

THE NATIONAL HIGHWAYS ACT, 1956

INTRODUCTION

Certain highways passing through various States were being maintained by the respective States within which the particular highway was situated. Some of the States were maintaining the portions of the highway which criss-crossed within their respective jurisdictions in a proper manner but some of the States, due to one reason or the other, were found deficient in their maintenance, with the result that highways were not being maintained to the desired level. With the increase of movement of traffic on account of industrial advancement and increased tourist traffic it was found necessary that important highways of the country be developed and maintained by the Central Government. To achieve this objective The National Highways Bill, 1956 was introduced in the Parliament.

ACT 48 OF 1956

The National Highways Bill, 1956 having been passed by both the Houses of Parliament received the assent of the President on 11th September, 1956. It came into force on 15th day of April, 1957 as THE NATIONAL HIGHWAYS ACT, 1956 (48 of 1956).

LIST OF AMENDING ACTS

1. The National Highways (Amendment) Act, 1977 (30 of 1977).
2. The National Highways (Amendment) Act, 1992 (1 of 1993).
3. The National Highways (Amendment) Act, 1995 (26 of 1995).
4. The National Highways Laws (Amendment) Act, 1997 (16 of 1997).

THE NATIONAL HIGHWAYS ACT, 1956

(48 of 1956)

[11th September, 1956]

An Act to provide for the declaration of certain highways to be national highways and for matters connected therewith.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the National Highways Act, 1956.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of certain highways to be national highways.—(1) Each of the highways specified in the Schedule ²[***] is hereby declared to be a national highway.

(2) The Central Government may, by notification in the Official Gazette, declare any other highway to be a national highway and on the publication of such notification such highway shall be deemed to be specified in the Schedule.

(3) The Central Government may, by like notification, omit any highway from the Schedule and on the publication of such notification, the highway so omitted shall cease to be a national highway.

COMMENTS

Highways enumerated in the Schedule of the Act have been declared to be national highways. The Central Government has been empowered to declare any other highway to be a national highway and to omit any highway from the Schedule.

³**3. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “competent authority” means any person or authority authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority for such area as may be specified in the notification;

(b) “land” includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

3A. Power to acquire land, etc.—(1) Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.

(2) Every notification under sub-section (1) shall give a brief description of the land.

1. Came into force on 15th April, 1957, *Vide* S.R.O. 1180, dated 4th April, 1957, published in the Gazette of India, 1957, Pt. II, Sec. 3, p. 730.

2. The words “except such parts thereof as are situated within any municipal area” omitted by Act 16 of 1997, sec. 2 (w.e.f. 24-1-1997).

3. Subs. by Act 16 of 1997, sec. 3, for section 3 (w.e.f. 24-1-1997).

(3) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which will be in a vernacular language.

3B. Power to enter for survey, etc.—On the issue of a notification under sub-section (1) of section 3A, it shall be lawful for any person, authorised by the Central Government in this behalf, to—

- (a) make any inspection, survey, measurement, valuation or enquiry;
- (b) take levels;
- (c) dig or bore into sub-soil;
- (d) set out boundaries and intended lines of work;
- (e) mark such levels, boundaries and lines placing marks and cutting trenches; or
- (f) do such other acts or things as may be laid down by rules made in this behalf by that Government.

3C. Hearing of objections.—(1) Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the competent authority thinks necessary, by order, either allow or disallow the objections.

Explanation.—For the purposes of this sub-section, “legal practitioner” has the same meaning as in clause (i) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961).

(3) Any order made by the competent authority under sub-section (2) shall be final.

3D. Declaration of acquisition.—(1) Where no objection under sub-section (1) of section 3C has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objection under sub-section (2) of that section, the competent authority shall, as soon as may be, submit a report accordingly to the Central Government and on receipt of such report, the Central Government shall declare, by notification in the Official Gazette, that the land should be acquired for the purpose or purposes mentioned in sub-section (1) of section 3A.

(2) On the publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.

(3) Where in respect of any land, a notification has been published under sub-section (1) of section 3A for its acquisition but no declaration under sub-section (1) has been published within a period of one year from the date of publication of that notification, the said notification shall cease to have any effect:

Provided that in computing the said period of one year, the period or periods during which any action or proceedings to be taken in pursuance of the notification issued under sub-section (1) of section 3A is stayed by an order of a court shall be excluded.

(4) A declaration made by the Central Government under sub-section (1) shall not be called in question in any court or by any other authority.

3E. Power to take possession.—(1) Where any land has vested in the Central Government under sub-section (2) of section 3D, and the amount determined by the competent authority under section 3G with respect to such land has been deposited under sub-section (1) of section 3H, with the competent authority by the Central Government, the competent authority may by notice in writing direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to the competent authority or any person duly authorised by it in this behalf within sixty days of the service of the notice.

(2) If any person refuses or fails to comply with any direction made under sub-section (1), the competent authority shall apply—

- (a) in the case of any land situated in any area falling within the metropolitan area, to the Commissioner of Police;
- (b) in case of any land situated in any area other than the area referred to in clause (a), to the Collector of a District,

and such Commissioner or Collector, as the case may be, shall enforce the surrender of the land, to the competent authority or to the person duly authorised by it.

3F. Right to enter into the land where land has vested in the Central Government.—Where the land has vested in the Central Government under section 3D, it shall be lawful for any person authorised by the Central Government in this behalf, to enter and do other act necessary upon the land for carrying out the building, maintenance, management or operation of a national highway or a part thereof, or any other work connected therewith.

3G. Determination of amount payable as compensation.—(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority.

(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent. of the amount determined under sub-section (1), for that land.

(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.

(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.

(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.

(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—

- (a) the market value of the land on the date of publication of the notification under section 3A;
- (b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;
- (c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;
- (d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

3H. Deposit and payment of amount.—(1) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent. per annum on such excess amount from the date of taking possession under section 3D till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.

3-I. Competent authority to have certain powers of civil court.—The competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commission for examination of witnesses.

3J. Land Acquisition Act 1 of 1894 not to apply.—Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act.]

COMMENTS

If any land is acquired under the provisions of this Act then nothing in the Land Acquisition Act, 1894 (1 of 1894) shall apply.

4. National highways to vest in the Union.—All national highways shall vest in the Union, and for the purposes of this Act "highways" include—

- (i) all lands appurtenant thereto, whether demarcated or not;
- (ii) all bridges, culverts, tunnels, causeways, carriageways and other structures constructed on or across such highways; and
- (iii) all fences, trees, posts and boundary, furlong and milestones of such highways or any land appurtenant to such highways.

5. Responsibility for development and maintenance of national highways.—It shall be the responsibility of the Central Government to develop and maintain in proper repair all national highways; but the Central Government may, by notification in the Official Gazette, direct that any function in relation to the development or maintenance of any national highway shall, subject to such conditions, if any, as may be specified in the notification, also be exercisable by the Government of the State within which the national highway is situated or by any officer or authority subordinate to the Central Government or to the State Government.

COMMENTS

The Central Government is responsible for the development and maintenance of all the national highways but by notification in the Official Gazette it may direct that any function regarding development and maintenance of any national highway shall also be exercisable by the Government of the State within which the national highway is situated.

6. Power to issue directions.—The Central Government may give directions to the Government of any State as to the carrying out in the State of any of the provisions of this Act or of any rule, notification or order made thereunder.

7. Fees for services or benefits rendered on national highways.—(1) The Central Government may, by notification in the Official Gazette, levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of ferries, ¹[permanent bridges the cost of construction of each of which is more than rupees twenty-five lakhs and which are opened to traffic on or after the 1st day of April, 1976,] temporary bridges and tunnels on national highways ²[and the use of sections of national highways].

1. Ins. by Act 30 of 1977, sec. 2 (w.e.f. 12-8-1977)

2. Ins. by Act 1 of 1993, sec. 2 (w.r.e.f. 23-10-1992).

(2) Such fees when so levied shall be collected in accordance with the rules made under this Act.

(3) Any fee leviable immediately before the commencement of this Act for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on any highway specified in the Schedule shall continue to be leviable under this Act unless and until it is altered in exercise of the powers conferred by sub-section (1):

¹[Provided that if the Central Government is of opinion that it is necessary in the public interest so to do, it may, by like notification, specify any bridge in relation to the use of which fees shall not be leviable under this sub-section.]

COMMENTS

The Central Government is empowered to levy fees for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on national highways and the use of sections of national highways.

²[***]

³[**8A. Power of Central Government to enter into agreements for development and maintenance of national highways.**—(1) Notwithstanding anything contained in this Act, the Central Government may enter into an agreement with any person in relation to the development and maintenance of the whole or any part of a national highway.

(2) Notwithstanding anything contained in section 7, the person referred to in sub-section (1) is entitled to collect and retain fees at such rate, for services or benefits rendered by him as the Central Government may, by notification in the Official Gazette, specify having regard to the expenditure involved in building, maintenance, management and operation of the whole or part of such national highway, interest on the capital invested, reasonable return, the volume of traffic and the period of such agreement.

(3) A person referred to in sub-section (1) shall have powers to regulate and control the traffic in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 (59 of 1988) on the national highway forming subject-matter of such agreement, for proper management thereof.

8B. Punishment for mischief by injury to national highway.—Whoever commits mischief by doing any act which renders or which he knows to be likely to render any national highway referred to in sub-section (1) of section 8A impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with a fine, or with both.]

9. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which, and the conditions subject to which, any function in relation to the development or maintenance of a national

1. Ins. by Act 1 of 1993, sec. 2 (w.r.e.f. 23-10-1992).

2. Section 8 omitted by Act 16 of 1997, sec. 4 (w.e.f. 24-1-1997).

3. Ins. by Act 26 of 1995, sec. 2 (w.e.f. 16-6-1995).

highway or any part thereof may be exercised by the State Government or any officer or authority subordinate to the Central Government or the State Government;

- ¹[(aa) the manner in which the amount shall be deposited with the competent authority under sub-sections (1) and (6) of section 3H;]
- ²[(b) the rates at which fees for services rendered in relation to the use of ferries, permanent bridges, temporary bridges and tunnels on any national highway ³[and the use of sections of any national highway] may be levied, and the manner in which such fees shall be collected, under section 7;]
- (c) the periodical inspection of national highways and the submission of inspection reports to the Central Government;
- (d) the reports on works carried out on national highways;
- (e) any other matter for which provision should be made under this Act.

⁴[(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

10. Laying of notifications, rules, etc., before Parliament.—All notifications or agreements issued or entered into under this Act shall be laid before both Houses of Parliament as soon as may be after they are issued or entered into ⁵[***].

1. Ins. by Act 16 of 1997, sec. 5 (w.e.f. 21-1-1997).
 2. Subs by Act 30 of 1977, sec. 3, for clause (b) (w.e.f. 12-8-1977).
 3. Ins. by Act 1 of 1993, sec. 3 (w.r.e.f. 23-10-1992).
 4. Ins. by Act 30 of 1977, sec. 3 (w.e.f. 12-8-1977).
 5. Certain words omitted by Act 30 of 1977, sec. 4 (w.e.f. 12-8-1977).

THE SCHEDULE

[See section 2]

NATIONAL HIGHWAYS

Serial No.	National Highway No.	Description of National Highways
1	2	3
1	1	The highway connecting Delhi, Ambala, Jullundur and Amritsar and proceeding to the border between India and Pakistan.
2	1A	The highway connecting Jullundur, Madhopur, Jammu, Banihal, Srinagar, Baramula and Uri.
¹ [2AA	Extension of NH No. 1B	The highway starting from its junction with National Highway No. 1B near Kishtwar and connecting Chhatree, Symthan Maidan and terminating at Symthan pass in Jammu and Kashmir.]
¹ [2AAA	1C	The highway starting from its junction with National Highway No. 1A near Domel and terminating at Katra in Jammu and Kashmir.]
3	2	² [The highway connecting Delhi, Mathura, Agra, Kanpur, Allahabad, Banaras, Mohania, Barhi Palsit, Baidyabati, Bara, Calcutta.]
	*2A	Sikandra - Bhognipur
4	3	The highway connecting Agra, Gwalior, Shivpuri, Indore, Dhulia, Nasik, Thana and Bombay.
5	4	The highway starting from its junction near Thana with the highway specified in serial No. 4 and connecting Poona, Belgaum, Hubli-Bangalore, Ranipet and Madras.
³ [5A	4A	The highway connecting Belgaum, Anmod, Panda and Panaji.]
⁴ [5B	4B	The highway starting from its junction with Parvel-Uran State Highway near Nhava-Sheva Port Complex and proceeding further with one arm terminating of Kalamboli on National Highway No. 4 and another arm crossing National Highway No. 17 near Palaspe and proceeding further to terminate on National Highway No. 4.]
6	5	The highway starting from its junction near Baharagora with the highway specified in serial No. 7 and connecting Cuttack, Bhubaneswar, Visakhapatnam, Vijayawada and Madras.

