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[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.

(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 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.

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1. *Vide* G.S.R. 62 (E), dated 6th February, 1997, published in the Gazette of India, Extra., Pt. II, 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).

(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.]

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:—

[3][(i) vehicles—

(A) having "VIP" symbols; or

officially belonging to—

(a) President of India;

(b) Vice-President of India;

(c) Governor of a State or Lt. Governor of a Union Territory;

(d) a Foreign Dignitary on State visit to India;

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).
3. Subs. by G.S.R. 843 (E), dated 27th October, 2003 (w.e.f. 27-10-2003).

(e) a foreign diplomat stationed in India using cars with "CD"/ "CC" number plates;

(f) Chairman of Rajya Sabha or Speaker of Lok Sabha or Chairman of a State Legislative Council or Speaker of a State Legislative Assembly or a Minister for the union or State, or Leaders of Opposition in Lok Sabha or Rajya Sabha or State Legislatures having the status of Cabinet Minister, if he is sitting in the vehicle; or

(g) a Member of Parliament, in the entire country, or a Member of Legislative Assembly of a State or a Member of Legislative Council of a State, in the respective State, if he produces his identity card issued by the Parliament or concerned Legislature of a State, as the case may be;

(B) belonging to winner of Gallantry awards such as Param Vir Chakra, Ashok Chakra, Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra, if such awardee produces his photo identity card duly authenticated by the Competent Authority for such award.]

(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.—(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.