

13/5/16

Ministry of Road Transport & Highways

A Meeting of the National Security Council was held today morning with Prime Minister in Chair. The Agenda document for the meeting is placed below.

2. Annexure-17 of the document captures the infrastructure requirement for border connectivity with reference to India-Pakistan Border, India-Nepal Border, India-Bhutan Border, India-China-Border, India-Myanmar Border and India-Bangladesh Border.

3. On behalf of MoRTH, the following observations were made:

- (i) An exercise for reducing the National Highway length assigned to BRO has already been initiated. 2940 km of road currently with BRO are proposed to be transferred to State PWDs/NHAI. Similarly, for future development of roads in the border areas, roads would be assigned to BRO only in exceptional circumstances.
- (ii) The development of roads in the border areas is currently being undertaken through a multiplicity of agencies. These include BRO/MoRTH/NHAI and more recently Project Implementation Units (PIUs) being set up directly by MoRTH. It would be prudent to consider identification of a single agency under MoRTH for this purpose. This could be in the form of a dedicated vertical under NHAI.
- (iii) The proposed agency referred to in (ii) above could provide some avenue for absorbing select individuals currently working under GREF who would be weeded once restructuring of BRO as proposed in the agenda document is undertaken. Quite obviously, this would not cater to the entire workforce under GREF.
- (iv) Projects of strategic importance in the border areas are being delayed on account of environmental/forest clearance requirements. It was suggested that a separate classification "projects of strategic importance" be recognized where the ROW could be exempted from the requirement of environmental/forest clearance. If required, prior consent of the Supreme Court for this purpose could be taken. The ROW in this case could be of a width of maximum of 25-30 meters only. In case such exemption is not considered feasible, the environmental/forest clearance in respect of these strategic roads should be fast tracked through an appropriate mechanism.

4. During the discussion, the following observations were made:

- (1) FM was of the view that NHAI may not be able to take on this responsibility and a separate organization for this purpose of taking up development of strategic roads in border areas should be set up.
- (2) Cabinet Secretary would chair a meeting to prioritize the projects considering the limitation of resources etc.

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from pre-page

5. In light of observations made by FM, we may examine the possibility of creating a dedicated vertical directly under MoRTH for the purpose of development of border roads. In this process, the possibility of reviving the erstwhile IRCC which is presently under liquidation could also be examined.

6. May kindly see for present information. *pt*

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(Vijay Chhibber)
Secretary (RTH)
1.11.2013

Minister (RTH)

[Handwritten signature]
4/11/13

In the mean time we go into the reasons as to why Border Roads org. could not achieve the object and how ^{the} new set up can overcome the hurdles.

Secretary (RTH)

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4/11/13

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*F-28(n)
G/n*

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To
Shri V. Krishnaswamy
Nodal officer (RTI) & Director
Ministry of Road Transport & Highways
Transport Bhawan-
Parliament Street
New Delhi-110001

Scan & send to
1. AS (H)
2. GE (PLB)
3. SES (NER)
4. AS (P&B) / Sec. Incharge
5. NHAI
6. NHAI Sec
7. ALL Project files SES,
NHAI, EOP
13/15
5/12/17
Dr. Maheshwari

Sub.:- Application under Section 6 read with Section 4 and 5 of RTI Act 2005 before Hon'ble Minister (MORTH) as all the information sought by applicant relates to Minister.

Sir,

It is claimed by the Minister Road Transport & Highways that in his tenure the construction of Highways have increased drastically in comparison to UPA regime and same is reiterated by Hon'ble Prime Minister also. But it is not understood that on what basis it is claimed otherwise main agency NHAI in response to my RTI application dated 28-10-2015 informed vide his letter dated 22-12-2015 that "information in desired format is not available as it is not centrally maintained". (Copy of RTI application dated 28-10-2015 and reply dated 22-12-2015 of NHAI are enclosed as Annexure-'A' and 'B' respectively). It is also to mention that the progress report submitted by NHAI for the period 1995 to 2016 also do not indicate any drastic increase. Admittedly the construction of highways by NHAI remained very poor that is why decision to undertake the construction of National Highways by the MORTH itself is taken, as reported in Hindustan (Hindi) dated 20-03-2016. But it is not understood which agency played important role in increasing the construction of National Highways drastically in present tenure of NDA.

