

to pay the price for our ignorance. Thank you.

उपसभाध्यक्ष (श्री अजीत जोगी): सदन की कार्यवाही दोपहर के भोजन के लिए दो बजकर तीस मिनट तक के लिए स्थगित की जाती है।

The House then adjourned for lunch at thirty-two minutes past one of the clock.

The House reassembled after lunch at thirty-four minutes past two of the clock, The Vice-Chairman (Miss Saroj Khaparde) in the Chair.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): We shall now take up the Statutory Resolution disapproving of the National Highways Laws (Amendment) Ordinance, 1997 and the National Highways Laws (Amendment) Bill, 1997 together. Shri Satish Agarwal.

Statutory Resolution Seeking Disapproving of the National Highways Laws (Amendment) Ordinance, 1997 (No. 9 of 1997

and

The National Highways Laws (Amendment) Bill, 1997.

SHRI SATISH AGARWAL (RAJASTHAN): Madam, I beg to move:

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

This Ordinance was promulgated on 24th January, 1997. I am not against the provisions of the Bill as such. But my complaint is that the Winter Session of Parliament was over on 20th December ...(*Interruptions*)...

SHRI V. NARAYANASAMY: Your complaint is against the Minister.

SHRI SATISH AGARWAL: ...and this session had commenced from 20th February, 1997. Then, what was the urgency for bringing forth this Ordinance

on 24th January, 1997? Article 123 of the Constitution of India which authorises the President of India to promulgate Ordinance, reads as follows:

"If at any time except when both the Houses are in session the President is satisfied that circumstances exist which render necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require."

I don't think such circumstances are there. I am sorry to say that there was no such urgency to promulgate this Ordinance on 24th January, 1997, more particularly when we had our Winter Session ending on 20th December, 1996 and the Budget Session commencing from 20th February, 1997. I would like to know from the hon. Minister as to what was the urgency. In my humble opinion, there was absolutely no urgency and this has become a tendency of the Government of the day to rule this country through Ordinances. I am deadly against governance through Ordinances. That is why I have moved this Motion. As I stated at the beginning of my speech, I am not opposed to the spirit of the Bill. But I am opposed to the tendency of the Government to rule this country through Ordinances. However, I would like to ask the hon. Minister as to what action he has taken so far. Clause 10 deals with this and I may be permitted to quote clause 10 of the Bill which reads as follows:

"10. (1) The National Highways Laws (Amendment) Ordinance, 1997 is hereby repealed.

(2) Notwithstanding the repeal of the National Highways Laws (Amendment) Ordinance, 1997, anything done or any action taken under the National Highways Act, and the National Highways Authority as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding

provisions of those Acts, as amended by this Act."

I want to specifically know from the hon. Minister as to what actions have already been taken under this Ordinance since 24th January, 1997 till date. If no action has been taken which we are going to validate under clause 10 of the Bill, then what was the urgency for promulgating this Ordinance? You could have waited and brought forward this Bill before the House and got it passed because we are not against the spirit of the Bill as such. The Government could have done like that.

Moreover, in this particular Ordinance, a provision has been made with regard to formulation of terms and conditions, and rules under which compensation is to be paid to the Authority with which the compensation amount has to be deposited by the Central Government and for certain other allied matters. I want to know whether the Government has framed those rules or has laid down those terms and conditions as prescribed under various clauses of this Ordinance. If the Government has not done that, if the Government has not framed any rules as required under this Ordinance, if the Government has not laid down any terms and conditions as required under this Ordinance, the issuance of which is an extraordinary power vested in the President of India, then I will charge the Government with blatantly misusing the provisions of article 123 of the Constitution of India. So, I would like the hon. Minister to clarify to this House as to what actions have been taken in this behalf, whether he has acquired any land, whether he has issued a notification under several sub-clauses of clause 3 regarding compensation, acquisition of land, etc. I would like to know from the hon. Minister as to what he has done so far. This House would like to know this from him so as to justify the issuance of the Ordinance on 24th January, 1997. If the Government has not taken any action whatsoever, then it is very unfortunate

and it is a gross violation of article 123 of the Constitution of India. Apart from this, to be very brief on this point, I would like to bring it to the notice of this House that the total national highway network as on date is 34,298 kilometers. The total network constitutes two per cent of the total road network in the country. But the load on this network, on this 2% of the total road network, is 40% of the total road traffic. On this two per cent of the total road network, you have a load of 40% road traffic. And this has been going on for years together. Vehicular traffic has grown by 50 times since 1951 while the road network has grown only by 5 times. Is not the Government aware of this? Is not the Government aware of this position? Does not the Government feel that this has to be rectified? I don't want that usual answer that the earlier Government is responsible for that. The Government is in continuity. You have to answer that. You cannot pass on the buck to the previous regime or regimes. I am not here to defend anyone.

I would like to know one more thing. An amount of Rs. 75,000 crore is estimated to be the requirement to meet the deficiency. I want to know from the hon. Minister as to how he is going to make this amount available. What is the budgetary provision that you have made for roads and bridges in this year's Budget, i.e., the Budget for the year 1997-98? It is Rs. 520.81 crores. In this year's Budget, the budgetary provision for roads and bridges is Rs. 520.81 crores only. For road transport, it is Rs. 6.36 crores. Then, how are you going to meet the estimated expenditure of Rs. 75,000 crores? What is the number of proposals for private participation via the BOT route—build, operate and transfer route—which you have proposed? What terms and conditions have you laid down for charging the toll fees from the consumers, from the passengers who are going to use these routes? Have you fixed up the rates? Let me know if you have done something about these things.

What is the position of the roads? Have you ever seen it? Have you ever travelled from Delhi to Jaipur? It is going to be a fourlaner. Madam Vice-Chairman, you might have travelled on this road. I know you had been to Jaipur because you were kind enough to ring me up. But I don't know whether you have come by air or road. From Delhi to Jaipur, it is a hazardous journey. Despite the road construction, the construction of a four-lane road, which is going on for the last several years, we are yet to see its completion. Same is the position with regard to the road from Jaipur to Ahmedabad. Same is the position with regard to the Jaipur-Kota-Bombay road. Same is the position with regard to the Jaipur-Bharatpur-Agra-Lucknow road. Wherever it is, the condition of the roads is very bad. I am sorry to say that the condition of the roads is so bad that accidents take place every day. I have sanctioned Rs. 10 lakhs for a trauma ward in Kotputli which is just the midway of the Jaipur-Delhi highway. I have sanctioned another Rs. 10 lakhs for a trauma ward at Duda which is between Jaipur and Ajmer. If the Government is not able to provide all the facilities to those who meet with fatal accidents, then how is it going to operate all these things? Fortunately, I had occasions to go abroad. I travelled there from one place to another place, say, for example, from London to Birmingham. There, they call them express highways. Whenever my relatives from America come here, they tell me, "Uncle, we drive at a speed of 120-130 kilometres an hour." You cannot drive here at all. It is so risky to drive on these roads. It is like inviting death. I am not referring to the Delhi roads or the Blue-line accidents in Delhi. I am referring to those highways which are known here as the national highways. Their condition is very bad, which are known as national highways and their condition is very bad. I am not talking about State Highways and District Highways, I am talking about National Highways and their condition is

deteriorating so that there is more wear and tear, there are *khuds* and holes and God knows what would happen on the road. There is a provision that so much should be left on both sides of the national highways, but what is the position? You go on the national highways. After ten feet you will find a *dhaba*, after 15 feet you will find some restaurant or after 20 feet you will find people living over there. What is the position? The law provides that so much space has to be left on both sides of national highways and it has to be kept vacant. Nobody can build anything, but people are building unauthorisedly and the Government of the day anywhere does not take any action. Once a building is constructed, then it is very difficult to demolish it on humanitarian grounds. Then, the problem of humanitarianism comes in. So, what action do you propose for it? I want to know as to what your intention is. Nothing has been indicated here.

Madam, I would like to say one more thing. This particular private participation was permitted in 1995 during the Congress regime and this BOT Scheme came into force, as admitted by the Minister in his statement. I would like to know as to how many schemes you have sanctioned, on which national highways this is in operation, what toll tax is being charged and what are the likely rates of toll tax to be charged from the passengers hereafter. It has been laid down in this Bill itself that it will be prescribed under the rules. So, either you let us have the copy of the rules or let us know the terms and conditions on which this is going to be determined. There is no indication about the compensation to be paid to those people whose lands are going to be acquired. Not only that; it has been mentioned specifically that this award of compensation is not liable to challenge in any court of law. Whatever the Competent Officer decides, will be final. You cannot go in appeal anywhere. At

least, one appeal is always provided. But, anyway, you have done away with that. I am not quarrelling with you on that particular point. But, if you say that it cannot be challenged anywhere, in any court of law, if that is the intention, then at least you must make provisions with regard to the terms and conditions.

Now, I would like to know from the Minister about a question which was raised by Shri Maheshwar Singh here about the Central Road Fund. How much amount is lying with you under the Central Road Fund? This law was passed by Parliament and you have failed to implement it in letter and spirit. How much amount is deposited with you and how much have you invested for development of roads and on national highways in this country? You kindly let this House know as to what the position with regard to that is

As I stated earlier, I have not much to say. I am not against the provisions of the Bill, but I am against this tendency of the Government to issue Ordinances and to govern this country through Ordinances which I had been decrying in the past. Today also, I denounce it as a very unhealthy practice and a gross violation of the Constitutional provisions. Thank you, Madam.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Agarwal, you raised a very important point regarding national highways. Just now you mentioned my name. It is true that at that time I was in Jaipur. I went there by air. From Jaipur to Delhi, I wanted to travel by road, but the local people told me, "Don't take the risk because the roads are pretty bad. Better, you travel by train." That is why I travelled by train from Jaipur to Delhi. Still people are coming from there are telling me that roads are very, very bad. So, I think the Minister will take cognizance of all these difficulties faced by the people while coming from Jaipur and going from Delhi.

SHRI TRILOKI NATH

CHATURVEDI (Uttar Pradesh): Madam, these national highways are becoming a national shame.

SHRI R.K. KUMAR : Madam, there is one more problem in coming from Jaipur to Delhi. If you pass through Haryana, your car is stopped and is searched for alcoholic contraband.

THE VICE-CHAIRMAN MISS SAROJ KHAPARDE: Well, there are different reasons for that.

SHRI SATISH AGARWAL: That depends on passenger and passenger.

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

That the Bill further to amend the National Highways Act, 1956, and the National Highways Authority of India Act, 1988, be taken into consideration.

Madam, with your permission, I would like to say a few words while moving the National Highways Laws (Amendment) Bill, 1997 for consideration and approval.

The activities of National Highways and other matters connected therewith are governed by the National Highways Act, 1988 (48 of 1956). The National Highways Authority of India was constituted for the development, maintenance and management of National Highways under the National Highways Authority of India Act, 1988.

The total length of National Highways in the country at present is 34,298 kms. Though the National Highways network constitutes only about 2 per cent of the total road length in the country, it is carrying over 40 per cent of the total traffic.

At present, National Highway network suffers from several deficiencies and it requires a huge amount of about Rs. 75,000 crores to address all these deficiencies. Since due to resource crunch, it is not possible to find such a large amount from the Budget,

Government have been contemplating/ taking various steps to attract private investment in National Highways development. In order to provide facilitating environment and give a boost to private investment in National Highways certain amendments are required in the National Highways Act, 1956 and the National Highway Authority of India Act, 1988.

Presently, there is no prohibition on expanding the limits of the municipal area, along side National Highways or bypasses. As a result, over a period of time, the bypass ceases to serve the purpose for which it was built. Therefore, it was felt necessary to ensure continuity to the status of bypasses built through private investment. To achieve this, the Bill proposes to amend the National Highways Act, 1956, so as to include the Highways situated within any municipal areas as a part of National Highways.

One of the impediments in the speedy implementation of highway projects has been inordinate delay in the acquisition of land. In order to expedite the process of acquisition, it is proposed that once the Central Government declares that the land will vest in the Government and only the amount by way of compensation is to be paid and any dispute relating to compensation will be subject to adjudication through the process of arbitration, provisions in the existing Land Acquisition Act, 1984 would not apply to the land acquisition proposed under this new Bill.

It is also proposed to amend section (9) of the National Highways Act empowering the Central Government to make rules to provide for the manner in which the amount for acquiring the land for the purpose of development of National Highways shall be deposited with the Competent Authority before taking possession of land, as also where the amount determined by the arbitrator is in excess of the amount determined by the Competent Authority, the excess amount together with interest, if any,

awarded shall be deposited by the Central Government.

