THE NATIONAL HIGHWAYS RULES, 1957[1]

In exercise of the powers conferred by section 9 *of the National Highways Act,* 1956 (48 *of* 1956), *the Central Government hereby makes the following rules, namely:*

1. **Short title**.-These rules may be called the National Highways Rules, 1957.

2. **Definitions**.-In these rules, unless the context otherwise requires,-

(a) "Act" means the National Highways Act, 1956 (48 of 1956);

(b) "approved work" means any original work on a national highway in respect of which the Central Government has accorded technical approval and financial sanction;

(c) "completion report" means a report required to be furnished under rule 8;

(d) "executive agency" means-

(i) in the case of a Union Territory the 'Administrator thereof to whom the functions of the Central Government in relation to the execution of workspertaining to national highways are delegated under article 239 of the Constitution; and

[2][(ia) in the case of a national highway or part thereof in respect of which such functions are delegated to the Border Roads Organisation, the Border Roads Development Board;

(ib) in the case of a national highway or part thereof in respect of which such functions are delegated to the National Highways Authority of India;]

(ii) in any other case the State Government to which such functions are delegated under section 5 of the Act; and

(e) "progress report" means a report required to be furnished under rule 7.

[3]**[3. Detailed estimate of the original work**.-(1) Where the estimate of the cost for the execution of any original work on a national highway exceeds Rs. 10.00 lakhs, a detailed estimate of the cost for the execution of the work shall be forwarded by the executive agency to the Central Government in such form as the Central Government may specify in that behalf and that Government may accord technical approval and financial sanction to such estimate subject to such conditions as it may think fit to Impose.

(2) Where the estimate of the cost for the execution of any original work on a national highway does not exceed Rs. 10.00 lakhs, technical approval and financial sanction to the plan and estimate for the execution of such work may be accorded by the executive agency concerned subject to the conditions specified in the Schedule annexed to these rules.

(3) No original work on any national highway shall be undertaken by the executive agency until technical approval and financial sanction to the estimate for the execution of the work have been accorded by the Central Government or the executive agency, as the case may be, except in cases of emergency, such as flood, earthquake or any other

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1. *Vide* S.RO. 1182, dated 4th April, 1957.

2. Ins. by G.S.R. 417 (E), dated 31st July, 1998 (w.e.f. 31-7-1998).

3. Subs. by 5.0. 680 (E), dated 15th October, 1976.

force majeure which shall be immediately reported to the authority competent to sanction the estimate and the Audit Officer concerned indicating the approximate amount of liability involved.]

4. **Abstract of particulars of detailed estimate for maintenance of national highways**.-An abstract of the particulars of the detailed estimate for the maintenance of a national highway during each financial year shall be forwarded by the executive agency to the Central Government in such form as the Central Government may require not later than the 1st day of the month of May in that financial year:

Provided that the Central Government may, in any case or class of cases, require the executive agency to forward a detailed estimate or estimates for the maintenance of any national highway in such form as that Government may require.

(2) The Central Government may accord approval 10 the abstract or the detailed estimate or estimates submitted to it under this rule subject to any conditions it may think fit to impose.

[1]**[5. Revised detailed estimate**.-Where the expenditure upon any original work on a national highway for the detailed estimate of the cost for which the Central Government has accorded technical approval and financial

sanction, under sub-rule (1) of rule 3, is likely at any time to exceed, or exceeds, the amount of such estimate by more than fifteen per cent thereof or by a sum of one crore rupees, whichever is less, the executive agency shall forward a revised detailed estimate of the cost for such work to the Central Government in such form as that Government may specify in this behalf, and the Central Government may accord technical approval and financial sanction to the revised detailed estimate subject to such conditions as it may think fit to impose.

(2) Where the expenditure upon any original work on a national highway to the detailed estimate of the cost for which the executive agency concerned has accorded technical approval and financial sanction, under sub-rule (2) of rule 3, is likely at any time to exceed, or exceeds, the amount of such estimate and the revised cost of the original work, including the excess, is likely at any time to exceed, or exceeds by more than fifteen per cent of the original estimate or Rs. 10.00 lakhs, the executive agency shall forward a revised detailed estimate of the cost for such work to the Central Government in such form as that Government may specify and the Central Government may accord technical approval and financial sanction to such revised estimate subject to such conditions as it may think fit to impose.

(3) Notwithstanding anything contained in sub-rule (2), where the expenditure upon' any original work on a national highway to the detailed estimate of the cost for which the executive agency concerned has accorded technical approval and financial sanction, under sub-rule (2) of rule 3, is likely at any time to exceed, or exceeds, the amount of such estimate and the revised estimate of the cost for the original work, including the excess is likely at any time to exceed, or exceeds, by more than fifteen per cent of the original estimate but by not more than fifteen per cent of the rough estimate of the costs for the original work which the executive agency had submitted to the Central Government and obtained the approval of that Government, technical approval and financial sanction to such revised estimate may be accorded by the executive agency concerned subject to the conditions specified in the Schedule annexed to these rules:

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1. Subs. by *S.O.* 680 (E), dated 15th October, 1976.

