

Legal Status of Food Joints along Selected National Highways in Haryana: A Geographical Analysis

Karam Singh and S.P. Kaushik, Kurukshetra, Haryana

Abstract:

Present study analyses the status of various norms including approval from government, plot size, parking space, distance from road etc. for the establishment of food joints facilities along national highway No. 1, 2, 8, and 10 falling in Haryana. The study is based on ten percent samples of food joints about which both qualitative and quantitative data has been collected and analyzed with the help of simple statistical techniques. The study reveals that not even a single dhaba in the study area has been established with the requisite approval from appropriate authority, whereas only 10 per cent restaurant and 80 per cent hotels are found to have taken permission from the government. Likewise, many other norms such as plot size, parking space, encroachments on government land and distance from the highway have been violated by the food joints. Level of violation is more in case of dhabas and restaurants as compare to hotels.

Key Words: *Wayside passenger facilities, National Highways (NH), food-joints, hotel, restaurant, dhaba, ministry of road transport and highways, food-joints owners, encroachments,*

Introduction:

The national highways are the backbone of the road infrastructure in India. These are main highways running through the length and breadth of the country connecting major ports, state capitals, large industrial and tourist centres, etc. (MORTH, 1984). Total length of national highways in India was 19,800 km at the time of independence (Economic Survey, 2002-03). It has increased to 70, 934 km in August, 2011. These constitute about 2 per cent of all the roads in India, but carries about 40 per cent of the total road traffic (NHAI, 2012).

Provision of passenger oriented wayside amenities along national highways is essential

since both the passengers and drivers need certain minimum wayside facilities to make their travel safe, comfortable and convenient in order to reduce fatigue in a long distance journey. The Ministry of Road Transport and Highways (MORTH) had launched schemes for provision of basic wayside facilities both by public and private sectors. Considering vast road network, concerted efforts are required to develop such road side facilities along the national highways. All the state Public Works Department have already been directed vide MORTH's letter no. R.W./NH-11052/3/97-DOI dated December 31, 1997 that henceforth in all national highway projects being funded through the aid from the multilateral agencies or being developed

through the private sector, provision must be made for passenger oriented wayside amenities at every 50 kilometer of national highways. Under the scheme, the facilities like parking lots, snack bar/restaurant, toilets and rest rooms for short stay, first aid, telephone booths, petrol pump, minor repair shop and kiosks for sale of miscellaneous or sundry items and landscaping (GOI, 1998 and 2003) are to be developed. Road Development Plan: Vision 2021 recommended that, provision of wayside amenities with facilities like parking lots, drinking water, toilet, snack bars, *dhabas*, restaurants, rest rooms, petrol pumps with service and repair and communication facilities should become integral part of roads modernization and steps shall also be taken for providing highway police petrol, medical aid posts and arrangements for tow truck service to remove accidental vehicle from the site and provide immediate medical attention to victims (IRC, 2001). Even during the periods of Aryans, Mauryans and Mughals special attention had been given to provide similar roadside amenities essential to the travelers at that period including: maintenance of the roads, roadside wells, ponds were dug for the supply of water, shade on the highways by planting trees on both sides of roads, rest houses (*sarai*) and help- centre to name a few (Murti and Krishna, 1950 and Basu, 1914).

Food Joints:

Whenever a new road is constructed, the first ever thing comes up in populated area and on crossings is a food-joints. Food-joints facilities are those facilities which the passenger (highway users) avail on road side

to have food, rest, (rest for vehicles also) and other refreshment. There are five different kinds of food-joints in the study area i.e. hotels, restaurants, *dhabas*, wine shops and other facilities (other refreshment structures) out of which major food-joints viz. hotel, restaurants and *dhabas* have been included in the study.

