

## **The Highways Administration Rules, 2004\***

Whereas the draft of certain rules called the Highways Administration Rules, 2003, which the Central Government proposes to make, in exercise of the powers conferred by sub-section (1) read with clauses (a), (g), (h), (i), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v) and (w) of sub-section (2) of section 50 of the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003) was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated the 26th August, 2003 with the notification of Government of India in the Ministry of Road Transport and Highways number G.S.R. 407 dated the 26th August, 2003, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date on which copies of the said notification, as published in the Gazette of India, are made available to the public;

And Whereas, copies of the said notification were made available to the public on 26th August, 2003;

And Whereas no objections or suggestions have been received from any person with respect to such draft rules within the time period specified in the said notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) read with clauses (a), (g), (h), (i) and (m) to (w) of sub-section (2) of section 50 of the Control of National Highways (land and Traffic) Act, 2002 (13 of 2003) and section 22 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby makes the following rules namely:-

### **CHAPTER 1**

#### **PRELIMINARY**

1. **Short title and commencement**— (1) These rules will be called the Highways Administration Rules, 2004.
- (2) They shall come into force on the date on which the Act shall come into force.
2. **Definitions**— In these rules, unless the context otherwise requires—
  - (a) “Act” means the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003);
  - (b) “Section” means a section of the Act;
  - (c) “Officer”, in respect of a Highway Administration, means the Officer referred to in clause (i) or clause (ii) or clause (ii) of rule 3, as the case may be;
  - (d) “Senior Officer”, in respect of a Highway Administration, means the Officer designated as Senior Officer under clause (ii) of rule 3;
  - (e) “Permit” means a permit issued under sub-section (2) of section 24 for granting permission under that sub-section;
  - (f) “lease” means the lease granted under section 25;
  - (g) “licence”, for the purposes of rules 9 and 10, means the licence granted under section 25;
  - (h) “Schedule” means a Schedule annexed to these rules;
  - (i) words and expressions used in these rules which are not defined in these rules but are defined in the Act shall have the respective meanings assigned to them in the Act.

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\* Vide G.S.R. 700 (E) dated 20th October 2004, Published in the Gazette of India, Extra, Pt. E. Sec. 3 (i) dated 26th October 2004.  
I. Came into force on 27th January, 2005

## CHAPTER II

### EXERCISE OF POWERS AND FUNCTIONS BY THE HIGHWAYS ADMINISTRATIONS AND MAINTENANCE OF RECORDS

3. **Exercise of powers and functions by Highway Administrations**— Subject to the provisions of the Act and the conditions or limitations imposed by the Central Government under the proviso to sub-section (1) of section 3—

- (i) where a Highway Administration consists of only one Officer, then, such Officer shall exercise the powers and discharge the functions of the Highway Administration under the Act and these rules by himself or such powers shall be exercised and functions shall be discharged by the subordinate officers under his supervision to the extent as is authorised by such Officer to the subordinate Officers from time to time.
- (ii) where a Highway Administration consists of more than one Officer, then, the Central Government shall designate one of them as the Senior Officer who shall assign to each of such Officers (including himself), the length of Highway within the jurisdiction of such Highways and the Officer to whom such length of Highway and the Officer to whom such length of Highways is so assigned shall exercise the powers and discharge the functions of the Highway Administration under the Act and these rules in respect of such length of Highway in the manner as specified in clause (i) for exercising of powers and discharging of functions of Highway Administrations consisting of one Officer:

Provided that the Senior Officer so designated shall have the general supervision over the exercising of powers and discharging of functions of the Highway Administration by the other Officers.

4. **Maintenance of land records**— (1) There shall be maintained at the head office of every Highway Administration a register to be called the Highway Land Register in the form specified in the schedule I in which the particulars of the land situated within the jurisdiction of the Highway Administration of which the Central Government is the owner under section 23 shall be entered.