Provided that the amount of the revised estimate is not likely to exceed, or does notexceed.Rs.10.00 lakhs:

Provided further that the excess of expenditure is caused only by routine factors such as increase in the cost of labour or material and not due to revision in the scope or enlargement of the work or specifications already approved.

(4) Where the expenditure upon any original work on a national highway is likely at any time to exceed, or exceeds, the amount of the estimate of the cost for such work no funds shall be allotted to the work by the Central Government in the cases provided for in sub-rule (1), (2) or (3), unless the provisions of those sub-rules are complied with except in cases where the Central Government directs otherwise.

Explanation.-For the removal of doubts, it is hereby declared that in cases where the excess of expenditure is less than the percentage or amount specified in sub-rule (1) or sub-rule (2), it is not necessary to obtain technical approval and financial sanction of the Central Government for the revised estimate in accordance with those sub-rules only if the excess of expenditure is caused by routine factors such as increase in the cost of labour or material and not due to revision in the scope or enlargement of the work or specifications already approved.]

6. Application for allotment of funds.-An application for the allotment of funds for meeting expenditure on any original work on a national highway or on the maintenance of a national highway during any financial year shall be made by the executive agency to the Central Government in such form as that Government may require and the Central Government shall communicate its decision to the executive agency on such application as soon as possible after such application is received.

7. Monthly progress report-The executive agency shall furnish to the Central Government a monthly progress report on every approved work in such form as that Government may require.

8. Completion report.-As early as possible after the completion of any approved work the executive agency shall furnish to the Central Government a full and correct report on such completion in such form as that Government may require.

9. Inspection of works.-The Consulting Engineer to the Government of India (Road Development) or any officer authorised by him in this behalf may inspect at any time any approved work in progress or completed. A report of every such inspection shall be submitted to the Central Government.

1**[10. Utilisation of space beneath the road, over bridges or flyovers**.- The Central Government, where it deems fit, may accord permission to the State Government or the Government of a Union Territory, as the case may

be, for utilisation of space beneath the road, over bridges or flyovers on national highways for which an yearly license fee which shall be either

(i) a percentage of capital cost; consisting of the cost of land and the cost, if any, incurred by the Central Government for covering or enclosing the space beneath the approach spans of road, over bridges or flyovers and for providing sanitary, water supply and electric installations, equal to such rate of interest as may from time to time be fixed by the President under FR 45A plus an

1. Added by *S.O.* 699 (E), dated 17th September, 1993 (w.e.f. 17-9-1993).

addition for house or property tax, if any, payable by Government in respect of the covered space and for maintenance and repairs of the covered structure, or

(ii) six per cent per annum of such capital cost, whichever is less, shall be fixed and levied on the terms and conditions as may be laid down by the Central Government in this respect. The rate of license fee to be levied as above, shall be subject to revision after every five years to take into account any change in the market value of the land.]

'[THE SCHEDULE

[See rule 3(2)]

Conditions for the issue of technical approval and financial sanction to plan and estimate for execution of any original work on a national highway costing an amount not exceeding Rs. 10.00 lakhs by the executive agency concerned.

(1) The executive agency shall forward to the Central Government for approval rough cost estimates along with detailed information in respect of the particulars given below according to the tentative details given in the annual plan works programme for a particular year, within a period of 3 months after the receipt of annual plan works programme for the year:

(a Proposal in brief with a rough plan of the area in which the work is to be executed.

(b) Extent of preliminary survey and investigation done.

(c) Broad features showing the existing position and the improvements desired.

(d) Traffic data.

(e) Duration of execution.

(f) Phasing of expenditure and also physical performance.

(g) Rough quantities and estimated cost under broad headings such as:

(1) *Road works* (2) *Bridge works*

Land acquisition; earth work; road material. Foundation,'super-structure, guide bunds, etc.

(h) Detailed specification.

(i) List of equipments required for speedy execution of the work.

*j)*Alignment plan and longitudinal section in case of roads; hydraulic data and outline designs of structures in case of bridges.

(k) Particulars for comparison of the similar works carried out in the same region.

(l) Special features, if any.

(2) (a) Permissible job sizes shall be regulated according to description given in the annual Plan works programme mentioned under condition (1) and the work shall not be split up.

(b) In the case o(items saving lump sum provision (such as improvement of geometrics, stabilising, slipping reaches, raising roads in submersible sections, each specific location supported by requisite details shall be treated individually.

(3) Technical approval and financial sanction shall be accorded only in respect of such items of work for which specific provision lias been made in the 1:J).Idget during the year for the individual work on the basis of the approval given under condition (1).

(4) While sanctioning detailed estimates, the executive agency shall ensure that the rough cost estimate for the work appearing in the budget estimates accepted by the Central Government for

1. Ins. by S.O. 680 (E), dated 15th October, 1976.

presentation to Parliament is not exceeded by more than 15 per cent or the total cost of detailed estimate to be sanctioned by that agency, in no case exceeds Rs. 10 lakhs, whichever is less.

