

**Avoiding pollution: Building a bypass and expressway for
transit traffic for Delhi**

In Response to the Hon'ble Supreme Court order dated April 14, 2004
(In the matter of W.P.(C) No.13029 of 1985; M.C. Mehta v/s UOI & others)

August 2004

**Environment Pollution (Prevention & Control) Authority
for the National Capital Region**

1. Background

The Hon'ble Supreme Court on March 8, 2004, directed that the National Highway Authority of India to be treated as the nodal agency for the construction of bypass and expressway around Delhi. The Hon'ble Supreme Court has also asked for a schedule for completion of the proposed bypass and expressway and asked for a report to be submitted within 4 weeks by the nodal agency.

2. Status of the bypass for Delhi

EPCA has since then convened meetings to discuss the issue in order to review and expedite implementation. The meetings convened by EPCA were attended by officials of the National Highway Authority of India, PWD, Haryana Government, the National Capital Region Planning Board and representatives of the Delhi and UP governments. The following issues emerged from the discussions:

There are two proposed peripheral expressways around Delhi, which consists of the Eastern Peripheral Expressway (EPX), and Western Peripheral Expressway (WPX).

1. The **Eastern Peripheral Expressway, proposed for** 105 km in length is located outside Delhi, passing through UP and Haryana

2. The original alignment of **Western Peripheral Expressway** had 88 km, of which 78 km was in Delhi and 14 km in Haryana. This alignment had to be adjusted to ensure that it does not touch the Asola Bhatti Wildlife Sanctuary. The Ministry of Road Transport & Highways had in principle approved this alignment and it was proposed to take up the construction of this expressway as part of the National Highway Development Project.

The Haryana government however had reservations and in 1998, suggested to the National Capital Region Planning Board realignment of the expressway, which would be in total 95 km in length (66.25 km in Delhi and 28.75 km in Haryana). This was subject to the condition that the cost of land acquisition would be borne by the Delhi government for the entire stretch.

This proposal was considered by the Coordination Committee set up under the chairmanship of the secretary Urban Development and in December 2001, the original alignment passing through Delhi as well (88 kms) was accepted and frozen.

In December 2001, the Hon'ble Supreme Court, listening to a matter relating to congestion in Delhi directed that the expressway should be built outside the territory of Delhi. This direction was reiterated by the Hon'ble Supreme Court in July 2002.

The government of Haryana also filed an IA in the Hon'ble Court seeking directions to the Ministry of Road Transport to construct the bypass outside Delhi and to grant a sum of Rs 278 crores to the state as an interim measure for the widening and strengthening of existing roads. The alignment suggested by Haryana is 120 km in length (over the original alignment of 88 km).

The matter has not progressed significantly since. The status quo is as follows:

1. As far as the Eastern Peripheral Expressway is concerned, the state governments of Haryana and UP have made it clear that they will not be in a position to bear the cost of land acquisition for the stretch in their respective states. The cost for this 100 odd-km stretch has been estimated at Rs 2079 crore, of which land acquisition costs are Rs 368 crore.
2. The plan for the Western Peripheral Expressway – original alignment – has been estimated by Rs 1800 crore, with Rs 700 crore to be paid as land acquisition costs. The Delhi government has agreed to pay for the costs of land acquisition through the state (roughly 60-65 km), while Haryana has said that it would not be able to pay for the costs of land acquisition.
3. Even as Haryana insists that the expressway should not go through Delhi, it is equally insistent that it will not bear the land acquisition costs as these expressways are required to be constructed for long distance to bypass Delhi. In addition, for the past some years, the state has done little work to detail the proposed realignment or to even commission a pre-feasibility report. EPCA, is constrained to note that this proposal by Haryana, however, well intentioned as far as decongesting Delhi, is concerned, has become a convenient way for the state to block any movement on the original plan, which would skirt the outlying areas of Delhi.
4. In February 2002, the Delhi police made a detailed survey to examine routes to bypass trucks. It found that the suggested routes needed repair and refurbishment. The decision on this proposal is also pending.

3. Recent developments

The secretary Ministry of Urban Development convened a meeting on April 6, 2004 to discuss this matter, the minutes of which were sent to EPCA by the chairman, National Highways Authority of India on July 6, 2004.

The meeting took the following decisions:

1. On the expressway:

“The construction of the expressways will be through built-operation and transfer (BOT). In case there is any requirement of grant or subsidy, the same shall be arranged by the National Capital Region Planning Board (NCRPB), subject to assurance of additionality by Ministry of Urban Development. The Detailed Project reports of the expressways would be completed in one and half years and the construction will take about four years thereafter.”

2. On the bypass:

“Funding for the bypass will be from the Central Road Fund (which is given by the Centre to the States), with soft loan assistance from the National Capital Region Planning Board, to meet any shortfalls.”

3. On the nodal authority:

“It was agreed that National Capital Region Planning Board (NCRPB) will be the coordinating agency for both the bypass and peripheral expressways; the concerned state governments will be executing agency for the bypass; NHAI will be the executing agency for the peripheral expressways.”

This view was reiterated at a meeting convened by EPCA in July 2004 to discuss this matter. The Government of Haryana submitted its position that the land acquisition costs would have to be borne by the government of India, also in a letter to EPCA dated 8.7.2004. The government of UP representative agreed as well.

4. EPCA’s observations and recommendations

It is evident that in spite of the intervention by the Ministry of Urban Development, very little progress has been made in the entrenched positions of the different agencies. The status quo on this matter remains.

