

F. No. NH-14013/9/2020-P&M
Government of India
Ministry of Road Transport & Highways
(P&M Section)

Transport Bhawan, 1, Parliament Street New Delhi-110001

To

Dated: 26th October, 2020

1. The Principal Secretaries/ Secretaries of all States/UTs Public Works Department dealing with National Highways, other centrally sponsored schemes.
2. All Engineers-in-Chief and Chief Engineers of Public Works Departments of States/ UTs dealing with National Highways and other centrally sponsored schemes.
3. The Chairman, National Highways Authority of India, G-5&6, Sector-10, Dwarka, New Delhi-110075.
4. The Managing Director, NHIDCL, PTI Building, New Delhi-110001
5. The Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010.

Subject: Standard Operating Procedure (SOP) for entrustment of National Highways (NHs) stretches to Agencies - Reg.

Sir/ Madam,

The Ministry has been receiving frequent complaints and public criticisms and grievances regarding inadequate Maintenance & Repair (M&R) of NHs to ensure their traffic worthiness.

2. The matter has been viewed very seriously by Hon'ble Minister (RT&H) and he has expressed concerns on the following issues: -
 - (i) More than about 10,000 km length of notified NHs are yet to be entrusted to Agencies as NOCs of State Governments for transferring them to the Central Government has not been received for most of these stretches and non-maintenance of such stretches by States are inviting lot of public criticism;
 - (ii) M&R of some NH stretches are not being undertaken by the Agencies with whom such NHs were entrusted on account of proposed transfer of the stretches to a new Agency, DPR being prepared by some other Agency, decision taken for sanctioning/ award/ issue of Appointed Date for development work for the particular stretches, etc.
3. It has, accordingly been decided as per the directions of Hon'ble Minister (RT&H) to henceforth adopt following approaches with immediate effect and until further orders: -

3.1. M&R of NHs entrusted to any Agency: -

- (i) The Agency with whom stretches of NHs are entrusted shall continue to maintain such stretches and ensure their traffic worthiness till the time such stretches are entrusted to a new Agency.
- (ii) The Agency to whom such stretches of NHs are subsequently entrusted for their development under any particular Scheme shall take immediate steps for maintenance of such stretches to ensure their traffic worthiness; the activities for maintenance of such stretches could be prioritized / economized considering the preparedness and plan to award development works on such stretches of NHs; however, this shall not be ignored.
- (iii) Ongoing development/maintenance works may be carried out and completed even if the stretch is entrusted / transferred to a new agency in the intervening period.

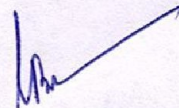
3.2. Pending cases for entrustment of notified NHs to agencies: -

- (i) Upon receipt of information about notification of NHs, State Government / UTs shall submit NOC conveying transfer of all assets related to the road to the Ministry for that notified NH situated within the State / UT immediately.

Regional Officers of the Ministry may coordinate in consultation with concerned Project Chief Engineers/ ADGs of the Ministry and ensure that the concerned State Governments immediately submit the NOC for transferring the road assets to the Planning Zone of the Ministry; concerned Project Zones of the Ministry shall supplement the proposal with recommendations regarding the agencies to whom such NHs stretches are to be entrusted.
- (ii) State Governments/ UTs may continue / complete ongoing works on the State road (if any) undertaken by them on Item Rate / EPC modes prior to notifying the road as NHs and also intimate progress of such works and tentative date by which it is likely to be completed; NOCs in respect of such roads may be furnished within one month of completion of the projects.
- (iii) State Governments/ UTs may convey NOCs for roads/ sections of roads developed / being developed through BOT Concession by State Governments after completion of Concession Periods. While furnishing NOCs for such cases, State Governments shall also indemnify the Ministry against all carry over liabilities, future claims, awards of Arbitration / Hon'ble Courts of Law, etc., through submission of necessary certificates in this regard; while certifying so, it shall also be mentioned whether there are any pending matters related to the Concession which are sub-judice/ under arbitration.
- (iv) A Standard Operating Procedure for entrustment of NHs stretches to Agencies is annexed.
- (v) Decisions need to be taken urgently in a time bound manner regarding entrusting such NHs to appropriate Agencies.