Study Area:

Study area consist of national highway 1, 2, 8 and 10 falling in Haryana state located between 27°39'0" to 30° 55' 5" north latitudes and 74° 27' 8" and 77°36' 5" east longitude (Singh, 1997). Railways and roadways are the major means of transport in Haryana. On November 1, 1966 when the new state of Haryana came into being the total length of national highways was 767 km in 1966-67 (GOI, 2009). Presently, 15 national highways namely 1, 2, 8, 10, 21A, 22, 64, 65, 71, 71A, 71B, 72, 73, 73A, NE2 with a length of 1512 km passes through different parts of the State (NHAI, 2012). The extents of length of selected national highways are;

- i) NH-1 from Singhu border (Delhi) to Sambhu border (Punjab) covering a distance of 180 km.
- ii) NH-2 the stretch of 74 km from Badarpur border (Delhi) to Karwan border (U.P.).
- iii) NH-8 a stretch of 101 km, from Kapushera (Gurgaon) to Jai Singh Pur Khera (Rajasthan)
- iv) NH-10 from Tikri border (Delhi) to Mandi Dabwali border (Punjab) covering a stretch of 313 km long (NHAI, 2007).

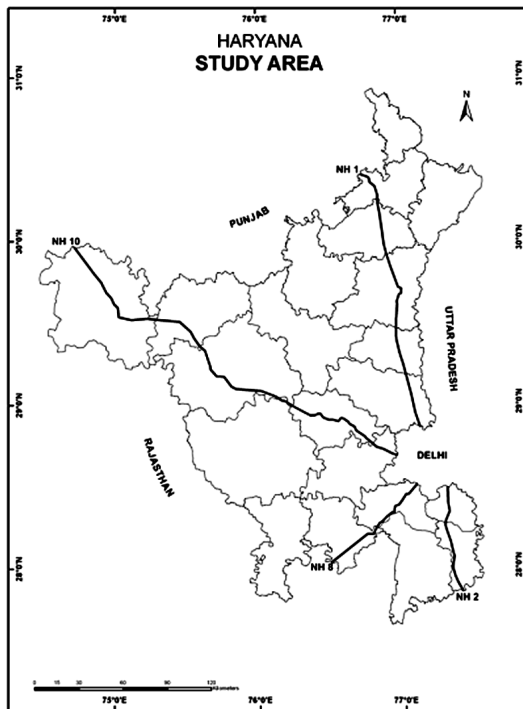


Fig. 1

Source: State Natural Resources Data Management System (NRDMS) Centre, HSCST, Chandigarh, 2010

Objective:

The present study aims at analysing the legal status of various norms required to be followed by food-joints situated along selected national highways in Haryana.

Data Base:

Present study relied on both primary and secondary data. The relevant secondary data have been collected from Ministry of Road Transport and Highways, New Delhi, National Highway Authority of

India, New Delhi, Central Road Research Institute, New Delhi, School of Planning and Architecture, New Delhi, Indian Road Congress, New Delhi, Town and Country Planning Department, Haryana, Chandigarh, and AIG of Police, Traffic & Highways, Haryana, Karnal. However, the data from such sources has limited use for the purpose of this study. Therefore, the present findings are largely based on the primary data collected through the sample surveys by the authors. Field survey was conducted in 2007-2008.

Methods of Study:

The information relating to the status of various norms in food-joints was collected through personal interviews with the owners of establishments on national highways. Thereafter, a structured questionnaire was prepared for the purpose of field investigation of food-joints. Both qualitative and quantitative data have been tabulated, processed, analyzed and interpreted using the field observation. Simple percentage technique, tables and diagrams have been employed to examine the desired information.

Selection of Samples:

The present study is primarily based on field survey. Initially a pilot survey was carried out to mark the locations of food-joints along Haryana part of the national highways mentioned above.

Table 1 : Number of Sample Food Joints by Types

NH's	Hotel	Restau- rant	Dhaba	Total Samples
NH -1	4	4	28	36
NH -2	2	3	13	18
NH -8	3	3	13	19
NH -10	4	7	28	39
Study Area	13	17	82	112

Source: Field Survey, 2007-2008.

About 10 per cent samples of the food-joints were randomly selected from each national highway corridors for comparative analysis of their status. A total of 112 food joints including 13 hotels, 17 restaurants and 82 dhabas were selected from different national highways (Table1).

Results and Discussions:

Many types of facilities are available on both sides of roads to facilitate both

the passengers (highways users) as well as surrounding communities. The road amenities are enough on national highways which link the metro cities, various capitals and other industrial towns in comparison of the amenities available on village roads, district roads and state roads. It is because national highway is a road net spread all over the country, which is usually used by vehicles destined to cover long distances. The vehicles usually ply on these roads day and night. Therefore, national highways need more provisions to fulfill their required needs. The food and water are the basic necessity of every human being which he needs at an interval of 2-4 hours during travelling. So, the food-joints are spread all over the highway; these are available at a regular distance in the study area (Field Survey, 2007-2008). Scope of this paper is restricted to analyze the legal status of various norms required to be followed by food-joints situated along selected national highways in Haryana.