The National Highways Authority of India Act specifies the functions of the National Highways Authority of India which *inter alia* includes engaging or entrusting any of its functions to any Corporation or body corporate owned or controlled by the Government in relation to the highway vested in or entrusted to the Authority. An enabling provision for entrusting a highway vested in or entrusted to the Authority to the private sector does not exist in the National Highways Authority of India Act which is an impediment to facilitate private sector participation in respect of highways vested in the Authority. Therefore, an enabling provision in this behalf is proposed.

It is also proposed to make amendments in the National Highways Authority of India Act to enable Central Government to provide adequate capital and loans to the National Highways Authority of India. It is further proposed to empower the Central Government to prescribe the terms and conditions subject to which the functions of the Authority may be entrusted to any person.

I commend the Bill for the consideration of the House.

The questions was proposed.

SHRI T.G. VENKATRAMAN: Madam, certain points have been raised. Of course, I should thank the hon. Member for saying that he was not against the sum and substance of the Act, but that he had objection only in regard to the promulgation of the Ordinance.

Madam, the hon. Member would understand the position if I point out the delays caused in the matter of acquisition of land. I do not think he is not aware of it. Perhaps, he wants to see how I am faring from this side of the House. He is testing me to that extent. I am thankful to him for that.

When you look at the work that has

been pending right from 1987, what do you find? I would read out only a few...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Minister, would you yield for a minute? Many Members are going to speak. I think, after everybody speaks, you can, while replying, refer to it.

SHRI T.G. VENKATRAMAN: Very well, Madam.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): In your reply, you can also cover the queries raised by the hon. Members. I think that would be more appropriate, if you don't mind.

SHRI JOHN F. FERNANDES (Goa): Madam, if the hon. Minister wants to explain, let him explain.

SHRI SATISH AGARWAL: Let him clarify certain points so that they would not be repeated by the Members. For example, he has to clarify on the question of Ordinance. He should say what he has done after the promulgation of the Ordinance. What action you have taken? How much land you have acquired? What steps you have taken? Have you formed roads? Have you laid down the terms and conditions?

SHRI T.G. VENKATRAMAN: If the Chair wants, I can.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I think it is better that you give the details at that time.

SHRI T.G. VENKATRAMAN: I have noted down the points. I shall try to give a reply at the end.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Shri Sunder Singh Bhandari. He is not present. Shri Raghavji, please.

श्री राघवजी (मध्य प्रदेश): उपसभाध्यक्ष महोदया, मैं आपका आभार व्यक्त करता हूँ कि आपने मुझे इस विधेयक पर बोलने का अवसर दिया। महोदया, मैं राष्ट्रीय राजमार्ग विधि (संशोधन) विधेयक 1997 पर बोलने के लिए खड़ा हुआ हूँ। महोदया, मैं

वरिष्ठ मित्र श्री सतीश अग्रवाल ने जो बातें कही हैं, उन्हें मैं दोहराना नहीं चाहता लेकिन मैं उनसे सहमति व्यक्त करता हूँ। महोदया, 24 जनवरी, 1997 को अध्यादेश लागू किया गया जब कि 20 फरवरी से संसद का सत्र शुरू होना था। इसको लागू करने की आवश्यकता नहीं थी लेकिन फिर भी अध्यादेश जारी किया गया। अब इसके क्या कारण रहे, वह तो मंत्री जी बताएंगे लेकिन इस विधेयक का जो उद्देश्यों और कारणों का कथन है, उसे मैं जरूर पढ़ना चाहूँगा क्योंकि जिस उद्देश्य के लिए यह अध्यादेश लागू किया गया था वास्तव में वह सही नहीं था।

महोदया, उद्देश्यों और कारणों के कथन में कहा गया है कि — “राष्ट्रीय राजमार्गों में प्राइवेट विनिधान का संवर्धन करने के लिए वातावरण तैयार करने, राजमार्गों के निर्माण की गति तेज करने और उनके समुचित प्रबंध में गत्यावरोधों को दूर करने के लिए यह आवश्यक समझा गया कि राष्ट्रीय राजमार्ग अधिनियम, 1956 और भारतीय राष्ट्रीय राजमार्ग प्राधिकरण अधिनियम, 1988 का संशोधन किया जाए”।

महोदया, इसमें आगे कहा गया है कि — “राजमार्गों के शीघ्र कार्यान्वयन में आने वाली अड़चनों में से एक अड़चन भूमि के अर्जन में अत्यधिक विलंब की रही है। भूमि अर्जन की प्रक्रिया को चुस्त करने के लिए यह प्रस्ताव है कि एक बार केन्द्रीय सरकार यह घोषणा कर देती है कि भूमि किसी राजमार्ग के विकास के लिए लोक प्रयोजन के लिए आवश्यक है, वह भूमि सरकार में निहित हो जाएगी और प्रतिकर के रूप में केवल रकम संदत्त की जानी है और प्रतिकर के संबंध में कोई विवाद माध्यस्थ की प्रक्रिया के माध्यम से न्यायनिर्णयन के अधीन होगा।” महोदया, वास्तव में यह बात सही नहीं है। पिछले 4 वर्षों में एक भी नया राष्ट्रीय राजमार्ग सरकार ने अपने हाथ में नहीं लिया है। जब कभी संसद में, लोकसभा में और राज्यसभा में प्रश्न किए गए, मैंने भी इस संबंध में प्रश्न किए हैं तो हमेशा यह उत्तर आया है कि धन के अभाव के कारण हम कोई नया राष्ट्रीय राजमार्ग लेने की स्थिति में नहीं हैं। आज भी मंत्री जी ने बताया कि इसमें मुक़्ततया धन का अभाव है और यह समस्या यहाँ आड़े आ रही है। यह जो उद्देश्य बताया गया है, वह सही नहीं है। महोदया, पिछले 4 वर्षों में एक किलोमीटर की बुद्धि भी राष्ट्रीय राजमार्ग में नहीं हुई है बल्कि 6 वर्ष पहले जो मध्य प्रदेश के राजमार्ग जीक्यूट है जैसे मोपाल के नागपुर वाला, उसे भी पूरा नहीं किया गया है। इसलिए

विधेयक में जो उद्देश्य बताया गया है, वह सही नहीं है, इस बात को मैं कहना चाहता हूँ।

महोदया, इसके अंतर्गत जो प्रावधान किए गए हैं, उनके बारे में भी संक्षेप में मैं कुछ बातें कहना चाहता हूँ। इसमें धारा 2 का जो संशोधन है, जिसमें माननीय मंत्री जी ने कहा है कि नगरपालिकाओं की सीमाओं को इसमें लाया जाएगा, उस पर मैं अपनी सहमति व्यक्त करता हूँ। धारा-3 में सक्षम प्राधिकारी, और

3.00 P.M.

इसके बारे में यह कहा गया है कि सारे काम सक्षम प्राधिकारी द्वारा किए जाएँ। सक्षम प्राधिकारी इस विधेयक में बड़ा महत्वपूर्ण व्यक्ति है लेकिन सक्षम प्राधिकारी कौन होगा कम से कम इसके बारे में यह लिख दिया होता कि अभूक्त श्रेणी से नीचे का वह व्यक्ति नहीं होगा, कलक्टर भी श्रेणी से नीचे का वह व्यक्ति नहीं होगा। ऐसा कुछ कर देते तो वह ज्यादा उचित होता, क्योंकि कई-कई मामलों में अपील के प्रावधान तक नहीं हैं। सक्षम प्राधिकारी जो निर्णय करेंगे वही अंतिम होगा और इसलिए सक्षम प्राधिकारी कौन होना चाहिए इसके बारे में इसमें कहीं उल्लेख नहीं है। धारा-3(च) में लिखा गया है कि — “ऐसे अन्य कार्य या बातें करना जो उस सरकार द्वारा बनाए गए नियमों द्वारा अधिकथित की जाएँ।” अब ऐसी अन्य बातें लिखने से सारी बातें शामिल हो गईं। ऊपर की जो बातें लिखी गई हैं वह तो सीमित लिखी गई हैं। लेकिन नीचे एक क्लोज ऐसा जोड़ दिया गया कि ऐसी अन्य बातें जो नियमों में लिखी जाएँ वह सब लिखी जाएंगी तो ऐसा लिखने से तो इतना व्यापक इसको कर दिया है बजाय इसके कि यह लिखना चाहिए कि ऊपर जो पांच बातें लिखी गई हैं उसके समान कोई बात होगी तो वह इसमें शामिल की जाएगी, यह होना चाहिए था। इससे इसका जो उद्देश्य था उस उद्देश्य का प्रभाव समाप्त होता है। फिर धारा-3(4) की उपधारा-1 के अधीन “केन्द्रीय सरकार द्वारा की गई किसी घोषणा को किसी न्यायालय में या किसी अन्य प्राधिकारी द्वारा प्रश्नगत नहीं किया जाएगा।” अब यह जो प्रावधान है यह प्रावधान बिल्कुल उचित नहीं है। यह उचित इसलिए नहीं है कि जो सक्षम प्राधिकारी है उसकी तानाशाही बढ़ेगी, क्योंकि सक्षम प्राधिकारी ही कौन सा राष्ट्रीय राजमार्ग है इसके बारे में निर्णय करेगा, फिर सक्षम प्राधिकारी ही उसका संबंधित प्रकाशन कराएगा, फिर सक्षम प्राधिकारी के पास ही दावे आएंगे, आपत्तियाँ आएंगी। सक्षम प्राधिकारी ही उनका निराकरण करेगा और फिर सक्षम प्राधिकारी अंतिम घोषणा करेगा। सारे

अधिकार अगर एक व्यक्ति के हाथ में केन्द्रित कर दिए और उसकी अपील अपील नहीं है तो इसका दुरुपयोग हो सकता है और इसीलिए इसमें अपील का प्रावधान करना बहुत जरूरी है। इस स्टेज पर कम से कम एक अपील का प्रावधान होना चाहिए था कि जो कुछ भी दावे, आपत्ति आए उसका जो कुछ भी निराकरण होगा उन निराकरणों की एक अपील 15 दिन के अंदर किसी और अधिकारी के समक्ष प्रस्तुत हो सके जो डिस्ट्रिक्ट जज के लेवल के स्तर का हो और वह भी 15 दिन के अंदर उसका निराकरण कर दें। तो उसमें विलम्ब भी नहीं होगा और सक्षम प्राधिकारी की जो तानाशाही प्रवृत्ति हो सकती है, दुरुपयोग हो सकता है उस दुरुपयोग को भी रोका जा सकता है और इसीलिए मेरा माननीय मंत्री जी से निवेदन है कि इसमें अपील का प्रावधान करें।

इसमें यह भी सम्भावना बनी हुई है कि अगर एक ही अधिकारी पर सारे अधिकार केन्द्रित हुए तो द्वेषवश भी इस धारा का प्रयोग हो सकता है कि जहाँ आवश्यकता नहीं है लेकिन किसी व्यक्ति को सजा देनी है तो वहीं से वह सड़क निकालेंगे या किसी को फायदा पहुंचाने के लिए भी दुरुपयोग कर सकता है कि उसकी जमीन बचाने के लिए उसको मोड़ा भी जा सकता है और इसीलिए इसमें कहीं न कहीं नियंत्रण, प्रतिबंध होना चाहिए ताकि वह निहित स्वार्थों को लाभ नहीं पहुंचा सके या द्वेषवश किसी व्यक्ति का नुकसान न कर सके इसके लिए भी अपील का प्रावधान होना चाहिए।

धारा-3(1) के अन्तर्गत कहा गया है कि — “जहां इस अधिनियम के अधीन कोई भूमि अर्जित की जाती है वहां ऐसी रकम संदत्त की जाएगी जो सक्षम प्राधिकारी के आदेश द्वारा अवधारित की जाएगी” अब रकम का भी प्रारम्भिक अवधारण करना है तो वह भी सक्षम प्राधिकारी द्वारा करना है। इसमें यह कहीं नहीं लिखा गया कि ऐसी रकम का अवधारण करेगा। इसकी जगह सीधा-सीधा लिख देते कि जो भूमि अधिगृहीत की जाएगी उसकी क्षतिपूर्ति के लिए अवधारण करेगा। तो उसमें एक सेंस आता है कि क्षतिपूर्ति की राशि किस प्रकार से निर्धारित होगी। वह काफी बातें उसमें लागू हो जाएँ। लेकिन रकम अवधारण करेगा जबकि उसके हैंडिंग में जो लिखा है वह क्षतिपूर्ति लिखा है। वह तो बाद में हट जाएगा और आगे भी कहीं-कहीं क्षतिपूर्ति लिखी हुयी है लेकिन यहाँ पर केवल यह लिखा गया है कि ऐसी रकम संदत्त की जाएगी। ऐसी रकम की जगह यह लिखना चाहिए था कि क्षतिपूर्ति के लिए ऐसी रकम संदत्त की जाएगी तो उसमें एक अवधारणा आती है कि

यह रकम कैसे निर्धारण होगा। तो इसमें यह त्रुटि है इसलिए इसमें क्षतिपूर्ति का शब्द जोड़ा जाना चाहिए था। माननीय उपसभाध्यक्ष महोदया, इसमें भी समय-सीमा का निर्धारण नहीं है... (व्यवधान) इस जगह नहीं है जहां मैं कह रहा हूँ और जगह तो लिखा है कि 21 दिन के अंदर प्रकाशन के लिए भेजेंगे। लेकिन यह रकम कब निर्धारित की जाएगी इसके बारे में भी कोई समय-सीमा निर्धारित नहीं है जबकि अगर आपकी मंशा यह है कि जल्दी बाधाएं दूर हो जाएं, जल्दी आप अधिग्रहण कर लें तो फिर हर बात समयबद्ध होनी चाहिए और इसमें समयबद्धता नहीं है, यही इसमें त्रुटि है।

फिर धारा 3 छ(2) है। इसमें कहा गया है कि—

“जहां इस अधिनियम के अधीन किसी भूमि पर उपयोग का अधिकार या सुखाचार की प्रकृति का कोई अधिकार अर्जित किया जाता है, वहां उस भूमि के स्वामी..”