1. Ins. by S.O. 7 (E), dated 6th January, 1999.
 2. Subs. by S.O. 380 (E), dated 25th July, 1975.
 3. Ins. by S.O. 3344, dated 21st July, 1971.
 4. Ins. by S.O. 865 (E), dated 20th November, 1984.
- *. For details contact concerned Department, Ed.

1	2	3
¹ [6A	5A	The highway starting from its junction near Haridaspur with National Highway No. 5 and terminating at the Paradip Port.]
7	6	The highway starting from its junction near Dhulia with the highway specified in serial No. 4 and connecting Nagpur, Raipur, Sambalpur, Baharagora and Calcutta.
² [7AA	Extension of NH No. 6	The highway starting from its junction near Surat on National Highway No. 6 and terminating at Hajira in Gujarat.]
8	7	The highway starting from its junction near Banaras with the highway specified in serial No. 3 and connecting Mangawan, Rewa, Jabalpur, Lakhnadon, Nagpur, Hyderabad, Kurnool, Bangalore, Krishnagiri, Salem, Dindigul, Madurai and Cape Comorin.
² [8A	7A	The highway connecting Palayankottai on National Highway No. 7 with the Tuticorin Port.]
9	8	The highway connecting Delhi, Jaipur, Ajmer, Udaipur, Ahmedabad, Baroda and Bombay.
10	8A	The highway connecting Ahmedabad, Limbdi, Morvi and Kandla.
³ [10A	Extension of NH No. 8A	The highway starting from its junction near Kandla on National Highway No. 8A connecting Mundra and terminating at Mandvi in Gujarat.]
11	8B	The highway starting from its junction near Bamanbhore with the highway specified in serial No. 10 and connecting Rajkot and Porbandar.
⁴ [11A	8C	The highway connecting Chiloda on National Highway No. 8, in Gujarat, Gandhinagar and terminating at Sarkej on National Highway No. 8A.]
³ [11AA	8D	The highway starting from its junction near Jetpur on National Highway No. 8B and connecting Junagarh, Keshod and terminating at Somnath in Gujarat.]
	*8E	Somnath - Bhavnagar
12	9	The highway connecting Poona, Sholapur, Hyderabad and Vijayawada.
³ [12A	Extension of NH No. 9	The highway starting from its junction near Vijayawada on National Highway No. 5 connecting Vuyyuru, Pammari and terminating at Machilipatnam in Andhra Pradesh.]
13	10	The highway connecting Delhi and Fazilka and proceeding to the border between India and Pakistan.

1. Ins. by S.O. 3344, dated 21st July, 1971.

2. Ins. by S.O. 179(E), dated 8th March, 1972.

3. Ins. by S.O. 7(E), dated 6th January, 1999.

4. Ins. by S.O. 3114, dated 28th October, 1978.

*. For details contact concerned Department, Ed.

1	2	3
¹ [13A	11	The highway connecting Agra, Jaipur and Bikaner.
	*11A	Dausa – Manoharpur
13B	12	The highway connecting Jabalpur, Bhopal and Bhaora.
	*12A	Jabalpur – Mandla – Chilpi – Simga
13C	13	The highway connecting Sholapur and Chitradurga.]
² [13CC	Extension of NH No. 13	The highway starting from its junction near Mangalore on National Highway No. 48 and connecting Tirihahalli, Shimoga and terminating at its junction with National Highway No. 4 near Chitradurga in Karnataka.]
	*14	Beawar – Sirohi – Radhapur
³ [13D	21	The highway starting from its junction near Chandigarh with National Highway No. 22 and connecting Ropar, Bilaspur, Mandi, Kulu and Manali.]
² [13DD	21A	The highway starting from its junction near Pinjore on National Highway No. 22 in Haryana connecting Baddi, Nalagarh and terminating at its junction with National Highway No. 21 near Swarghat in Himachal Pradesh.]
⁴ [13E	15	The highway connecting Pathankot-Amritsar, Bhatinda, Ganganagar, Bikaner, Jaisalmer, Barmer to its junction with National Highway No. 8A near Samakhiali (near Kandla).]
	*16	Nizamabad – Mancheral – Jagdalpur
⁵ [13F	17	The highway connecting Panvel on National Highway No. 4 Mahad, Panaji, Karwar, Mangalore, Cannanore, Calicut (Kozhikode), Feroke, Kuttipuram, Pudu Ponnani, Chowghat Cranganpur to junction with National Highway No. 47 near Edapally.
13G	17A	The highway starting from its junction near Cortalim with National Highway No. 17 and terminating at the Marmugao Port.]
	*17B	Ponda – Verna – Vasco
	*18	Junction with National Highway No. 7 near Kurnool – Nandyal – Cuddapah Junction with National Highway No. 4 Near Chittoor
	*19	Gazipur – Ballia – Patna
	*20	Pathankot – Mandi
14	22	The highway connecting Ambala, Kalka, Simla, Narkanda, Rampur and Chini and proceeding to the border between India and Tibet near Shipki-La.

1. Ins. by S.O. 1119, dated 4th May, 1960.
 2. Ins. by S.O. 7 (E), dated 6th January, 1999.
 3. Ins. by S.O. 3344, dated 21st July, 1971.
 4. Ins. by S.O. 179 (E), dated 8th March, 1972.
 5. Ins. by S.O. 442 (E), dated 17th July, 1974.
- *. For details contact concerned Department, Ed.

1	2	3
¹ [14A	23	The highway connecting Chas, Ranchi, Rourkela, Talcher and terminating at National Highway No. 42.]
15	24	The highway connecting Delhi, Bareilly and Lucknow.
16	25	The highway connecting Lucknow, Kanpur, Jhansi and Shivpuri.
² [16A	25A	The highway starting from its junction with National Highway No. 25 at Km 19 and terminating at Bakshi ka Talab in National Highway No. 24 in Uttar Pradesh.]
17	26	The highway connecting Jhansi and Lakhnadon.
18	27	The highway connecting Allahabad with the highway specified in serial No. 8 near Mangawan.
19	28	The highway starting from its junction near Barauni with the highway specified in serial No. 23 and connecting Muzaffarpur, Pipra, Gorakhpur and Lucknow.
20	28A	The highway starting from its junction near Pipra with the highway specified in serial No. 19 and connecting Sagauli and Raxaul and proceeding to the border between India and Nepal.
21	29	The highway connecting Gorakhpur, Ghazipur and Banaras.
22	30	The highway starting from its junction near Mohania with the highway specified in serial No. 3 and connecting Patna and Bakhtiyarpur.
³ [22A	30A	The highway starting from its junction near Phatuha on National Highway No. 30 and connecting Chandī Harnaut National Highway No. 31, Saksohara and terminating in its junction on National Highway No. 31 near Barh in Bihar.]
23	31	³ [The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Bakhtiyarpur, Mokameh, Purnea, Dalkhola, Siliguri, Sivok, and Cooch-Bihar, North Salmara and proceeding generally <i>via</i> Nalbari, Charali and Amingaon to its junction with the highway specified in serial No. 28 near Pandu.]
24	31A	The highway connecting Sivok and Gangtok.
⁴ [24A	32	The highway starting from its junction near Govindpur with National Highway No. 2 and connecting Dhanbad with Jamshedpur.]
³ [24AA	31B	The highway starting from near North Salmara to its junction with National Highway No. 37 near Goalpara.]

1. Ins. by S.O. 179 (E), dated 8th March, 1972.

2. Ins. by S.O. 7 (E), dated 6 January, 1999.

3. Subs. by S.O. 513, dated 12th February, 1963.

4. Ins. by S.O. 568, dated 10th April, 1958.

*. For details contact concerned Department, Ed.

1	2	3
¹ [24AAA	31C	The highway starting from near Galgalia, connecting Baghdogra, Chalsa, Nagrakata, Goyerkata.]
25	33	The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Ranchi and Tatanagar and proceeding to its junction with the highway specified in serial No. 7 near Baharagora.
26	34	The highway starting from its junction near Dalkhola with the highway specified in serial No. 23 and connecting Berhampore, Barasat and Calcutta.
27	35	The highway connecting Barasat and Bongaon and proceeding to the border between India and Pakistan.
² [27A	36	The highway connecting Nowgong, Dabaka, and Dimapur (Manipur Road).]
28	37	The highway starting from its junction near Goalpara with the highway specified in serial No. 23 and connecting Gauhati, Jorabat, Kamargaon, Makum and Saikhoa Ghat.
	*37A	Kuarital - Junction with National Highway No. 52 Near Tezpur
29	38	The highway connecting Makum, Ledo and Lekhapani.
30	39	The highway connecting Kamargaon, Imphal and Palel and proceeding to the border between India and Burma.
31	40	The highway connecting Jorabat and Shillong and proceeding to the border between India and Pakistan near Dawki.
³ [31A	Extension of NH No. 40	The highway starting from its junction with National Highway No. 44 near Jowai connecting Amlarem and terminating at its junction with National Highway No. 40 near Dawki in Meghalaya.]
32	42	The highway starting from its junction near Sambalpur with the highway specified in serial No. 7 and proceeding <i>via</i> Angul to its junction with the highway specified in serial No. 6 near Cuttack.
33	43	The highway connecting Rajpur and Vizianagaram and proceeding to its junction with the highway specified in serial No. 6 near Vizianagaram.
² [33A	44	The highway connecting Shillong, Passi, Baderpur and Agartala.]
³ [33AA	44A	The highway starting from its junction with National Highway No. 54 near Aizawl in Mizoram and connecting Sairang, Lengpui, Mamit and terminating at Manu in Tripura.]

1. Ins. by S.O. 698 (E), dated 1st September, 1980.

2. Ins. by S.O. 3344, dated 21st July, 1971.

3. Ins. by S.O. 7 (E), dated 6th January, 1999.

*. For details contact concerned Department, Ed.

1	2	3
34	45	The highway connecting Madras, Tiruchirappalli and Dindigul.
¹ [34AA	Extension of NH No. 45A	The highway starting from its junction with National Highway No. 45A near Pondy in Pondicherry and connecting Cuddalore-Chidambaram and terminating at its junction with National Highway No. 67 near Nagapattinam in Tamil Nadu.]
[34AAA	45B	The highway starting from its junction with National Highway No. 45 near Trichy and connecting Viralimalai, Tovarankuruchi, Melur, Madurai (National Highway No. 7), Aruppakottai and terminating at its junction with National Highway No. 7A near Tuticorin in Tamil Nadu.]
35	46	The highway connecting Krishnagiri and Ranipet.
36	47	The highway connecting Salem, Coimbatore, Trichur, Ernakulam, Trivandrum and Cape Comorin.
	*47A	Junction with National Highway No. 47 Wellington Island.
² [36A	41	The highway between its junction (near Kolaghat) with National Highway No. 6 and the point where it touches Haldia port.]
³ [***]		
⁴ [37A	48	The highway connecting Bangalore, Hassan and Mangalore.]
38	49	The highway connecting Madurai and Dhanushkodi.
39	50	The highway connecting Nasik with the highway specified in serial No. 5 near Poona.
⁵ [40	51	The highway starting from its junction at Baihata Charali on National Highway No. 37, in Assam, connecting Tura and terminating at Dalu in Meghalaya.]
⁶ [41	52	The highway starting from its junction at Baihata Charali on National Highway No. 31, in Assam, connecting Tejpur, Bander Dewa, Northlakhimpur, Pasighat, Tezu, Sitapani and terminating near Saikhoaghat on National Highway No. 37.]
⁷ [42	52A	The highway starting from its junction at Bander Dewa on National Highway No. 52 in Assam and terminating at Hanagar in Arunachal Pradesh.]
⁸ [42A	Extension of NH 52A	The highway starting from its junctions near Itanagar on National Highway No. 52A in Arunachal Pradesh and terminating at its junction with National Highway No. 52 near Gohpur in Assam.]