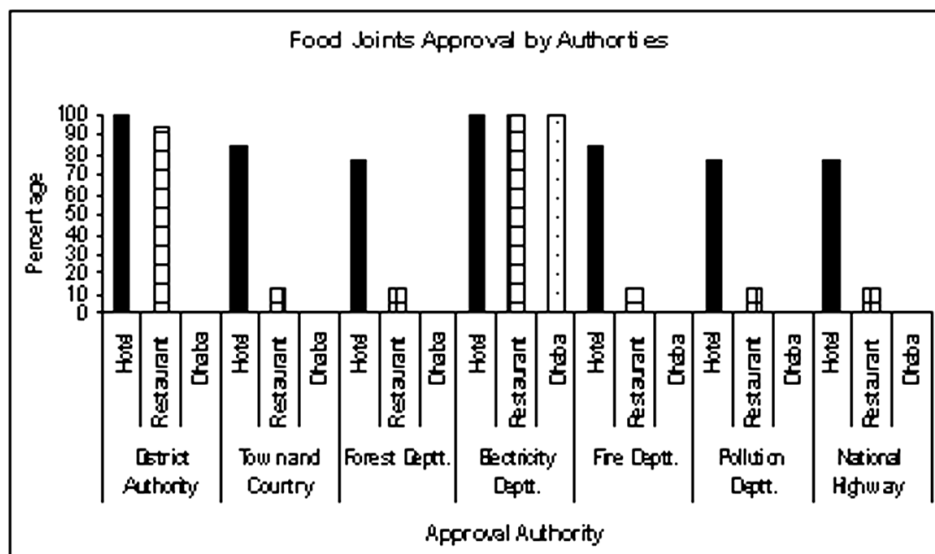


Fig. 2

Source: Field Survey, 2007-2008

Legal status and violations by the Food Joints:

Present study cover varied issues including approval from appropriate authority, plot size, parking space, encroachments on government land and distance from the highway.

Approval of food joints: To establish a food-joint along national highway one must have the approval of right of way from National Highway Authority of India (Govt. of Haryana, 2008), District Authority, Electricity Department, Forest Department, Public Works Department, Fire Department, Town and Country Planning Department and Pollution Control Board (Field Survey, 2007-2008). The study shows that 80 per cent hotels complete all the formalities as the owners do not want to put their investment at stake. It is not difficult for them to take approval from different authorities. About 10 per cent of restaurants fulfill the government norms. The worst is the case of *dhabas* as not even a single one has taken approval from

government. They have the permission of electricity department only (Fig.2). Those who tried to get permission failed to do so due to rampant corruption and complication of approval process. So, Owner of *dhabas* erected temporary or permanent building near the national highways on their own land or purchased land to establish a *dhaba* without bothering the norms laid down by the government. Moreover, they did not seek permission from any government authority. Despite that no action was taken against them.

Plot Size: The norms for plot size of different food-joints are;

- *Dhabas*: Minimum size of 1000 sq. yard and maximum 1 acre,
- Restaurant: Minimum size of 2000 sq. yard and maximum 1 acre,
- Hotel: Minimum size 1 acre and maximum 10 acres (TCP, Haryana, 2007).

