THE NATIONAL HIGHWAYS AUTHORITY OF INDIA (BUDGET, ACCOUNTS, AUDIT, INVESTMENT OF FUNDS, AND POWERS TO ENTER PREMISES) RULES, 1990[1]

In exercise of the powers conferred by sub-section (1) read with clauses (e), (f), (g) and (h) of sub-section (2) of section 34 of the National Highways Authority of India Act 1988 (68 of 1988), the Central Government hereby makes the following rules, namely:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the National Highways Authority of India (Budget, Accounts, Audit, Investment of Funds, and Powers to Enter Premises) Rules, 1990.

(2) 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 Authority of India Act, 1988 (68 of 1988);

(b) "Annual Report" means the Annual Report referred to in section 22 of the Act;

(c) "Annual Statement of Accounts" means the Annual sketch of accounts referred to in section 23 of the Act;

(d) "Audit Officer" means the Comptroller and Auditor General of India and includes any person appointed by him in connection with the audit of accounts of the Authority;

(e) "Authority" means the National Highways Authority of India constituted under section 3 of the Act;

(f) "financial year" means the financial year of the Central Government starting from first day of April each year and ending on thirty-first day of March of the following year;

(g) "Form" means a form annexed to these rules;

(h) "Fund" means the National Highways Authority of India Fund constituted under section 18 of the Act;

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[1] *Vide* G.S.R. 704 (E), dated 7th August, 1990, published in the Gazette of India, Extra., Pt. II, Sec. 3 (i), dated 10th August, 1990.

CHAPTER II

BUDGET, ACCOUNTS AND AUDIT

3. Preparation and submission of budget.—(1) The budget estimates of the Authority for every financial year shall be prepared by the Chairman of such employee of the Authority as may be authorised by him in this behalf, in Forms A1 to A5.

(2) A copy of the budget estimates so prepared shall be sent to each member at least fourteen days before the meeting of the Authority at which such estimates are to be considered.

(3) The Authority shall consider and sanction the budget estimates with such changes as it thinks fit at the meeting fixed for the purpose or at any other meeting to which the consideration of the budget estimates is adjourned.

(4) The budget estimates prepared by the Authority shall be forwarded to the Central Government by the fifteenth day of October of the financial year preceding the financial year to which the consideration of the budget estimates relate:

Provided that the Central Government may at the request of the Authority fix such later date, but not beyond the 31st day of December, as the Government think fit.

4. Supplementary budget.—The Authority shall, where necessary, also forward to the Central Government the Supplementary budget in respect of the financial year to which it relates, in Forms A1 to A5 before such date as may be specified by the Central Government.

5. Accounts of Authority.—The accounts of the Authority including—

(a) all sums of money received and expended by the Authority;

(b) all sales and purchases of goods or services of the Authority;

(c) the assets and liabilities of the Authority; shall be maintained in such forms as may be specified by the Government from time to time in consultation with the Comptroller and Auditor General of India.

6. Preparation and submission of annual report and annual accounts.—(1) The Chairman or such employee of the Authority as may be authorised by him in this behalf, shall prepare, as soon as may be after the commencement of the each financial year—

(a) the annual report; and

(b) the annual statement of accounts which shall include the profit and loss account and balance sheet and such other subsidiary accounts as the Central Government may, in consultation with the Comptroller and Auditor General of India, direct.

(2) The annual report include an account of the activities of the Authority during the previous financial year on the following matters namely:—

(i) a statement of corporate and operational goals and objectives of the Authority;

(ii) annual targets and physical and financial terms set for various activities in the background of clause (1) above together with a brief review of the actual performance with reference to those targets;

(iii) an administrative report on the activities of Authority during the previous financial year and an account of the activities which are likely to be taken up during the next financial year;

(iv) a summary of the actual financial results during the previous financial year and year of report, as indicated by way of statement of (a) income and expenditure, (b) sources and applications of funds and (c) cash flow;

(v) important changes in policy and specific measures either taken or proposed to be taken, which have influenced or are likely to influence the profitability or functioning of the Authority;

(vi) new projects or expansion schemes contemplated together with their advantages, financial implications and programme for execution;

(vii) important changes in the organizational set up of the Authority;

(viii) report on employer-employee relations and welfare activities of the Authority; and

(ix) report on such other miscellaneous subjects as deemed fit by the Authority or the Central Government for reporting to the later.