(5) Abstract of cost of sanctioned detailed estimates in all cases shall be submitted by the executive agency in respect of the works sanctioned by that agency and in the case of bridge' estimates, in addition a general outline drawing shall also be submitted. Abstract of cost of sanctioned detailed estimates shall give justification for excess, if any, referred to under condition (4).

(6) Progress reports in respect of all works sanctioned by the executive agency shall be submitted to the Central Government, in such form and at such periodicity as may be required by the Central Government from time to time.

(7) Technical approval and financial sanction to plans and estimates for execution of any original work on a national highway shall be accorded by the executive agency only after the approval of an officer of the rank of Chief Engineer or Additional Chief Engineer or Principal Engineer in charge of national highway works has been obtained.

(8) In case the executive agency considers it necessary to accord technical approval and financial sanction after the approval of officers of the rank of Superintending Engineers possessing requisite technical, administrative and financial powers, the prior approval of the Central Government shall be obtained but in all such cases they shall have to consult the Regional Officer concerned of the Ministry of the Central Government dealing with the national highways.

(9) In the case of projects, concerning bypasses, realignment and improvement of geometrics as also designs for bridges of length up- to 100 metres and of indivisual spans not exceeding 30 metres even where cost may be within Rs. 10.00 lakhs, no work shall be sanctioned by the executive agency without prior approval of the Regional Officer concerned of the Ministry in the Central Government dealing with national highways.

(10) In the matters relating to technical approval and financial sanction, the following procedure shall be followed namely:

(i) In case of the works where standards and designs adopted in the estimates are in accordance with the Indian Roads Congress Code and specifications and any other relevant instructions, guidelines, standard bridge designs, etc., issued by the Central Government from time to time, copies of the sanctions accorded by the executive agency shall invariably be endorsed to the Regional Officers concerned of the Ministry in the Central Government dealing with national highways along with complete copy of the estimate so that even after sanction, they could examine the matter and bring to the notice of executive agency deviations from such Code, specifications, instructions, guidelines, standard bridge designs, if any.

(ii) Where for any work, deviations, from approved standards, specifications, instructions, guidelines issued by the Central Government have to be made due to local conditions no work shall be sanctioned by any executive agency unless a complete copy of the estimate is furnished to the Regional Officer concerned of the Ministry in the Central Government dealing with national highways and his approval has been obtained in accordance with the general instructions issued by them from time to time governing the disposal of such cases. A brief mention of these deviations shall also be made by the executive agency in the abstract estimates to be sent to the Central Government quoting the reference of approval of the Regional Officer concerned.

(iii) In all other cases where proposed deviations do not fit in with the general instructions issued by the Central Government or are not necessitated due to local conditions, technical and financial sanction thereto may be accorded by the executive agency with the prior approval of the Central Government on a reference being made in this behalf along with a copy of the detailed estimate through the Regional Officer of the Ministry of the Central Government dealing with the national highways who shall forward the same to the Central Government with his comments thereon.

(iv) After the budget estimates have been accepted by the Central Government, the funds likely to be available for the work shall be intimated to the executive agency concerned. Work-wise allotment of funds shall be made by the Central Government and the same shall also be communicated to the executive agency concerned for further necessary action as soon as the budget is passed by the Parliament. Sanction for entering into financial commitments may be accorded by the executive agency only after the budget is passed by the Parliament and the same is intimated to the executive agency. All other actions including technical sanction to the project, calling and receipt of tenders, negotiation for their settlement, etc., may, however, be taken by the executive agency as soon as the acceptance of the budget estimate by the Central Government has been intimated to it.

THE NATIONAL IDGHWAYS (TEMPORARY BRIDGES) RULES, 1964[1]

In exercise of the powers conferred by section, 9*of the National Highways Act,*1956 (48 *of* 1956), *the Central Government hereby makes the following rules, namely:*

1. Short title.- These rules may be called the National Highways (Temporary Bridges) Rules, 1964.

2. Rate of fees.- The rates at which fees for services rendered in relation to the use of temporary bridges on any national highway may be levied, shall be as specified in the Schedule to these rules.

3. Procedure for collection of fees.- The Central Government may-

(i) collect the fees payable for services rendered in relation to the use of temporary bridges departmentally;

or

(ii) lease out, by public auction or by negotiation, for a period not exceeding one year at a time and subject to such conditions as may be specified in the lease deed, the right to collect such fees:

Provided that where such right is leased out by negotiation, the reasons for the same shall be recorded in writing.

SCHEDULE

Fees for services rendered in relation to the use of temporary bridges on National Highways

Sl.No.	Nature of Service	Rate of fees (in Rs.)
1	2	3
1.	Palkee with 8 bearers and travellers	0.37
2.	Palkee empty	0.19
3.	Palkee with 6 bearers and travellers	0.25
4.	Palkee empty	0.12
5.	Dolly with 4 bearers and travellers	0.19
6.	Dolly empty	0.06
7.	Dolly with 2 bearers and travellers	0.09
8.	Dolly empty	0.06
9.	Ekka, Rath, Manjhauli with single bullock or party	0.19
10.	Ekka, Rathless bullock pair	0.25
11.	Drawn by horse or one or two bullocks with travellers and sayees	0.50
12.	Drawn with sayees only	6.37
13.	Four wheeled carriage on spring drawn by one horse or pair of bullock with travellers and servants	1.00
14.	Four wheeled carriage with servants only	1.75
15.	Four wheeled carriage drawn by two horses with travelers and servants	1.50

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1. *Vide* G.S.R. 1733, dated 26th November, 1964, published in the Gazette of India, 1964, Pt. II, Sec. 3(i), p. 1901.