1. Ins. by S.O. 7 (E), dated 6th January, 1999.
2. Ins. by S.O. 39, dated 18th December, 1968.
3. Serial No. 37 omitted by S.O. 178 (E), dated 6th March, 1972.
4. Ins. by S.O. 179 (E), dated 8th March, 1972.
5. Ins. by S.O. 698 (E), dated 1st September, 1980.
6. Ins. by S.O. 116 (E), dated 9th February, 1998.
- *. For details contact concerned Department, Ed.

1	2	3
¹ [43]	53	The highway starting from its junction near Badarpur on National Highway No. 44, in Assam connecting Silchar, Jirighat and terminating near Imphal on National Highway No. 39.]
² [44]	54	The highway starting from its junction at Silchar in Assam or National Highway No. 53 connecting Aizawl and terminating at Taipang in Mizoram.]
² [44A]	54A	The highway starting from its junction at Theriat in Mizoram on National Highway No. 54 and terminating at Lungli in Mizoram.]
³ [44AA]	Extension of NH No. 54	The highway starting from its junction near Daboka on National Highway No. 36 and connecting Lumding, Langdin, Haflong and terminating at its junction with National Highway No. 54 near Silchar in Assam.]
² [44B]	54B	The highway starting from its junction at "Venas Saddle" in Mizoram on National Highway No. 54 and terminating at Saiha in Mizoram.]
⁴ [44D]	55	The highway starting from Siliguri on National Highway No. 31 passing through Kurseong and terminating at Darjeeling.]
⁵ [45]	56	The highway starting from Lucknow and connecting Jagdishpur, Sultanpur and Jaunpur and terminating near Varanasi.]
	*56A	Chenhat (NH 28) – KM 16 (NH 56).
³ [45AA]	56B	The highway starting from its junction with National Highway No. 56 near Km 16 and terminating at Km 19 of National Highway No. 25 in Uttar Pradesh.]
	*NEI	Ahmedabad – Vadodara Expressway (under construction)
	*57	Muzaffarpur – Darbhanga – Fobesganj – Purnea
	*58	Ghaziabad – Meerut – Haridwar – Badrinath – Manna Pass
	*59	Ahmedabad – Godhre – Dhar – Indore.
	*59A	Indore – Betul
	*60	Balasore – Kharagpur – Asansol
⁶ [47]	61	The highway starting from its junction near Kohima on National Highway No. 39 in Nagaland and connecting Workha-Moko-Kchung-Amguri and terminating at its junctions with National Highway No. 37 near Jhanji in Assam.]

1. Ins. by S.O. 698 (E), dated 1st September, 1980.
 2. Ins. by S.O. 458 (E), dated 4th August, 1986.
 3. Ins. by S.O. 7 (E), dated 6th January, 1999.
 4. Ins. by S.O. 845 (E), dated 6th November, 1990.
 5. Ins. by S.O. 868 (E), dated 20th November, 1984.
 6. Ins. by S.O. 116 (E), dated 9th February, 1998.
- *. For details contact concerned Department, Ed.

1	2	3
1[48	52B	The highway starting from its junctions on National Highway 52 near Kuljan and terminating at its junction with National Highway 37 in Assam.]
1[49	62	The highway starting from its junction on National Highway 37 near Damra in Assam and terminating at Bhaghmara in Meghalaya.]
2[49A	Extension of NH No. 62	The highway starting from its junction with National Highway No. 62 near Baghmara and terminating at its junction with National Highway No. 51 near Dalu in Meghalaya.]
1[50	63	The highway starting from its junction with National Highway No. 17 near Ankola-Hospet and terminating at its junction with National Highway No. 7 near Gooty in Andhra Pradesh.]
1[51	64	The highway starting from its junction on National Highway No. 22 near Chandigarh and connecting Rajpura-Patiala-Sangrur and terminating at its junction with National Highway No. 15 near Bhatinda in Punjab.]
2[51A	Extension of NH No. 64	The highway starting from its junction with National Highway No. 15 near Bhatinda in Punjab and terminating at its junction with National Highway No. 10 near Dabwali in Haryana.]
1[52	65	The highway starting from its junction with National Highway No. 1 near Ambala in Haryana and connecting Kaithal-Hisar and terminating at its junction with National Highway No. 1 near Fatehpur in Rajasthan.]
2[52A	Extension of NH No. 65	The highway starting from its junction with National Highway No. 11 near Fatehpur and connecting Nagaur, Jodhpur and terminating at its junction with National Highway No. 14 near Pali in Rajasthan.]
1[53	66	The highway starting from its junction with National Highway No. 45A in Pondicherry and connecting Tindivanam-Gingee-Thiruvannamalai and terminating at its junction with National Highway No. 7 near Krishnagiri in Tamil Nadu.]
1[54	67	The highway starting from Nagapattinam and connecting Trichy and terminating at its junction on National Highway No. 7 near Karur in Tamil Nadu.]
2[54A	Extension of NH No. 67	The highway starting from its junction with National Highway No. 7 near Karur and connecting Palladam and terminating at its junction with National Highway No. 47 near Coimbatore in Tamil Nadu.]

1. Ins. by S.O. 116 (E), dated 9th February, 1998.

2. Ins. by S.O. 7 (E), dated 6th January, 1999.

1	2	3
¹ [55]	68	The highway starting from its junction on National Highway No. 45 near Ulundrupet and terminating at its junction with National Highway No. 7 near Salem in Tamil Nadu.]
¹ [56]	69	The highway starting from its junction with National Highway No. 6 near Nagpur in Maharashtra and terminating at its junction with National Highway No. 12 near Obaidullaganj in Madhya Pradesh.]
² [57]	70	The highway starting from its junction near Jalandhar on National Highway No. 1 in Punjab and connecting Hoshiarpur, Hamirpur, Toni Devi, Ahwa Devi, Dharampur and terminating at its junction with National Highway No. 21 near Mandi in Himachal Pradesh.]
² [58]	71	The highway starting from its junction near Jalandhar on National Highway No. 1 in Punjab and connecting, Moga, Barnala, Sangrur, Narwana, Rohtak, Jhajjar and terminating at its junction with National Highway No. 8 near Bawal in Haryana.]
² [59]	71A	The highway starting from its junction near Rohtak on National Highway No. 10 and connecting Gohana and terminating at its junction with National Highway No. 1 near Panipat in Haryana.]
² [59A]	24A	The highway starting from its junction with National Highway No. 24 near Bakshi Ka Talab and terminating near Chenhat on National Highway No. 28 in Uttar Pradesh.]
² [60]	72	The highway starting from its junction near Ambala on National Highway No. 1 and connecting Nahan, Paonta Sahib, Dehradun and terminating at its junction with National Highway No. 58 near Rishikesh (Haridwar) in Uttar Pradesh.]
² [61]	73	The highway starting from its junction near Roorkee on National Highway No. 58 in Uttar Pradesh and connecting Saharanpur, Yamunanagar, Saha and terminating at its junction with National Highway No. 22 near Panchkula in Haryana.]
² [62]	74	The highway starting from its junction with National Highway No. 58 near Haridwar and connecting Najibabad, Nagina, Afzalgarh, Kashipur, Kichha, Jehanabad, Pilibhit and terminating at its junction with National Highway No. 24 near Bareilly in Uttar Pradesh.]
³ [63]	75	The highway starting from its junction with National Highway No. 3 near Gwalior in Madhya Pradesh and connecting Jhansi (Uttar Pradesh), Khajuraho,

1. Ins. by S.O. 116 (E), dated 9th February, 1998.

2. Ins. by S.O. 7 (E), dated 6th January, 1999.

1	2	3
		Chhatarpur, Panna, Satna and terminating at its junction with National Highway No. 7 near Rewa in Madhya Pradesh.]
1[64	76	The highway starting from its junction with National Highway No. 14 near Pindwara in Rajasthan and connecting Udaipur, Mangarwar, Chittaurgarh, Kota (National Highway No. 12), Shivpuri (National Highway No. 3), Jhansi (National Highway No. 25), Mahoba, Banda, Karwi, Mau and terminating at its junction with National Highway No. 27 near Allahabad in Uttar Pradesh.]
1[65	77	The highway starting from its junction near Hajipur on National Highway No. 19 and connecting Muzaffarpur (National Highway No. 28), Sitamarhi and Sonbarsa in Bihar.]
1[66	78	The highway starting from its junction near Katni on National Highway No. 7 in Madhya Pradesh connecting, Shahdol, Nagar, Ambikapur-Jashpurnagar and terminating at its junction with National Highway No. 23 near Gumla in Bihar.]
1[67	79	The highway starting from its junction with National Highway No. 8 near Ajmer in Rajasthan and connecting Nasirabad, Bhilwara, Chittaurgarh, Nayagaon, Nimach, Ratlam and terminating at its junction with National Highway No. 59 near Ghatbilod (Indore) in Madhya Pradesh.]
1[68	80	The highway starting from its junction near Mokama on National Highway No. 31 in Bihar and connecting Munger, Bhagalpur, Sahebganj, Rajmahal and terminating at its junction with National Highway No. 34 near Farakka in West Bengal.]
2[68A	81	The highway starting from its junction with National Highway No. 31 near Kora in Bihar and connecting Katihar and terminating at its junction with National Highway No. 34 near Maldah in West Bengal.]
2[68B	82	The highway starting from its junction near Gaya on National Highway No. 83 and connecting Rajgir, Bihar Sharif and terminating at its junction with National Highway No. 31 near Mokama in Bihar.]
2[68C	83	The highway starting from its junction with National Highway No. 30 near Patna and connecting Purnun, Gaya, Bodh Gaya and terminating at its junction with National Highway No. 2 near Dobhi in Bihar.]
2[68D	84	The highway starting from its junction with National Highway No. 30 near Arrah and connecting Bhojpur and terminating on National Highway No. 19 near Buxar in Bihar.]

1. Ins. by S.O. 7 (E), dated 6th January, 1999.
2. Ins. by S.O. 561 (E), dated 7th July, 1999.

1	2	3
¹ [68E	85	The highway starting from its junction with National Highway No. 19 near Chhapra and connecting Siwan and terminating at its junction with National Highway No. 28 near Gopalganj in Bihar.]
¹ [68F	86	The highway starting from its junction with National Highway No. 2 near Kanpur in Uttar Pradesh and connecting Chhatarpur and terminating at its junction with National Highway No. 26 near Sagar in Madhya Pradesh.]
¹ [68G	87	The highway starting from its junction with National Highway No. 24 near Rampur and connecting Bilaspur, Pantnagar, Haldwani and terminating at Nainital in Uttar Pradesh.]
¹ [68H	88	The highway starting from its junction with National Highway No. 22 near Simla and connecting Bilaspur, Hamirpur, Nadaun, Ranital, Kangra and terminating near Bhawan on National Highway No. 20 in Himachal Pradesh.]
¹ [68-I	89	The highway starting from its junction with National Highway No. 8 near Ajmer and connecting Nagaur, and terminating at its junction with National Highway No. 11 near Bikaner in Rajasthan.]
	*90	Baran – Aklera
	*91	Ghaziabad – Aligarh – Eta – Kannauj – Kanpur
	*92	Bhongaon – Etawah – Gwalior
	*93	Agra – Aligarh – Babrala – Chandausi – Moradabad
	*94	Rishikesh – Ampata – Tehri – Dharasu – Kuthnaur – Yamnotri
	*95	Kharar (Chandigarh) – Ludhiana – Jagaron – Ferozepur
	*96	Faizabad – Sultanpur – Pratapgarh – Allahabad
	*97	Ghazipur – Zamania – Saiyedraja
	*98	Patna – Aurangabad – Rajhara
	*99	Dobhi – Chatra – Chandwa
	*100	Chatra – Hazaribagh – Bogoda
	*101	Chhapra – Baniapur – Maharajganj – Barauli
	*102	Chhapra – Rewaghat – Muzaffarpur
	*103	Hazipur – Musahrigharari
	² [104	The highway starting from its junction near Chakia on National Highway No. 28 connecting Narhar-Pakri Bridge-Madhuban-Shivhar-Sitamarhi-Harlakhi-

1. Ins. by S.O. 561 (E), dated 7th July, 1999.

2. Subs. by S.O. 251 (E), dated 27th February, 2002.

*. For details contact concerned Department, Ed.

