

Whose highways are these anyway?

HAVE you travelled recently on NH-24, the national highway connecting Delhi with Moradabad in UP? Or on the Delhi–Agra stretch of NH-2? Or on the Delhi–Jaipur stretch of NH-8? The reason why so many questions are asked at the outset is that if you have, then surely you must have asked yourself another question. If all these roads are national highways, built and operated under the same norms and rules, then why is it that travelling on one is as different from travelling on the other, as chalk is from cheese?

It is a misconception to regard highways as mere riding surfaces, as inert structures of bitumen or concrete. They are living organisms with a character of their own. It is this character which turns them either into pathways of pleasure or into hellholes of frustration, even death. Yet, most often we confuse a highway with its bitumen or concrete body while remaining oblivious to the factors that can so easily change one's perception of travelling on it from pleasurable to painful. These factors relate to the management, control and operation-maintenance of the highways and affect the 'user experience' much more than the surface of the highway. If we are unable to travel without frequent stoppages, traffic snarls and fear of accidents then we would not get a 'highway feel' howsoever smooth the top surface of the highway be.

The simple reason that different national highways give widely different experiences is just that they pass through different states, even assuming the road surface quality as a constant. In reality, even the surface quality changes substantially as a highway passes through different states. The basic problem here is legal-constitutional. While 'national highways' (entry 23) figure in the union list (list I of seventh Schedule), it is the state list (list II of seventh schedule) which contains the entries that govern management, control and operation-maintenance issues—police (2), right in and over land (18), taxes on land and buildings (49), taxes on entry of goods (52), taxes on goods and passengers carried by road (56), taxes on vehicles (57), tolls (59) and offenses against laws with respect to any of these matters (64).

It is easy to see that while the centre owns the national highways, it cannot control or manage them without the active support and cooperation of states. Whenever and wherever this support and cooperation are lacking, our highway experience turns into misery. Thus NH-24, save for a small stretch after Noida, is an undiluted misery, both emotionally and physically. NH-8 is pleasurable so long as it runs through Haryana but becomes frustrating no sooner it enters Rajasthan.

Unchecked ribbon development is perhaps the most serious issue here. This term refers to the development of and construction in the stretches running alongside the highways. The basic principles are—no construction should be allowed up to a particular distance from both edges of a highway; and, beyond that line up to another particular distance construction should be allowed only with specific permission. These imaginary lines are known as the 'control line' and the 'building line' respectively. However, there are no unified central norms and each state has its own. Worse, these norms are observed more in the breach and the resultant mess on both sides of our highways can rarely be corrected once the construction is over. Also, it leaves no future scope of widening.

Encroachments and illegal parking, particularly on stretches passing through urban areas, is another major issue. Trucks, buses and tractors parked on both sides of highways and on service lanes is a common sight in many states. A few years back, NHAI outsourced the CISF on a particular stretch of a prominent national highway on an experimental basis. When the CISF started taking action against illegal parking, the state police threatened police action against the CISF personnel citing lack of jurisdiction

under the Motor Vehicles Act! The CISF experiment has since been abandoned and the illegal parking flourishes unchecked in that state. It is also a common sight in some north Indian states to find a police barricade right next to a police station on a national highway, slowing down traffic and leading to jams. It is illegal and an encroachment in itself. But police being a state subject what can NHAI do?

Then there is the licentious freedom to put up any kind of check-post on the highways—forest, sales-tax, excise, octroi, entry-tax, overloading-fee collection and, of course, police. In theory, no such check-post (except police posts in exceptional circumstances) can be placed on the national highways—the relevant traffic has to be diverted to a side lane away from the highway, without causing impediments to passenger traffic. Yet the states turn a blind eye to this requirement because it involves expenditure and management. Whom will a traveller complain to?

A host of other issues not only bedevil smooth movement on the highways but make them highly unsafe—uncontrolled access, locally engineered median cuts and speed breakers, traffic coming from the wrong side and overloaded trucks & tractor-trolleys. These are all management issues but unfortunately, legally, these are 'traffic' issues under the Motor Vehicles Act and Rules and subject to the idiosyncrasies of the local police. The centre and NHAI are mute spectators to this mayhem on our traffic arteries.

'Corridor Management' and 'right-of-way management' are at present merely theoretical concepts and will not turn into reality unless the states show more understanding and awareness. The centre understands these concepts but has shown a crippling weakness in tackling these issues. The ministry of road transport and highways piloted the legislation of "The Control of National Highways (Land and Traffic) Act, 2002", ostensibly in an effort to get a handle on these issues. At best, it can be described as a less than half-hearted attempt. In reality, it is a brainless piece of legislation which creates more bureaucracy (administrative and judicial) without solving problems of common highway users! Our national highways are actually orphans—at the mercy of the states through which they pass.

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