1	2	3
16.	Four wheeled carriage with servants only	1.00
17.	Four wheded carriage without spring drawn by two bullocks laden and with travelers	0.50
18.	Four wheeled carriage empty	0.25
19.	Four wheeled carriage drawn by more than two bullocks laden or with travelers	1.00
20.	Four wheeled carriage empty	0.50
21.	Hackney with pair of bullocks laden	0.22
22.	Hackney with three or more bullocks laden	0.37
23.	Hackney empty	o.09
24.	Hackney empty with three or more bullocks	0.19
25.	Bullocks or buffaloes in drive per score if less than one score	0.25
26.	Bullocks and buffaloes if less than one score	0.08
27.	Bullocks or buffaloes if laden	0.03
28.	Sheep goats in drive per score	0.12
29.	Sheep if less than one score	0.02
30.	Dog	0.06
31.	Horse with rider or sayees or both	0.19
32.	Ponny with rider or sayees or both	0.06
33.	Ass or mule laden with driver	0.09
34.	Ass or mule unladen with driver	0.06
35.	Camels laden in strings per 1/4 score	2.25
36.	Came1s laden in less than ten each	0.31
37.	Camels laden/unladen in string per half score	1.50

38.	Camels if less than ten	0.19
39.	Elephant with gear or howdah	0.75
40.	Motor car (in addition to Rs. 10.00 additional 25 P. for every occupant)	10.00
41.	Loaded truck or passenger bus	50.00
42.	Unloaded truck or passenger bus (in addition to Rs:'t2.50 . additional 25 P. for every occupant)	12.50
43.	Rickshaw loaded	0.25
44.	Rickshaw unloaded	0.12
45.	Motor cycle with side car	0.50
46.	Motor without side car	0.25

Services exempted from fees

1. Mails, mail-carts, dak-runners, and Government telegraphs messengers on duty.

2. Police and other pu1ic officers and process serving peons when travelling on duty with their *bona fide* baggage, horse, palkies or other conveyances.

3. Executive officers of the District Road Department when travelling on duty.

4. Members of the District and Local Board travelling on duty connected with their office as such members.

5. Coolies engaged in repairing roads, with their tools and instruments.

6. Persons carrying dead bodies or property sent in by the police.

7. Military officers, when travelling on duty, troops in uniform and their families, attendant, animals and vehicles accompanying them.

8. Vehicles moving under the orders of military authority.

9. Government servants travelling on duty, their attendants, animals and vehicles accompanying them.

10. Persons and animals employed in and vehicles transmitted on the public service.

11. Vehicles employed in connection with the transport of materials or goods owned or purchased by Government while proceeding with, or travelling empty for taking, such a load.

12. Village kotwals travelling on duty and accused persons in custody.

13. Persons, animals and vehicles conveying materials for use on works in charge of the P.W.D.

14. Pedestrians

THE NATIONAL HGHWAYS (COLLECTION OF FEES BY ANY PERSON FOR THE USE OF SECTION OF NATIONAL HIGHWAYS/PERMANENT BRIDGE/TEMPORARY BRIDGE ON NATIONAL HIGHWAYS) RULES, 1997[1]

In *exercise of the powers conferred* by *section* 9 *read with section 8A of the National Highways Act.1956* (48 *of 1956), the Central Government hereby makes the following rules for Collection of Fees by any Person for the Use of Section of any National Highways/ Permanent Bridges/temporary Bridges on National Highways, namely:-*

1. Short title.-(i) These rules may be called the National Highways (Collection *of* Fees by any Person for the Use *of* Section *of* National Highways/Permanent Bridge/ Temporary Bridge on National Highways) Rules, 1997.

2. Definitions.-In these rules unless the context otherwise requires,-

(a) "mechanical vehicle" means any laden *or* unladen vehicle designed to be driven under its own power, including a motor vehicle, as defined in clause (28) *of* section 2 *of* the Motor Vehicles Act *of* 1988 (59 *of* 1988);

(b) "section of national highway/permanent bridge/temporary bridge" means that length *of* national highway/permanent bridge/temporary bridge on national highway notified by the

Central Government in Official Gazette for the development/maintenance of which an agreement has been entered into between the Central Government and any person;

2[(c) "person" shall include any company *or* association or body *of* individuals whether incorporated *or* not]

3. Agreement and rate of fee.-(1) The Central Government may enter into an agreement with any person in relation to development and maintenance *of* the whole *or* any part *of* a national highway/permanent bridge/temporary bridge on national highway as it may decide, whereby the person may be permitted to invest his own funds for the development/maintenance *of* a section *of* national highway/permanent bridge/temporary bridge and to collect and retain the fees at agreed rates from different categories *of* mechanical vehicles for an agreed period for the use *of* the facilities thus created, subject to the terms and conditions *of* the agreement and these rules.