1	2	3
		Umagaon-Jayanagar-Lakoush-Laukahi and terminating at its junction near Narahia on National Highway No. 57 in the State of Bihar.]
	*105	Darbhangha – Aunsi – Jaynagar
	*106	Birpur – Madhepura – Bihpur
	*107	Maheshkhunt – Sonbar Saraj – Simri Bakhtiarpur – Bariahi – Saharsa – Madhepura – Purnea
¹ [69	150	The highway starting from its junction with National Highway No. 54 near Aizawl in Mizoram and connecting Ipaimukh, Churachandpur, Imphal, Ukhrul, Jessami and terminating at its junction with National Highway No. 39 near Kohima in Nagaland.]
	*151	Karimganj – Bangladesh Border
¹ [69A	Extension of NH No. 60	The highway starting from its junction with National Highway No. 6 near Kharagpur and connecting Bishnupur, Bankura and terminating at its junction with National Highway No. 2 near Asansol in West Bengal.]
² [69B	152	The highway starting from its junction near Patacharkuchi on National Highway No. 31C, connecting Hajua and terminating at Indo-Bhutan border.]
	*153	Ledo – Lekhapani – Indo/Mynamar Border
	*154	Dhaleshwar – Bhairabi – Kanpui
¹ [70	200	The highway starting from its junction with National Highway No. 6 near Raipur in Madhya Pradesh and connecting Bilaspur, Sarangarh, Raigarh, Kanaktura, Jharsuguda, Kochinda, Pravasuni, Deogarh, Talcher, and terminating at its junction with National Highway No. 5 near Chandikhol in Orissa.]
¹ [71	201	The highway starting from its junction with National Highway No. 43 near Boriguma and connecting Bhawanipatna, Bolangir, Barapali and terminating at its junction with National Highway No. 6 near Bargarh in Orissa.]
¹ [72	202	The highway starting from its junction near Hyderabad on National Highway No. 7 in Andhra Pradesh and connecting Warangal, Venkatapuram and terminating at its junction near Bhopalpatnam on National Highway No. 16 in Madhya Pradesh.]
¹ [73	203	The highway starting from its junction with National Highway No. 5 near Bhubaneshwar and terminating at Puri in Orissa.]

1. Ins. by S.O. 7 (E), dated 6th January, 1999.

2. Ins. by S.O. 561 (E), dated 7th July, 1999.

*. For details contact concerned Department, Ed.

1	2	3
1[74	204	The highway starting from Ratnagiri and connecting Hathkamba (National Highway No. 17), Pali (National Highway No. 17), Sakharpa, Malkapur, and terminating at its junction with National Highway No. 4 near Kolhapur in Maharashtra.]
1[75	205	The highway starting from its junction near Ananthapur on National Highway No. 7 in Andhra Pradesh and connecting Kadiri, Tirupati, Renigunta, Tiruttani and terminating at its junction with National Highway No. 5 near Chennai in Tamil Nadu.]
1[76	206	The highway starting from its junction near Tumkur on National Highway No. 4 and connecting Shimoga and terminating at its junction with National Highway No. 17 near Honnavar in Karnataka.]
1[77	207	The highway starting from its junction near Hosur on National Highway No. 7 in Tamil Nadu connecting Sarjapur, Devenhalli (on National Highway No. 7), Doda Ballapur and terminating at its junction with National Highway No. 4 near Nelamangala in Karnataka.]
1[78	208	The highway starting from its junction near Kollam on National Highway No. 47 in Kerala and connecting Punalur, Tenkasi, Rajapalayam, Srivilliputtur and terminating at its junction with National Highway No. 7 near Tirumangalam in Tamil Nadu.]
1[79	209	The highway starting from its junction near Dindigul on National Highway No. 7 in Tamil Nadu and connecting Pollachi, Coimbatore, Annur, Satyamanglam, Chamrajnagar, Kollegal and terminating at its junction with National Highway No. 7 near Bangalore in Karnataka.]
1[80	210	The highway starting from its junction with National Highway No. 45 near Trichy and connecting Pudukottai, Devakottai and terminating at its junction with National Highway No. 49 near Ramanathapuram in Tamil Nadu.]
1[81	211	The highway starting from its junction with National Highway No. 9 near Solapur and connecting Osmanabad, Aurangabad and terminating at its junction with National Highway No. 3 near Dhule in Maharashtra.]
2[82	212	The highway starting from its junction with National Highway No. 17 near Kozhikode in Kerala connecting Mysore, and terminating at its junction with National Highway No. 209 near Kollegal in Karnataka.]

1. Ins. by S.O. 7 (E), dated 6th January, 1999.

2. Ins. by S.O. 561 (E), dated 7th July, 1999.

1	2	3
¹ [83	213	The highway starting from its junction with National Highway No. 47 near Palghat and terminating at its junction with National Highway No. 17 near Kozhikode in Kerala.]
¹ [84	214	The highway starting from its junction with National Highway No. 5 near Kathipudi and connecting Kakinada, and terminating at its junction with National Highway No. 9 near Pamarru in Andhra Pradesh.]
¹ [85	215	The highway starting from its junction with National Highway No. 5 near Panikoli and connecting Keonjhar, and terminating at its junction with National Highway No. 23 near Rajamunda in Orissa.]
	*216	Raigarh - Sarangarh - Saraipalli
	*217	Raipur - Gopalpur
	*218	Bijapur - Hubli
	*219	Madnapalli - Kuppam - Krishnagiri
	*220	Kollam (Quilon) - Teni.

1. Ins. by S.O. 561 (E), dated 7th July, 1999.

*. For details contact concerned Department, Ed.

THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

INTRODUCTION

In order to provide for control of land within the National Highways, right of way and traffic moving on the National Highways and for the removal of unauthorised occupation of the land within the National Highways the Control of National Highways (Land and Traffic) Bill was introduced in the Parliament.

ACT 13 OF 2003

The Control of National Highways (Land and Traffic) Bill having been passed by both the Houses of Parliament received the assent of the President on 14th January, 2003. It came on the Statute Book as THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002 (13 of 2003).

THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002

(13 of 2003)

[14th January, 2003]

An Act to provide for control of land within the National Highways, right of way and traffic moving on the National Highways and also for removal of unauthorised occupation thereon.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Control of National Highways (Land and Traffic) Act, 2002.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) “appointed day”, in relation to a Tribunal, means the date on which such Tribunal is established under sub-section (1) of section 5;
- (b) “building” means any work of construction done in any manner by use of any material and includes a farm building for agricultural purposes, plinth, doorstep, wall, drain, advertisement board and other things fixed with such building;
- (c) “construct” with its grammatical variations, in relation to a building, means to construct, reconstruct, erect, re-erect, extend or alter structurally a building;
- (d) “cost of land” means the market value of the land as determined by the competent authority of the State Government or the Government of the Union territory appointed for such determination, as the case may be;
- (e) “Highway” means a National Highway declared as such under section 2 of the National Highways Act, 1956 (48 of 1956) and includes any Expressway or Express Highway vested in the Central Government, whether surfaced or unsurfaced, and also includes—
 - (i) all lands appurtenant to the Highway, whether demarcated or not, acquired for the purpose of the Highway or transferred for such purpose by the State Government to the Central Government;

- (ii) all bridges, culverts, tunnels, causeways, carriageways and other structures constructed on or across such Highway; and
- (iii) all trees, railings, fences, posts, paths, signs, signals, kilometre stones and other Highway accessories and materials on such Highways;
- (f) "Highway Administration" means the Highway Administration established under section 3;
- (g) "highway land" means the land of which the Central Government is, or is deemed to be, the owner under sub-section (1) of section 23;
- (h) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (i) "means of access" means any permanent means of access, whether private or public, for vehicles of any kind;
- (j) "premises" means any land or building or part of a building and includes—
 - (i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building; and
 - (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "Tribunal" means the National Highways Tribunal established under sub-section (1) of section 5;
- (m) "unauthorised occupation" means any occupation of the highway land, without permission under this Act for such purpose, by a person who—
 - (i) is trespasser on the Highway; or
 - (ii) for the time being is paying or is liable to pay to other person rent or any portion of the rent of the premises on a Highway; or
 - (iii) lives in or otherwise uses any premises on a Highway; or
 - (iv) is a rent-free tenant of any premises on a Highway; or
 - (v) is a licensee of any premises on a Highway for its possession; or
 - (vi) is liable to pay damages to the owner of any premises on a Highway for the use or possession of such premises;
- (n) "vehicle" means a barrow, sledge, plough, drag and any wheeled or tracked conveyance of any description capable of being used on a Highway.

CHAPTER II

ESTABLISHMENT OF HIGHWAY ADMINISTRATIONS AND TRIBUNALS, ETC.

3. Establishment of Highway Administrations.—(1) The Central Government shall, by notification in the Official Gazette,—

- (a) establish, for the purposes of this Act, a body or authority consisting of one or more officers of the Central Government or the State Government to be known as Highway Administration to exercise powers and discharge functions conferred on it under this Act; and
- (b) define the limits of the Highway within which, or the length of Highway on which, a Highway Administration shall have jurisdiction:

Provided that the Central Government may, in the notification issued under this sub-section or by any general or special order, impose any condition or limitation subject to which a Highway Administration shall exercise powers and discharge functions conferred on it under this Act.

(2) The Central Government may establish one or more Highway Administrations for a State or Union territory or for a Highway under sub-section (1).

(3) Subject to the provisions of this Act, the Highway Administration shall exercise powers and discharge functions conferred on it under this Act in such manner as may be prescribed.

COMMENTS

The Central Government has to establish one or more Highway Administrations to exercise powers and discharge functions under the Act.

4. Powers and functions of Highway Administration.—A Highway Administration shall exercise powers and discharge functions throughout its jurisdiction specified under this Act subject to such conditions or limitations as may be imposed by the notification issued under sub-section (1) of section 3 and by any general or special order made in this behalf by the Central Government.

5. Establishment of Tribunals.—(1) The Central Government may, by notification in the Official Gazette, establish one or more Tribunals, to be known as the National Highways Tribunal, to exercise the jurisdiction, powers and authority conferred on such Tribunal by or under this Act.

(2) The Central Government shall also specify, in the notification referred to in sub-section (1), the limits of the Highway within which, or the length of Highway on which, the Tribunal may exercise jurisdiction for entertaining and deciding the appeals filed before it.

COMMENTS

The Central Government has to establish one or more National Highway Tribunals specifying the limits of the Highway within which, or the length of Highway, on which, such Tribunal/Tribunals may exercise jurisdiction for entertaining and deciding the appeals filed before it/them.

6. Composition of Tribunal.—(1) A Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed, by notification in the Official Gazette, by the Central Government.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may authorise the Presiding Officer of one Tribunal to discharge also the functions of the Presiding Officer of another Tribunal.

7. Qualification for appointment as Presiding Officer.—A person shall not be qualified for appointment as the Presiding Officer of a Tribunal unless he—

(a) is qualified to be a Judge of a High Court; or

(b) has been a member of the Indian Legal Service and has held a post not less than Grade II of that Service.

8. Term of office.—The Presiding Officer of a Tribunal shall hold office from the date on which he enters upon his office till he attains the age of sixty-two years.

9. Staff of Tribunal.—(1) The Central Government shall provide the Tribunal with such officers and employees as that Government thinks fit.

(2) The officers and employees of a Tribunal shall discharge their functions under general superintendence of the Presiding Officer.

(3) The salary, allowances and other conditions of service of the officers and employees of a Tribunal shall be such as may be prescribed.

10. Salary and allowances and other terms and conditions of service of Presiding Officer.—The salary and allowances payable to, and the other terms and conditions of service including pension, gratuity and other retirement benefits of, the Presiding Officer of a Tribunal shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Presiding Officer shall be varied to his disadvantage after his appointment.