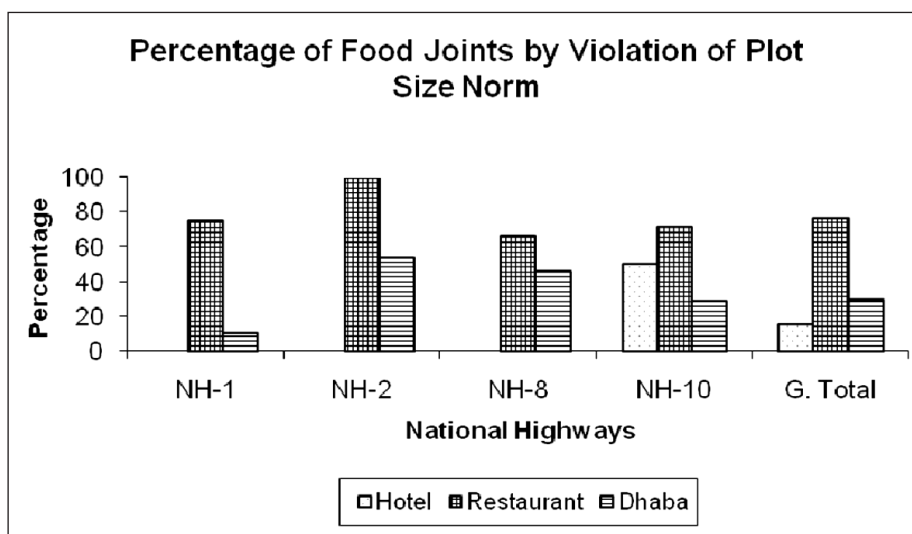


Fig. 3

Source: Field Survey, 2007-2008

The study reveals that, all the hotels on NH-1, 2 and 8 fulfill the plot size norms, only two hotels on NH-10 are with undersized plot (Fig. 3). It is crystal clear that a person who is going to invest huge amount of money in hotel, does not want to take any risk and thus fulfill all the terms and conditions of government. Three-fourth (76.47 per cent) of the restaurants are violating this norm, because they are situated in *abadi deh area*. The government also has a soft corner for the food-joints situated in *abadi deh areas* (Punjab Act No. 41 of 1963). The maximum violation is on NH-2. The situation is different in case of *dhabas*. Study shows that near about 30 per cent *dhabas* of study area are violating this norm. This is primarily because most of them are not aware about the norms. Secondly, these *dhabas* were established 30 or 40 years back when government had not prescribed any norms for the establishment of the food joints. National Highway

Authority of India shifts this responsibility to town and country planning department who just bother for those who approach them for permission of change of land use. The maximum violation of this norm (53.85 per cent) is on NH-2 and minimum is on NH-1 i.e. 10.74 per cent. The food-joints owners state that the national highways are becoming wider due to on going four and six lining project consequently food joints are shrinking in size.

Covered Area of Plot: The norms for covered area of plot of different food-joints are;

- *Dhabas*: Maximum 40 per cent of the total area.
- Restaurant: Maximum 30 per cent of the total area.
- Hotel: Maximum 30 per cent of the total area (TCP, HR, 2007).

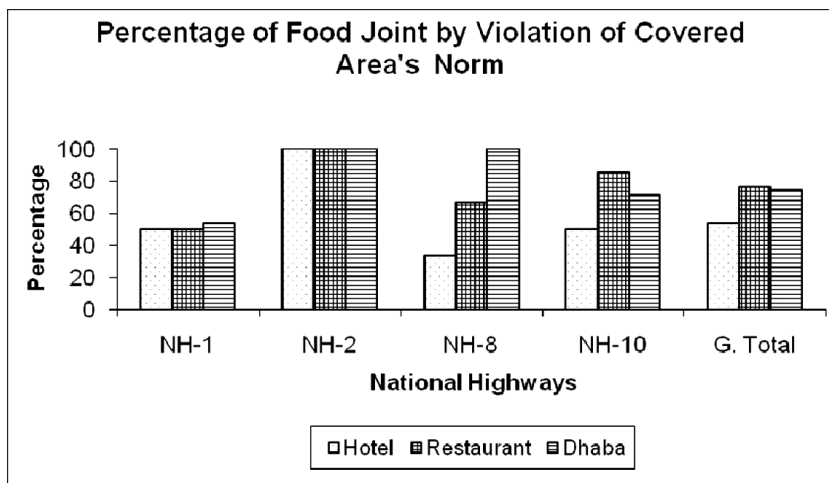


Fig. 4

Source: Field Survey, 2007-2008

Fig. 4 shows that approximately 54 per cent hotels, 75 per cent restaurants and 65 per cent dhabas do not follow this norm. With the economic development, the road traffic and the number of passengers increased and food-joints owners started to construct more and more area of plot instead of purchasing the costly land to fulfill the additional demands and to give more and more satisfaction to the customers. Moreover, the government is

also not very strict about its rulings. Hotels have maximum percentage of violation i.e. 66.67 per cent on NH-8, because here all the surveyed hotels are privately owned. The situation is different in the case of *dhaba*. Maximum facilities i.e. seating, sleeping, bathroom, eating and alike are provided in open space. So, the demand of covered area is not as important as in the case of hotels and restaurant.