(2) The rates *of* fees and the period *of* collection shall be decided and shall be specified by notification in the Official Gazette by the Central Government having regard to the expenditure involved in building, maintenance, management and operation *of* the whole *or* part *of* such section, interest on the capital invested, reasonable return; the volume *of* traffic and the period *of* such agreement.

Sec. 3(i), dated 6th February. 1997. pp. 2-3.

2. Ins. by G.S.R. 336 (E), dated 13th April. 2000 (w.e.f. 17-4-2000).

(3) On completion of the period of collection of fees by the person, as per the agreement, all rights pertaining' to the section/permanent bridge/temporary bridge on national highway shall be deemed to have been taken over by the Central Government and that Government shall continue with the collection of fees as notified from time to time.

1[(4) The rates of fee, the categories' of vehicles exempted from payment of fee and the name, address and telephl,:me number of the authority to whom complaints, if any, should be addressed, shall be conspicuously and prominently displayed 5OOm ahead of the toll booths, 100m ahead of the toll booths and at the toll booths also, the height of the display boards and size of letters being such that it is easy for drivers to read the display boards.]

4. Modalities of fee collection.-(1) The mode of fee collection shall be decided by the person referred to in sub-rule (1) of rule 3.

(2) A table of fees authorised to be collected on any section of national highway! permanent bridge/temporary bridge on national highway shall be put up by such person in a conspicuous place near a fee collection booth legibly written or printed in English, Hindi and the regional language of the area in which the national highway is situated.

5. Incharge of fee collection.-2[(1) The person authorised to collect and retain the fees under these rules shall nominate an official as in-charge of fee collection, and the person as also the official so nominated shall be responsible to ensure that fees are collected at not more than the agreed rates and the fee collection is smooth without causing undue hardship to the road users, and for all other matters connected with the fee collection of section of national highway/permanent bridge/temporary bridge:

Provided that no fee shall be payable or collected in respect of the following vehicles, namely:-

(i) vehicles having "VIP" symbols or belonging to the President and Vice-President of India, Central and State Ministers, Leaders of Opposition in Lok SabhalRajya Sabha/State Legislature having the status of Cabinet Minister, Governors/Lt. Governors / Executive Councillors/Speakers/Chairman of Central and State Legislatures, Members of Parliament and Members of State Legislative Assemblies/Councils within their respective constituencies, Foreign Dignitaries on State visit to India, Foreign diplomats stationed in India using cars with "CD" symbols;

(ii) Defence vehicles, Police vehicles, Fire-fighting vehicles, Ambulances, Funeral vans, Posts and Telegraphs Department vehicles and Central Government and State Government vehicles on duty.]

(2) The name, address and telephone number, if any, of the incharge of a fee collection shall be displayed at suitable and conspicuous locations.

6. Verification of fee collection.-(l) It shall be the responsibility of the person referred to in sub-rule (1) of rule 3 to strictly ensure that all fees leviable are levied, fully collected and correctly maintained. The person shall submit certified and audited copies of the statements of fee collection at specified intervals as required under the notification for fee collection under sub-rule (2) of rule 3. The auditor shall be appointed by the Government.

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1. Ins. by G.S.R. 336(E), dated 13th April, 2000 (w.e.f. 17-4-2000). 2. Subs. by G.S.R. 336(E). dated 13th April, 2000 (w.e.f. 17-4-2000). 2. Subs. B G.S.R. 336(E), dated 13th April, 2000 (w.e.f. 17-4-2000)

(2) The Central Government shall have the right to check the fee collection at any or all times through their designated officers.

7. Person to have rights to regulate traffic.-The person referred to in sub-rule (1) of rule 3 shall have powers to regulate and control the traffic, on such section of national highway/permanent bridge/temporary bridge on national highway relating to which he is authorised to collect fees under these rules, in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 for proper management thereof.

THE NATIONAL HIGHWAYS (RATE OF FEE) RULES, 1997[1]

In exercise of the powers *conferred by section* 9 *read with sub-section* (1) *of section* 7 *of the National Highways* Act, 1956 (48 *of 1956), the Central Government hereby makes the following rules to lay* down *the* rate *of fee for the* use *of sections of* any *national highway or bridges or both, namely:-*

1. Short title and commencement.-(1) These rules may be called the National Highways (Rate of Fee) Rules, 1997.

2. Definitions.-In these rules, unless the context otherwise requires,

(a) "Act" means th7 National Highways Act, 1956(48 of 1956);

(b) "mechanical vehicle" means any laden or unladen vehicle designed to be driven under its own power, including a motor vehicle as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);

[2][(c) "bridge" means a permanent bridge or a temporary bridge, as the case may be, the cost of which includes the cost of bridge proper, approach roads, guide bunds and protective works, excluding the cost of toll booths, which is more than rupees 25 lakhs and upto rupees 100 lakh for each, completed and opened to traffic on or after first day of April 1976 but before the first day of May, 1992 and thereafter all the bridges costing more than Rs. 100 lakhs before the date of the publication of this notification in the Official Gazette and thereafter all the bridges costing more than Rs. 500 lakhs on National Highways, which shall be notified separately for levy of fee collection;]

(d) "section of national highway or permanent bridge or temporary bridge" means that continuous length of national highway or permanent bridge or temporary bridge on national highway as notified by the Central Government in Official Gazette on which fee shall be charged.