(3) The annual report shall be placed for adoption in the meeting of the Authority and shall be signed by the Chairman or in his absence by two members authorized for the purpose by the Chairman and authenticated by fixing the common seal of the Authority and required copies thereof shall be submitted to the Central Government by the thirty-first day of December of the following year.

(4) The annual accounts of the Authority, after approval of the Authority, shall be signed on behalf of the Authority by its Chairman or in his absence by two members authorized for purpose by the Authority and authenticated by affixing the common seal of the Authority and shall be forwarded for audit to the Comptroller and Auditor General not later than the 30th September of each year or by such date as extended by the Central Government.

(5) The Audit Officer shall audit and report on the annual accounts of the Authority and certify whether in his opinion the balance sheet and profit and loss account contain all particulars and are properly drawn up to as to exhibit a true and fair state of affairs of the Authority and in case he has called for any information from the Authority or any of its officers, whether it has been given and whether it is satisfactory.

(6) The Authority shall be bound to give information and explanation in its annual report containing *inter-alia* duly audited accounts or in an addendum thereto on every reservation, qualification or adverse remarks contained in the Auditor reports duly signed by its Chairman or in his absence by two members so authorized by the Authority and authenticated by affixing common seal of the Authority.

(7) The annual accounts and the auditors report thereon alongwith the annual report shall be submitted to the Central Government by thirty-first day of December of the following year to which the accounts relate or by such date as extended by the Central Government.

7. Cost of Audit.—The Authority shall arrange to pay to the Comptroller and Auditor General of India the expenditure incurred by him in connection with the annual audit of its accounts, within three months from the date on whch any demand is made by him.

CHAPTER III

INVESTMENT OF FUNDS AND RESERVE FUND

8. Manner of Investment Fund.—All money standing at the credit of the Fund which cannot immediately be applied for the purposes specified in sub-section (2) of section 18 of the Act shall be deposited in the State Bank of India or any Scheduled bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980 (40 of 1980).

9. Reserve Fund.—(1) In respect of every loan raised by the Authority not being a loan repayable before the expiration of one year from the date of the loan, the Authority shall set apart a sum half yearly, out of its income in a reserve fund, sufficient to liquidate the loan within a period which shall not in any case exceed thirty years:

Provided that a reserve fund need not in the absence of any stipulation to that effect, be established in the case of loans taken by the Authority from the Central Government or any State Government.

(2) The sums set apart by the Authority under sub-rule (1) shall invested in securities of the Central Government or in such other securities as the Central Government may approve in this behalf, and shall be held in trust for the purposes of the Act by the Authority.

(3) The Authority may apply the whole or any part of the sums accumulated in any reserve fund in or towards the discharge of the loan liabilities for the repayment of which the fund has been established:

Provided that Authority pays into the fund each year, and accumulated until the whole of the money borrowed is discharged, a sum equivalent to the interest which would have been produced by the reserve fund or the part of the reserve fund so applied.

(4) A reserve fund established for the liquidation of any loan shall be subject to annual examination by such person as may be appointed by the Central Government in this behalf and the person so appointed shall ascertain whether the cash and the current market value of the securities at the credit of the Fund are actually equal to the amount which would have accumulated had investments been regularly made and rate of interest as originally estimated obtained thereon.

(5) The Authority shall pay forthwith into the reserve fund any amount which the person appointed under sub-rule (4) of conduct the annual examination of the Fund may certify to be deficient unless the Central Government specifically sanctions a gradual readjustment.

(6) If the cash and current market value of the securities at the credit of a reserve fund are in excess of the amount which should be at its credit the person appointed under sub-rule (4) shall certify the amount of this excess and the Authority may, with the previous sanction of the Central Government reduce or discontinue the half-yearly contributions to the reserve fund.

CHAPTER IV

POWER TO ENTER LAND OR PREMISES

10. Mode of service of notice.—(1) Before entering upon any land or premises under section 30 of the Act, the authorized person shall serve on the owner of the land or premises intended to be entered upon notice in Form B.

(2) The notice may be served by delivering or tendering a copy of such notice to the person for whom it is intended or his servant or by sending it by registered post acknowledgement due addressed to that person at his usual or last known place of residence or business.

(3) Where the serving officer delivers or tenders the copy of the notice under sub-rule (2), he shall require the signature of the person to whom the copy is delivered or tendered to an acknowledgement of service endorsed on the original.