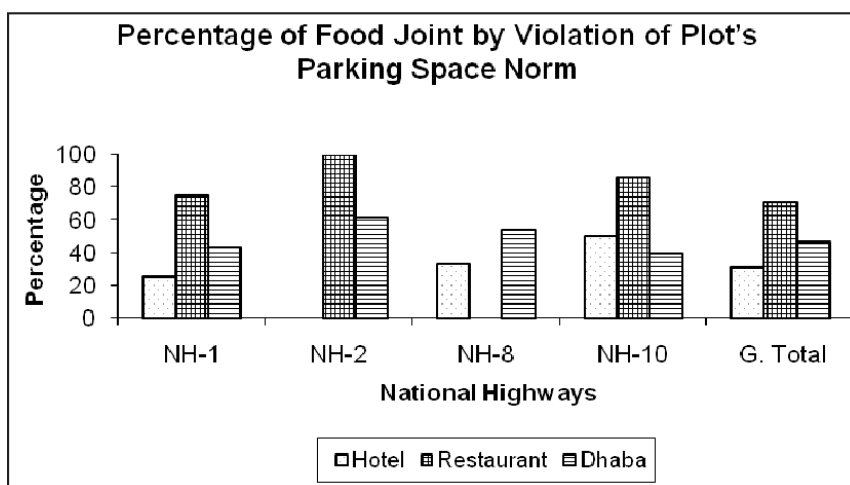


Fig. 5

Source: Field Survey, 2007-2008

Parking space in plot: According to government norms 25 per cent area of the plot should be for parking (Narwal, 2008). The study points out that 30.77 per cent hotel, 70.59 per cent restaurants and 46.34 per cent *dhabas* (Fig. 5) are violating this norm because of increase in vehicles and restricted supply of the land. Moreover, unawareness, ignorance and government leniency are the other reasons. NH-2 has the maximum number of food-joints which are violating rules (Figure 5). The maximum violation i.e. 50 per cent is on NH-10 in

case of hotel, because these are privately owned and situated in the *abadi-deh-area*. The entire restaurant on NH-2 and 87.71 per cent on NH-10 are violating this norm. The restaurants which are situated in the *abadi-deh-area* could not provide required parking facility due to lack of space.

Distance of Covered Area from National Highway: There is 30 meters wide restricted belt along scheduled road for future development of road and to regulate traffic volume (Punjab Act No. 41 of 1963). The

