

THE NATIONAL HIGHWAYS RULES, 1957¹

In exercise of the powers conferred by section 9 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby makes the following rules, namely:—

1. **Short title.**—These rules may be called the National Highways Rules, 1957.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) "Act" means the National Highways Act, 1956 (48 of 1956);
- ²[(b) "approved work" means any work relating to, or connected with, the development, maintenance, and repair of a national highway in respect of which the Central Government has accorded technical and administrative approval and financial sanction under rule 3;]
- (c) "completion report" means a report required to be furnished under rule 8;
- ²[(d) "executing agency" means—
 - (i) in the case of a Union territory, the administrator thereof to whom the functions of the Central Government in relation to the execution of works pertaining to national highways are delegated under Article 239 of the Constitution; and
 - ³[(ia) in the case of a national Highway or part thereof in respect of which such functions are delegated to the Border Roads Organisation, the Border Roads Development Board;
 - (ib) in the case of a National Highway or part thereof in respect of which such functions are delegated to the National Highways Authority of India;]
 - (ii) in any other case, any officer or authority subordinate to the Central Government or the State Government to which such functions are delegated under section 5 of the Act;]
- ²[(e) "inventory" means a record as required to be prepared, maintained and furnished under sub-rule (2) of rule 7;
- (f) "progress report" means a report required to be furnished under sub-rule (1) of rule 7;
- (g) "work under delegated powers" means any work referred to in the sub-rule (2) of rule 3.]

⁴[3. **Estimate of work, its commencement, completion, etc.**—(1) Where the estimate of the cost for the execution of any original work on a national highway exceeds ⁵[Rs. 50 lakhs], a detailed estimate of the cost for the execution of the work shall be forwarded by the executing agency to the Central Government in such form as the Central Government may specify in that behalf and that Government may accord technical approval and financial sanction to such estimate subject to such conditions as it may think fit to impose.

(2) Where the estimate of the cost for the execution of any original work on a national highway does not exceed ⁵[Rs. 50 lakhs], technical approval and financial sanction to such estimate for the execution of such work may be accorded by the executing agency concerned subject to the conditions specified in the Schedule annexed to these rules.

1. Vide S.R.O. 1182, dated 4th April, 1957.

2. Subs. by S.O. 496(E), dated 20th August, 1986 (w.e.f. 20-8-1986).

3. Ins. by G.S.R. 417(E), dated 31st July, 1998 (w.e.f. 31-7-1998).

4. Subs. by S.O. 496(E), dated 20th August, 1986, for rule 3 (w.e.f. 20-8-1986).

5. Subs. by S.O. 855(E), dated 5th November, 1993, for "Rs. 25 Lakhs" (w.e.f. 5-11-1993).



(3) The executing agency shall undertake detailed survey and investigations with regard to the work specified in sub-rules (1) and (2), as the Central Government may specify and a certificate to that effect shall accompany all proposals.

(4) The estimate relating to the acquisition of land, shall be prepared by the executing agency and submitted for sanction to the Central Government well in advance of the estimates for the work component.

(5) For the work referred to in sub-rule (1), the proposals shall be sent to the Central Government in stages in the following order:—

(a) a technical appraisal note indicating the proposal in the form specified by the Central Government in this behalf;

(b) a project estimate on the basis of a technical parameters laid down by the Central Government in this regard.

(6) (a) The Central Government shall on, receipt of the documents referred to in clauses (a) to (b) of sub-rule (5), examine the same and if it is of the opinion that they are in accordance with approved standard, shall accord technical approval and financial sanction for such work subject to such conditions as it may think fit to impose.

(b) The technical approval and financial sanction accorded under clause (a) shall lapse after ¹[one year] from date of its issue in case the work is not commenced within that period:

Provided that where the Central Government is of the opinion that the technical appraisal note or project estimate is not in accordance with the approved standard, it may return the same to the executing agency for bringing it in accordance with the approved standard.

(7) For the work referred to in sub-rule (2), a detailed estimate shall be prepared by the executing agency and only the general abstract of cost alongwith detailed information as the Central Government may specify, shall be forwarded to that Government for accord of administrative approval subject to the conditions specified in the Schedule annexed to the rules.

(8) Save in exceptional cases, where acquisition of land is necessary for the execution of any work referred to in sub-rules (1) and (2), sanction to such work shall not be accorded by the Central Government or, as the case may be, by the executing agency, unless such acquisition has been given effect to, or on acquisition of such section of land which in the opinion of the Central Government or the executing agency as the case may be would facilitate traffic even if work is completed on such section of land.

(9) No original work on any national highway shall be commenced by the executing agency until technical approval and financial sanction thereon has been accorded by the appropriate sanctioning authority:

Provided that in case of work arising out of emergency such as flood, earthquake or any other force majeure, the commencement of which cannot be postponed, may be commenced immediately but the executing agency shall immediately report to the Central Government the nature of the emergency and the approximate expenditure involved.