(4) Where the person or the adult member(s) of the family of the person concerned or servant of such person refuses to sign the acknowledgement or where the serving officer, after using all the due and reasonable diligence, cannot find such person and there is no adult member of the family or servant of such person, the serving officer shall affix a copy of notice on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and then shall return the original to the competent authority who served the notice, with a report endorsed thereon or annexed thereto stating that he has had to affix a copy, the circumstances under which he did so and the name and address of the person if any, by whom the usual or last known place of residence or business, as the case may be, was identified and in whose presence the copy was affixed.

FORM AI

NATIONAL HIGHWAY AUTHORITY OF INDIA

Budget Estimate for the year.....

Combined abstract of Budget Estimate for the year.....

(In thousand of rupees)

RECEIPTS

Head of Account	Actual		Budget Estimate		Budget Estimate		Budget Estimate	
	20	20	20	20	20	20	20	20
1	2		3		4		5	

PAYMENTS

Head of Account	Actual		Budget Estimate		Revised Estimate		Budget Estimate	
	20	20	20	20	20	20	20	20
6	7		8		9		10	

FORM A2(i)

NATIONAL HIGHWAY AUTHORITY OF INDIA

Budget Estimates for the year.....

Part I—Abstract of each individual account

(In thousand of rupees)

RECEIPTS

Head of Account	Actual		Budget Estimate		Revised Estimate		Budget Estimate	
	20	20	20	20	20	20	20	20
1	2		3		4		5	

PAYMENTS

Head of Account	Actual		Budget Estimate		Revised Estimate		Budget Estimate	
	20	20	20	20	20	20	20	20
6	7		8		9		10	

FORM A2(ii)

NATIONAL HIGHWAY AUTHORITY OF INDIA

Budget Estimates for the year.....

Part II—Detailed Budget estimates of each individuals

(In thousand of rupees)

RECEIPTS

Head of Account	Actual		Budget Estimates		Revised Estimates		Variation between Cols. (3) & (4)		Budget Estimates		Variation Between Cols. (4) & (6)		Explanation
	20	20	20	20	20	20	20	20	20	20	20	20	
1	2		3		4		5		6		7		8

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PAYMENTS

Head of Account	Actual	Budget Estimates	Revised Estimates	Varation between Col. (3) & (4)	Budget Estimates	Variation Between Col. (4) & (6)	Explanation
	20 20	20 20	20 20	20 20	20 20	20 20	
1	2	3	4	5	6	7	8

FORM A3

NATIONAL HIGHWAY AUTHORITY OF INDIA

Budget Estimates for the year.....

Schedule containing new items of expenditure other than Work & Schemes

(In thousand of rupees)

Sl. No	Head of Account	Particulars of the item	Amount proposed Total 20	Distribution over 20	Ground for expenditure or reference to sanction No. & date	Remarks
1	2	3	4		5	6

Note.—(1) For additional establishment, the categories of posts, scales of pay and the date from which the posts are required should be specified.

(2) If any permanent post is proposed to be reduced or kept in abeyance or any temporary post is proposed to be discontinued, the details thereof should be furnished in a separate statement.

FORM A4

NATIONAL HIGHWAY AUTHORITY OF INDIA

Budget Estimate for the year.....

Schedule of works and schemes in progress

(In thousand of rupees)

Name of the work/ scheme	Estimated cost	Year of start	Targetted year of completion	Expenditure upto the end of last financial year	Budget Estimates for the current year
1	2	3	4	5	6

Expenditure incurred during the current year	Anticipated expenditure during the remaining part of the current year	Revised estimates for the current year total of cols. 7 & 8	Budget estimates for the next year	Remarks
7	8	9	10	11

FORM A5

NATIONAL HIGHWAY AUTHORITY OF INDIA

Budget Estimates for the year.....

Schedule of Approved New Works and Schemes

Name of the work/ scheme	Estimated cost Total Distribution over 20 20	Targetted year of completion	Reference No. of administrative approval/technical sanction	Proposed budget estimated for 20 20	Remarks
1	2	3	4	5	6

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Note.—While including new works/schemes in the budget estimates, the following points shall be examined:—

(1) whether the plans and the estimates have been prepared and approved.

(2) whether site or land is available and possession has been taken and

(3) whether all the prescribed formalities will be over by the end of the current financial year.

FORM B

NATIONAL HIGHWAYS AUTHORITY OF INDIA

To

Dear Sir/Madam,

In persuance of section 30 of the National Highways Authority of India Act, 1988, I, on behalf of the N.H.A.I. hereby authorise Shri.....of National Highways Authority of India to enter upon the undermentioned premises/land located at.....for the purpose of.....on the day of.....at.....hours.

For and on behalf of

National Highways Authoriy of India