अंग्रेजी में तो लिखा हुआ है “यूजर” लेकिन हिन्दी में जो अनुवाद है, उसमें “यूजर” का अनुवाद कहीं हुआ ही नहीं है। उसमें सिर्फ यह लिख दिया गया है—

“जहां इस अधिनियम के अधीन किसी भूमि पर उपयोग का अधिकार या सुखाचार की प्रकृति का कोई अधिकार अर्जित किया जाता है..”

अब इसमें “यूजर” शब्द कहां है? हिन्दी में कुछ लिखा हुआ है और अंग्रेजी में कुछ लिखा हुआ है और फिर एक जगह तो “यूजर” लिखा हुआ है किन्तु बाद में ओनर लिखा है अंग्रेजी में लेकिन अधिकार प्राप्त करना और उसका ओनर होना अलग है। कभी-कभी यूजर अलग हो सकता है, ओनर अलग हो सकता है। कोई एक भूमि-स्वामी है, उसने अपनी ज़मीन किसी को किराए पर दे रखी है तो यूजर तो कोई दूसरा ही हो गया उसका और ओनर कोई और हो गया। तो इस तरह से जो आपने प्रावधान किया है, यह प्रावधान भी त्रुटिपूर्ण है और मुझे लगता है कि यह सब कुछ जल्दबाजी में किया गया है। आपने जल्दी में ऑर्डिनेंस निकाला, पिछले सत्र में आप विधेयक नहीं लाए, इस सत्र के लिए नहीं लके और बीच में ही अध्यादेश डाल दिया तो इसे सोच-विचार कर बनाना चाहिए था। इसलिए मुझे इसमें त्रुटि लगती है और मेरा आग्रह है कि इसको आप सुधारें।

अब 10 प्रतिशत की जो राशि रखी गई है, वह किस उद्देश्य से रखी है, यह मैं समझ नहीं पा रहा हूँ ठीक प्रकार से। अगर वह अग्रिम के रूप में दी जानी है 10

प्रतिशत और बाद में 90 प्रतिशत दी जाएगी तो यह 10 प्रतिशत की राशि कम है और अगर अलग से है तो यह 10 प्रतिशत किस को दी जाएगी? भूमि-स्वामी को दी जाएगी या किराएदार को दी जाएगी, यह बात स्पष्ट नहीं है, इसलिए इसको स्पष्ट करने की जरूरत है।

उसी प्रकार से धारा 3 छ(3) है। इसमें स्थानीय समाचार-पत्रों में सार्वजनिक सूचना दिए जाने का प्रावधान है लेकिन इसमें भी समय का निर्धारण नहीं है कि कितने दिन के अंदर वह सूचना प्रकाशित की जाएगी और कितने दिनों के अंदर दावे आमंत्रित किए जाएंगे? ऐसा कोई उल्लेख नहीं है इसलिए यह भी त्रुटिपूर्ण है। अब इसमें क्षतिपूर्ति की राशि के संबंध में भी विवाद की संभावना है। अगर सक्षम अधिकारी को यह राशि निर्धारण करना है और जो दावा करने वाला व्यक्ति है, वह उस राशि से सहमत नहीं है तो इसमें विवाद की स्थिति आ सकती है। विवाद की स्थिति के लिए मध्यस्थ की नियुक्ति का भी प्रावधान है लेकिन मध्यस्थ की नियुक्ति कि वह किस स्तर का व्यक्ति होगा, यह कहीं भी निर्धारित नहीं किया गया है। केन्द्र सरकार मध्यस्थ की नियुक्ति करेगी लेकिन मध्यस्थ ऐसा व्यक्ति होना चाहिए जो ठीक प्रकार से न्याय दे सके क्योंकि उसका निर्णय तो अंतिम होगा और इसीलिए कम-से-कम यह उल्लेख तो अवश्य करना चाहिए कि इस श्रेणी से नीचे का व्यक्ति मध्यस्थ नहीं होगा, तब तो बात कुछ समझ में आ सकती है लेकिन मेरी समझ में सारे अधिकार केन्द्र सरकार ने अपने हाथ में ले रखे हैं और इसमें कहीं भी इस बात का उल्लेख नहीं है कि मध्यस्थ किस श्रेणी का व्यक्ति होगा?

क्षतिपूर्ति की राशि का निर्धारण करते वक्त कुछ बातों का उन्होंने उल्लेख किया है, मैं उनमें नहीं जाना चाहता। चार-पांच बातें जो उन्होंने उल्लेख की हैं, उसके अलावा भी कुछ बातें हैं जिन पर उन्होंने विचार नहीं किया है। अगर किसी किसान ने फसल बो रखी है। अब फसल तो अलग-अलग तरह की हो सकती है। मूल्यवान फसल भी हो सकती है, कम मूल्यवान फसल भी हो सकती है, ज्वार भी हो सकती है, गन्ना भी हो सकता है, अंगूर भी हो सकता है, तो इस बात का कहीं उल्लेख नहीं है कि अधिग्रहण करते वक्त या पोषेशन लेते वक्त या अधिकार लेते समय उस ज़मीन का, अगर उस पर कोई फसल खड़ी है तो उसको भी ध्यान में रखेंगे या उसका मूल्यांकन करेंगे। इसका इसमें कहीं उल्लेख नहीं है इसलिए इसका भी उल्लेख इसमें होना चाहिए।

सक्षम अधिकारी के पास केन्द्र सरकार राशि जमा कर दे। अब केन्द्र सरकार सक्षम अधिकारी के पास राशि जमा करेगी और सक्षम अधिकारी के पास ही वह रह गई तो इसका लाभ भूमि-स्वामी को नहीं मिलेगा। क्योंकि उस राशि पर कोई ब्याज नहीं मिलेगा और जहां ब्याज का प्रावधान किया है वहां उन्होंने उस राशि पर ब्याज का प्रावधान किया है—जो सक्षम अधिकारी और मध्यस्थ है, उनके द्वारा निर्धारित की गयी राशि में कोई अंतर होगा, यानी मान लीजिए सक्षम अधिकारी ने अगर एक लाख निर्धारित कर दिये हैं और मध्यस्थ ने दो लाख निर्धारित कर दिये तो एक लाख पर ही नौ प्रतिशत ब्याज का प्रावधान है। जबकि मूल एक लाख रुपया अगर बैंक में जमा नहीं है और 2-4 साल बीत गये तो एक लाख रुपये के ब्याज का क्या होगा? इसलिए या तो इसमें प्रावधान होना चाहिए कि केन्द्र सरकार सक्षम अधिकारी के पास जो पैसा देगी, वह ब्याज पर किसी बैंक में लगाया जाएगा या ऐसी जगह लगाया जाएगा जहां कम से कम 12 प्रतिशत ब्याज मिले अथवा यह निर्धारित कर दीजिए कि जो रकम तय होगी, पूरी रकम पर ब्याज मिलेगा। यह प्रावधान होना चाहिए, इसमें यह संशोधन करने की आवश्यकता है। इसमें कई मामले हैं जहां समय बढ़ता है, वहां आपने कोशिश की है कि भूमि का पोजेशन ले लो लेकिन मुआवजे की राशि ठीक समय पर मिल जाए, जल्दी मिल जाए, इसके लिए कोई समयबद्धता नहीं है। इस तरह से तो ये मामले बड़ा लम्बा समय ले सकते हैं। आज भी यह मामले लम्बा समय ले रहे हैं। कई-कई मामलों में तो 10-20 साल लग जाते हैं। अगर 10-20 सालों में मामला नहीं निपटता है और रकम जमा रही तो उसके ब्याज का क्या होगा क्योंकि बीस साल में तो वही रकम चार गुणा हो जाती है? इसलिए इस प्रावधान को करने की आवश्यकता है कि जो भी रकम जिस तारीख से आपने पहला प्रकाशन किया है, उसी तारीख से पूरी रकम पर 12 प्रतिशत ब्याज भूमि स्वामी को मिलना चाहिए, इस बात की इसमें स्पष्ट व्यवस्था होनी चाहिए, वरना भूमि स्वामियों को इसमें काफी घाटा रहेगा, उनको पेशानी का सामना करना पड़ सकता है। अंत में मुझे यही कहना है कि जिस प्रकार से भूमि अधिग्रहण करने के लिए पहला नोटिस जारी करने के बाद ही शासन की जमीन पर अधिकार प्राप्त हो जाएगा और आप भूमि ले लेंगे, उसी प्रकार से आपको क्षतिपूर्ति दावे शीघ्र निष्करण करने की, की व्यवस्था करनी चाहिए जिससे भूमि स्वामियों को राशि समय पर मिल जाए और समुचित मिल जाए। मध्यस्थ

राशि तय करेगा, फिर राशि में जो अंतर आएगा, उसमें केवल 9 प्रतिशत का ब्याज लगेगा। मैं पूछना चाहता हूँ कि 9 प्रतिशत का ब्याज आपने किस हिसाब से तय किया है? युनिट ट्रस्ट में 12 प्रतिशत ब्याज मिलता है, एफ०डी० में 12 प्रतिशत ब्याज है, किसान विकास पत्र में 13-14 प्रतिशत ब्याज मिलता है, एन०एससी० में भी 12-13 प्रतिशत ब्याज मिलता है, फिर 9 प्रतिशत ब्याज का प्रावधान करने का कोई औचित्य नहीं है महोदय, आपने मुझे समय दिया, इसके लिए बहुत-बहुत धन्यवाद। मैं यही कहना चाहूंगा कि इसमें जो त्रुटियाँ हैं, उन त्रुटियों को माननीय मंत्री जी ठीक करके उसमें संशोधन करें तो ज्यादा अच्छा होगा। धन्यवाद।

SHRI JOHN F. FERNANDES (Goa):

Madam, I do not think any Member of this House will oppose this Bill because, as the Minister has mentioned, at present, two per cent of the highways carry 40 per cent of the traffic. But, I am coming to the point of ordinance. I think Article 356 permits the Government to dissolve a State Government and then come for the concurrence of Parliament. But I do not think there is any justification in the way Article 123 is being misused by the Government. On 24th of January, the Government passed the Ordinance. They could have waited for only one month for Parliament to re-assemble. I do not think this is a controversial Bill. But the spirit of the Ordinance is just belittling the powers of Parliament. So, the Government should not do so. The hon. Minister tried to explain the hurry in bringing the Ordinance. He was claiming that matters were pending from 1987. For about 10 years, the arrears have been there. I do not think he has done any wonders within this one month by bringing this Ordinance. So, I disapprove of the tendency of bringing Ordinances and belittling the importance of Parliament. I don't think that anybody will oppose this Bill. There is no controversy on this Bill. The Government played similar tricks in respect of other Bills also. Other Bills were also deferred. As far as decanalisation of sugar is concerned, the

Government promulgated an Ordinance, informing Rajya Sabha that the Bill was being deferred.

Madam, the hon. Minister has rightly mentioned that the purpose of the Bill is very unique. In 1988, we had passed the National Highways Authority Act. We had liberalised the economy from 1991. I compliment the Government from bringing this Bill for totally privatising the National Highways—the infrastructure sector is our country. The Government also declared a policy of building infrastructure on BOLT basis—Build, Operate, Lease and Transfer. I compliment the Government because the Government has done away with the ancient century—old Land Acquisition Act of 1894. The Government has brought in a new mechanism by which the matter is not litigated before the court and the project are not delayed. It is a good thing. But, at the same time, there is no in-built mechanism in this Act to ensure the expeditious completion of work. I think the Government will have to fall back upon the P.W.D. Manual for any construction and the P.W.D. Manual is a century—old Manual. The framers of the P.W.D. Act have themselves repealed the Act in their own country. But we keep it because it suits us, it suits the politicians, specially, the real estate touts. In case you do not want to sell your land to the land grabbers, one fine morning, a Minister will come and tell you that he is going to acquire that land. That provision was used by the Britishers against the Indians during the colonial rule. I am very happy that as far as the National Highways Act is concerned, the Government has done away with this draconian provision of the Land Acquisition Act of 1894. It is for the development of the nation. I welcome this move.

