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.

(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) "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

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

National Highway Section in connection with the collection of fees;

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

(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.—(1) The executing agency concerned shall make necessary arrangement for putting up adequate number of

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

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 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.

(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.

(7) The Sectional Officer/Junior Engineer-in-charge shall maintain a register as prescribed in 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 Offices 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.—(1) 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.

(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 pro-gramme 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.

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.

FORM A

[*See* rule 7(1)]

R. No.

Receipt for payment of fee.

Name of Section/Permanent 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.

FORM B

[*See* rule 8(2)]

Cash Register

Serial No.	Date	Vehicle Number	Name of person paying the fee	Number of receipt by which fee paid	Amount of fee paid	Progressive figures of fee paid	Signatures of Fee Inspector	Signatures of sussessive Fee Inspector	Signatures of Sectional Officer-incharge	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM C

[*See* rule 8(7)]

Register showing record of fee collection and remittance on account of fee collected on National Highway Section/Permanent bridges

Sl. No.	Name of the Sectional Officer-incharge/Junior Engineer-incharge	Amount collected from Fee Inspector (deposited)	Date of receipt	Name of the Bank from which Demand Draft if purchased	Number of Demand Draft and date	Amount of Demand Draft	Details of despatch of Demand Draft	Postal Registration No. of despatch of Demand Draft	Remarks
1	2	3	4	5	6	7	8	9	10

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