[2][**3. Rate.**-(1) The rate of fee for services or benefits rendered in relation to the use of ferries, permanent bridges, temporary bridges or tunnels on any section of national highway or bridges or both shall be as per Table given below:

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1. Vide G.S.R. 570(E), dated 30th September, 1997, published in the Gazette of India, Extra. PI. II, Sec. 3(i), dated 30th September, 1997. 2. Subs. by G.S.R. 877 (E), dated 4th December, 2001 (w.e.f: 4-12-2001).

Table

Initial cost of the bridge and its approaches (Rs. in crores)	Toll Rates (Rs. Per Vehicle)		
	Cars/Jeep, etc.	Light Commercial Vehicles/Minibuses	Trucks/Buses and Multi Axle Vehicles
Below 50	5	10	15
50-75	10	10	25
75-100	10	15	30
100-125	15	20	40
125-150	15	20	40
150-200	15	25	50
Above 200	20	30	60]

(2) The fee under sub-rule (1) for projects involving conversion into four-lanes of

existing two-lane of national highways shall not exceed the capping rates given below at June 1997 prices, namely:-

S.No.	Type of vehicle	Rate
1.	Car or Jeep or Van	Rs.0.40 per km
2.	Light commercial vehicles	Rs.0.70 per km
3.	Truck or Bus	Rs.1.40 per km
4.	Heavy construction machinery and earthmoving equipment	Rs.3.00 per km

[1][(3) The rate of fee fixed under sub-rule (1) and sub-rule (2) may be reviewed after every five years based on wholesale price index and ,fixed in multiple of rupees five by the Central Government over the rates notified.]

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1. Subs. by G.S.R. 871 (E), dated 4th December, 2001 (w.e.f. 4-12-2001).

THE NATIONAL HIGHWAYS (FEES FOR THE USE OF NATIONAL HIGHWAYS SECTION AND PERMANENT BRIDGE-PUBLIC FUNDED PROJECT) RULES, 1997[1]

In exercise of the powers conferred by section 9 *of the National Highways Act, 1956* (48 *of* 1956) *and in supersession of the National Highways (Fees for Use of Permanent Bridges) Rules. 1992 except as respects things done or omitted to be done before such supersession the Central Government hereby makes the following rules to levy the fees for the use of sections of any National Highway or Bridges or both.*

1. Short title, extent and commencement.-(i) These rules may be called the National Highways (Fees for the Use of National Highways, Section and Permanent Bridge-Public Funded Project) Rules, 1997.

2. Definitions.-In these rules, unless the context otherwise requires,-

(a) 'Act' means the National Highways Act, 1956 (48 of 1956),

(b) "executing agency" means,

(i) in the case of those national highways administratively placed under the charge of Border Roads Organisation the Border Roads Development Board (hereinafter referred to as 'BRDB');

(ii) in the case of those national highways or part thereof entrusted to National Highways Authority of India (hereinafter referred to as NHAI), the National Highways Authority of India; .

(iii) in other cases the State Government or Union Territory, the Administration to which such functions are delegated under section 5 of the Act;

(c) "mechanical vehicle" means any laden or unladen vehicle designed to be driven under its own power including a motor vehicle as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988); (d) "franchisee" means a firm or a company or a person to whom the franchise to collect and retain the fee has been awarded through auction;

(e) "Fee Inspector" means a person authorised by the executing agency concerned to collect fee in respect of, any mechanical vehicle crossing a permanent bridge or using the National Highway Section and includes every Government employee posted on such bridge or National Highway Section in connection with the collection of fees;

(f) "Form A" means Form A appended to these rules;

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1. *Vide* G.S.R. 490 (E), dated 27th August, 1997, published in the Gazette of India, Extra., Pt. II, See. 3 (i), dated 27th August, 1997.

(g) "Form B" means *Form* B appended to these rules;

(h) "Form C" means Form C appended to these rules;

(i)' "Pay and Accounts Officer" means Pay and Accounts Officer (National Highway), Ministry of Surface Transport, New Delhi;

[1](j) "permanent bridge" means a bridge with permanent structure the cost of which includes the cost of bridge proper, approach roads, guide bunds and protective works, excluding the cost of toll booths which is more than rupees 25 lakh and upto rupees 100 lakh *for* each, completed and opened to traffic on or after first day of April, 1976 but before the first day of May, 1992 and thereafter all the bridges costing *more* than Rs. 100 lakh before the date of the publication of this notification in the Official Gazette and thereafter all the bridges costing *more* than Rs. 500 lakh on National Highway, which shall be notified separately *for* levy of fee collection;] and

(k) "National Highway Section" means continuous length of any national highway or by-pass which shall be, notified *for* separately levy of fee collection;

(l) "Sectional Officer/Junior Engineer" means the officer of the State Public Works Department (Roads and Building) of any other department dealing with National Highway having that designation of equivalent and being incharge of a particular road of permanent bridge located on a national highway.