Further the claim of Hon'ble Finance Minister that previous govt. was not having vision, our govt. has, but this claim also is not seen in the working of MORTH. As following erroneous decision of UPA govt, are not still reverted back rather they are getting full support of present Minister MORTH. It is

obvious that present Minister would have reviewed the decision taken by UPA that is why he immediately surrendered Shri RP Singh Chairman NHAI. It is presumed that on other issues present Minister was agreeable with the decision of UPA that is why he did not get them reverted back. Although citizens of this country have the right to know justification from Hon'ble Minister to whom they elected to serve the country. Even then this RTI application is submitted under RTI Act 2005, with the hope that Hon'ble Minister will not hesitate to provide the justification/ views to each information in the form as sought by applicant.

Chairman NHAI - Evidently UPA was not interested to increase the construction of highways that is why appointed a retired IAS as chairman. This act of UPA reflect that either their priority was to accommodate their near and dear not country or it was lack of vision. Although present Minister (MORTH) reviewed decision taken by UPA and surrendered that retired IAS from the post of Chairman NHAI. But it is clearly seen that present Minister MORTH also followed UPA by getting posted IAS as Chairman NHAI instead of getting posted a civil engineer serving or retired having 30 to 35 years' experience in the field of road construction. As such claim of NDA that they have vision is seen only up to appointing officer of their choice not in construction of highways.

DG of MORTH- UPA govt. got selected Shri S.N. Das for the post of DG in Ministry. Interestingly Ministry deal with road construction but got selected a person who is not even civil engineer. But present Minister MORTH also did not initiate any move to appoint any senior civil engineer having 30 to 35 years' experience in the field of road construction as DG of MORTH. This act of present setup of MORTH reflects that they are also following UPA Govt. as such their claim about vision is not seen correct on this issue also.

Formation of NHIDCL- Copies of file noting's obtained under RTI, related to formation of NHIDCL; clearly prove the lack of vision of then Govt. of UPA. Although then Minister RTH was not agreeable with the note dated 1-11-2013 of Secretary RTH for creation of NHIDCL and expressed his views vide his hand written note dated 4-11-2013 at page no.2 that "in the mean time we go into the reasons as to why Border Roads Organization could not achieve the object and how the new set-up can overcome the hurdles". This act of then Minister of finding out the reasons prior to putting public money at stake in NHIDCL is highly appreciated. But it is not understood that same Minister

without getting justification to his own observation gave approval for NHIDCL. Admittedly NHIDCL became functional only up to providing employment to non-technical officers and expending public money on their tours and travels but their field progress is not seen till date. It is clearly seen that either then Minister was under pressure or there was some ulterior motive of then Govt. Otherwise purpose, as mentioned in Para 3(II) of the note that "It would be prudent to consider identification of a single agency under MORTH for this purpose" would have been fulfilled if MORTH would have initiated to keep BRO away from the control of Corps of Engineers and would have appointed/designated senior most BRES officer as DG of BRO instead of forming NHIDCL. It is well known and glaring fact that in our country only BRES officers have the knowledge and experience of road construction in real as they execute construction of roads by their own work force also. In any case move to form NHIDCL at that time when Border Road Organization was the part of MORTH instead of removing the hurdles faced by BRES engineers of BRO in achieving the target, the decision of then Govt. to form new company NHIDCL and leaving BRO to become sick cannot be claimed prudent and justified rather it gives weightage to ulterior motive of then Govt.