Coming to the National Highways, we have been debating off and on that we have one—lane highways in our country and we have highways which are not

metalled. They are just *Kachcha roads*. Whenever I spoke on this subject, I had mentioned that we did not have planned highways in our country. You have a road, you build a beautiful road in the settlement area and you acquire 30 metres width of land and leave a skirting of about five to ten metre. Then there is encroachment because it is nobody's land. Government land is nobody's land. It is free for all. You find a settlement on the skirting of the National Highways. Because of this, traffic has been blocked. As a result of that, the Government goes and build one more bypass not because the present Highway is bad, but because the present Highway has been encroached by a settlement. You go and build a bypass. You have not made any provision for stopping this nuisance. Therefore, I had suggested in the past that if the Government acquired about 20 metres width of road on the highway, the Government has to ban the settlement there. The Government need not acquire it because the Government will not have so much money for acquiring so much land around the Highways. At least, 50 metres of land on either sides of the Highways like the Railways, should be left vacant. You cannot build anything around the railway track. You have to take permission from the Railways to do so. They have done so for the Konkan Railway in Goa. Therefore, there was a lot of huge and cry. So, unless the Government makes a law that no construction on either side of the National Highways will be permitted, the situation is not going to improve. On the contrary, the Government can have afforestation, that is, the land around the Highways can be given to the OBCs for cultivation. They can have fruit-bearing trees. It can be leased out to them for 99 years or 50 years and they can claim the usufruct of it. I don't think the Government has done anything to prevent encroachment even in the new Highway which the Government is contemplating to construct with the help of the private sector. This is

commendable scheme. But unless the Government come forward with preventive measures, it will not be that much useful. Madam, if you go the even smaller countries in South-East Asia—for example, you can go to Malaysia—you will find that they have beautiful highways. You can compare them to the highways in the West, in the U.S. I hope that the Government will make a study on this because this is something good and we can copy it from them. From my State, even though we don't have funds, the Ministers and MLAs went to Singapore to study the police laws. Though we have the draconian Portuguese laws in Goa, they went all the way to Singapore. So, I think that the Government can send a committee of officials and Members of Parliament to study the highways in Malaysia and in Singapore.

The second point I want to raise is that it is not enough to make roads alone. Most of our roads are built through PW manuals and when we build them through PW manuals, we have to rely on the contractors and when we give work to a contractor, the contractor has to see that he will get work again, and if he wants to get the work again, then he has to see that the quality of that road is not good; otherwise, he will not get the work again! And it is *quid pro quo*; the administration is involved, the Government is involved, the contractors are involved. That is how we thrive. We know that in our former colony of Portuguese, in Goa, Daman and Diu roads, would last for 20 years because the bitumen used there was water proof. We have a technology, but we have now started praising the small countries that their roads are beautiful, they have rubberised roads. They are not using rubber on the roads, Madam. The process is very simple. I happened to visit our Rubber Board. There was agitation the other day in the House and also at the *smadhi* of Mahatma Gandhi that we have excess of rubber in the country and there is no proper export. At the same

time, we have bitumen in the country. In Cochin they have the Cochin Refinery. They make bitumen. They have the Rubber Board. They have the rubber. If you have 12 per cent of rubber in bitumen, the road becomes waterproof. That is the rubberised road. The technology is very simple, but there should be a will on the part of the Government to introduce this technology in our country because the roads will last a minimum of ten to twenty years. They will not be washed out. Unless the Government takes the initiative to go in for innovation and see how the other countries have developed this, I don't think anything will last long in this country.

Madam, I had been to the United States—I think you also went to Chicago—and when I was talking to our American friends, one of them told me, "On your roads people walk!" Sir, it was something unique for him that the people were walking on the road. He mentioned it when we were going from Delhi to Agra. We have the new highway mingled, we have the bullock carts, we have the bulls, we have the human beings. So, it is something unique for the foreigners to see that the roads are being used by everyone but a motor vehicle because the car has to go away from the roads. Unless we plan our highways and keep a corridor for the pedestrians, a corridor for the bullock-carts, a corridor for the animals to walk, I don't think our planning will be completed. So, I would suggest to the hon. Minister to see that a proper scheme is imbibed for these new pre-ways or national highways, or whatever he may call them. Madam, we have a highway, we have a pre-way and we have two lanes, three lanes and four lanes, but both the roads are amalgamated into one road. I hope the appropriate thing is that there should be a one-way with three linings in between so that there are no accidents. Even if you have four-way lanes connected, they are used as one way by the other traffic. If you have a small car, you cannot use

the highways because you will be bullied by the big trucks or tankers and you have to go off the road. Unless we have a proper plan or scheme in this country, I don't think we will be able to solve the problem because we are wasting about three thousand crores of rupees. We are wasting the fuel because the condition of roads in this country is very bad. Unless the Government has a proper scheme, there won't be any improvement. Anyway, the Government has made a good beginning in this because it says that it is going to invite private investment. It is a good thing. I don't think they should do it only for the road sector. They have to do it in other sectors also. For example, bridges, I think comes under the purview of the hon. Minister. Even the smaller countries around us, Bangladesh, Nepal and Sri Lanka, have built their bridges on boats. You have a bridge within six months. If you want to go and build a bridge in the country traditionally, it will cost you crores of rupees. It will take at least ten to twenty years. If these bridges can be built on BOLT basis, why should we shy away from foreign investment? We are always suspicious about anything which is foreign. We are hobbling in nationalism. I hope that the hon. Minister will take into consideration the suggestions which I have made. Unless you make a provision for freezing the land along the highways, unless you stop the settlements there, I don't think our free ways will be free any longer. There will be impediments and the scheme will be a failure. Thank you.

SHRI BRATIN SEN GUPTA (West Bengal): Madam Vice-Chairperson we have along stretch of national highways, though it is only 2% of the road ways in our country. We have seaways, riverways, canals, island territories and aviation potential as well. The question of road transport and the National Transport Policy cannot be taken up in isolation. These also should be taken up with the issue of national highways. The entire thing should be discussed in a

comprehensive manner because there has already been a shift in freight traffic from 1951 to 1995. The freight traffic on rail in our country has declined from 89% to almost 35%. The share of road traffic is increasing, though the cost of rail transport is half that of the cost of transport for essential commodities. So, we have to consider the entire thing in a comprehensive manner and there should be a comprehensive policy framework while developing our national highways. The entire North-Eastern States of the country are suffering from blockades on the national highways on different occasions. They are either due to natural disaster or they are due to some kind of criminal or extremist activities. The 300-kilometre long Jammu-Srinagar national highway remains closed continuously for many months in many seasons. In Himachal Pradesh and in certain remote areas many of the national highways remain closed either due to natural disaster or due to other kinds of blockades. There are no bypasses. In dense populated areas methods are not being devised to control traffic snarls and congestion. There are not adequate expressways, multilanes, bifurcations, etc. Will private investment take care of this? National highways are the linkage between the rural areas and the cosmopolitan cities. Will the private investment collect equal tolls. On the one hand for transportation of essential commodities food articles, etc., and, on the other hand, for private vehicles are? Mr. Fernandes has rightly pointed out that our poor farmers whose land is being acquired have a legitimate long-standing claim over the areas which they have used as pathways. (Interruptions)...

SHRI SURINDER KUMAR SINGLA (Punjab): My friend has not read sub clauses (7) (a), (b), (c) and (d) of clause 3G. (Interruptions)...

SHRI BRATIN SEN GUPTA: But national highways must be given priority, to that (Interruptions)...

SHRI NILOTPAL BASU (West

Bengal): What is your problem? (Interruptions)....

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Sengupta, you just go on speaking.

SHRI BRATIN SENGUPTA: Service lanes or service corridors must be provided for them. They are required. If there is an accident on a national highway, who will rush there? There are robberies, dacoities and many other kinds of incidents on the national highways. When there is an accident on a national highway, it is the nearby villagers who first come to the rescue of the victims and save the situation. No support facilities are provided by the Government on the national highways yet. Apart from that, more problems will arise after ten or fifteen years. Will the poor villagers, farmers, have also to pay toll just for crossing the national highways from one side to the other? This is not possible. What will the private investment do about it? There will be fresh tensions. While crossing roads there would be accidents as it is happening at the unmanned level crossings these days. There are the realities of our country. It is not a question of justified or unjustified demands. I would like to know whether these realities have been taken into account while preparing the policy. I would like to know whether the private investors would come forward when there is a national emergency like war or any other natural disaster. Would they come forward when the Government requires to overuse the national highways for transporting troops or any other material? What would be the *modus operandi*? What will be the treatment? What is the experience of the Government regarding private investments in other infrastructural sectors in the last six years? Does it promise a bright future for the much-required investment in national highways? The Government has to come out clear on that. It is not a question of BOLT alone. If there is a national

emergency or any other emergency, what will be the response of the private investors towards Government's demand, towards public demand, towards realities that might emerge in future at any point of time or when there will be new trade relations, new trade and transit with neighbouring countries like Bangladesh and China? Will the Government remain content only with the private investment because national infrastructure is basically the responsibility of the Government? This responsibility has been taken up by the Governments in most of the developed countries as well. Till now these Govts. are discharging this responsibility. What are they doing for that? I would like to give one example. Five years back, the road connecting Siliguri with Darjeeling was recognised as the National Highway-55. But it has not been given a single pie since then. It is being run out of the contingency funds of other agencies. There was a National Highway-5 from Madras to Calcutta which was extended to Kanyakumari in the South.

After building the historic bridge in Calcutta, i.e. the second Hoogly bridge, it is feasible, viable and necessary to extend that National Highway to Diamond Harbour to suit the new policies of the Government of West Bengal. An Export Processing Zone has already been formed in Palta which is a high potential areas. But no decision has been taken so far. The Government has to give a lot of thrust to these important areas. This is not a question of National Highway-55 or National Highway-5 only. There are areas where the private investors would hesitate to go, i.e. North-East, Himachal Pradesh, Jammu and Kashmir and other remote areas. How will the Government take up this responsibility? This question is more important than the question of inviting private investors for this purpose.

I would like to make a comment on the Ordinance. This Ordinance could have waited for one month more. The

Government could have waited for one month more not only to keep up the dignity of Parliament but also for a broader and planned discussion on the issue. The ordinance could have been avoided. I hope the Government will not do it in future. Thank you.

SHRI V. NARAYANASAMY (Pondicherry): Madam, I thank you for giving me this opportunity. I support the National Highways Laws (Amendment) Bill, 1997. The Government brought this Ordinance one month prior to the summoning of the Parliament. Madam, previous Governments were also doing it. The hon. Minister has also done it. *(Interruptions)....*

Madam, it is a very genuine problem. The hon. Minister has to explain as to why they took this decision just one month before the commencement of the session. What has prompted the Government to go in for this Ordinance? The hon. Minister should explain the circumstances in which this Ordinance has been brought. Then only we can speak on this matter. It should not become an Ordinanceraj. The Government must apply its mind and then take decisions. My friend, Mr. John F. Fernandes has rightly mentioned that so far as sugar is concerned they had given the assurance on the floor of the House that they will defer the Bill. But we found that after one month the Prime Minister went to UP, gave an assurance there and the Ordinance was promulgated. It is only after that that they came to this House with a Bill. What happened to the assurance that was given by the Minister of Parliamentary Affairs to this august House? Therefore, Madam, this Ordinance is unwarranted. The hon. Minister should have come with a regular Bill in this House.

Coming to the provisions of the Bill, it was the decision of the Congress Government to go in for privatisation of National Highways. And this has been followed by the present Government. Madam, in the last 25 years the railway

network has increased by 5%. The road network has increased by 20%. But the allocation that has been made by the Central Governments as well as various State Governments for developing and maintaining the road network, as also for having 4-lane and 6-lane roads, is not sufficient and the progress is very slow. Now, it was decided that we should have highways connecting various big cities in the country. Since sufficient resources with the Government were not available, it was decided that we should invite multinationals and foreign companies to invest their money in this sector. It was thought of doing this under BOLT scheme, which means Build, Operate, Lease and Transfer.