(vi) All pending proposals for entrustment of NHs shall be expedited by concerned Project Zones of the Ministry.

4. It is requested that the contents of this letter may be brought into the notice of all concerned for needful compliance.



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Copy to:

1. All CEs in the Ministry of Road Transport & Highways
2. All ROs of the Ministry of Road Transport & Highways
3. The Secretary General, Indian Roads Congress
4. Technical circular file of S&R (P&B) Section
5. NIC-for uploading on Ministry's website under "What's new"

Copy for information and necessary action to:

1. PS to Hon'ble Minister (RT&H)
2. PS to Hon'ble MOS (RT&H)
3. Sr. PPS to Secretary (RT&H)
4. Sr. PPS to DG (RD) & SS
5. Sr. PPS to AS&FA
6. Sr. PPS to Pr.CCA, MoRT&H
7. Sr. PPS / PPS / PS to ADG-I/II/III/IV/V
8. Sr. PPS / PPS / PS to JS (H)/ JS (NHIDCL)/ JS (Toll) / JS (LA&C)

Enclosure to letter No. NH-14013/9/2020-P&M, dated 26th October, 2020
Standard Operating Procedure for entrustment of NHs to Agencies - Reg.

1. The Ministry considers declaration of / notifying some State roads as National Highways from time to time under Section 2 of the NHs Act, 1956.
2. Section 5 of the NHs Act, 1956, inter-alia, authorizes the Central Government / Ministry to direct (through publication of Gazette notification) exercising of any function related to development and maintenance of any NHs by the concerned State Government or any authority subordinate to the Central Government or to the State Government.
3. Accordingly, the notified NHs are entrusted to agencies, such as NHAI, NHIDCL, State Governments, BRO, etc., for their development and maintenance after receipt of No Objection Certificate (NOC) from the concerned Government of the State (within which the NH is situated) & also conveying transfer of all assets related to the road to the Ministry.
4. Following Standard Operating Procedure and timeline shall be followed henceforth for entrustment of NHs to agencies through publication of Gazette notification, which is to be read in conjunction with the relevant conditions stipulated in the letter: -

Sr. No.	Activity	Time line	Authority Responsible for ensuring adherence to Time line
(i)	Approval of Hon'ble Minister (RT&H) for notifying State roads as NHs	A	
(ii)	Publication of Gazette Notification for notifying such State road as NHs	A+07 days	CE(Planning), MoRT&H
(iii)	Issuing of letter to concerned State Governments requesting for issue of NOC and conveying transfer of all assets related to the road to the Ministry	A+07 days	CE(Planning), MoRT&H
(iv)	Submission of NOC by State Governments and also conveying transfer of all assets related to the road to the Ministry		State Govts. / UTs / ADGs / CEs (Project Zone) / ROs, MoRT&H
	(a) For roads on which there are no ongoing projects awarded by State Governments	B = A+45 days	
	(b) For roads on which works awarded by States on EPC / HAM modes are in progress	C = completion of project B = C+30 days	

Sr. No.	Activity	Time line	Authority Responsible for ensuring adherence to Time line
	(c) For roads/ sections of roads developed / being developed through BOT Concession by State Governments	C = completion of Concession period B = C+30 days	
(v)	Recommendations of Project Zone / Highways Division of MoRT&H for entrustment of the NHs section to a particular agency	B+7 days	ADGs /JS (H)/ CEs (Project Zone) / ROs, MoRT&H
(vi)	Processing for approval of Hon'ble Minister (RT&H) for draft notification for entrustment of NHs section to Agency	B+15 days	CE(Planning), MoRT&H
(vii)	Publication of Gazette Notification for entrustment of NHs to Agency	Within 7 days of approval of Hon'ble Minister (RT&H)	CE(Planning), MoRT&H
