

Safety of passenger and pedestrian on roads

255. SHRI T. RATHINAVEL: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that all cars manufactured after July 1, 2019 will have to be equipped with air bags, seat belt reminders, alert system for speeds beyond 80 kmph, reverse parking alerts as well as manual override over the central locking system for emergencies;

(b) if so, the details thereof;

(c) whether it is also a fact that Government has approved the move for passenger as well as pedestrian safety on Indian roads as thousands of people die in road crashes every year; and

(d) whether it is also a fact that in 2016, speeding alone accounted for nearly 74,000 of the 1.51 lakh deaths in road accidents.

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MANSUKH L. MANDAVIYA): (a) and (b) This Ministry has issued notification G.S.R 1483(E) dated 07.12.2017 *vide* which Motor vehicles of category M1, manufactured on and after the 1st day of July, 2019, are to comply with additional safety features like seat belt reminder, manual over-ride, speed alert system vehicle reverse gear sensor and its requirements as stipulated in Automotive Industry Standard (AIS) 145 -2017 as amended from time to time.

(c) This Ministry has issued notification G.S.R 634(E) dated 23.06.2017 *vide* which Rules of Road Regulations were published mandating the duties of road users for safe travel and reducing road accidents.

(d) As reported by Police Department of States/UTs, total number of persons killed in road accidents due to exceeding lawful speed was 73,896 during the calendar year 2016 which accounted for 49 per cent of the total number of persons killed in road accidents (1,50,785).

Review of highway projects by NHAI

256. SHRI K. R. ARJUNAN: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that Government has asked the National Highways Authority of India (NHAI) to put in abeyance scrapping of 20 highway projects till a case-by-case review is done;

(b) whether it is also a fact that Government has asked the NHAI to debar a defaulting developer only after completion of any pending legal proceedings; and

(c) if so, the steps taken by NHAI in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MANSUKH L. MANDAVIYA): (a) to (c) Yes, Sir. Since National Highways Authority of India (NHAI) had sought Ministry's advice on the subject, the same was examined at the Ministry. A meeting in this regard was convened at the Ministry under the chairmanship of Hon'ble Minister (RTH) on 09.11.2017. Thereafter, minutes of the above meeting were conveyed to NHAI. A Copy of the above minutes is enclosed for reference.

No. _____

Government of India

Ministry of Road Transport and Highways (Highways Section)

Transport Bhawan, 1, Sansad Marg, New Delhi -110001

Subject: Minutes of the meeting held on 09.11.2017 at 12.00 noon under the Chairmanship of Hon'ble Minister, Road Transport and Highways to discuss the issue of show cause notices issued by the NHAI to various Concessionaire/Contractor firms entailing action in terms of Clause 2.2.8 of RFP (Toll)/Clause 2.1.17 of RFP (HAM)/ Clause 2.1.19 of RFP (EPC) - Concession/Contract Agreements.

A meeting was held on the subject on 09.11.2017 at 12.00 noon under the Chairmanship of Hon'ble Minister, Road Transport and Highways, to discuss the issue mentioned above. The list of participants is annexed.

2. Explaining the background and the context of action taken by the NHAI, the Chairman stated that a communication was received from the CVO, NHAI based on the CVC's advice where by the NHAI was asked to put in place a systemic improvement for creation of a central data base in respect of such of the concessionaires/contractors whose projects had been terminated and to place names of such entities on the website of the Authority in view of the principles of transparency. He further stated that concessions/ contracts, initially awarded to the said 20 companies had been terminated at different points in time since 2014 and the action was taken by NHAI management after discussions in the meeting

of the Executive Committee in this behalf. The Chairman, NHAI also explained that in certain cases, a few projects had also been awarded to these companies and while doing so, either the NHAI did not have the requisite information available in the absence of a central database of all such cases or that the bidding parties had not disclosed such facts in their bids.

3. Secretary, RT&H invited attention to NHAI letter No. NHAI/CMD/Non-Performer/2015 dated 7th November, 2017 received in the Ministry in this behalf. He observed that any action pursuant to the said clauses of RFPs/ standard bidding documents for BoT (Toll), HAM and EPC contracts, was a part of the Bid Management and Contract Management Process, which are internal management functions of the NHAI. He further observed that any action in compliance of the said clauses should be taken only after in-depth examination of the facts of each case. The cases included in the list may require appreciation of the facts of each case along with legal interpretation of the relevant clauses qua their applicability, if required.
4. The Secretary also drew attention to the fact that possibility of some of these entities having been awarded projects during this intervening period cannot be ruled out as stated by the Chairman, which would render the position a bit more complex. Issuance of one consolidated notice and that also in a cryptic manner may not be a fair proposition. As such, he stated that the NHAI should first examine each case on its individual merits, obtain a legal opinion from its Legal Wing/ counsels, if required, and conclusively hold that the provisions of these clauses are attracted in each individual case.
5. The Secretary, RT&H further observed that in case the NHAI felt based on their experience, that there was a need for making any changes or amendments in these clauses for future, it may submit specific proposals in this behalf which will then be taken up for consideration in a meeting with all the executing agencies and concerned officers as part of the future roadmap.
6. The Hon'ble Minister observed that he, as well as NHAI, had received representations from the affected companies and the NHBF stating that placement of the show cause notices on the website was premature and had seriously impacted the share value of the companies listed on the Stock Exchange besides hitting their market reputation. He observed that the said action was avoidable and the NHAI should rather have examined each case on its individual merits before going out in the public domain. He observed that while he would never support the non-performing actors but the NHAI would have to be careful and sure before

taking any such action. It had become all the more important in the present context when the Government had recently approved the most ambitious Bharatamala Pariyojana only recently and competent construction agencies/ Concessionaires would have to be taken along in implementation of the ambitious programme.

7. Keeping in view the above discussions, it was decided as under:—

- (i) The NHAI should review these cases and undertake detailed, examination of each case on its own merits, examine the same from legal sustainability, if required, and it should keep any further action on its show cause notices in abeyance till they complete the review process;
- (ii) In cases where the Termination of projects and the consequent debarring of any of the Construction agencies had been stayed in any pending Arbitration proceedings or by any Court orders, the decision in such cases should be taken only after completion of the legal proceedings, unless the adjudicating body/Court had refused to intervene or decline any interim relief on the Termination orders;
- (iii) In cases where the NHAI does not receive any representation in response to its show cause notice, the cases be decided as per law after following the due process.

The meeting concluded with a vote of thanks to the Chair.

Expressway construction between Delhi and Jaipur

257. SHRI HARSHVARDHAN SINGH DUNGARPUR: Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether Government have received any proposal for construction of the expressway between Delhi and Jaipur, from Rajasthan Government for the years 2011, 2012 and 2013;
- (b) if so, action taken on the proposal; and
- (c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI MANSUKH L. MANDAVIYA): (a) to (c) Earlier, Delhi-Jaipur Expressway was approved by Government of India under NHDP Phase-VI for which the alignment was approved by Government of Rajasthan and Government of Haryana in 2012 and 2013 respectively. Recently, Cabinet Committee on Economic Affairs has