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 works pertaining 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 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 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.

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1. *Vide* S.R.O. 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 S.O. 680 (E), dated 15th October, 1976.

(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 *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 to 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 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

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

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:

Provided that the amount of the revised estimate is not likely to exceed, or does not exceed Rs. 10 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

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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, overbridges 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, overbridges or flyovers on national highways for which an yearly licence 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, overbridges 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 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 licence 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.]

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[2][*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 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*

Land acquisition; earth work; road material.

(2) *Bridge works*

Foundation, super-structure, guide bunds, etc.

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1. Added by S.O. 699 (E), dated 17th September, 1993 (w.e.f. 17-9-1993).
2. Ins. by S.O. 680 (E), dated 15th October, 1976.

(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 of 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 has been made in the budget 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 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 byepasses, realignment and improvement of geometrics as also designs for bridges of length up to 100 metres and of individual 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.