Madam, my hon. friend from CPI (M) got panicky about the whole situation. He was worried as to what would happen if there was war or if there was Emergency and the essential commodities were to be moved. How can people who have built the roads stop the movement of goods? It is not like that. Therefore, let us not panic about it. This country requires National Highways because tomorrow, even after 25 years, it will be dependent mainly on the road network for movement of goods. The railway network will not be in a position to meet the requirement of transportation. The proposal was mooted in 1992. Several enquiries were made. Several multinationals came. I know personally that several delegations had come when the Congress Government was there. Delegations came from Malaysia. Several MOUs were signed. People came and they wanted to invest huge amounts in building of highways. But, unfortunately, it has been delayed.

Madam, the hon. Minister has taken a right stand. The reason is that the hon. Minister comes from my neighbouring constituency, Tindivanam. That constituency falls on the National Highway. *(Interruptions)* The hon. Minister knows that 4-lane roads have

the same road by which I travel. We travel by the same road, but politically we are on the opposite roads.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Nobody asked you whether you were travelling on the political road or otherwise. (Interruptions)....

SHRI V. NARAYANASAMY: Madam, kindly control the Members on that side.

Madam, now vehicles on the road between Madras and Kanyakumari have increased. The hon. Minister knows it very well. He said in a public platform that he wanted to make that a 6-lane road. I want an assurance from him on the floor of this House.

SHRI NILOTPAL BASU: For that particular road only?

SHRI V. NARAYANASAMY: I will come to other roads also. Why are you in a hurry? It connects Jammu and Kashmir to Kanyakumari.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Not West Bengal?

SHRI V. NARAYANASAMY: The hon. Minister will connect West Bengal also.

SHRI NILOTPAL BASU: Madam, he doesn't have a national outlook.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): At least for their satisfaction, say West Bengal.

SHRI V. NARAYANASAMY: Madam, there is a proposal with the Government and I was coming to that later but the CPI(M) Members are in a hurry. So, for this particular highway, the hon. Minister gave an assurance that he would make it a 6-lane road. Madam, a lot of accidents occur on that highway. People are dying. There is heavy congestion of traffic. Movement of goods and passengers has become very difficult because of congestion. Therefore, I want an assurance from the hon. Minister that

he will invest money for making National Highway No. 7 a 6-lane highway. I want him to give that assurance. I am thankful to the Minister for allocating Rs. 2 crores for construction of a highway between Pondicherry and Tindivanam. (Interruptions).

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Why are you breaking his chain of thoughts, Mr. Hanumanthappa.

SHRI NILOTPAL BASU: This is becoming more like a discussion on the Railway Budget, Madam.

SHRI V. NARAYANASAMY: It is not like that, Madam. If the Minister has done something, we have to thank him for that. This 13-party alliance doesn't want that too. What can I do?

Now, this has been done because the roads had been badly damaged in Tamil Nadu, especially in the southern areas, as a result of severe cyclones. Therefore, the hon. Minister has taken this decision and I am thankful to him for allocating two crores of rupees. Madam, this is the only road that connects Pondicherry.

Then I have also a complaint to make to the hon. Minister. There is this East Coast Road which runs on the coastline right from West Bengal up to Kanyakumari. The construction started about fifteen years back. It has not yet been completed. And what was the allocation? Madam, they are allocating about twenty to twenty-five crores of rupees every year. If they go on in such a way, I don't see the completion of this road in the near future. Of course, it was a very good idea to connect the whole coastline with a road network right from West Bengal to Kanyakumari. It will satisfy the ego of CPI(M) Members also, Madam. So, this road is a must. (Interruptions) Not only that, it would reduce congestion on the National Highway No. 7 and it will be to the benefit of people living in coastal areas. Madam, there are important harbours right from Calcutta to Tuticorin. Those are : will be connected.

Therefore, I would like to know from the hon. Minister whether he has any plan to complete this project as early as possible. According to a World Bank survey, we require Rs. 1,50,000 crores over a period of twenty years for developing and maintaining National Highways. (Interruptions)....

SHRI V. NARAYANASAMY: I am telling about 20 years' programme.

SHRI NILOTPAL BASU: Madam is there in the Chair. Why are you addressing me?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Please conclude, Mr. Narayanasamy; otherwise, you will miss your appointment with the Home Minister.

SHRI V. NARAYANASAMY: How is the Government going to mobilise these funds? Then, there is another important point about the Express Highways which are connecting important capital cities of this country. They are connecting six centres. Madam, wherever the Minister goes, he tells the people that the Government has gone in for privatisation of Express Ways and National Highways. I want to know as to how much investment he has received during the last eight months for this purpose. Is anything concrete going on?

Madam, this Bill has been brought forward to overcome the problem which is coming in the way of acquiring property. Here, I have a small doubt which the hon. Minister may clarify. Under the declaration of acquisition under sub-clause (4) of clause 3(d) it has been stated, "A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority." I want to know whether if this Act is not in the Ninth Schedule, such a provision is valid or not. The validity of the Act or even one of the rules may not be challenged because the hon. Minister is a lawyer; but how does he justify it? How can he remove the jurisdiction of the court by

bringing in a provision like this? This is what I want to know from the hon. Minister.

As far as connecting these six centres is concerned... (Interruptions).... How can you shut the doors? I want to know from the Minister whether multinationals have come and what the Government's view is on this. What is your future plan of action? The Hon. Minister has to explain as to how he is going to get the funds by privatisation of national highways and also express ways. I would like the Minister to clarify all these points so that he can justify the passing of this Bill in this House. Thank you, Madam.

SHRI PREM CHAND GUPTA (Bihar): Thank you, Madam Chairperson, for giving me an opportunity to speak on this Bill. Madam, development of a strong infrastructure is an essential input in the economic life of a country. Not only the movement of cargo, but also passenger traffic is taken care of with the development of a strong infrastructure.

Madam, our traffic has been growing at the rate of 10 per cent per annum whereas our national highways or even other road network growth has not been more than one-third of it. All this has led to high rate of accidents and non-movement of cargo from one point to another point which has cost this nation thousands of crores of rupees in the last few years.

Madam, this is evident from the fact that our total stretch of national highways network today is 34,058 kilometres which is just two per cent of our total road network and this two per cent, as other hon. Members have stated, takes care of 40 per cent of the load factor. All this shows that in spite of the fact that importance of this major infrastructure is realised, but nothing much has been done. Madam, this is evident from the fact that in the Eighth Plan, Rs. 13,210 crores were kept for the development of highways whereas only Rs. 3,606 crores

were utilised. This means, the utilisation rate was less than 30 per cent. Here I would like to quote some figures. In the year 1992-93, we spent Rs. 458.91 crores. In 1993-94, we spent Rs. 540 crores; in 1994-95, we spent Rs. 719 crores; in 1995-96, we spent Rs. 809 crores; and in 1996-97, we spent Rs. 1,000 crores. It means we spent the money more or less on the maintenance of our existing network and no construction of any major highway has been taken up. Madam, it is very unfortunate to note that in the development of National Highways the limiting factor has not been the funds. In fact, funds were there but we did not use them. It was due to an apathy or there might have been some other reasons which I presume that the present Bill would take care of. Madam, I would like to draw the attention of this august House to the Marshall Plan which was introduced in Europe immediately after the Second World War and development of road network was given the topmost priority under this Plan. Madam, with this development of infrastructure in Europe today you can see that each point, each city and each port is connected with the national network of highways. In fact, the whole of Europe is connected with the network of highways. It is in this light that we are grateful to the Government that at this point of time they have realised that without the development of this infrastructure, we cannot sustain our economic growth. They have brought forward this Bill which makes certain provisions which will take care of impediments which we faced in the past. Since both the Houses of Parliament were not in Session and the President having satisfied himself with the circumstances which rendered it necessary for him to take immediate action, promulgated the National Highway Law (Amendment) Ordinance, 1997.

Madam, now I come to the various provisions of the Bill. All the provisions of the Bill have been very clearly defined. They have taken care to see that a Competent Authority would be appointed which would be notified in the

Official Gazette. This is an absolute requirement. But, Madam, I would like to get one point clarified which my hon. colleague Mr. Raghavji mentioned that there is no provision for compensation for crop. If we refer to sub-clause (b) of clause 3, it says, "land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth." I think in the compensation the crop standing on the land would also be taken care of whether they are trees or crop or some temporary or permanent structures. Whatever it is, it would be taken care of. We are thankful to the Government that they have taken care of all these things. Madam, when the land is acquired, it would be notified that it is for public purposes so that no misuse or mischief can be done. As far as acquisition of land is concerned, there is a provision that the acquisition of land has to be notified in two local newspapers one of which should be in vernacular language. Madam, here I have a request to make to the hon. Minister. I would suggest that instead of 'two local dailies', it should be 'one national daily and one local daily'. The national daily may be published in Hindi or English. The other can be a local newspaper. This is very important because I know that there are lots of loopholes in that.

For the purpose of hearing objections I think a very clear provision has been made in this Bill — twenty-one days are given after the publication of the notification. Within twentyone days, one can file objections, if there are any, and it is for the competent authority to decide whether those objections are justified or not. Right now, in the Land Acquisition Act, there is such a provision, but it is very lengthy and outdated.

One good thing in this law is that the land-owner cannot be kept in the dark. They cannot be kept in the dark. Madam, what happens? My friend from Goa was saying that the notification is issued, but the land is not acquired; it

is done out of political vendetta, etc. In this Bill, there is a clear provision that the Government has to take a decision on the land within one year from the notification date. I think this is a very reasonable time. This provision would take care of such political vendetta or whatever it is. Another provision has been made here that the owner would surrender the land within a specified time, etc., if there are no cases. It is a very justifiable provision made in this law.

Hon. Satish Agarwal said that there was no compensation for the easement of the right of enjoyment. I do not have the Hindi version and, therefore, I cannot say about it. But I would point out that there is a provision for 10 per cent compensation. I think it is quite reasonable.

Apart from this, there are various provisions which have been clearly spelt out. I do not think there is any ambiguity in this.

One of the hon. Members said that there is no appeal in this case. Madam, it is not true. Clause (5) clearly says that after the competent authority has provided for the acquisition of the land, the land-owner can always go in appeal for the determination of the amount of compensation. For this purpose, an arbitrator would be appointed by the Central Government. I think when an arbitrator is appointed, it is normally the court; therefore, the court would take a decision which should be acceptable to all.

As I said, all the provisions have, more or less, been clearly spelt out in this Bill.

There is the question regarding raising of funds; how is the development of the national highways going to be financed? As you know, huge funds would be required for this. It is surprising to note that in 1964, the funds required for the development of the national highway network were of the order of Rs, 52,000 crores.

THE VICE-CHAIRMAN (MISS

SAROJ KHAPARDE): Mr. Gupta, please conclude.

SHRI PREM CHAND GUPTA: I am concluding, Madam. I will take just one minute. I have a request to make to the hon. Minister. While framing this policy please make sure that the material used in road construction is proper, that the national highways are minimum six-lane wide. Also, there should be no speedbreakers because the speedbreakers, normally, cause a lot of accidents as well as damage to the vehicles.

Madam, I fully support this Bill. I would say that we should all support this move. If the Government succeeds in doing something on this account, the future generation would be grateful to this Government. Thank you.

4.00 P.M.

SHRI P. SOUNDARARAJAN (Tamil Nadu): Thank you, Madam, Vice-Chairperson, for giving me an opportunity to speak. I rise to speak on the National Highways Laws (Amendment) Bill on behalf of AIADMK.

First of all, I would like the hon. Minister to clarify one point. He has stated that since parliament was not in session and that the matter was sought, the Government had to request the President to promulgate the Ordinance. The Ordinance was promulgated on the 24th of January, 1997. Today is the 11th of March. I would like the hon. Minister to tell the House the specific measures taken by the Government so far, using the provisions of the Ordinance.

Coming to the Bill, Madam, I can understand the spirit of the promulgation, to speed up work. I don't want to go into the technicalities of the provisions of the Bill, but I have some reservations regarding the execution of the proposed provisions. It is proposed that once the Central Government declares that a particular land is required for the public purpose of development of

a highway, the land will vest with the Government, and a dispute could arise only in respect of compensation. I want to know whether the provisions of the Bill will attract environmental clearance. The Ministry of Environment raises objection even to felling a few trees or closing a dry pond. When a highway has to pass through such areas for which environmental clearance is necessary, will this provision do away with such necessity, and will the Government go ahead to acquire the land? I want the hon. Minister to clarify this point.

Madam, I have something to say about the long-pending East-Coast Road. The East-Coast Road was proposed to connect Madras with the southern tip of India at Kanyakumari. The project aimed at laying roads up to a distance of 737 kms. Several years have passed, but the project is moving at a tortois pace. Enough funds have not been allocated over the years. We have seen that the Railway Ministers have been very generous in sanctioning projects in their home-States. The present Railway Minister has excelled all his predecessors. He has not done anything worth mentioning for Tamil Nadu. I request the Surface Transport Minister to emulate the Railway Minister and to be generous with Tamil Nadu.