11. Vacancies in Tribunal.—If, for any reason other than temporary absence, any vacancy occurs in the office of the Presiding Officer of a Tribunal, then, the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

12. Resignation and removal.—(1) The Presiding Officer of a Tribunal may, by notice in writing under his hand addressed to the Central Government, resign his office:

Provided that the said Presiding Officer shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

(2) The Presiding Officer of a Tribunal shall not be removed from his office except by an order made by the Central Government on the ground of proved

misbehaviour or incapacity after an inquiry made by a Judge of a High Court, in which the Presiding Officer has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Presiding Officer referred to in sub-section (2).

13. Financial and administrative powers of Presiding Officer.—The Presiding Officer of a Tribunal shall exercise such financial and administrative powers as may be prescribed.

14. Jurisdiction, powers and authority of Tribunal.—A Tribunal shall exercise, on and from the appointed day, the jurisdiction, powers and authority to entertain appeals from the orders passed or actions (except issuance or serving of notices) taken under sections 26, 27, 28, 36, 37 and 38 by the Highway Administration or an officer authorised on its behalf, as the case may be.

15. Bar of jurisdiction.—On and from the appointed day, no court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) or other authority, except the Tribunal shall have, or be entitled to exercise, any jurisdiction, powers or authority in relation to the matters specified in section 14.

16. Procedure and powers of Tribunal.—(1) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules, the Tribunal shall have powers to regulate its own procedure including the places at which it shall have its sittings.

(2) The appeal filed before the Tribunal under section 14 shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within four months from the date of the receipt of the appeal.

(3) The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for examination of witnesses or documents;
- (e) reviewing its decisions;
- (f) dismissing an appeal or application for default or deciding it *ex parte*;
- (g) setting aside any order of dismissal of any appeal or application for default or any order passed by it *ex parte*; and
- (h) any other matter which may be prescribed.

(4) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

17. Conditions as to making of interim order.—Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceeding relating to, an application or appeal unless—

(a) copies of such application or appeal and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or appeal is preferred; and

(b) opportunity is given to such party to be heard in the matter:

Provided that the Tribunal may dispense with the requirements of clauses (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant or the appellant, as the case may be, which cannot be adequately compensated in money; but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.

18. Execution of orders of Tribunal.—(1) An order passed by the Tribunal under this Act shall be executable by the Tribunal as a decree of a civil court, and for this purpose, the Tribunal shall have all the powers of the civil court.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may transmit any order made by it to the civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

19. Limitation.—Every appeal to the Tribunal under this Act shall be preferred within a period of sixty days from the date on which the order appealed against has been made:

Provided that an appeal may be admitted after the expiry of the said period of sixty days, if the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within the specified period.

20. Appointment of officers to act on behalf of Highway Administration.—(1) The Highway Administration may, if it thinks fit after the approval of the Central Government, by notification in the Official Gazette, appoint such—

(a) gazetted officer of the Central Government; or

(b) gazetted officer of the State Government; or

(c) officer of the National Highways Authority of India constituted under section 3 of the National Highways Authority of India Act,

1988 (68 of 1988) or any other authority constituted under any other enactment, equivalent to a gazetted officer of the Central Government or the State Government,

to exercise such powers and discharge such functions of the Highway Administration as may be specified in the notification.

(2) The Highway Administration may specify in the notification under sub-section (1), the limits of the Highway within which or the length of the Highway on which an officer appointed under that sub-section shall exercise the powers and discharge the functions.

21. Delegation of powers.—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it (except the powers conferred by section 50) under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable by a State Government or any other authority or an officer of the State Government as may be specified in the notification.

22. Power to transfer jurisdiction.—The Central Government may, at any time, by notification in the Official Gazette, transfer the jurisdiction of a Highway Administration defined under clause (b) of sub-section (1) of section 3 to other Highway Administration, and on the transfer the Highway Administration shall cease to have and such other Highway Administration shall, subject to the conditions, if any, specified in the notification, have all the powers and authority exercisable by the Highway Administration before such transfer of jurisdiction.

CHAPTER III

PREVENTION OF UNAUTHORISED OCCUPATION OF HIGHWAY LAND AND THEIR REMOVAL

23. Highway land to be deemed as property of Central Government.—

(1) All lands forming parts of a Highway which vest in the Central Government or which do not already vest in the Central Government but have been acquired for the purpose of Highway shall, for the purposes of this Act, and other Central Acts, be deemed to be the property of the Central Government as owner thereof.

(2) The Highway Administration shall cause to be maintained a record in the prescribed manner in which the particulars of the lands, relating to the Highway, of which the Central Government is the owner shall be entered and the entries of the particulars of such lands in any record maintained for such purpose before the commencement of this Act shall be deemed to be the entry of the particulars of such lands made in the first said record and accordingly the Central Government shall be deemed to be the owner of the lands regarding which the entries have been made in such records maintained before the commencement of this Act.

(3) Any person claiming against the ownership of the Central Government referred to in sub-section (2) shall make written complaint to the Highway Administration and prove his claim before it and the Highway Administration, after considering the evidence produced by such person, may correct such records or reject the claim.

COMMENTS

All lands forming parts of a Highway which vest in the Central Government or which do not already vest in the Central Government but have been acquired for the purpose of Highway shall be deemed to be the property of the Central Government as owner thereof.

24. Prevention of occupation of highway land.—(1) No person shall occupy any highway land or discharge any material through drain on such land without obtaining prior permission, for such purpose in writing, of the Highway Administration or any officer authorised by such Administration in this behalf.

(2) The Highway Administration or the officer authorised under sub-section (1) may, on an application made by a person in this behalf and having regard to the safety and convenience of traffic, grant permission to such person—

- (i) to place a movable structure on the Highway in front of any building owned by him or to make a movable structure on support of such building and over the Highway, or
- (ii) to put up a temporary lawning or tent or other similar construction or a temporary stall or scaffolding on the Highway, or
- (iii) to deposit or cause to be deposited, building materials, goods, for sale or other articles on any Highway, or
- (iv) to make a temporary excavation for carrying out any repairs or improvements to adjoining buildings,

and such permission shall be granted subject to the conditions and on payment of the rent and other charges by issuing permit in the form as may be prescribed:

Provided that no such permission shall be valid beyond a period of one month at a time from the date on which the permission has been granted unless it is renewed by the Highway Administration or such officer on an application made by such person for the renewal of the permission.

(3) The permission granted under sub-section (2) shall specify therein—

- (i) the time up to which the permission is granted;
- (ii) the purpose of such permission;
- (iii) the portion of the Highway in respect of which the permission has been granted,

and shall be accompanied with a plan or sketch of such portion of Highway.

(4) The person, to whom the permit has been issued under sub-section (2), shall produce the permit for inspection whenever called upon to do so by any officer of the Highway Administration and shall, on the expiry of the permission granted under such permit, restore the portion of the Highway specified in the permit in such condition as it was immediately before the issuing of such permit and deliver the possession of such portion to the Highway Administration.

(5) The Highway Administration or the officer issuing the permit under sub-section (2) shall maintain a complete record of all such permits issued, and shall also ensure in every case at the expiration of the period up to which the permission under a permit is granted under that sub-section that the possession of the portion of the Highway in respect of which such permission was granted has been delivered to the Highway Administration.

COMMENTS

No person can occupy any highway land or discharge any material through drain on such land without written permission of the Highway Administration.

25. Grant of lease or licence of highway land for temporary use.—The Highway Administration or the officer authorised by such Administration in this behalf may, having regard to the safety and convenience of traffic and subject to such conditions as may be prescribed and on payment of prescribed rent or other charges, grant lease or licence of highway land to a person for temporary use:

Provided that no such lease shall be valid for more than five years at a time from the date on which such lease has been granted unless renewed by the Highway Administration or such officer.

26. Removal of unauthorised occupation.—(1) Where the Highway Administration or the officer authorised by such Administration in this behalf is of the opinion that it is necessary in the interest of traffic safety or convenience to cancel any permit issued under sub-section (2) of section 24, it may, after recording the reasons in writing for doing so, cancel such permit and, thereupon, the person to whom the permission was granted shall, within the period specified by an order made by the Highway Administration or such officer restore the portion of the Highway specified in the permit in such condition as it was immediately before the issuing of such permit and deliver the possession of such portion to the Highway Administration and in case such person fails to deliver such possession within such period, he shall be deemed to be in unauthorised occupation of highway land for the purposes of this section and section 27.

(2) When, as a result of the periodical inspection of highway land or otherwise, the Highway Administration or the officer authorised by such Administration in this behalf is satisfied that any unauthorised occupation has taken place on highway land, the Highway Administration or the officer so authorised shall serve a notice in a prescribed form on the person causing or responsible for such unauthorised occupation requiring him to remove such unauthorised occupation and to restore such highway land in its original condition as before the unauthorised occupation within the period specified in the notice.

(3) The notice under sub-section (2) shall specify therein the highway land in respect of which such notice is issued, the period within which the unauthorised occupation on such land is required to be removed, the place and time of hearing any representation, if any, which the person to whom the notice is addressed may make within the time specified in the notice and that failure to comply with such notice shall render the person specified in the

notice liable to penalty, and summary eviction from the highway land in respect of which such notice is issued, under sub-section (6).

(4) The service of the notice under sub-section (2) shall be made by delivering a copy thereof to the person to whom such notice is addressed or to his agent or other person on his behalf or by registered post addressed to the person to whom such notice is addressed and an acknowledgement purporting to be signed by such person or his agent or other person on his behalf or an endorsement by a postal employee that such person or his agent or such other person on his behalf has refused to take delivery may be deemed to be *prima facie* proof of service.

(5) Where the service of the notice is not made in the manner provided under sub-section (4), the contents of the notice shall be advertised in a local newspaper for the knowledge of the person to whom the notice is addressed and such advertisement shall be deemed to be the service of such notice on such person.

(6) Where the service of notice under sub-section (2) has been made under sub-section (4) or sub-section (5) and the unauthorised occupation on the highway land in respect of which such notice is served has not been removed within the time specified in the notice for such purpose and no reasonable cause has been shown before the Highway Administration or the officer authorised by such Administration in this behalf for not so removing unauthorised occupation, the Highway Administration or such officer, as the case may be, shall cause such unauthorised occupation to be removed at the expenses of the Central Government or the State Government, as the case may be, and impose penalty on the person to whom the notice is addressed which shall be five hundred rupees per square metre of the land so unauthorisedly occupied and where the penalty so imposed is less than the cost of such land, the penalty may be extended equal to such cost.

(7) Notwithstanding anything contained in this section, the Highway Administration or the officer authorised by such Administration in this behalf shall have power without issuing any notice under this section to remove the unauthorised occupation on the highway land, if such unauthorised occupation is in the nature of—

- (a) exposing any goods or article—
 - (i) in open air; or
 - (ii) through temporary stall, kiosk, booth or any other shop of temporary nature,
- (b) construction or creation, whether temporary or permanent, or
- (c) trespass or other unauthorised occupation which can be removed easily without use of any machine or other device,

and in removing such occupation, the Highway Administration or such officer may take assistance of the police, if necessary, to remove such occupation by use of the reasonable force necessary for such removal.

(8) Notwithstanding anything contained in this section, if the Highway Administration or the officer authorised by such Administration in this behalf

is of the opinion that any unauthorised occupation on the highway land is of such a nature that the immediate removal of which is necessary in the interest of—

- (a) the safety of traffic on the Highway; or
- (b) the safety of any structure forming part of the Highway,

and no notice can be served on the person responsible for such unauthorised occupation under this section without undue delay owing to his absence or for any other reason, the Highway Administration or the officer authorised by such Administration may make such construction including alteration of any construction as may be feasible at the prescribed cost necessary for the safety referred to in clause (a) or clause (b) or have such unauthorised occupation removed in the manner specified in sub-section (7).

(9) The Highway Administration or an officer authorised by such Administration in this behalf shall, for the purposes of this section or section 27, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) issuing commissions for the examination of witnesses; and
- (d) any other matter which may be prescribed,

and any proceeding before such Administration or officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Administration or the officer shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

27. Recovery of cost of removal of unauthorised occupation and fine imposed.—(1) Where a Highway Administration or the officer authorised by such Administration in this behalf has removed any unauthorised occupation or made any construction including alteration of construction in respect of any unauthorised occupation or repaired any damage under sub-section (2) of section 36, the expenditure incurred in such removal or repair together with fifteen per cent. of additional charges or any fine imposed under this Act shall be recoverable in the manner hereinafter provided in this section.