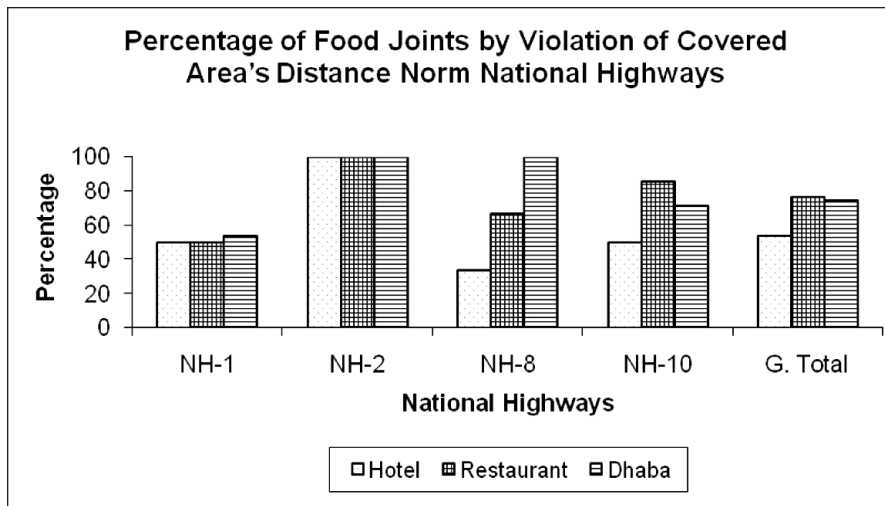


Fig. 6

Source: Field Survey, 2007-2008

public works department has erected pillar at the boundary in order to demarcate the national highway land. One must leave a distance of 30 meters from P.W.D. pillar along with 21 feet set-back area (Town and Country Planning Deptt, Kurukshetra, Haryana, 2007). Fig. 6 shows that 53.85 per cent hotels, 76.47 per cent restaurants and 74.39 per cent dhabas are violating this law because of leniency of government. Moreover, the Haryana Government vide its letter no. 1095-1130, dated 21/05/2009 issued the direction to regularize the unauthorized constructions falling in the restricted belt of NH, when the National Highway Authority of India asked to demolish these illegal constructions (GOI, 2002). This problem is more common among old (30-40yrs old) food joints situated in *Murthal, Dhantori, Kambojpura, Tyora and Mohra* village on NH-1 etc. The highway authorities provided the service lane on both side of highway to minimize the problems of highway users and passenger facilities owners (Govt. of

Haryana, 2009). The violation of this norm is maximum on NH-2 while minimum on NH-1 in case of all type of food joints.

Encroachment of Government Lands by Food Joints: It is divided into three categories

- High Encroachment i.e. Up to road,
- Moderate Encroachment i.e. less than 10 meters space between national highway and food-joints.
- Low Encroachment i.e. More than 10 meters space between national highway and food-joints.

Encroachment of government land along national highway by food-joints has become a trend. It is also a reality that government authorities do not want to take any legal action to remove this encroachment at early stage. They awake from their deep slumber when such encroachments become cause of the major accidents. These incidents

force them to take action against such like encroachments. This action works only for a short duration and after some time the things become as usual. The study shows that 30.77 per cent hotels, 76.47 per cent restaurant and 90.25 per cent *dhabas* (Fig. 7) are doing high encroachment of government lands. Their encroachment is beyond the limit because of our government system. These encroachments may cause serious accidents at night and peak work hours i.e. 1.00 pm to 4.00 pm. It is found in the case of hotels

that private hotels are mostly encroaching upon the government lands. The condition of the *dhabas* is quietly different. The visiting passengers on *dhabas* are mostly the drivers, mainly truck and other heavy vehicles drivers. These vehicles demand a vast area for their parking and *dhaba* owner unable to provide such place. Therefore, they are doing high encroachment on government lands. The condition of high encroachment by *dhabas* is very critical on NH-1, 2 and 10.

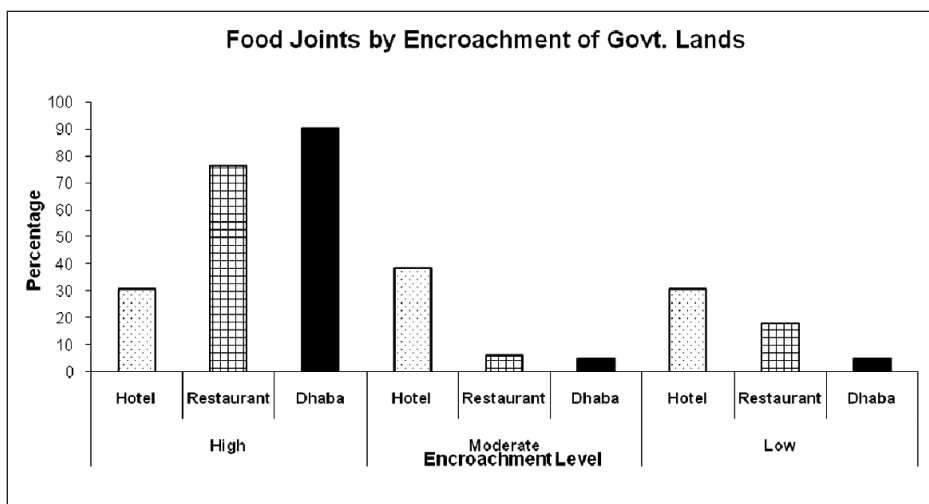


Fig. 7

Source: Field Survey, 2007-2008

Conclusion:

It is quite evident from the forgoing discussion that the food-joints along the national highways have been developed in a very haphazard manner. It is well reflected in the survey that not a single *dhaba* and most of the restaurants do not have approval from the concerned authority, while hotels are mainly established by the state government itself according to the norms but those

built in private sector usually violate the norms laid down by the government. As regard the other norms such as plot size, covered area, parking space, distance from national highway and encroachment of the government land, the position is rather dismal. Most of the *dhabas* and the restaurants are short of the space, so generally encroached government land in order to accommodate the vehicles and passengers.

