

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

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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

¹1. Vide G.S.R. 62(E), dated 6th February, 1997, published in the Gazelle of India, Extra., Pt. II, Sec. 3(i), dated 6th February, 1997, pp. 2-3. In exercise of the powers conferred by section 9 read with section 8-A 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 Highway/ 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 Highway) Rules, 1997.

(ii) They shall come into force on the date of their publication in the Official Gazette.

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 S.2 of the Motor Vehicles Act 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.

1 "(c) "person" shall include any company or association or body of individuals whether incorporated or not"

1. Inserted vide "the National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Amendment Rules, 2000."

3. Agreement and rate of fee :-

(1) The Central Government may enter into an agreement with any person in relation the 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.

(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 telephone number of the authority to whom complaints, if any, should be addressed, shall be conspicuously and prominently displayed 500m 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"

1. Inserted vide "the National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Amendment Rules, 2000."

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 :-

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"(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 Sabha/Rajya 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 Telegraph 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.

1. Substituted for Sub section 1 of section 5 "(1) The person authorised to collect and retain the fee under these rules shall nominate an official as incharge of fee collection who 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 all other matters connected with the fee collection on section of National Highway/permanent bridge/ temporary bridge." by "the National Highways (Collection of Fees by any person for the use of section of National Highways/permanent bridge/temporary bridge on National Highway) Amendment Rules, 2000."

6. Verification of fee collection :-

(1) 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.

(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.