(2) The Highway Administration or the officer authorised in this behalf by such Administration shall serve a copy of the bill in the prescribed form indicating therein the expenditure, additional charges or fine recoverable under sub-section (1) on the person from whom such expenditure, additional charges or fine is recoverable and the provisions of section 26 relating to the service of notice shall apply for the service of copy of the bill under this sub-section as if for the word "notice" the word "bill" has been substituted in that section.

(3) A copy of the bill referred to in sub-section (2) shall be accompanied with a certificate issued by the Highway Administration or the officer authorised by such Administration in this behalf and the amount indicated in the bill shall be the conclusive proof that such amount is the expenditure actually incurred for all or any of the purposes referred to in sub-section (1) as indicated in the bill.

(4) Where a Highway Administration or the officer authorised in this behalf by such Administration has removed any unauthorised occupation or made any construction including alteration of construction in respect of any unauthorised occupation or repaired any damage under sub-section (2) of section 36, the material, if any, recovered as a result of such removal, construction, alteration or repair shall be retained in possession of the Highway Administration or such officer till the payment of the bill in respect thereof served under sub-section (2) and on payment of such bill such material shall be returned to the person entitled for the material, but in case of the failure of such payment within the time specified for the payment in the bill, the material may be sold by auction by the Highway Administration or such officer and after deduction of the amount payable under the bill from the proceeds of the auction, the balance, if any, shall be returned to the person entitled therefor.

(5) In case where the proceeds of the auction under sub-section (4) is less than the amount recoverable under the bill referred to in that sub-section, the difference between such proceeds and the amount so recoverable or where no such auction has been made, the amount recoverable under the bill shall, in case of failure of the payment within the time specified in the bill, be recoverable as the arrears of land revenue.

CHAPTER IV

CONTROL OF ACCESS TO THE NATIONAL HIGHWAYS

28. Right of access.—(1) No person shall have right of access to a Highway either through any vehicle or on foot by a group of five or more persons except permitted by the Highway Administration either generally or specifically in the manner specified in section 29.

(2) The access to a Highway under sub-section (1) shall be subject to the guidelines and instructions issued by the Central Government from time to time.

(3) The Highway Administration may, by notification in the Official Gazette, declare a Highway or any portion thereof to be limited for access in the manner as specified in such notification and may also impose any restriction or control on such access to, from or across such Highway as specified in that notification.

29. Procedure for permission to access to Highway.—(1) The general permission under sub-section (1) of section 28 shall be given by issuing notification in the Official Gazette for such purpose and specific permission under that sub-section shall be given in the manner specified hereinafter under this section.

(2) Any person desirous of obtaining specific permission referred to in sub-section (1) may make an application in the prescribed form to the Highway Administration specifying therein the means of access to which such permission relates and shall also be accompanied with such fees as may be prescribed and the Highway Administration shall, after considering the application either give the permission with or without the terms and conditions as may be prescribed or reject the application as it may deem fit.

(3) In case, where the permission has been given in respect of the application made under sub-section (2), the person to whom such permission has been given shall obtain the licence from the Highway Administration in the prescribed form enumerating therein the terms and conditions, if any, subject to which such permission has been given, and such permission shall be renewed after such period and in such manner as may be prescribed.

(4) If any person contravenes the provisions of sub-section (1) of section 28 or violates any terms and conditions subject to which permission has been given under sub-section (2) including non-renewal of licence obtained under sub-section (3), his access to Highway under the permission under sub-section (1) or sub-section (3), as the case may be, shall be deemed to be unauthorised access and the Highway Administration or the officer authorised by such Administration shall have the power to remove such access and where necessary, the Highway Administration or such officer may use the necessary force with the assistance of the police to remove such access.

30. Regulation or diversion of access, etc.—(1) Notwithstanding any permission given under sub-section (1) or sub-section (2) of section 29, the Highway Administration shall have the power in the interest of the safety and convenience of the traffic to refuse, regulate or divert any proposed or existing access to the Highway.

(2) Where an existing access is diverted, the alternative access given in lieu thereof shall not be unreasonably distant from the existing access.

CHAPTER V

REGULATION OF DIFFERENT TYPES OF TRAFFIC ON NATIONAL HIGHWAYS

31. Highway Administration to regulate traffic when Highway deemed unsafe.—(1) Notwithstanding anything contained in this Act, the Highway Administration shall have the power to regulate and control the plying of vehicles on the Highway for the proper management thereof.

(2) If at any time the Highway Administration is satisfied on the information received by it or otherwise that any Highway within its jurisdiction or any part thereof is or has become congested or unsafe for vehicular or pedestrian traffic by reason of damage or otherwise, it may, either close the Highway or such part thereof to all traffic or to any class of traffic, or regulate the number and speed of vehicles to be used on the Highway or such part thereof, as the case may be, in the manner as it may deem fit.

32. Prohibition of use of heavy vehicles on certain Highways.—Where the Highway Administration is satisfied that the surface of a Highway or any

part thereof, or any bridge, culvert or causeway built on or across the Highway is not designed to carry vehicles of which the laden weight exceeds a prescribed limit, if may, subject to such rules as may be made in this behalf, prohibit or restrict the plying of such vehicles on or over such Highway or part thereof or such bridge, culvert or causeway, as the case may be.

33. Temporary closure of traffic on Highway.—Where, in exercise of the powers under section 31 or section 32, the Highway Administration considers it proper for the purposes of that section to temporarily close a Highway or part thereof or to restrict or regulate traffic on such Highway or part thereof, it may do so in the manner as it may deem fit.

34. Permanent closure of Highway.—(1) Where, in exercise of the powers under section 31, the Highway Administration deems it necessary in the interest of the safety of the Highway to close a Highway or part thereof, it may, by notification in the Official Gazette, give notice of its intention to the public to do so specifying therein the time within which the objections and suggestions received shall be considered under sub-section (3) and in addition to such notice, it shall also notify the contents of such notice in at least two newspapers, one of which shall be in the local language of the area through which such Highway passes and another shall be the newspaper being circulated in such area.

(2) The notice under sub-section (1) shall indicate the alternative route proposed to be provided in lieu of the Highway or part thereof intended to be closed specifying therein as to whether such alternative route shall be an already existing Highway or shall be newly constructed and shall also invite objections and suggestions from the persons affected on such proposal within the time and to be addressed to the officer as specified in such notice.

(3) The Highway Administration shall, after considering the objections and suggestions, if any, received within the time specified in such notice, take decision on the proposal for closure under the notice and shall act in accordance with such decision.

35. Power to restrict the use of vehicles.—If the Highway Administration is satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge so to do, it may, by notification in the Official Gazette, prohibit or restrict, subject to such exceptions or conditions as may be specified in the notification, the use of any Highway or part thereof by a class or classes of traffic either generally or on specified occasion or time as specified in the notification and when such prohibition or restriction is imposed, the Highway Administration shall cause such traffic signs to be placed or erected at suitable places for the convenience of the traffic as may be prescribed:

Provided that where any prohibition or restriction under this section is to be remained for a period of one month or less, such prohibition or restriction may be imposed without issuing notification in the Official Gazette:

Provided further that the prohibition or restriction imposed under the first proviso shall be published widely for the knowledge of the users by other possible means.

36. Prevention and repair of damage to Highway.—(1) No person who is in charge of, or in possession of, any vehicle or animal shall, wilfully or negligently, cause, or allow such vehicle or animal to cause, any damage to any Highway.

(2) Where, in contravention of sub-section (1), any damage has been caused to any Highway, the Highway Administration shall have such damage repaired at its own expenses and such expenses together with fifteen per cent. thereof as additional charges shall, without prejudice to any other action which may be taken against the person who has so contravened sub-section (1), be recovered from him in accordance with the provisions contained in section 27 as if such expenses and additional charges were the expenses and additional charges recoverable under that section.

37. Prohibition to leave vehicles or animals in dangerous position.—

(1) No person in charge of, or in possession of, any vehicle or animal shall allow such vehicle or animal to stand or proceed on a Highway unless the same is under such safety control as may be prescribed.

(2) Where, in contravention of sub-section (1), any obstruction on the Highway is caused, the vehicle or animal causing such obstruction shall be caused to be towed away by the Highway Administration to remove such obstruction on the Highway and the vehicle or animal so towed away shall be taken into possession by the Highway Administration and shall be handed over to the owner thereof in the manner, by payment to the Highway Administration, the expenses incurred in such removal, as may be prescribed.

(3) In case where the expenses in respect of the vehicle or animal taken into possession under sub-section (2) have not been paid in the manner prescribed under that sub-section, the Highway Administration shall sell such vehicle or animal by auction and the proceeds of the auction shall be the property of the Central Government.

(4) Any person who has unauthorised occupation on a highway land shall be summarily evicted by the Highway Administration in the manner specified in section 26 for removal of unauthorised occupation and shall be liable to fine imposed by the Highway Administration which shall not be less than five hundred rupees per square metre of the unauthorisedly occupied land by him but which may be extended to the cost of such land.

CHAPTER VI

REGULATION OF CONSTRUCTION ON HIGHWAY LAND FOR PUBLIC UTILITIES, DRAINS, ETC.

38. Construction on highway land.—(1) Notwithstanding anything contained in any other law for the time being in force, no person other than a Highway Administration or a person authorised by such Administration in this behalf shall construct, install, shift, repair, alter or carry any poles, pillars, advertisement towers, transformers, cable wire, pipe, drain, sewer, canal, railway line, tramway, telephone boxes, repeater station, street, path or passage of any kind on highway land or across, under or over any Highway except with the prior permission in writing of the Highway Administration for such purpose.

(2) Any person who intends to obtain the permission under sub-section (1) shall make an application in the prescribed form to the Highway Administration containing therein the purpose and period of occupancy of Highway, location and part of the Highway to be occupied, method of execution of work, period of construction and method of restoration of such part of the Highway.

(3) The Highway Administration shall consider the application made under sub-section (1) and if it is satisfied that there is no alternative other than the Highway in respect of which the permission is sought under the application where the land can be found to locate the public utility, it may give permission in writing as sought in the application:

Provided that while giving such permission, the Highway Administration may impose such conditions as it may deem fit to protect—

- (i) the Highway from damage; and
- (ii) the traffic on the Highway from obstruction,

and may also impose such fees and other charges as may be prescribed on the person to whom such permission is given in respect of any land forming part of the Highway, occupied or applied to the proposed work or construction under permission and also impose on such person the expenditure, if any, incurred by the Highway Administration for repairing any damage caused to the Highway by laying or shifting of any structure, article or equipment under the permission.

(4) If any person, in contravention of sub-section (1), makes any construction or carries out any other work, the Highway Administration may, at its own expenses, cause such construction or other work to be removed from the Highway and restore the Highway in the condition as it was immediately before giving permission for such construction or other work under sub-section (3) and such expenses together with fifteen per cent. thereof as additional charges and fine imposed by the Highway Administration taking into account the nature of the damages caused by such construction or other work, which shall not be less than five hundred rupees per square metre of land used for such construction or other work, but shall not exceed the cost of such land, shall be recovered from such person in accordance with the provisions contained in section 27 as if such expenses, additional charges and fine were the expenses, additional charges and fine recoverable under that section.

COMMENTS

No person can construct, install, shift, repair, alter or carry any poles, pillars, advertisement towers, transformers, cable wire, pipe, drain, sewer, canal, railway line, tramway, telephone boxes, repeater station, street, path or passage of any kind on highway land or across, under or over any Highway without prior written permission of the Highway Administration.

CHAPTER VII
OFFENCE AND PENALTY

39. Offence and penalty.—(1) If any person, who has been evicted from any unauthorised occupation on a highway land under this Act, again occupies any highway land without permission for such occupation under this Act, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which shall not be less than one thousand rupees per square metre of so occupied highway land but which shall not exceed two times the cost of such highway land, or with both.