National highways are getting congested and choked by undesirable road side development and encroachment as a result of which the traffic on national highway is subjected to lot of hardships. There is widespread criticism about deteriorating level of services. The absence of legislation empowering the competent authority to remove encroachments on national highway resulted in the extension of encroachment. To remove this bottleneck an act namely “The Control of National Highways (Land and Traffic) Act, 2002” was passed by the parliament which empowers National Highway Authority of India to remove and demolish unauthorized construction. However, government of Haryana vide its letter No.-1095-1130 dated 21.05.2009 pre-empted the effect of this law by regulating the unauthorized constructions. The callous attitude of the government is reflected in not even removing the illegal constructions posing a serious threat to the life of national highway users.

References

- Basu, B. D. (1914), *the Sacred Books of Hindus: The Sukraniti*, Panini Office, Bhuvanewari Asrama, Allahabad, Vol. 13 (XIII), Ch. I-1, p. 513.
- Economic Survey (2002-03), Planning Commission, Government of India, New Delhi, p. s.-29
- Government of India (2009), “Haryana Development Report”, Academic Foundation, Planning Commission, India, New Delhi, p.75
- Singh, R.L (1997), “*India: A Regional Geography*”, National Geographical Society of India, Varanasi-5, PP. 49-182.
- Government of India (1998), Ministry of Surface Transport, Roads Wing, dated 3rd April, 1998, Letter No. RW/NH-34032/4/91-DO-III, Subject: Passenger oriented wayside amenities along National Highways, Transport Bhawan, 1, Parliament Street, New Delhi, India.
- Indian Road Congress (2001), *Road Development Plan Vision: 2021*, Ministry of Road Transport and Highways, Government of India, New Delhi.
- Ministry of Road Transport and Highways (1984), “Road Development Plan for India 1981-2001”, Indian Road Congress, New Delhi PP. 44.
- Murti, G.S. and Aiyannagar, Krishna A.N. (1950), *Edicts of Ashoka*, Translated by Murti, G.S. and Krishna Aiyannagar, the Adyar Library, p. 111.
- National Highways Authority of India, (2007), “list of National Highways of India,” New Delhi (www.nhai.org)
- National Highways Authority of India (2012), Indian road network, National Highways of India, Ministry of Road Transport and Highways, Government of India, New Delhi.
- (<http://www.nhai.org/roadnetwork.hmt>)
- Government of India (2002), The Control of National Higways (Land and Traffic), Act, 2002.
- Government of India (2003), Ministry of Road Transport and Highways), dated 25th September, 2003, Letter No RW/NH-33023/19/99-DO-III, Subject: Norms for the Access for Fuel Filling Station, Service Station and Rest Area along National Highways, Transport Bhawan, 1, Parliament Street, New Delhi, India.

Government of Haryana (2008), Haryana Government Gazette (Extra.), March 14, 2008, pp. 1302.

Narwal, A. 2008, "Government of Haryana provide relaxations to *dhadas* and petrol pumps in change of land norms," Punjab Kesri, Panipat, March 27, 2008, pp.1& 2.

Town and Country Planning Department (2007), The Commissioner and Secretary to Government, Town and Country Planning Department., dated 08-11-2007, Memo No.-7/16/2006-2 TCP, Subject: Policy regarding Change of Land Use permissions, Chandigarh, Haryana.

The Punjab Scheduled Road and Controlled, Areas Restriction of Unregulated Development Act, No. 41 of 1963, Section 3rd

Government of Haryana (2009), The Director Town and Country Planning Department, dated 24.03.2009 and dated 21.05.2009, Memo No D.T.C.P.-S.T.P. (E) 2009/714, and 1095-1130, Subject: - Regularization of the unauthorized constructions is falling in the restricted belt of the National Highways, Chandigarh, Haryana.

DR. KARAM SINGH

Assistant Professor in Geography
Department of Geography
C R M Jat (P G) College, Hisar
Email: ksdeswal@gmail.com

Dr. S. P. Kaushik

Professor and Chairperson
Department of Geography
Kurukshetra University,
Kurukshetra, Haryana
Email: spk34@rediffmail.com