1. Subs. by S.O. 855(E), dated 5th November, 1993, for "two years" (w.e.f. 5-11-1993).

(10) The project estimate referred to in clause (b) of sub-rule (5) shall contain a time schedule in calendar months for execution of the project in the following manner and all the activities shall be related there to:—

- (a) pre-construction stage,
issue of notice inviting tender,
receipt of tender, and
finalisation of tender from the date of sanction of estimate;
- (b) construction stage.

Period of completion of various activities forming part of the work from the date of award of work.

(11) (a) The tenders for the execution of work shall be invited by the Officers empowered by the Central Government or the executing agency as the case may be, to accept them.

(b) The work shall be tendered in the form specified by the Central Government in this regard.

(c) Save as exceptional cases with the prior approval of the Central Government, the executing agency shall ensure that the work of all components in the project estimate is awarded to a single contractor and that the components in the project estimate are not split horizontally.

(12) Classification of contractors:

- (a) The executing agency shall ensure that contractors are classified for jobs of various sizes, taking into consideration, employment of qualified engineers, kind of machinery and expertise available with them and the total workload which they can handle at a given time;
- (b) The contractors for works of intricate nature or costing more than a specified amount a specified from time to time by the Central Government shall be considered for prequalification.

(13) Quality control.

The executing agency shall follow the directions issued by the Central Government from time to time for exercising quality control of national highway works as also the modes of utilising the quality control provision made in the estimates of work sanctioned by the Central Government of the executing agency as the case may be.

(14) (a) The machinery wherever supplied by the Central Government shall be used in the execution of the work for which it was supplied.

(b) The executing agency shall be responsible for maintenance records, history sheets, plant data sheets and log books for the machinery supplied by the Central Government as well as hire charge account, expenditure account on maintenance and repairs, as specified from time to time by the Central Government.

(c) The executing agency shall maintain accounts of the machinery provided by the Central Government as per PWD Code.

(d) The machinery supplied by the Central Government and the records referred to in clauses (b) and (c) shall be made available for inspection by the officers of the State Government and the Central Government at all reasonable times.]

4. Abstract of particulars of detailed estimate for maintenance of national highways.—¹[(1) An abstract of the particulars of the detailed estimate for the maintenance of each National Highway or a section thereof requiring maintenance during a financial year shall be forwarded by the executing agency to the Central Government in such form as the Central Government may require, not later than the 1st day of May of such other day as may be specified by the Central Government in that financial year.

(1A) A the executing agency shall in the said abstract of particulars include an annual renewal programme supported by bar charts in the form specified for each national highway or a section thereof approved by the regional officer of the Central Government dealing with national highways:

Provided that the Central Government may in any particular case or class of cases, require the executing agency to forward a detailed estimate the maintenance of any national highway in such form as that Government may require.]

(2) The Central Government may accord approval to the abstract or the detailed estimate or estimates submitted to it under this rule subject to any conditions it may think fit to impose.

²[5. Revised detailed estimate.—Where the expenditure upon any original work on a national highway for the detailed estimate of the cost for which the Central Government has accorded technical approval and financial sanction, under sub-rule (1) of rule 3, is likely at any time to exceed, or exceeds, the amount of such estimate by more than fifteen per cent. thereof or by a sum of one crore rupees, whichever is less, the executive agency shall forward a revised detailed estimate of the cost for such work to the Central Government in such form as that Government may specify in this behalf, and the Central Government may accord technical approval and financial sanction to the revised detailed estimate subject to such conditions as it may think fit to impose.

(2) Where the expenditure upon any original work on a national highway to the detailed estimate of the cost for which the ⁴[executing agency] concerned has accorded technical approval and financial sanction, under sub-rule (2) of rule 3, is likely at any time to exceed, or exceeds, the amount of such estimate and the revised cost of the original work, including the excess, is likely at any time to exceed, or exceeds by more than fifteen per cent. of the original estimate or ³[rupees fifty lakhs], the ⁴[executing agency] shall forward a revised detailed estimate of the cost for such work to the Central Government in such form as that Government may specify and the Central Government may accord technical approval and financial sanction to such revised estimate subject to such conditions as it may think fit to impose.

(3) Notwithstanding anything contained in sub-rule (2), where the expenditure upon any original work on a national highway to the detailed estimate of the cost for which the ⁴[executing agency] concerned has accorded technical approval and financial sanction, under sub-rule (2) of rule 3, is likely at any time to exceed, or exceeds, the amount of such estimate and the revised

1. Subs. by S.O. 496(E), dated 20th August, 1986 (w.e.f. 20-8-1986).

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

3. Subs. by S.O. 855(E), dated 5th November, 1993, for "rupees twenty-five lakhs" (w.e.f. 5-11-1993).

4. Subs. by S.O. 496(E), dated 20th August, 1986, for "executive agency" (w.e.f. 20-8-1986).

estimate of the cost for the original work, including the excess is likely at any time to exceed, or exceeds, by more than fifteen per cent. of the original estimate but by not more than fifteen per cent. of the rough estimate of the costs for the original work which the ¹[executing agency] had submitted to the Central Government and obtained the approval of that Government, technical approval and financial sanction to such revised estimate may be accorded by the ¹[executing agency] concerned subject to the conditions specified in the Schedule annexed to these rules:

Provided that the amount of the revised estimate is not likely to exceed, or does not exceed ²[rupees fifty lakhs]:

Provided further that the excess of expenditure is caused only by routine factors such as increase in the cost of labour or material and not due to revision in the scope or enlargement of the work or specifications already approved.