(2) Any court, convicting a person under sub-section (1), may make an order for evicting that person from such occupied highway land summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence punishable under sub-section (1) shall be cognizable.

COMMENTS

If any person, who has been evicted from any unauthorised occupation on a highway land, again occupies any highway land without permission for such occupation, he shall be punishable with imprisonment upto one year, or with fine which shall not be less than one thousand rupees per square metre of so occupied highway land but which shall not exceed two times the cost of such highway land, or with both.

CHAPTER VIII
MISCELLANEOUS

40. Right of appellant to take assistance of legal practitioner.—A person preferring an appeal to the Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

41. Finality of orders.—Save as otherwise expressly provided in this Act, every order made or any action taken by the Highway Administration or the officer authorised in this behalf by such Administration or every order passed or decision made on appeal under this Act by the Tribunal shall be final and shall not be called in question in any original suit, application or execution proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act to the Highway Administration or Tribunal.

42. Duty of village officials.—Wherever any village headman, village accountant, village watchman or other village official, by whatever name called, becomes aware of any offence involving unauthorised occupation, damage or destruction of the highway land, he shall forthwith inform the nearest police station or the nearest Highway Administration or any officer authorised in this behalf by such Administration, the commission of such offence and shall also be duty bound to assist the Highway Administration and its officers in prosecuting the offender of the offence.

43. Conduct of inquiry.—The Highway Administration or the officer authorised in this behalf by such Administration shall, if he desires to make any inquiry for the purposes of this Act, make a summary inquiry in such manner as may be prescribed.

44. Presiding Officers and employees of Tribunals, etc., to be public servants.—The Presiding Officer and the officers and other employees of the Tribunal, the officer or officers constituting the Highway Administration and any other officer authorised by such Administration under this Act, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

45. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Central Government or the Presiding Officer of the Tribunal or any other officer of the Central Government or an officer or employee of the Tribunal or the officer or officers constituting the Highway Administration or any other officer authorised by such Administration under this Act or any other person, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

46. Offences by companies.—(1) Where an offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporation and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

47. Procedure for service of notices, etc.—Save as otherwise provided in this Act, every notice or bill issued or prepared under this Act may be served or presented in such manner as may be prescribed.

48. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other

law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

49. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

50. Power to make rules.—(1) The Central Government may, after previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of exercising powers and discharge functions under sub-section (3) of section 3;
- (b) the salary, allowance and other conditions of service of the officers and employees of a Tribunal under sub-section (3) of section 9;
- (c) the salary and allowances payable to, and the other terms and conditions of service of, the Presiding Officer of a Tribunal under section 10;
- (d) the procedure for the investigation of misbehaviour or incapacity of the Presiding Officer of a Tribunal under sub-section (3) of section 12;
- (e) the financial and administrative powers of the Presiding Officer of a Tribunal under section 13;
- (f) the additional matters in respect of which the Tribunal may exercise the powers of a civil court under clause (h) of sub-section (3) of section 16;
- (g) the manner for maintaining the records of the Highway Administration in which the lands are shown and the manner of proving claim for correction of such records under sub-section (2) of section 23;
- (h) the conditions subject to which, the rent and other charges on payment of which and the form in which permit may be issued for grant of permission under sub-section (2) of section 24;
- (i) the conditions, payment of rent and other charges for grant of lease or licence of highway land under section 25;
- (j) the form of notice under sub-section (2) of section 26;
- (k) the feasible cost for making construction including alteration of any construction under sub-section (8) of section 26;

- (l) the additional matter in respect of which the Highway Administration or an officer authorised by such Administration in this behalf may exercise the powers of a civil court under clause (d) of sub-section (9) of section 26;
- (m) the form of the bill under sub-section (2) of section 27;
- (n) the form of application, the fees to be accompanied therewith and the terms and conditions for permission under sub-section (2) of section 29;
- (o) the form of licence, the period and the manner of renewal of such licence under sub-section (3) of section 29;
- (p) the limit of laden weight and the provisions subject to which the plying of vehicles may be prohibited or restricted under section 32;
- (q) the traffic signs to be placed or erected under section 35;
- (r) the safety and control for allowing any vehicle or animal to stand or proceed on a Highway under sub-section (1) of section 37;
- (s) the manner of handling over the vehicle or animal to the owner and payment of expenses incurred in the removal of such vehicle or animal under sub-section (2) of section 37;
- (t) the form of application under sub-section (2) of section 38;
- (u) the fees and other charges to be imposed under sub-section (3) of section 38;
- (v) the manner of summary inquiry under section 43;
- (w) the manner of service or presentation of notice or bill under section 47; and
- (x) any other matter which is required to be, or may be, prescribed.

(3) Every rule made or every notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

THE NATIONAL HIGHWAYS AUTHORITY OF INDIA ACT, 1988

INTRODUCTION

For the development, maintenance and management of national highways the National Highways Act, 1956 (48 of 1956) was enacted. Under the provisions of this Act the Central Government had to face certain difficulties in developing and maintaining the national highways mentioned in the Schedule of the said Act and it was felt necessary to constitute a separate authority with statutory powers for the development, maintenance and management of national highways. To achieve this objective the National Highways Authority of India Bill, 1988 was introduced in the Parliament.

ACT 68 OF 1988

The National Highways Authority of India Bill, 1988 having been passed by both the Houses of Parliament received the assent of the President on 16th December, 1988. It came into force on 15th June, 1989 as THE NATIONAL HIGHWAYS AUTHORITY OF INDIA ACT, 1988 (68 of 1988).

AMENDING ACT

The National Highways Laws (Amendment) Act, 1997 (16 of 1997).

THE NATIONAL HIGHWAYS AUTHORITY OF INDIA ACT, 1988

(68 of 1988)

[16th December, 1988]

An Act to provide for the constitution of an Authority for the development, maintenance and management of national highways and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the National Highways Authority of India Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

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

(b) "Chairman" means the Chairman of the Authority;

(c) "employee" means a person in the full-time service of the Authority;

(d) "member" means a member of the Authority appointed under section 3 and includes the Chairman;

(e) "national highway" means any highway for the time being declared as a national highway under section 2 of the National Highways Act, 1956 (48 of 1956);

(f) "prescribed" means prescribed by rules made under this Act;

(g) "regulations" means regulations made by the Authority under this Act;

(h) words and expressions used herein and not defined but defined in the National Highways Act, 1956 (48 of 1956) shall have the meanings assigned to them in that Act.

CHAPTER II

THE NATIONAL HIGHWAYS AUTHORITY OF INDIA

3. Constitution of the Authority.—(1) With effect from such date² as the Central Government may, by notification in the Official Gazette, appoint in this

1. Came into force on 15-6-1989, *vide* S.O. 451(E), dated 15th June, 1989, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 15th June, 1989.

2. The National Highway Authority of India has been constituted w.e.f. 15-6-1989, *vide* S.O. 450 (E), dated 15th June, 1989, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 15th June, 1989.

behalf, there shall be constituted for the purposes of this Act an Authority to be called the National Highways Authority of India.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of—

- (i) a Chairman;
- (ii) not more than five full-time members; and
- (iii) not more than four part-time members,

to be appointed by the Central Government by notification in the Official Gazette.

COMMENTS

The National Highways Authority of India is a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and it can sue and be sued by the said name. It consists of a Chairman, five full-time members and four part-time members who are appointed by the Central Government.

4. Term of office and conditions of service of members.—The term of office and other conditions of service of the members shall be such as may be prescribed.

5. Disqualifications for appointment as member.—A person shall be disqualified for being appointed as a member if he—

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or
- (e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.

COMMENTS

No person shall be qualified to be a member if he has been convicted and sentenced for an offence which involves moral turpitude, or he is an undischarged insolvent or he is of unsound mind and stands so declared by a competent court, or he has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government or he has any financial or other interest in the Authority, which is likely to affect prejudicially the discharge by him of his functions as a member.

6. Eligibility of member for re-appointment.—Subject to the other terms and conditions of service as may be prescribed, any person ceasing to be a member shall be eligible for re-appointment as such member.

COMMENTS

Any member, on ceasing to be a member, is eligible for re-appointment as such member on the prescribed terms and conditions.

7. Meetings.—(1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, including the quorum thereat, as may be provided by regulations.

(2) If for any reason the Chairman is unable to attend any meeting of the Authority any other member chosen by the members present at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting, and in the event of an equality of votes, the Chairman, or in his absence the person presiding, shall have and exercise a second or casting vote.

8. Vacancy in the Authority not to invalidate proceedings.—No act or proceeding of the Authority shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Authority; or
- (b) any defect in the appointment of a person acting as a member of the Authority; or
- (c) any irregularity in the procedure adopted by the Authority not affecting the merits of the case.

9. Appointment of officers, consultants and other employees of the Authority.—(1) For the purpose of discharging its functions, the Authority shall appoint such number of officers and other employees as it may consider necessary on such terms and conditions as may be laid down by the regulations.

(2) The Authority may appoint, from time to time, any person as adviser or consultant as it may consider necessary, on such terms and conditions as may be laid down by the regulations.

10. Authority to act on business principles.—In the discharge of its functions under this Act, the Authority shall act, so far as may be, on business principles.

CHAPTER III

PROPERTY AND CONTRACTS

11. Power of the Central Government to vest or entrust any national highway in the Authority.—The Central Government may, from time to time, by notification in the Official Gazette, vest in, or entrust to, the Authority, such national highway or any stretch thereof as may be specified in such notification.

12. Transfer of assets and liabilities of the Central Government to the Authority.—(1) On and from the date of publication of the notification under section 11,—

- (a) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with, or for, the Central Government, immediately before such date for or in connection

with the purposes of any national highway or any stretch thereof vested in, or entrusted to, the Authority under that section, shall be deemed to have been incurred, entered into and engaged to be done by, with, or for, the Authority;

- (b) all non-recurring expenditure incurred by or for the Central Government for or in connection with the purposes of any national highway or any stretch thereof, so vested in, or entrusted to, the Authority, up to such date and declared to be capital expenditure by the Central Government shall, subject to such terms and conditions as may be prescribed, be treated as capital provided by the Central Government to the Authority;
- (c) all sums of money due to the Central Government in relation to any national highway or any stretch thereof, so vested in, or entrusted to, the Authority immediately before such date shall be deemed to be due to the Authority;
- (d) all suits and other legal proceedings instituted or which could have been instituted by or against the Central Government immediately before such date for any matter in relation to such national highway or any stretch thereof may be continued or instituted by or against the Authority.

(2) If any dispute arises as to which of the assets, rights or liabilities of the Central Government have been transferred to the Authority, such dispute shall be decided by the Central Government.

[13. **Compulsory acquisition of land for the Authority.**—Any land required by the Authority for discharging its functions under this Act shall be deemed to be land needed for a public purpose and such land may be acquired for the Authority under the provisions of the National Highways Act, 1956 (48 of 1956).]

COMMENTS

For discharging the functions under the Act, if any land is required by the Authority then that land shall be deemed to be land needed for a public purpose and such land can be acquired under the provisions of the National Highways Act, 1956.

14. Contracts by the Authority.—Subject to the provisions of section 15, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

15. Mode of executing contracts on behalf of the Authority.—(1) Every contract shall, on behalf of the Authority, be made by the Chairman or such other member or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contracts or classes of contracts as may be specified in the regulations shall be sealed with the common seal of the Authority:

Provided that no contract exceeding such value or amount as the Central Government may prescribe in this behalf shall be made unless it has been previously approved by that Government:

1. Subs. by Act 16 of 1997, sec. 6, for section 13 (w.e.f. 24-1-1997).

Provided further that no contract for the acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years and no other contract exceeding such value or amount as the Central Government may prescribe in this behalf shall be made unless it has been previously approved by that Government.

(2) Subject to the provisions of sub-section (1), the form and manner in which any contract shall be made under this Act shall be such as may be provided by regulations.

(3) No contract which is not in accordance with the provisions of this Act and the regulations shall be binding on the Authority.