Madam, The east-Coast Road has been proposed to connect Kanyakumari with Rameswaram so that people do not have to take a circuitous route via Madurai to go to Kanyakumari. When Kanyakumari is connected to Rameswaram, this will reduce the distance between Kanyakumari and Rameswaram via Madurai by over 100 kms. This will be of great help to the tourists and pilgrims visiting the tourist and pilgrim centres on the southern tip. The Kanyakumari-Rameswaram Road will also connect very important places like Koodangulam, Uvari, Thiruchendur and Athangarai Pallivasal. A nuclear project is coming up in Koodankulam, and a proper road link is essential for that. There is another

place known as Uvari on the route, which is a pilgrim centre for Christians. People of all faiths visit Goodess "Kappal Matha" Temple at Uvari. Thiruchendur is famous for Lord Murugan Temple on the sea-shore, and lakhs of pilgrims visit this place. Athangarai Pallivasal is famous for an ancient mosque, and lot of Muslim devotees, particularly from Kerala, go to visit that place.

This stretch of road between Rameswaram and Kanyakumari was handed over to the Centre for construction of a national highway 15 years back. But, so far, the road has been laid from Rameswaram to Ramnad. Since the Centre is to construct it, the State Government is not carrying out even the repair work. It is sad that such an important stretch of road has been neglected. I appeal to the hon. Minister to assure us that this stretch of road will be completed within this year.

My last point is regarding compensation. Section 3G (5) of the Bill takes away the judicial remedy available to land-owners in case the compensation paid is unacceptable. It is not sufficient to have the grievance looked into by an arbitrator. Therefore, I appeal to the Minister to delete section 3G, sub-clause (5), and insert section 18 of the Land Acquisition Act enabling the land-owners to get just and proper compensation.

SHRI YERRA NARAYANASWAMY (Andhra Pradesh): Madam, I support the Bill introduced by the hon. Minister of Surface Transport. The Government of India and the State Governments are unable to take up new road or bridge projects because of lack of funds. Therefore, private investment must be encouraged to lay at least bypasses and bridges.

I would like to have an assurance from the hon. Minister that while acquiring the land for road or bridge purposes, the farmers will be paid at the market rate and that the payment will be in full and in one instalment. Generally what

happens is that while acquiring land for public purposes, the Government does not pay them at the market rate and the payment is made in different instalments. Therefore, the farmers hesitate to part with their land and they resort to agitations also.

As per the Government of India norms, the length of the National Highway in Andhra Pradesh has to be 5,178 kilometres, but the present length is less than 3,000 kilometres. Recently the hon. Chief Minister of Andhra Pradesh, Shri Chandrababu Naidu, has presented to the hon. Minister of Surface Transport a proposal of the Government of Andhra Pradesh for a consolidated proposal of road up to a length of 4,450 kilometres. This proposal has to be accepted by the Government of India. The proposal meets the requirements of the people of Andhra Pradesh, Tamil Nadu, Karnataka and Maharashtra for goods and passenger traffic.

Madam, I support the views of my colleagues, Mr. Basu and Mr. Narayanasamy for an alternative route from Chennai to Calcutta. The present National Highway No. 5 is badly damaged because of natural calamities caused by the vagaries of the Monsoon and cyclones and it needs repair. There is a proposal with the Government of Andhra Pradesh to connect Tada with Ichchapuram. Tada is in our neighbouring State, Tamil Nadu. Similarly, Ichchapuram is in our neighbouring State, Orissa. It connects an alternative road from Chennai to Howrah. Through this coastal road marine products have to be exported. The private agencies are interested in taking up the construction of Tada-Ichchapuram road. This Bill would help the private agencies to acquire the land for construction of roads and bridges.

The National Highway No. 18 from Chittoor to Kurnool has been damaged due of floods in the last October. this roads requires immediate repairs. I

would request the Minister to get this road repaired.

I would request the hon. Minister to approve nine proposals sent by the Government of Andhra Pradesh immediately.

With these few words, I support the Bill. Thank you.

उपसभाध्यक्ष (कु० सरोज खापड़ें): श्री जलालुद्दीन अंसारी। अंसारी जी, मेरे सामने नामों की एक लंबी लिस्ट है और समय की कमी है। इसलिए आप समय का ध्यान रखकर बोलिएगा।

श्री जलालुद्दीन अंसारी (बिहार): महोदय, मैं राष्ट्रीय राजमार्ग विधि (संशोधन) विधेयक, 1997 का समर्थन करता हूँ, लेकिन इस बात की आलोचना करता हूँ कि संसद का अधिवेशन समाप्त हो जाने के बाद 24 जनवरी को अध्यादेश के जरिए इस बिल को लाया गया। महोदय, मैं सरकार से कहना चाहूंगा कि यह जो अध्यादेशों के जरिए राज चलाने की गलत परंपरा रही है, इस गलत परंपरा को सरकार जारी न रखे। इसे बंद करे। अगर उसी समय यह आवश्यक समझा गया था तो दिसंबर महीने में ही इस बिल को पास किया जा सकता था। इस बारे में आम सहमति थी और आज भी है।

महोदय, इस बिल के संबंध में मुझे यह कहना है कि आज राष्ट्रीय राजमार्गों की देश में आवश्यकता है और इन के निर्माण के संबंध में जो बाधाएं और अड़चने उत्पन्न होती रही हैं इस कारण पहले जो कानून हमारे सामने थे, इस बिल के माध्यम से उन का संशोधन किया जा रहा है लेकिन मेरा सुझाव है कि यातायात को ध्यान में रखते हुए राष्ट्रीय राजमार्ग की आवश्यकता है और संसद की भी यही भावना है, पर इस संबंध में कोई राष्ट्रीय नीति होगी या नहीं, यह मैं माननीय मंत्री जी से जानना चाहूंगा। क्या नेशनल हाइवे के संबंध में हमारी सरकार कोई राष्ट्रीय नीति बनाना चाहती है? महोदय, अगर कोई राष्ट्रीय नीति नहीं होगी तो अभी जैसे कि मेरे साथी बता रहे थे और वे अपनी-अपनी आवश्यकताओं को गिना रहे थे। इसलिए मेरा सुझाव होगा कि सरकार राष्ट्रीय राजमार्गों के संबंध में एक राष्ट्रीय नीति का निर्धारण करे और उस के आधार पर देश की और जनता की आवश्यकताओं को ध्यान में रखते हुए राजमार्ग के निर्माण की दिशा एक योजनाबद्ध तरीके

से तय करे। फिर उसी आधार पर निर्माण कार्य किए जाएं। बिल में एक जगह व्यवस्था है सक्षम पदाधिकारी की, कंपीटेंट अथोरिटी की। मैं मंत्री जी से कहना चाहूंगा कि उस सैक्शन में कौन सक्षम अधिकारी होगा, यह स्पष्ट नहीं है। कंपीटेंट अथोरिटी को परिभाषित होना चाहिए कि वह कंपीटेंट अथोरिटी कौन होगा। मैं उनसे यह निवेदन करूंगा, अनुरोध करूंगा कि यह स्पष्ट होना चाहिए।

श्री सतीश अग्रवाल (राजस्थान): एनीमल हलबैडरी आफिसर।

श्री जलालुद्दीन अंसारी: तब तो वह थोटासा हो जाएगा, दवा का भी हो जाता है, आयुर्वेद में भी हो जाता है। मेरा सुझाव यही है कि कंपीटेंट अथोरिटी डिफाइन होनी चाहिए। ऐसी हम आशा करते हैं कि इस पर हमारे मंत्री जी संजीदगी से विचार करेंगे।

दूसरा महोदया, बिल में व्यवस्था है कि कंपनसेशन राशि तय हो जाएगी, यह है कि 10 परसेंट क्या है यह 10 परसेंट? जब हम भू-अर्जन करते हैं तो उसका था कि जस्ट कंपनसेशन, मार्केट रेट कंपनसेशन उस जमीन का। जहाँ हम राज-मार्गों के निर्माण के लिए भू-अर्जन करेंगे, जमीन को अर्जित करेंगे तो उसमें गरीब किसान होंगे, मध्यम किसान होंगे और अगर उनकी जमीन चली जाती है, इतनी ही मात्रा में उनकी जो जमीन है, जिसका उचित मुआवजा सरकार नहीं दे पाती है तो उनके कल्याण के बजाय उनका सत्यानाश हो जाएगा। इसलिए हमारा कहना यह है कि मुआवजे उचित हों ताकि गरीब और मध्यम किसानों की जमीन आप ले तो उनको नुकसान न हो।

महोदया, फिर इस बिल में आपने अन्य चीजों को बताते हुए कहा है कि प्राइवेट सैक्टर की साझेदारी को आप आवश्यक समझते हैं और यह इसलिए कि आपके पास पैसा नहीं है। सही है, आपके पास पैसा नहीं है, इसलिए प्राइवेट सैक्टर की साझेदारी को आपने इसमें शामिल किया है। यह बात तो समझ में आती है कि प्राइवेट सैक्टर में हमारे देश की जो कंपनियाँ हैं वे शामिल होंगी, लेकिन एक संदेह मन में पैदा होता है और वह स्वाभाविक संदेह है कि क्या बहुराष्ट्रीय कंपनियों को भी इस प्राइवेट सैक्टर में आप शामिल करेंगे? यह स्पष्ट होना चाहिए कि क्या बहुराष्ट्रीय कंपनियों को भी हाइवेज के निर्माण में आप शामिल करेंगे। मेरा सुझाव होगा कि अल्प देशी कंपनियों को निश्चित तौर पर प्राइवेट सैक्टर में शामिल करें, लेकिन विदेशी बहुराष्ट्रीय कंपनियों को हर काम में मत बुलाइए और इस राज-मार्ग के

निर्माण में भी उनको मत बुलाइए। यह मेरी हम्बल सबमिशन होगी, नम्र सुझाव होगा।

महोदया, मैं आपका अधिक समय नहीं लेना चाहता। यह आवश्यक है, आप धन और साधन भी जुटाना चाहते हैं और राज-मार्गों का निर्माण भी करना चाहते हैं। बड़ा ही शुभ कार्य आप करने जा रहे हैं, लेकिन पिछले चार वर्ष से तो कोई नया राजमार्ग आपने बनाया नहीं, जो पहले से राजमार्ग है उनकी दुर्दशा है, वह अच्छी हालत में नहीं है। अभी तक राजमार्ग कुल प्रतिशत दो है। हम आशा करते हैं कि इस कानून के बन जाने के बाद आप एक पालिसी के आधार पर राजमार्गों का निर्माण कराकर देश की जनता की जो यातायात संबंधी आवश्यकता है उसको पूरा करेंगे जो पुराने राजमार्ग हैं उनको भी बेहतर बनाएंगे और आवश्यकता के अनुरूप नए राजमार्गों का निर्माण राष्ट्रीय दृष्टिकोण से करेंगे।

इन्ही शब्दों के साथ मैं इस बिल का समर्थन करता हूँ धन्यवाद।

انٹرنی جلال الدین انصاری "بہار":
مہودے۔ میں "راشٹریہ راج مارگ ورڈی
سنسٹوڈھن" ورڈی یک ۱۹۹۷ کا سہ ماہی
نکرتا ہوں۔ لیکن اس بات کی آغوشہ جانا کرتا
ہوں کہ سنسٹوڈھن کا ادھیویشن سہ ماہی
جانے کے بعد ۲ جنوری کو ادھیویشن
کے ذریعہ اس بل کو لایا گیا۔ مہودے میں
سرکار سے کہنا چاہتا ہوں کہ یہ جو ادھیویشن
کے ذریعہ راج چلنے کی پر مہر اس میں ہے
اس غلط پر مہر کو سرکار جاری نہ کرے۔
اسے بند کرے۔ اگر اس سے تک یہ مہر کی
سمجھا گیا تھا تو دسمبر کے مہینے میں ہی
اس بل کو پاس کیا جاسکتا تھا۔ اس
بارے میں عام اتفاق تھا اور وہ آج
- ۴۴ -

مہودے۔ اس بل سے متعلق
مجھے یہ کہنا ہے کہ آج "راشٹریہ راج مارگوں"
کی تدبیر میں ضرورت ہے اور ان کے نرمان
سے متعلق جو مشکلات اور ڈچینس
پیدا ہوتی رہی ہیں۔ اس کارن پہلے جو
قانون ہمارے سامنے تھے۔ اس بل کے
مادعیم سے انھیں اسٹینڈرڈ میں لایا جا رہا
ہے۔ لیکن میرا مشورہ ہے کہ "ایٹاٹاٹ" کو
دھیان میں رکھتے ہوئے "راشٹریہ راج
مارگ" کی ضرورت ہے اور سندھ کی بھی
بجائے۔ ہر اس سمجھوتہ میں کوئی
"راشٹریہ نیٹی" ہوگی یا نہیں۔ یہ مانہ
منقری جس سے میں جانا چاہوں گا۔ کیا
"نیٹل ہائی وے" کے سمجھوتہ میں ہماری
سرکار کو "راشٹریہ نیٹی" بنانا چاہتی ہے۔
مہودے۔ اگر کوئی "راشٹریہ نیٹی" نہیں ہوگی
تو اچھی جیسا کہ میرے سامنے تھا ہے
اور وہ اپنی اپنی آؤشیکٹاؤں کو مندار
تھے۔ اس کے لیے سمجھاؤ ہو گا کہ سرکار "راشٹریہ
راج مارگوں" کے سمجھوتہ میں ایک
"راشٹریہ نیٹی" کا تعین کرے اور اس کے احکام
بردیش کی اور جہاں ضروریات کو دھیان
میں رکھتے ہوئے "راج مارگ" کے نرمان
کی دشائیہ منظم طریقہ سے کرے۔
پھر اس آؤدار پڑنرمان کاری کے جلیں۔
... مقدار خلت ... بل میں ایک جگہ
... اس کے لیے ...