But the joining hand to this move by the present Minister of NDA is not understood and may not be in the overall interest of our nation. Interestingly then MORTH Minister of UPA could dare to put query about formation of NHIDCL but present Minister MORTH, instead of getting reverted back decision of then Minister, became blind supporter of NHIDCL. Shockingly present set up of MORTH has adopted erroneous policy/ decision of UPA in Toto but claim about their own vision. It is in public domain that either NHIDCL was formed with ulterior motive only to collect commission from contractor by awarding the contract not for speedy construction of National Highways, or was lack of vision of UPA. As such vision of present Minister MORTH is seen only up to relying on NHIDCL not in real construction of roads which can never be achieved through NHIDCL.

If present Minister MORTH was sincere in real construction of roads then would have not accepted formation of NHIDCL, even if under any compulsion present Minister accepted formation of NHIDCL but accepting set up of NHIDCL in Toto is not understood as he did not initiate any move to get posted a trained and experienced civil engineer having 35 to 40 years' experience in the

field of road construction as MD of NHIDCL instead of sitting IAS. As such on this issue also vision of NDA is not seen.

Winding up of BRO- While going through Para 3(1) of note dated 1-11-2013 then it is clearly seen that MORTH has taken the decision for almost wind up of BRO that is why the transfer of roads from BRO to NHAI/PWDs is proposed. And the wordings of said note that **in future only in exceptional cases roads will be assigned to BRO.** Clearly prove that this decision was not taken in interest of nation rather it raise finger on the integrity of hierarchies as collection of commission from BRO was not possible. But Para 3(IV) of the note that **“projects of strategic importance in the border areas are being delayed on account of environmental/forest clearance requirements”.** These wordings exposed hierarchies as on account of delay they achieved their goal of keeping BRO out. But cleverly open the door for their lovely company NHIDCL by keeping responsible environmental forest clearance, for delay. It is not understood that when Para 3(IV) do not keep responsible BRO for delay then for what reason such a drastic decision of withdrawing roads from BRO was taken.

Admittedly BRES engineers of BRO are engaged in the construction of roads of border areas from very beginning but BRO remain always headed by the officers from Corps of Engineers. It was well within the knowledge of Govt. that trained and experienced BRES engineers of BRO were not in position to achieve the target only due to irrelevant interference of those officers whose experience in road construction is zero, not only this, majority of them were not even civil engineers. But Govt. of India never tried to provide justice to BRES engineers of BRO on the name of nation's security knowing well that officers of Corps of Engineers are not having any experience of road construction but continued to be bosses of BRES engineers which was not a correct step. As army can give the priority and requirement of specification of strategic roads and co-ordination at the most. The actual control was required to be with BRES officers as they have been recruited and trained for hill roads by creation of a specialist organize engineering services and officers are recruited through All India level exam by UPSC Combined Engineering Services Exams to get the best talent. It is on record that a numbers of DGBR (Lt Gen) and CE (Brig) came from Corps of Engineers without a single day experience of road construction. Army engineers from Corps of Engineers were not at all conversant about actual ground requirement and made many irrelevant rules and

regulations in last 10 years which had affected overall functioning badly and indifferent treatment to GREF officers /personnel demoralised them had affected BRO's overall output drastically. Once the specialist organized service known BRES (Border Roads Engineering Service) was carved out 1977 as a specialist border hill road construction work in remote and inhospitable border area of our country and its engineers gained experience in last 35years as organized service which is great asset to our country. Rather than expanding this specialist BRES cadre and removing the policy/procedure hurdles the Army had proposed to weed out GREF was totally illogical which is going to affect badly the creation of vital/critical border infrastructures. The most of NH's which were with BRO were main arteries leading to strategically important forward areas and also some these were in inhospitable and disturbed area where the other agency and contractors may not able to construct and maintain these important roads. A number of roads in border area by MORTH given to number of State PWD but same could not be progressed the details are available with Ministry. There may be possibility that decision, to reduce the length of road and in future also only in exceptional circumstances roads will be developed by BRO; would have been taken with the consent of DG of BRO. As keeping BRO work less (In adequate work load or Under employed than its actual capacity) will not affect them as they are borrowed officer (Corps of Engineers) and will go back to their own cadre back to Army but this decision taken by UPA and followed by NDA also have adversely affected the construction/ development of roads specially in border areas. The lack of vision of UPA is clearly seen as they could not assess right course of action which would have been gradual reversion back of army officers back to army as they were on loan and qualified and experienced BRES officers were available.