CHAPTER IV

FUNCTIONS OF THE AUTHORITY

16. Functions of the Authority.—(1) Subject to the rules made by the Central Government in this behalf, it shall be the function of the Authority to develop, maintain and manage the national highways and any other highways vested in, or entrusted to, it by the Government.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Authority may, for the discharge of its functions—

- (a) survey, develop, maintain and manage highways vested in, or entrusted to, it;
- (b) construct offices or workshops and establish and maintain hotels, motels, restaurants and rest-rooms at or near the highways vested in, or entrusted to, it;
- (c) construct residential buildings and townships for its employees;
- (d) regulate and control the plying of vehicles on the highways vested in, or entrusted to, it for the proper management thereof;
- (e) develop and provide consultancy and construction services in India and abroad and carry on research activities in relation to the development, maintenance and management of highways or any facilities thereat;
- (f) provide such facilities and amenities for the users of the highways vested in, or entrusted to, it as are, in the opinion of the Authority, necessary for the smooth flow of traffic on such highways;
- (g) form one or more companies under the Companies Act, 1956 (1 of 1956) to further the efficient discharge of the functions imposed on it by this Act;
- ¹[(h) engage, or entrust any of its functions to, any person on such terms and conditions as may be prescribed;]
- (i) advise the Central Government on matters relating to highways;
- (j) assist, on such terms and conditions as may be mutually agreed upon, any State Government in the formulation and implementation of schemes for highway development;

1. Subs. by Act 16 of 1997, sec. 7, for clause (h) (w.e.f. 24-1-1997).

- (k) collect fees on behalf of the Central Government for services or benefits rendered under section 7 of the National Highways Act, 1956 (48 of 1956), as amended from time to time, and such other fees on behalf of the State Governments on such terms and conditions as may be specified by such State Governments; and
 - (l) take all such steps as may be necessary or convenient for, or may be incidental to, the exercise of any power or the discharge of any function conferred or imposed on it by this Act.
- (3) Nothing contained in this section shall be construed as—
- (a) authorising the disregard by the Authority of any law for the time being in force; or
 - (b) authorising any person to institute any proceeding in respect of a duty or liability to which the Authority or its officers or other employees would not otherwise be subject under this Act.

CHAPTER V FINANCE, ACCOUNTS AND AUDIT

[17. Additional capital and grants to the Authority by the Central Government.—The Central Government may, after due appropriation made by Parliament, by law in this behalf,—

- (a) provide any capital that may be required by the Authority for the discharge of its functions under this Act or for any purpose connected therewith on such terms and conditions as that Government may determine;
- (b) pay to the Authority, on such terms and conditions as the Central Government may determine, by way of loans or grants such sums of money as that Government may consider necessary for the efficient discharge by the Authority of its functions under this Act.]

COMMENTS

The Central Government has been empowered to provide any capital that may be required by the Authority or pay to the Authority by way of loans or grants such sums of money as it may consider necessary for the efficient discharge of the functions by the Authority.

18. Fund of the Authority.—(1) There shall be constituted a Fund to be called the National Highways Authority of India Fund and there shall be credited thereto—

- (a) any grant or aid received by the Authority;
 - (b) any loan taken by the Authority or any borrowings made by it;
 - (c) any other sums received by the Authority.
- (2) The Fund shall be utilised for meeting—
- (a) expenses of the Authority in the discharge of its functions having

1. Subs. by Act 16 of 1997, sec. 8, for section 17 (w.e.f. 24-1-1997).

regard to the purposes for which such grants, loans or borrowings are received and for matters connected therewith or incidental thereto;

- (b) salary, allowances, other remuneration and facilities provided to the members, officers and other employees of the Authority;
- (c) expenses on objects and for purposes authorised by this Act.

19. Budget.—The Authority shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Central Government.

20. Investment of funds.—The Authority may invest its funds (including any reserve fund) in the securities of the Central Government or in such other manner as may be prescribed.

21. Borrowing powers of the Authority.—(1) The Authority may, with the consent of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source by the issue of bonds, debentures or such other instruments as it may deem fit for discharging all or any of its functions under this Act.

(2) Subject to such limits as the Central Government may, from time to time, lay down, the Authority may borrow temporarily by way of overdraft or otherwise, such amounts as it may require for discharging its functions under this Act.

(3) The Central Government may guarantee in such manner as it thinks fit the repayment of the principal and the payment of interest thereon with respect to the borrowings made by the Authority under sub-section (1).

22. Annual report.—The Authority shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

23. Accounts and audit.—The accounts of the Authority shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Authority shall furnish, to the Central Government before such date as may be prescribed, its audited copy of accounts together with the auditor's report thereon.

24. Annual report and auditor's report to be laid before Parliament.—The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be, after they are received, before each House of Parliament.

CHAPTER VI

MISCELLANEOUS

25. Delegation of powers.—The Authority may, by general or special order in writing delegate to the Chairman or any other member or to any officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except its powers under section 35) as it may deem necessary.

26. Authentication of orders and other instruments of the Authority.—All orders, decisions and other instruments of the Authority shall be authenticated by the signature of the Chairman or any other member or any officer of the Authority authorised by it in this behalf.

27. Employees of the Authority to be public servants.—All members, officers and employees of the Authority shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

COMMENTS

Section 21 of the Indian Penal Code (45 of 1860) is reproduced below for ready reference:

21. "Public servant".— The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely:—

Second.— Every Commissioned Officer in the Military, Naval or Air Force of India;

Third.—Every Judge including, any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

Fourth.—Every officer of a Court of Justice (including a liquidator, receiver or Commissioner) whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

Fifth.—Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth.—Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh.—Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth.—Every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth.—Every officer whose duty it is, as such officer, to take, receive, keep or extend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;

Tenth.—Every officer whose duty it is, as such officer, to take, receive, keep or expand any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

Eleventh.—Every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

Twelfth.—Every person—

- (a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;
- (b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).

Illustration

A Municipal Commissioner is a public servant.

Explanation 1.—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2.—Wherever the words “public servant” occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

Explanation 3.—The word “election” denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.

28. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Authority or any member or officer or employee of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

(2) No suit, prosecution or other legal proceeding shall lie against the Authority or any member or officer or employee of the Authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

COMMENTS

For anything and for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under the Act or the rules or regulations made thereunder, no suit, prosecution or other legal proceeding shall lie against the Authority or any member or officer or employee of the Authority.

29. Power of the Authority to undertake certain works.—The Authority may undertake to carry out on behalf of the Government or any local authority any works or services or any class of works or services on such terms and conditions as may be agreed upon between the Authority and the Government or local authority concerned.

30. Power to enter.—Subject to any regulations made in this behalf any person, generally or specially authorised by the Authority in this behalf, may, whenever it is necessary so to do for any of the purposes of this Act, at all reasonable times, enter upon any land or premises, and—

- (a) make any inspection, survey, measurement, valuation or enquiry;
- (b) take levels;
- (c) dig or bore into sub-soil;

- (d) set out boundaries and intended lines of work;
- (e) mark such levels, boundaries and lines by placing marks and cutting trenches; or
- (f) do such other acts or things as may be prescribed:

Provided that no such person shall enter any boundary or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

COMMENTS

Any person authorised by the Authority may, at all reasonable times, enter upon any land or premises and make any inspection, survey, measurement, valuation or enquiry, take levels, dig or bore into sub-soil, set out boundaries and intended lines of work, mark such levels, boundaries and lines by placing marks and cutting trenches, or do such other acts or things as may be prescribed. No such person shall enter any boundary or any enclosed court or garden attached to a dwelling house without the consent of the occupier.

31. Power of the Central Government to temporarily divest the Authority of the management of any national highway.—(1) If, at any time, the Central Government is of opinion that in the public interest it is necessary or expedient so to do, it may, by order, direct the Authority to entrust the development, maintenance or management of any national highway or a part thereof with effect from such date and for such period and to such person as may be specified in the order and the Authority shall be bound to comply with such direction.

(2) Where development, maintenance or management of any national highway or part thereof is entrusted to any person specified under sub-section (1) (hereafter in this section referred to as the authorised person), the Authority shall cease to exercise and discharge all its powers and functions under this Act in relation to such national highway or part thereof and such powers and functions shall be exercised and discharged by the authorised person in accordance with the instructions, if any, which the Central Government may give to the authorised person from time to time:

Provided that no such power or function as may be specified by the Central Government by a general or special order shall be exercised or discharged by the authorised person except with the previous sanction of the Central Government.

(3) The Central Government may reduce or extend the period mentioned in sub-section (1) as it considers necessary.

(4) During the operation of an order made under sub-section (1), it shall be competent for the Central Government to issue, from time to time, such directions to the Authority as are necessary to enable the authorised person to exercise the powers and discharge the functions of the Authority under this Act in relation to the national highway or part thereof, the management of which has been entrusted to him and in particular, to transfer any sum of money from the Fund of the Authority to the authorised person for the management of the national highway or part thereof and every such direction shall be complied with by the Authority.

(5) On the cesser of operation of any order made under sub-section (1) in relation to any national highway or part thereof, the authorised person shall cease to exercise and perform the powers and functions of the Authority under this Act in relation to such national highway or part thereof and the Authority shall continue to exercise and perform such powers and functions in accordance with the provisions of this Act.

(6) On the cesser of operation of any order made under sub-section (1) in relation to any national highway or part thereof, the authorised person shall hand over to the Authority any property (including any sum of money or other asset) remaining with him in connection with the management of such national highway or part thereof.

32. Power of the Central Government to supersede the Authority.—(1) If, at any time, the Central Government is of opinion—

- (a) that on account of a grave emergency the Authority is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or
- (b) that the Authority has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act; or
- (c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding one year, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (b), the Central Government shall give a reasonable opportunity to the Authority to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

- (a) all the members shall, as from the date of supersession, vacate their offices as such;
- (b) all the powers, functions and duties which may, or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority, shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct;
- (c) all property owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

- (a) extend the period of supersession for such further term, not exceeding one year, as it may consider necessary; or

- (b) reconstitute the Authority by fresh appointment and in such a case, any person who vacated office under clause (a) of sub-section (2) shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession whether as originally, specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) or sub-section (3) and a full report of any action taken under this section and the circumstances leading to such action to be laid before both Houses of Parliament as soon as may be.

33. Power of the Central Government to issue directions.—(1) Without prejudice to the other provisions of this Act, the Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give to it in writing from time to time.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

34. Power of the Central Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the term of office and other conditions of service of the members;
- (b) the powers and duties of the Chairman and of the members;
- (c) the terms and conditions subject to which the non-recurring expenditure incurred by or for the Central Government for or in connection with the purposes of any national highway shall be treated as capital provided by the Central Government to the Authority under clause (b) of sub-section (1) of section 12;
- (d) the value or amount required to be prescribed under sub-section (1) of section 15;
- ¹[(dd) the terms and conditions subject to which the functions of the Authority may be entrusted to any person under clause (h) of sub-section (2) of section 16;]
- (e) the form in which and the time within which the Authority shall prepare its budget under section 19 and its annual report under section 22;
- (f) the manner in which the Authority may invest its funds under section 20;
- (g) the manner in which the accounts of the Authority shall be maintained and audited and the date before which the audited copy of the

1. Ins. by Act 16 of 1997, sec. 9 (w.e.f. 24-1-1997).

accounts together with the auditor's report thereon shall be furnished to the Central Government under section 23;

- (h) the conditions and restrictions with respect to the exercise of the power to enter under section 30 and the matters referred to in clause (f) of that section; and
- (i) any other matter which is required to be, or may be, prescribed.

35. Power of the Authority to make regulations.—(1) The Authority may, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the times and places of the meetings of the Authority and the procedure to be followed for the transaction of business at such meetings;
- (b) the terms and conditions of service, method of recruitment and the remuneration of officers and other employees appointed by the Authority;
- (c) the form and manner in which a contract or class of contracts may be made by the Authority and the contracts or classes of contracts which are to be sealed with the common seal of the Authority;
- (d) the manner of preventing obstructions on the national highways for their normal functioning;
- (e) the manner of prohibiting the parking or waiting of any vehicle or carriage on the national highway except as places specified by the Authority;
- (f) the manner of prohibiting or restricting access to any part of the national highway;
- (g) the manner of regulating or restricting advertisements on and around national highways; and
- (h) generally for the efficient and proper maintenance and management of the national highways.

36. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notification in the Official Gazette, make order not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

37. Rules and regulations to be laid before Parliament.—Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more

successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.