1. The state governments of UP and Haryana still say that they do not have the money to pay for the land acquisition costs. While Delhi has agreed to pay for the costs in the portion of the expressway that will pass through the state. According to the officials, the Build-Operate and Transfer (BOT) arrangements require governments to pay for land acquisition costs and make the land available without encumbrance to the contractor. The Central government has felt this issue unresolved and has vaguely said, “in case there is any requirement of grant or subsidy, the same shall be arranged by the National Capital Region Planning Board (NCRPB), subject to assurance of additionality by Ministry of Urban Development.”
2. The schedule given for the completion of the project – five and a half years – from a hypothetical date, when the finances, will be sorted out, will defeat the very objective to decongest Delhi.

In this circumstance, EPCA is constrained to ask the Hon'ble Supreme Court to consider the following options for directions:

A. On the issue of land acquisition costs:

1. To direct UP and Haryana to pay for the land acquisition costs so as to expedite the project;
2. Or to allow the shorter alignment of the Western Expressway of which around 60-65 km, would remain touching the boundary of Delhi. The advantage of this alignment is that pre-feasibility plan has been prepared and the Delhi government is willing to bear the cost of land acquisition for this stretch. The realignment would have to be made for the Asola Bhatti wildlife areas so that the expressway does not go through the sanctuary area. (Please note that this is not EPCA's preferred option as it also believes any project that completely bypasses Delhi is better in the long term. But it is constrained to approach the Hon'ble Court with this suggestion as it is finding little willingness on the part of the different agencies to resolve issues and expedite the work.)

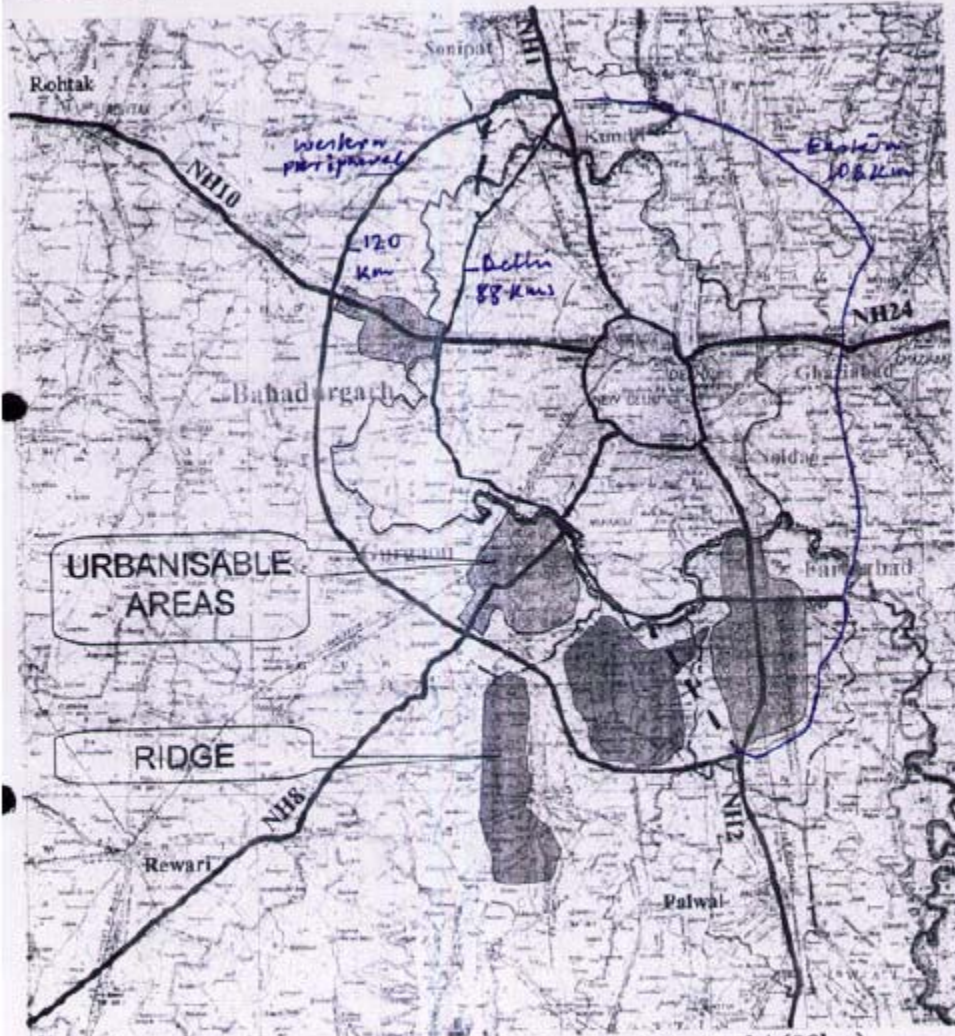
B. On the issue of schedule:

To direct that the project must be completed within a tight schedule of 2-3 years that is by the end of 2007 at the outside limit.

C. On the issue of the nodal authority:

To direct that the National Highway Authority, which functions under the Ministry of Road Transport and Highways, remain the nodal agency as it will facilitate the role of the Central government in resolving and expediting the issues involved.

WESTERN PERIPHERAL EXPRESSWAY ALIGNMENTS



- Western Peripheral Expressway (Proposed by Pre-Feasibility Study) (88km) ———
- Western Peripheral Expressway (Proposed by Haryana in Dec 1998) (95km) - - -
- Western Peripheral Expressway (Proposed by Haryana in Oct 2001) (120km) ———