable return the volume of traffic and the period of such agreement."

The motion was adopted.

MR. CHAIRMAN : I shall now put Government amendment No.2 to the vote of the House.

SHRI SYED SHAHABUDDIN : Sir, about amendment No. 2, I have to say that essentially this amendment adds the words "control the traffic" to merely regulation of the traffic. I feel that a private company which has constructed a super highway, as the Minister called it, or which is collecting toll for it, should not have the police powers of controlling and regulating the traffic. That is a detraction from the powers of the State. Therefore I oppose this amendment and hope that the Minister would withdraw it.

SHRI JAGDISH TYTLER : Let me clarify this.. Sir, it is proposed that the traffic on the express ways and four-laning facilities built under BOT concept may be regulated by the entrepreneur himself. However, the Government may make exception to the traffic regulation functions of the entrepreneur in the matters concerning law and order, investigation of crimes and terrorist activities.

MR. CHAIRMAN : The Question is :

Page 1, -- for lines 15 to 18, substitute--

"(3) A person referred to in sub-section (1) shall have powers to regulate and control the traffic in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 on the national highway forming subject matter of such agreement, for proper management thereof."

The motion was adopted.

MR. CHAIRMAN : The question is :

That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended was 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 JAGDISH TYTLER : Sir, I beg to move :

"That the Bill, as amended, be passed."

MR CHAIRMAN : Motion Moved;

"That the Bill, as amended, be passed."

[Translation]

SHRI DAU DAYAL JOSHI : Mr. Chairman Sir, as I have said in my speech, there is possibility of coming of Foreign companies. The Minister has indicated that large number of applications have been received. I would like to know whether any ratio, any percentage has been laid down for Indian Industrialists and foreign companies so that Indian companies have a majority participation.

SHRI JAGDISH TYTLER : The participation will be as per the investment made in the business.

SHRI SYED SHGABBUDDIN : Do you want to keep Indian majority or not ?

[English]

SHRI JAGDISH TYTLER : Sir, I have said that we would prefer. and we shall advise all of them, that they should take Indian partners. I cannot ask them to invest so much money and then take (Interruptions)

Please listen only one member shall speak.

SHRI SYED SAHABUDDIN : You should not sign an agreement with a party which has a foreign majority.....(Interruptions)

[Translation]

SHRI DAU DAYAL JOSHI : Mr. Minister, in your reply you have said that you will request the NRIs to enter into partnership with Indian companies. If you give it a legal shape than....(Interruptions)

[Translation]

MR. CHAIRMAN : The questions is
"That the Bill, as amended, be passed."

The motion was adopted

17.56 hrs

CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL*

(Amendment of article 16)

MR. CHAIRMAN : Now there is Supplementary List of Business - Bill to be introduced by Shri Sitaram Kesri

[Translation]

THE MINISTER OF WELFARE (SHRI SITA RAM KESRI): Sir, I beg to ove for leave to introduce a Bill further to amend the Constitution of India.

[English]

MR. CHAIRMAN : Motion moved :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

[Translation]

PROF. RASA SINGH RAWAT : Sir, I am a point of order.

[English]

MR. CHAIRMAN : Shri Rawat, is it a point of order or do you want to oppose it ? You have given notice for opposing the Bill, The first notice is given by Shri Chandrajeet Yadav. Let him speak.

[Translation]

SHRI CHANDRAJEET YADAV : I am very sorry to say that the Welfare Muinister has not intrduced the Constitution Amendment Bill in the manner in which it should have been introduced. He has by passed all rules and regulations. He has violated the rules of this House. He has also by passed the Directions of the Speaker, issued fro time to time. I will discuss the object of the Bill later on. He is making amendments in the Constitution and not in an ordinary statute. The amendment of the Constitution is a very important matter. That cannot be introduced in a casual manner. This Bill has been circulated to us only 5 minutes ago. Why has it been introduced hurriedly? What is the urgency for it? Why did the Hon. Minister not introduced it earlier? He ought to know that there are Speakers direction for introducing a Bill.

[English]

The Clause 1 of Direction 19-A of Chapter V of the

* Published in Gazette of India exteraordinary, Part II, Section 2 dated 31.5.95

Directions by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha says as follows :

"A Minister desiring to move for leave to introduce a Bill shall give notice in writing of his intention to so"

Clause 2 says :

"The period of notice of a motion for leave to introduce a Bill under this direction shall be seven days unless the Speaker allows the motion to be made at shorter notice."

It will be seven days under this Direction of the Speaker, Shorter notice does not mean five minutes' notice. It does not mean that

18.00 hrs.

[Translation]

We have Rules and Procedures which govern our proceedings in this House Rule 64 says :

[English]

"The Speaker may, on request being made to him, order the publication of any Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompany it in the Gazette,...

[Translation]

For this also, prior permission of his speaker is required leave is needed for publishing it in the Gazette before the Bill is introduced it further says :

[English]

"...although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again."

MR. CHAIRMAN . For you information, the leave has been granted by the Speaker.

[Translation]

SHRI CHANDRAJEET YADAV : The present Speaker had on the floor of this House during this session itself had given a direction about Constitution amendent Bills that at least 3 days' notice should be given for introducing the Constitution Amendment Bill. This Bill cannot be discussed till this period is over.

[English]

MR. CHAIRMAN : The Minister had requested that the requirements under 194 of the Directions by the Speaker may be relaxed in respect of this Bill in order to permit the Bill to be introduced in the current Session and this has been approved by the Speaker. Therefore, that question does not arise.