3. Rate of fee and its payment.- These shall be levied and paid to the executing agency, on behalf of the Government of India, fee on mechanical vehicles *for* the use of National Highway Section or permanent bridge or both at the rates notified by the Central Government, in the Official Gazette in respect of such National Highway Section or permanent bridge or both.

4. Displaying of rates of fees.-A table displaying rates of fees, rates authorised to be levied at any National Highway Section or permanent bridge or both shall be put up in a conspicuous place near the fee collection booths legibly written or printed in English, Hindi and the regional language of the area in which National Highway Section or permanent bridge or both are situated.

5. Procedure for collection.-All fees levied under these rules shall be collected by the executing agency concerned departmentally or through private contractors on the basis of competitive bidding on behalf of the Central Government.

6. Collection of fees departmentally - (l) The executing agency concerned shall make necessary arrangement *for* putting up adequate number of collection booths, operated manually or by automatic arrangement or by combination of both as may be considered suitable by the executing agency.

(2) There shall be posted a Fee Inspector, with necessary police guard to assist at either end of the National Highways Section or permanent bridge who shall be authorised to collect fee in respect of, any mechanical vehicle using the National

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1. Subs. by G.S.R. 876 (E), dated 4th December, 2001 (w.e.f.4-12-2001).

Highway Section or permanent, bridge or both, at the rates notified by the Central Government separately.

(3) There shall be provided at either end of the National Highway Section or permanent bridge or both together, a cross bar for securing the stoppage of mechanical vehicles.

(4) The Fee Inspector shall ensure at the cross bar that passage is not allowed to mechanical vehicles unless the fee leviable in respect thereof has been paid.

7. Mode of collection of fee in case of departmental fee collection.-(1) Every driver, owner or person incharge of a mechanical vehicle shall, before crossing the National Highway Section or permanent bridge or having crossed it, stop his vehicle at the cross bar and pay the fee leviable in respect of the vehicles at the fee collection booths. The Fee Inspector shall in return, prepare a receipt in duplicate in Form A and hand over one copy of the receipt to the driver or owner or person incharge of the mechanical vehicle.

(2) Toll collection shall be done only at one place within a distance of 80 kms. from a point at the beginning of first National Highway Section or approach of entry of the first permanent bridge to be crossed under the jurisdiction of the same executing agency, regardless of number of projects falling within the length in order to facilitate free and unhindered movement of traffic. Where it is not feasible to do so, the number of collection point shall be kept minimum and shall be decided with the approval of Central Government. The fee may be collected from the driver, owner or person incharge of a vehicle on the first National Highway Section or permanent bridge which is intended to be crossed by such vehicle. The driver, owner or person incharge of the vehicle holding the receipt of such payment, shall be allowed to pass through other Sections and bridges of such Highway unhindered after showing the receipt to the Fee Inspector posted on other sections or bridges. Details of such Sections and bridges shall be displayed at a conspicuous place near the fees collection booths of the Sections or bridges covered under this sub-rule legibly

written or printed in English, Hindi and the regional language of the area in which such sections or bridges are situated.

(3) The Fee Inspector shall on receipt of the fee notified by the Central Government fill up a receipt in duplicate in Form A and deliver one copy thereof to the driver, owner or the person incharge of the vehicle in respect of which the fee has been paid and retain the second copy for record.

(4) When the same vehicle has to cross the National Highway Section or bridge more than once in a day, the user shall have the option to pay one and a half times of rate notified by the Government while crossing such section or bridge in the first trip itself, or if the vehicle has to use the section or bridge frequently the vehicle owner can have a monthly pass on the payment of charges equal to 30 single rates.

8. Remittance of fee collection in case of departmental fee collection.-(1) The Fee Inspector ,on duty shall be responsible for the collection and safe custody of the amounts collected during his duty period. The Fee Inspector shall not leave the collection booth till his reliever takes over from him.

The National Highways (Fees for the use of National Highways Section and Permanent Bridge- Public Funded Project) Rules, 1997

(2) The Fee Inspector shall maintain a cash register as prescribed in Form B and keep it posted upto date.

(3) The Fee Inspector shall at the end of the period of his duty hand over the amount collected by him to his reliever after obtaining the signature of the latter in the relevant column of the cash register.

(4) Every day between 16.00 hours and 17.00 hours the Fee Inspector on duty shall hand over the entire amount of the fee collected during the preceding 24 hours to the Sectional Officer/Junior Engineer-in-charge of National Highway Section or permanent bridge after obtaining his signature in the relevant column of the cash register.

(5) The Sectional Officer/Junior Engineer-in-charge shall keep the amounts of collection received from the Fee Inspector in the chest provided for the purpose at his office.