People of this country would have seen the vision in real if present set up would have reverted back the UPA decision of reducing the length of roads and in future only in exceptional cases road work to BRO. It is fact that progress of highways can be achieved only by BRO not by NHIDCL. Admittedly BRO was transferred to MOD in the tenure of present Minister(MORTH) which clearly prove that present system of MORTH also do not have vision. Otherwise instead of transferring BRO to MOD, Minister MORTH should keep BRO with MORTH by rooting out all the officer of corps of engineers who do not have even zero knowledge and experience of road construction. Thus people of this country do not find any vision of NDA.

As such in the larger public interest Hon'ble Minister MORTH is humbly requested to provide the following information/justification/views.

1) Copies of the entire related document maintained by an agency about the construction of National Highways for the period 1-4-2013 to 31-3-2016k' as per following details.

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mod(h)
- (i) Name of agency who maintained such date.
 - (ii) Details of roads undertaken by NHAI for the construction.
 - (iii) Details of contract awarded for the construction of these roads.
 - (iv) Copies of progress report prepared by NHAI, in the shape, it exists day to day/weekly/monthly basis as per following details.

- (a) Details of roads completed with black top.
- (b) Details of roads completed with concrete and open for traffic.
- (c) Details of roads on which work is suspended along with the reason.

DS(h)

2) Note dated 1-11-2013 of then Secretary MORTH require a single agency under MORTH, admittedly GRAF of BRO was already under MORTH on that day and the purpose of single agency would have been fulfilled if existing BRO would have been identified by appointing senior most BRES engineer as DG of BRO for this purpose. It is obvious that present Minister MORTH would have initiated to get reviewed the decision of UPA of transferring BRO to MOD. Please provide the copy of related noting portion if not then the justification/views.

3) Copies of noting portion vide which observation dated 4-11-2013 of the then Minister is replied/justified, if any.

4) It is presumed that present Minister MORTH has shown the vision prior to relying on NHIDCL by going through the work plan of NHIDCL vide which target will be achieved, if so, if not, then the justification/views.

DS(h)

5) It is obvious that present Minister MORTH would have shown the vision by getting reviewed clever move of UPA of transferring roads from BRO by keeping BRO responsible for delay under para3(1) and for NHIDCL introduced Para 3(IV) keeping responsible environmental/forest clearance, if so, if not then the justification/views.

6) Please provide the details of specialty of NHIDCL observed by present setup of MORTH vide which NHIDCL will achieve the target and that specialty were not seen to present setup of MORTH in BRO. NHIDCL
25/11/11

7) Admittedly NHIDCL can never be compared with BRO who construct the roads in border areas by the BRES officers and their own work force of more than 30,000 and vast experience of hill roads in difficult area and a uniformed force. The role of NHIDCL seems only up to awarding the contract to builders, as such please provide the copy of justification vide which present Minister MORTH considered BRO incompetent and found newly formed company NHIDCL competent for this job of tendering. DEC 11/11