کی کامپیسٹنٹ آؤٹریٹی" میں منقری
جس سے کہنا چاہوں گا کہ اس سیکشن
میں کوئی "سکٹم ادھیکاری" ہے یہ واضح
نہیں ہے۔ کامپیسٹنٹ آؤٹریٹی "کو پڑجاشٹ
ہونا چاہیے کہ وہ" کامپیسٹنٹ آؤٹریٹی"
کون ہو گا۔ میں اس سے یہ عرض کروں گا۔
انورودھ کروں گا کہ یہ اسپٹٹ ہونا چاہیے
شری ستیش انگر وال: "ایمل عبیدری
آفیسر"۔

شری جلال الدین انصاری: تب تو وہ
گھوٹالہ ہو جائے گا۔ دو اکا بھی ہو جائے۔
ایور ویر میں بھی ہو جائے۔ میرا سمجھاؤ
یہ ہے کہ "کامپیسٹنٹ آؤٹریٹی" ڈیفائن
ہونی چاہیے۔ ایسی ہی آؤٹریٹی ہیں
کہ اس پر ہمارے منقری کی سمجھوتہ سے
وچار کرینگے۔

دوسرا مہودے۔ بل میں ویو سٹھا
ہے کہ "کمپیسٹنٹ آؤٹریٹی" طے ہو جائیگی۔
یہ ہے کہ ۱۰ ایر سینٹ۔ کیا ہے یہ ۱۰ ایر سینٹ۔
جب ہم زمین حاصل کرتے ہیں تو اس کا
کہ "جسٹ کمپیسٹنٹ"۔ "مارکیٹ ریٹ"
کمپیسٹنٹ اس زمین کا۔ جہاں ہم راج
مالگوں کے نرمان کیلئے "زمین حاصل
کرینگے۔ زمین کو "جوت" کرینگے تو اس میں
غریب کسان ہونگے۔ اور اگر ان کی زمین
چلی جاتی ہے۔ اتنی ہی ماترا میں ان کی
جوز منور ہے۔ جس کا مناسب معاوضہ

مہود رہے۔ میں آپ کا زیادہ وقت لینا نہیں چاہتا۔ یہ ضروری ہے کہ آپ دھن اور سادھن " بھی جٹانا چاہتے ہیں اور راج مارگوں کا نرمان " بھی کرنا چاہتے ہیں۔ بڑا ہی "شعبہ کاریہ" آپ کرنے جا رہے ہیں لیکن پچھلے چار سال سے تو کوئی نیا راج مارگ اپنے بنایا نہیں۔ جو پہلے سے راج مارگ ہیں انکی دور در شا ہے۔ 90 اچھی حالت میں نہیں ہیں۔ ابھی تک راج مارگ کا کل فیصد 2 ہے ہم آٹھ گھنٹے میں کہ اس قانون کے بن جانے کے بعد آپ ایک پالیسی کے اڈھار پر راج مارگوں کا نرمان " کر اگر دیش کی جنتا کی جو یاتا یا تسمبندھی آوشیکتا ہے اسکو پورا کرینگے جو پرنے راج مارگ ہیں انکو بھی بہتر بناینگے پورا آوشیکتا کے انوروپ نئے راج مارگوں کا نرمان راشٹریہ درشتی کون " سے کوئینگے۔ انہی تشددوں کے ساتھ میں اس بل کا سمر حقن کر تا ہوں۔ "تتم خدا"

میں کار نہیں دے پاتے ہیں تو رینگے کلیان " کے بجائے انکا استیانا اس ہو جائیگا اسلئے ہمارا اگنا ہے کہ معاوضے مناسب ہوں تاکہ غریب اور اوسعد درجہ کے کسانوں کی زمینیں آپ لیں تو انکو نقصان نہ ہو۔ مہود رہے۔ پھر اس بل میں آپنے دیگر چیزوں کو بتاتے ہوئے کہا ہے کہ پرائیویٹ سیکٹر کی ساجھداری کو آپ ضروری سمجھتے ہیں اور وہ اسلئے کہ آپنے پاس پیسہ نہیں ہے۔ صحیح ہے۔ آپنے پاس پیسہ نہیں ہے۔ اسلئے پرائیویٹ سیکٹر کی ساجھداری کو آپنے اسمیں شامل کیا ہے۔ یہ بات تو سمجھیں آتی ہے کہ پرائیویٹ سیکٹر میں ہمارے دیش کی جو کمپنیاں ہیں وہ شامل ہوئیں گی۔ لیکن ایک شعبہ من میں پورا ہوتا ہے اور وہ "سھو اوجا ویک سھند" ہے "آپے کہ کیا "پھور اشٹریہ کمپنیوں" کو بھی اس پرائیویٹ سیکٹر میں آپ شامل کرینگے۔ یہ واضح ہونا چاہئے کہ کیا "پھور اشٹریہ کمپنیوں" کو بھی ٹھائی ویز کے نرمان " میں آپ شامل کرینگے۔ میرا سچاؤ ہو گا کہ آپ دیشی کمپنیوں کو یقینی طور پر پرائیویٹ سیکٹر " میں شامل کریں۔ لیکن "دیشی پھور اشٹریہ کمپنیوں" کو ہر کام میں مت بلدیئے اور اس راج مارگ کے نرمان میں بھی انکو مت بلدیئے۔ یہ میری سھیل سھمشتر " ہوں اگر سچاؤ ہو گا۔

उत्सवाध्यक्ष (कुमारी सरोज खापरें): धन्यवाद, अंसारी जी। श्री हेच० हनुमन्तप्पा।

श्री सतीश अग्रवाल: कर्नाटक में तो राष्ट्रीय राजमार्ग बड़े अच्छे हैं।

श्री हेच० हनुमन्तप्पा (कर्नाटक): हां, दिल्ली तक आ पहुँचे हैं। ... (अवधान)...

श्री सतीश अग्रवाल: राजमार्ग अच्छे हैं।

SHRI H. HANUMANTHAPPA:

Madam Vice-Chairperson, I have only a few points to make. I start from your observation, Mr. Agarwal. While you wanted to travel on the highway, you were advised not to go by a highway and you had to take an aircraft to come from Jaipur to Delhi. Yesterday, the hon. Home Minister was telling us about the situation of highways in U.P. While supporting the Minister on the development of highways, I would like to say that they should be fit to travel by also.

This is the main question. Will the Minister take note of these suggestions? I would like to know from the hon. Minister as to what he is proposing to do to make these roads fit for travelling. Secondly, what is he going to do to ensure that the travelling is safe? There are two things. The first is, there are some shortcomings in the road. The second thing is, robberies and dacoities are taking place on the Highways. We invest money on the National Highways and leave the other responsibilities to the State Government and other people. The very purpose of the National Highways will be defeated if the users are disappointed and they feel that the roads are not safe. I would request the hon. Minister to look into the road map of India. He has to identify the backward areas also. There is a lot of discontentment in the States, including my State, about the kms. of the National Highways which have not been developed for the last so many years. Your own party Members have disputed the figures of shortage of funds. Rs. 13,000 crores were allocated but you could spend only Rs. 3,000 crores. What is the problem? Why have you not spent the money; Why have you come before the House with a plea that there is shortage of funds? Anyway, there is no attraction to support this Bill. What are your plans? Rs. 75,000 crores is your requirement. You have not placed the perspective plan before the House and you want our support. How will you go about it? How long will you

take to complete the whole thing? What are the kms. identified by you for each State? How many years will you take to complete the whole thing? Have you identified any parties who will take charge of the work or have you simply kept the door open and are waiting for someone? Have you got any perspective plan? Have you identified the kms. Statewise that you are going to take up? You have to clarify all these things in your reply. Many of the Highways are going along railway track. Can't you think of avoiding the parallel transport system which is operating at present? Can we have a comprehensive plant or link the railways by perpendicular road transport and see to it that on the one hand, the Railways get sufficient goods traffic, and on the other hand, the Highways are safe for travelling? I think a time has come when we have to think of some other mode transport. In view of the increasing number of road accidents, and in view of increasing pressure of transport on the Highways, we have to sit together with other agencies and work out a proper plan to evolve some new system.

Finally, some of the demands from the States have not been fulfilled. Mysore-Bangalore Express Highway was proposed more than ten years ago. But nothing has been done in this regard. Similarly, in my own place, there are two Highways—Highway No. 4 and Highway No. 13—Solapur—both will join each other at Bangalore. This stretch is 200 kms. long. The traffic load has increased so much that every day, at least, a dozen lives are lost between a stretch of 200 kms. length. There is an urgent need to convert this road into four lanes. About five, six years ago, 70 kms. road length was sanctioned upto Tumkur.

The then PWD Minister of the State, who is now our Prime Minister, laid the foundation five years ago, or even

earlier. Still the work is not completed. I hope that our demand for converting at least 200 kms. of highway No. 13 or highway No. 4, leading to the State Capital, Bangalore, into four lanes, would be met. With these suggestions, I support the Bill. (ends)

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Shri V.P. Duraisamy. Take just two minutes because the Minister has to reply and there is also other business before us.

SHRI V.P. DURAISAMY (Tamil Nadu): Madam, I thank you very much for allowing me to speak.

Madam, I rise to support the National Highways Laws (Amendment) Bill, 1997. At the outset, I must congratulate the hon. Minister not only for bringing the Amendment Bill but also for getting the ordinance promulgated and for taking effective steps immediately. Hon. Member Mr. Agarwal and others expressed their reservations and they wanted to know the steps to be taken by the Government after the promulgation of this Ordinance. As far as promulgation of ordinances is concerned, I do agree with them that the power regarding promulgation of ordinances should be exercised only in an emergency and in unavoidable circumstances. As regards the promulgation of this Ordinance, he is justified because a large number of projects are pending for a long time due to unnecessary impediments. The hon. Members, while supporting the promulgation ...*(Interruptions)*...

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Duraisamy, throughout the discussion you were present in the House. You yourself have heard what everybody said. My request to you is that you should recommend certain things and conclude.

SHRI V.P. DURAISAMY: Yes, Madam. The hon. Members, while supporting this Bill, also mentioned about the interests of the land owners. In Tamil Nadu, they are making two types of

prayers and they are approaching the District Courts and the High Court with these prayers. In one prayer they are saying, "We are small farmers. We are having one or two acres of land. We came to know through the notification of the Land Acquisition Authority, that our land is going to be taken over by the Government. We request that our land should not be taken over." Madam, they are all small farmers. And the other prayer which they make before the Court is that they should be given compensation at the market rate of the land. In my place, Namakkal, a project for making a bypass is pending for a long time. The Minister knows very well that 96 per cent of the land-owners had got compensation. Only four per cent of land-owners have gone to the High Court for enhancement of compensation of land.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Please conclude, Mr. Duraisamy. Now there is hardly any time left.

SHRI V.P. DURAISAMY: In one minute I will conclude.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): No; not one minute, just one second.

SHRI V.P. DURAISAMY: Okay. One second. Under these circumstances, this Bill will help the Government to complete the projects of national highways and bridges. In the interest of the people and also in the larger interest of the nation, I request the Minister to see that all the projects of national highways are completed in time. With these words, I support this Bill.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Thank you ...*(Interruptions)*... Saifullahji, I would have given you the time, but there is hardly any time left. The Minister is also here. He has to reply to it. Okay. How much time do you want to take? One second?

SHRI K.M. SAIFULLAH (Andhra Pradesh): Madam Vice-Chairman, I

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support this Bill. I just want to bring to the notice of the Minister a legal point regarding the right to go to court. This right is taken away. It is a dictatorial act against the principle of natural justice. To avoid unnecessary litigation in a court of law the practice of going to court for interim order can be stopped. But as far as reasonable compensation is concerned, the parties may be allowed to go to the court. Thank you.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Now the mover of the Resolution is to reply to the debate. Mr. Satish Agarwal.