(6) The Sectional Officer/Junior Engineer-in-charge shall on every Saturday or if it happens to be a holiday, on the next working day, remit the amount received by him in respect of the week preceding the Saturday by a demand draft to the Pay and Accounts Officer. The Pay and Accounts Officer shall account the amounts so received in the relevant receipt head in his books.

Form C showing the remittance made to the Pay and Accounts Officer and shall keep the register posted up to date.

(8) The Sectional Officer/Junior Engineer-in-charge shall exercise supervision and control over the staff posted at the National Highway Section or permanent bridge in connection with the collection of the fees and maintain the proper accounts and, records.

(9) The Sub-Divisional Officer, in-charge of the National Highway Section or the permanent bridge shall pay surprise visits at least twice a month at the Office of the Fee Inspector or the Sectional Officer/Junior Engineer-in-charge to check that the collection and remittance of fees by the staff is being done in accordance with the provisions of these rules. He shall countersign the cash register and the other record maintained by the staff in token of such visit. Such visit, atleast once in three months shall also be made by the Executive Engineer of the State Public Works Department (Roads and Building) or by the officer of equivalent rank in any other department.

9. Fee collection through franchisee.-(l) In case the fee collection is to be done through the franchisee, the collection of fee and retaining such fee shall be auctioned under the instructions for specific periods as the Central Government may issue and the money shall be collected by the executing agency or his authorised representative as per the terms and conditions of the agreement executed for such purposes.

(2) The mode of fee collection shall be decided by the franchisee referred to in sub. rule (1) with the approval of the Central Government.

(3) A table of fees authorised to be collected on any National Highway Section or permanent bridge shall be put up by such franchisee in a conspicuous place near a fee collection booth legibly written or printed in English, Hindi and the regional language of the area in which the national highway is situated.

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(4) The franchisee authorised *to* collect and retain the fee under these rules shall nominate an official as in charge of fee collection who shall be responsible *to* ensure that fees are collected at not more than the notified rates and the fee collection is smooth without causing hardship *to* the road users and for all other matters connected with the fee collection on National Highway Section or permanent bridge.

(5) The name, address and telephone number if any, of such official incharge of fee collection shall be displayed at suitable and conspicuous locations.

(6) The executing agency shall remit the auction money *so* collected from the franchisee by a demand draft *to* the Pay and Accounts Officer, National Highways, Ministry of Surface Transport, New Delhi. The Pay and Accounts Officer shall account the amount *so* received in the relevant receipt head in his books.

10. Special conditions when sections or bridges built by Government are used for developing adjacent Build, Operate and Transfer Projects of private parties.- To improve the financial viability of a Build, Operate and Transfer Project as decided by the Competent Authority, the concessionaire may be allowed to collect and retain the fees *so* collected for the full concession period as agreed to in the specific agreement in respect of the facility offered to him under National Highways (Collection of Fee by any Person for the Use of Section of National Highways/Permanent Bridges/Temporary Bridges on National Highways) Rules, 1997 and the facility shall revert back to the Government at the end of concession period and the collection of fee thereafter shall be governed by these rules.

National Highways Section/permanent bridges built under public funding programme and offered for developing further contiguous sections of such National Highway as decided by the Competent Authority shall revert back to the Government at the end of the concession period and the collection of fee thereafter shall be governed by these rules.

11. Tenure of fee collection.- The fee shall be collected in perpetuity by the executing agency.

12. Submission of returns.-(1) The executing agency concerned in case of departmental fee collection shall furnish returns in the first week of July, October, January and April of every year to the Pay and Accounts Officer containing

(a) Monthwise consolidated statement showing the amount collected and remitted on account of fee proceeds in respect of each National Highway Section or permanent bridge alongwith the details of number and date of demand draft by which the amount has been remitted, and

(b) Monthwise break up of the expenditure incurred on each National Highway Section or permanent bridge by the executing agency required' *to* be reimbursed on account of collection of the fees on the basis of actual expenditure incurred.

(2) The Executing Agency concerned in case of fee collection through franchisee shall furnish *to* the Pay and Accounts Officer, National Highways, Government of India, Ministry of Surface Transport, New Delhi or any other officer *so* authorised, the details regarding the franchise, the amount and the period for which the franchise has been awarded, immediately, after the auction for fee collection through such Franchise.

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13. Furnishing *of* security in case *of* departmental fees collection.-Every Fee Inspector or the Sectional Officer/Junior Engineer-in-charge shall deposit a cash security of not less than Rs. 1000 by executing a security bond in the prescribed form as laid down in the Treasury Rules with the concerned Executive Engineer or the concerned officer *of* equivalent rank in any other department.

FORMA

[*See rule 7(1)*]

RNo.,
Receipt *for* payment of
fee.

Name *of* SectionlPermanent Bridge.

1. Description of mechanical vehicle with Registration number.
2. Whether laden or unladen or with or without passengers.
3. Time and date *of* outward journey.
4. Name *of* driver and/or owner.
5. Amount of fee paid.