8) If BRO was headed by the inexperienced and untrained officer from the Corps of Engineers only on account of nation's security in real then no one can raise the finger for this move. As nothing is above then nation's security and this act of Govt. is highly appreciated but handing over the roads of same areas i.e. Border areas to NHIDCL to be constructed by the Pvt. Builders is just contradictory to system of appointing DG of BRO from Corps of engineers. As such it is very much clear that if appointment of inexperienced and untrained officers as DG of BRO was the correct step of then Govt. then the formation of NHIDCL for constructing the roads of border areas by the Pvt. Builders can be declared a move against our national security. It is obvious that prior to handing over the roads of border areas to NHIDCL the factor of nation's security would have been taken into consideration. As such please provide the copy of precautionary measure to be taken by MORTH for keeping nation's security intact under the circumstances when the roads will be constructed by the Pvt. Builders through NHIDCL. -20-

9) Admittedly execution is done by GREF of BRO; it is obvious that if the priority of Govt. was the speedy development of roads in border areas, then meeting with the senior officers of actual executor i.e. GREF of BRO would have been initiated by then Minister/Secretary of RTH to know the reason of not achieving the target. If not then present setup of MORTH would have shown the vision of meeting with BRES officers of GREF prior to transferring BRO to MOD. As such provide the information as per following details:

a) Please provide the copy of minutes of the meeting held with officers of actual executor i.e. BRES (GREF) of BRO either by UPA or by NDA, if any. If not then the views of present setup of MORTH.

- b) If meeting with officers of GREF of BRO was not initiated either by then setup or by present setup of MORTH for the speedy development of roads in border areas then please disclose the priority of Govt. whether it was real development of roads or the posting of officers from corps of engineers as DG and CE only.
- c) If the priority was to develop the roads in border areas then please provide the copy of related document vide which MORTH became confident that NHIDCL will achieve better than BRO.
- d) Certainly creation of NHIDCL is a clear case of lack of vision of UPA but disclose the views/justification of present setup about relying on NHIDCL.

10) Another important aspect is maintenance after upgrading these roads as no appropriate and required establishment exists with NHIDCL. As such please provide the copies of related documents vide which maintenance work of these roads will be assumed by NHIDCL.

11) In last 5 years the number of roads in border states like Arunachal Pradesh Sikkim and East- West Corridor which are strategically important were outsourced to private contractors by MORTH through PWD, NHAI, and directly also instead of getting it developed by GREF of BRO. It is obvious that the performance would have been satisfactory. As such please provide the information as per following details:

- a) List of roads assigned to contractor.
- b) Cost of each tender.
- c) Details of progress.
- d) Payment made to contractor.
- e) If progress was not as per satisfaction of MORTH then what steps have been taken by MORTH against the executing agency?
- f) Per km cost.

12) It is the glaring fact that in hilly border areas 95% roads are constructed by BRO but the decision of providing work to BRO only in exceptional circumstances clearly reflect that either MORTH has decided not to create new roads in hilly border areas or new roads will be constructed only through NHIDCL. As such provide the information as per following details:

- a) List of new roads to be constructed through NHIDCL in hilly border areas.
- b) If the construction work of new roads in hilly border areas is not assigned, only development of existing roads will be carried out

through NHIDCL then please inform the mode vide which new roads in hilly border areas will be constructed.

- c) Justification for not assigning the very important work of all whether road connectivity for Leh to NHIDCL.
- d) Region wise list of roads handed over to NHIDCL for development.

13) Copy of report prepared either by MORTH or by NHIDCL justifying to keep the head quarter of NHIDCL in Delhi in the circumstances, company is formed for the construction of roads in border/hilly areas.

14) It is not understood that how long some selected persons will play with public money by leaving existing agency to become sick and forming company over company with ulterior motive, as prior to forming NHIDCL, IRCC was also formed. It is also a fact that after some time situation of NHIDCL will be worse than IRCC. As such provide the information as per following details:

- a) Copies of all related documents vide which creation of IRCC was initiated and approved.
- b) Copies of all related documents which specify the reason of sickness of IRCC.
- c) Total public money wasted on IRCC from creation to till date.
- d) Copies of all related documents vide which effort to revive IRCC was initiated by MORTH after 1-11-2013.