SHRI SATISH AGARWAL: I will reply to the debate after the Minister's reply. Now at 4.30 P.M. there is a statement to be made by Shri Inder Kumar Gujaral.

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): पहले आप बोलेंगे। आप पहले बोले थे इस रिजोल्यूशन पर, इस बिल पर बोले थे।

श्री सतीश अग्रवाल: मैंने रिजोल्यूशन रखा डिस-एप्रुवल का।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): मैं गुजराल साहब के स्टेटमेंट की बात नहीं कर रही हूँ।

श्री सतीश अग्रवाल: गुजराल साहब के स्टेटमेंट के बाद आप नहीं करने देगी तो मैं नहीं करूंगा। मैं तो आपकी रूलिंग ऐसी मान लेता हूँ। लेकिन मेरा कहने का मतलब यह है कि मुवर आफ दि मोशन का राईट आफ रिप्लाय होता है। सो मेरे मोशन पर यह जवाब देंगे उसके बाद मेरा राईट आफ रिप्लाय है, क्योंकि गुजराल साहब का स्टेटमेंट साढ़े चार बजे होने वाला है जिसके लिए लीडर आफ दि ओपोजिशन आकर बैठे हैं, सभी लोग इंतजार कर रहे हैं। इसलिए मैंने कहा।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): मुझे लगता है कि ट्रांसपोर्ट मिनिस्टर ने हमारे फॉरन मिनिस्टर से कुछ बात की है अभी और शायद फॉरन मिनिस्टर ने उनको परामर्शन दी है कि आप 10—15 मिनट के लिए कैसी-ऑन करिएगा। इसलिए मैंने आपको कहा। अगर आप मंत्री का रिप्लाय सुनकर कुछ बोलना चाहते हैं तो बात अलग है।

श्री सतीश अग्रवाल: रूल्स में तो पोजिशन यही है। चूंकि इंटरनेशनल वूमेन ईयर है और इसलिए डिगनिटी आफ वूमेन रखने के ... (व्यवधान)

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): नहीं-नहीं, इंटरनेशनल वूमेन ईयर को यहां पर मत लाईएगा, रूस के मुताबिक चलिआ।

श्री सतीश अग्रवाल: रूल्स के मुताबिक तो ऐसा है कि उनके रिप्लाय के बाद मुझे राईट आफ रिप्लाय है। लेकिन मैं यह समझता हूँ कि चूंकि मुझे बहुत अजेंट काम से जाना है। मैंने आपको संकेत भी दिया था इसलिए कि इंटेशन यही थी कि केवल आर्डिनेंस प्रोमलगेट करने की जो टेडेंसी है जिसको आप जब इधर बैठते थे तब अपोज करते थे। गुजराल साहब भी इधर बैठते थे तो क्रिटिसाईज करते थे। अब कम से कम ऐसा न करें भविष्य में और इस केस में यूनिमसली सारे हाऊस में एक भी आर्डिनेंस के प्रोमलगेशन को सपोर्ट नहीं किया। इसलिए मेहरबानी करके इसको आप छोड़ दें, इस बुरी आदत को आप इनहेरिट नहीं करेंगे। बाकी लीगेसी आपने इनहेरिट की होगी। इसलिए इसको इनहेरिट मत कीजिए। इन्हीं शब्दों के साथ मैं आप से इजाजत चाहता हूँ कि मैंने अपना जो प्रस्ताव रखा है डिस-एप्रुवल का, उसे मुझे वापिस लेने की अनुमति दी जाए। अब जवाब की जरूरत नहीं है। पहले मुझे अनुमति दे दीजिए मैं चला जाऊँ।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): नहीं, मंत्री जी बोलेंगे उसके बाद ही तो मैं आपको अनुमति दूंगी। उससे पहले कैसे दूंगी।

श्री सतीश अग्रवाल: मैं एंटिसिपेशन में मांग रहा हूँ।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे): मंत्री जी के रिप्लाय के बाद आपको अनुमति देंगे तब तक तो आपको बैठना पड़ेगा... (व्यवधान) 33 परसेंट कोटा अभी दिया नहीं है सरकार ने, तो हम आपको डिक्लेट नहीं करते हैं टर्म्स।

THE MINISTER OF SURFACE TRANSPORT (SHRI T.G. VENKATRAMAN): Madam Vice-Chairman, I will satisfy the senior Member who has raised this point of promulgation of Ordinances. I hope he will not find fault with me because he knows that I was here in this House for

six years. This is my fond hope. I was here for six years with him. He knows my temperament.

He has not made any comments on any of the provisions of the Bill. It is not that he does not find anything. He finds everything okay. That is all I can say.

Regarding the promulgation of the Ordinance, I will only meekly submit that man lives on hope. Of course, he has asked: What is it that you have established by promulgating this ordinance? I hoped that something would come through. But it has not come through. Therefore, you please excuse me. In the promulgation of the Ordinance there is nothing up our sleeves or hidden or insulting or decrying the dignity of both the Houses. I had been there with you. I had been trained by you. Therefore, I knew the temperament of the House.

SHRI GURUDAS DAS GUPTA: Madam, if Mr. Venkatraman was trained by Mr. Agarwal...(Interruptions)...

SHRI T.G. VENKATRAMAN: I was in the Opposition. There is no harm in it. Now I am in the ruling party. Tomorrow I may be sitting on the opposite side. We learn so many things. It is not that you will be there for ever. Those people who thought that they would remain here for ever have gone to that side. Those people, who were there in the Opposition, who thought that they would not come to this side, have come over here. Therefore, it is a matter of learning. As years pass by, we become mellowed and soft. I am thankful to the senior Member for having put me on the right way. It is not my habit also to keep something up my sleeve. There is nothing wrong in that. I thought something would hopefully come through, but it has not come through. Man lives only on hope. My senior Member will forgive me. That is why he has expressed his willingness to withdraw the resolution even without my asking. He has thought over it. I am very thankful to him.

So far as the points raised by other hon. Members are concerned, I wanted to reply to each of the points. Since the time is very short, I will not be able to respond to all the points. I have noted down all the points. All the Members in one voice have mentioned about the Ordinance. The reply which I have given to the point raised by my senior Member, Shri Satish Agarwal, would hold good for all the hon. Members.

Some hon. Members have mentioned that we have taken away the right of individuals to go to court. I would like to submit that they can go to court anytime if they feel that we are going wrong. There is always a remedy. They can go to court by way of a writ. I need not say that. They want me to say that. It is not that there is no remedy. There is a remedy. I have got a list of works. Of course, I am not going to say that I am here only for the last nine months or ten months. But I am here. It is a continuing process. If a senior Member or any of the Members comes to this side, he would also do the same thing. Naturally, if I go there, I will also give the same argument. That is what they are following.

I would like to mention that for the last ten years—I don't want to mention the names—11 projects are pending in one State because of the hurdles caused by land acquisition. That is why there is a delay of 10 to 15 years. When they go to a Munsiff Court or any other court, they get a stay. They will get a stay. We will be doing all the work. A man will be fighting over a piece of land. From a Munsiff Court he would go to a Sessions Court and from a Sessions Court he would go to the High Court. Then he would make a second appeal. This process would take a number of years. That is why all these programmes are pending. That is the main idea and the good intention behind this amendment Bill. All people, all States want to have good roads. They want that at least one road should be declared as a national highway in their State. I tried my level

best. I am still trying my level best. There was Half-An-Hour Discussion in this House as well as in the other House regarding roads and also regarding diesel and petrol. But still it is pending. I could not make it a success. Anyway, I am still attempting and I am working hard on it. This time there is some relief. So far as budget is concerned, I have asked for Rs. 2,000 crores. But I am getting only Rs. 800 crores or something like that. I would like to say that this time I may be declaring as national highways some roads, not all roads, which are of national importance, which are connecting two States and border roads.

I shall try to see that all these vital factors are complied with. I may not be able to comply with all the demands of the hon. Members. The existing provision is, the purpose of acquisition can be questioned in any court. The stay granted, delays the acquisition process. Adjudication of compensation goes from one court to another court. That is also taking years together. So an inordinate delay takes place. The Competent Authority is the State Government where national highway is not a priority. They want roads. But, at the same time, when we ask for acquisition of land the States say that they are helpless. Therefore, we want our own authority.

In the case of atomic energy we have one. On the same lines we are going to have it in the interest of the nation and in the interest of the public. There may be some difficulties here and there. As a matter of fact, many Acts, and even the Constitution, have been amended several times. Change of circumstances and change of locations also need amendment. Therefore, such amendments will be carried out as and when they are necessary, whether I am here or not. There will be some other person who will be in charge of it. He will be moving necessary amendments. Therefore, I request that the Bill may be passed without any further discussion.

THE VICE-CHAIRMAN (MISS

SAROJ KHAPARDE): Mr. Satish Agarwal, are you withdrawing your Resolution?

SHRI SATISH AGARWAL: Madam, in view of the confessional statement of the hon. Minister that he has not been able to achieve anything after the promulgation of this Ordinance, I am compelled to beg for leave of the House to withdraw my Resolution.

*The Resolution was, by leave,
withdrawn.*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): The question is:

That the Bill further to amend the National Highways Act, 1956, and the National Highways Authority of India Act, 1988 be taken into consideration.

The Motion was adopted.

THE VICE-CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 10 were added to the Bill.

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

SHRI T.G. VENKATRAMAN: Madam, I move:

That the Bill be passed.

*The question was put and the motion
was adopted.*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Now, Shri I.K. Gujral to make the statement.

SHRI PRANAB MUKHERJEE (West Bengal): Madam, before you request the hon. Minister to make the statement, I have a small submission to make in connection with the business of the House. The normal practice in the House is that after the Minister makes the statement, the Members are allowed to seek clarifications. But in view of the fact that two more Bills are pending which are listed in today's List of Business and we are expected to initiate the Budget discussion tomorrow, my submission to the House, through you, would be that we may now itself fix the date and time

for seeking clarifications arising out of the Minister's statement according to his convenience. After he makes the statement, we may take up at least one of the two Bills. This is for the consideration of the House. I am making this submission, through you, for the consideration of the House.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): If the House feels so, I have no objection.

THE LEADER OF THE OPPOSITION (SHRI SIKANDER BAKHT): Madam, I agree with the suggestion made by Shri. Pranab Mukherjee.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Okay.

SHRI GURUDAS DAS GUPTA (West Bengal): Madam I understand the gravity of the situation. But the point is that if seeking of the clarifications is delayed unnecessarily, the whole thing loses its relevance. If the hon. Members take a little time, we can do that right now. If we cannot do that now, we can do it tomorrow. After all, clarifications on a statement should be simultaneous. If the hon. Members feel otherwise, it can be changed.

SHRI PRANAB MUKHERJEE: It is for the Government to decide. I don't belong to the Government. I wanted to help the Government to transact its business. If the Government itself is not interested, I have nothing to say.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Gupta, there is a long list of names of the hon. Members who would like to seek clarifications after the hon. Minister makes his statement. I don't think I will be able to complete the list today because it is already 4.45 p.m. now. If the House agrees with what Mr. Pranab Mukherjee and Mr. Sikandar Bakht said, then we can have the statement now and we can seek clarifications at a later time.

SOME HON. MEMBERS: Madam

clarifications on the statement can be had later.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Now, Mr. Minister.

STATEMENT BY MINISTER

First Ministerial Conference of the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) held in Mauritius from March 5 to 7 1997.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI I. K. GUJRAL): Madam, I have great pleasure in informing the Hon'ble Members of this august House of the successful launching of the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC). This was pursuant to the First Ministerial Meeting of the Rim Countries held in Mauritius from 5-7 March, 1997. Apart from myself, and the Indian delegation present at the IOR-ARC's birth, were the Ministers and delegations of 13 other countries Australia, Indonesia, Kenya, Madagascar, Malaysia, Mauritius, Mozambique, Oman, Singapore, South Africa, Sri Lanka, Tanzania and Yemen.

The IOR-ARC has been two years in the making. The Government of India, in close consultation with other friendly countries has been actively involved in supporting this initiative and bringing it from conception to fruition. The Government of Mauritius convened an Inter-Governmental Meeting of 7 Indian Ocean Rim countries—Australia, India, Kenya, Mauritius, Oman, Singapore and South Africa—in March 1995. Subsequently, the membership of the Initiative was doubled. With this, it was assessed that a critical mass had been achieved and the IOR-ARC could be formally launched.

The IOR-ARC Ministerial Meeting adopted the Charter of the IOR-ARC setting out objectives, fundamental principles, scope of activities as well as