(4) Where the expenditure upon any original work on a national highway is likely at any time to exceed, or exceeds, the amount of the estimate of the cost for such work no funds shall be allotted to the work by the Central Government in the cases provided for in sub-rule (1), (2) or (3), unless the provisions of those sub-rules are complied with except in cases where the Central Government directs otherwise.

Explanation.—For the removal of doubts, it is hereby declared that in cases where the excess of expenditure is less than the percentage or amount specified in sub-rule (1) or sub-rule (2), it is not necessary to obtain technical approval and financial sanction of the Central Government for the revised estimate in accordance with those sub-rules only if the excess of expenditure is caused by routine factors such as increase in the cost of labour or material and not due to revision in the scope or enlargement of the work or specifications already approved.]

6. Application for allotment of funds.—An application for the allotment of funds for meeting expenditure on any original work on a national highway or on the maintenance of a national highway during any financial year shall be made by the ¹[executing agency] to the Central Government in such form as that Government may require and the Central Government shall communicate its decision to the ¹[executing agency] on such application as soon as possible after such application is received.

³[**7. Progress reports and inventory.**—(1) The executing agency shall establish monitoring cells for the purpose of monitoring the progress of sanctioned work on a national highway, in the office of the Chief Engineer concerned with the works of such highway and the executing agency shall furnish to the Central Government progress reports in respect of such works in such form and at such intervals as may be specified by the Central Government from time to time.

(2) (a) The executing agency shall prepare and maintain inventory of national highways and measurement of roughness of the roads in the form specified by the Central Government, which shall be updated periodically.

1. Subs. by S.O. 496(E), dated 20th August, 1986, for "executive agency" (w.e.f. 20-8-1986).

2. Subs. by S.O. 855(E), dated 5th November, 1993, for "rupees twenty-five lakhs" (w.e.f. 5-11-1993).

3. Subs. by S.O. 496(E), dated 20th August, 1986 (w.e.f. 20-8-1986).

(b) The inventory prepared and updated under clause (a) shall be furnished to the Central Government at such intervals as may be specified by it.]

¹[8. **Deviation in work, sub-standard work and completion report.**—(1) The executing agency shall not without the prior sanction of the appropriate sanctioning authority, deviate from the scope of the specifications and design of the project, failing which the expenditure on the component of the deviated work and the other components of the works affected thereby shall be debited to the executing agency.

(2) The responsibility for the sub-standard work, if any, shall rest with the executing agency and all defects arising out of such sub-standard work shall be rectified by the executing agency at its own cost, within the period to be specified by the Central Government.

(3) (a) The executing agency shall furnish to the Central Government a completion report along with the drawings of the completed work in such forms as the Central Government may specify within six months of the actual date of completion, or from opening to traffic whichever is earlier.

(b) The report shall also be accompanied by a certificate to the effect that the project has been completed according to the prescribed scope, specifications and approved designs.

(c) As early as possible after furnishing of the report and certificate specified in clauses (a) and (b) the executing agency shall furnish a financial report giving, *inter alia*, the expenditure figures.]

¹[9. **Inspection of works.**—Director-General (Road Development) to the Government of India or any officer authorised by him in this behalf may inspect at any time any approved work in progress or completed work and a report of every such inspection shall be submitted to the Central Government.]

²[10. **Utilisation of space beneath the road, overbridges or flyovers.**—The Central Government, where it deems fit, may accord permission to the State Government or the Government of a Union Territory, as the case may be, for utilisation of space beneath the road, overbridges or flyovers on national highways for which an yearly licence fee which shall be either—

(i) a percentage of capital cost; consisting of the cost of land and the cost, if any, incurred by the Central Government for covering or enclosing the space beneath the approach spans of road, overbridges or flyovers and for providing sanitary, water supply and electric installations, equal to such rate of interest as may from time to time be fixed by the President under FR 45A plus an addition for house or property tax, if any, payable by Government in respect of the covered space and for maintenance and repairs of the covered structure, or

(ii) six per cent. per annum of such capital cost, whichever is less, shall be fixed and levied on the terms and conditions as may be laid down by the Central Government in this respect. The rate of licence fee to be levied as above, shall be subject to revision after every five years to take into account any change in the market value of the land.]

1. Subs. by S.O. 496(E), dated 20th August, 1986 (w.e.f. 20-8-1986).

2. Added by S.O. 699(E), dated 17th September, 1993 (w.e.f. 17-9-1993).