Encl (2B)

074254

Postal order no. 32F, of Rs.10.00 is enclosed as application fees, please also let me know about further fees, if any, to provide above information in the form of hand, copies considering applicant as non-computer person.

Indian Road
Construction
Corporation

(Dr.S.K. Maheshwari)

Applicant

12-5-2016

Encl - (i) Copy of RTI Application dated 28-10-2015

(ii) Copy of Reply of NHAI dated 22-12-2015

(iii) Copy of Meeting Minutes signed by Vijay Chhibber Secretary (RTH) dated 1-11-2015

(iv) Postal Order No, 32F 074254 of Rs, 10-00

Dr.S.K. Maheshwari

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GM (HR /ADMIN.) & CPIO
National Highways Authority of India
No.G-5 & 6, Sector - 10
Dwarka, New Delhi - 110 075.

Sub.:- Application under section 6 read with section 4 and 5 of RTI Act 2005

It is obvious that progress report related to construction of roads would have been prepared by NHAI on regular basis. As such please provide the following information for the period 1-4-2013 to 31-10-2015 related to construction of roads.

- (i) Details of roads undertaken by NHAI for the construction.
- (ii) Details of contract awarded for the construction of these roads.
- (iii) Copies of progress report prepared by NHAI , in the shape, it exists day to day/weekly/monthly basis as per following details
 - (a) Details of roads completed with black top.
 - (b) Details of roads completed with concrete and open for traffic.
 - (c) Details of roads on which work is suspended along with the reason.

Postal order no. 32F 074221 of Rs.10.00 is enclosed as application fees, please also let me know about further fees, if any, to provide above information.




(Dr.S.K. Maheshwari)

Applicant

28-10-2015



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग विभाग)
National Highways Authority of India
(Ministry of Road Transport and Highways)
जी-5 एंड 6, सेक्टर-10, द्वारका, नई दिल्ली-110075
G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष / Phone : 91-11-2604100/26074200
फैक्स / Fax : 91-11-26080507 / 26080514

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No. 11041/131/2015-Admn./RTI/8257

22nd December, 2015

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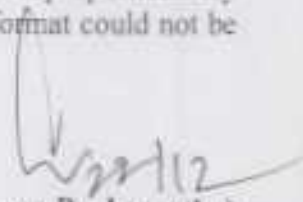
✓ **Dr. S. K. Maheshwari**
Legal Aid Provider,
Social and RTI Activist,
S-295, 2nd floor,
Greater Kailash-1,
New Delhi-110048

Sub: Information under RTI Act, 2005.

Sir,

Please refer to your application dt.28.10.2015 seeking information under RTI Act, 2005.

- The information sought vide your application is not project specific. However, for some of the information (point no. (i), (ii) & (iii)(a) of the application), you may visit our website (www.nhai.org).
- Further, it is intimated that the information in desired format is not available as it is not centrally maintained.** Processing and compilation of such information shall disproportionately divert the resources of the Authority. Hence, the information in the desired format could not be provided under section 7 (9) of the RTI Act.


(Anup Purkayastha)

GM (Land Acquisition) & Nodal Officer (RTI)

Copy for information to:-

Shri Vipin Mangla
GM (IT) & PIO
NHAI, HQs

- Refer your letter No. NHAI/GM(T)/IT/RTI/2015 dt.14.12.2015 in r/o point no. (i) (ii) & (iii) (a) above.

GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
TRANSPORT BHAVAN, 1 PARLIAMENT STREET
NEW DELHI - 110001

4285
Receipt No.

Dated 20/5/18

Received RTI Application dated

from Sh. Smt. / Mr. Dr. S.K. Maheshwari

along with application fee of Rs. 10/- (Rupees Ten
Only) / Fee of Rs. _____ (Rupees _____

only) for providing information under RTI Act 2005 in
Cash / Demand Draft / Cheque / IPO No. ✓ 32F 074254

Dated


Signature / Receipt Official (IFC)