(2) Every page of the Highway Land Register shall be consecutively numbered and on the first page of the Register, the Officer or the Senior Officer, as the case may be, shall authenticate the number of pages which the Register contains and he shall, from time to time, inspect the Register and ensure that the entries made therein are correct.

5. **Claim for correction of records**— (1) Any person claiming against the ownership of the Central Government referred to in sub-section (1) of section 23 and desirous of getting a correction carried out in the Highway Land Register shall make written complaint to the concerned Officer or the Senior Officer, as the case may be, and prove his claim before him and such Officer or Senior Officer, as the case may be, may after considering the evidence produced by such person order to correct the concerned entry in the Register or reject the claim.

(2) Where the Officer or the Senior Officer, as the case may be, orders in correct any entry in the Highway Land Register, such correction shall be made in that Register without delay by the concerned official of the Highway Administration and it shall also be signed by such official and counter-signed in red ink by the Officer or the Senior Officer, as the case may be.

## CHAPTER III

### CONDITIONS, RENT, OTHER CHARGES, ETC.

6. **Conditions subject to which permit may be issued**— A permit shall contain any one or more of the following conditions which the Highway Administration or any officer authorised under sub-section (1) of section 24 as the case may be, while granting a permission under sub-section (2) of the said section deems fit having regard to the safety and convenience of traffic and nature of the permission, namely—

- (i) that the person to whom the permission is granted shall not do or cause to be done any act in pursuance of the permission which may cause damage to highway and highway land or inconvenience to the traffic on the highway;
- (ii) that such person shall not do or cause to be done any act in pursuance of the permission which may cause any damage to the Highway land which cannot be restored immediately on the expiry of the permission granted;
- (iii) that such person shall not do or cause to be done any act on the Highway occupied in pursuance of the permission which may cause air pollution or water pollution or noise pollution on the Highway.

Provided that such extent of reasonable pollution which the Central Government may, from time to time by notification in the Official Gazette, specify, shall be permissible under this clause;

- (iv) that such person shall not make or cause to be made any structure of such nature which cannot be removed easily on the expiry of the permission granted;
- (v) that any breach of the conditions so imposed shall be a ground to cancel the permit.

**7. Rent and other charges for issuing permit—** (1) The permit shall be issued to a person on payment of rent to the Highway Administration at the rate as specified below:

Rate of rent per month in rupees	=	Present cost of land Highway occupied in pursuance of permission under permit.
		<hr style="width: 80%; margin: 0 auto;"/> $5 \times 12$

(2) Where the permission granted by issuing the permit is renewal the renewal of the permission shall be made on payment of rent at the rate specified in sub-rule (1) and the additional charge amounting to rupees one thousand where the land occupied under the permit is upto twenty-five square metres and where it exceeds twenty-five square metres such additional charge shall increase further at the rate of one thousand rupees per twenty five square metres or part thereof.

**8. Form of permit—** Every permit shall be issued in the Form specified in Schedule II.

**9. Condition subject to which a lease or licence may be granted—** A lease of licence of highway land granted to a person for temporary use shall contain the following conditions, namely:

- (i) such conditions which are agreed to by and between the Highway Administration or the officer authorised by such Administration in this behalf, and such person, having regard to the safety and convenience of traffic; and
- (ii) any one or more of the following, which the Highway Administration or the officer authorised by such Administration deems fit, having regard to the safety and convenience of traffic, to impose—
  - (a) that such person shall not do or cause to be done any act or such Highway land which may cause damage or inconvenience to the traffic to the Highway;
  - (b) that person shall not or cause to be done any act on such Highway land which may cause any damage to the Highway land which cannot be restored on the termination of the lease licence as the case may be;
  - (c) that such person shall not do or cause to be done any act on such Highway land which may cause air pollution or water pollution on the Highway;
  - (d) that such person shall not make or cause to be made or cause to be made on such Highway land any structure of such nature which cannot be removed easily on the termination of the lease or licence as the case may be;
  - (e) that on any breach of the conditions imposed the Highway Administration or the officer

authorised by such Administration in this behalf may terminate the lease or licence, as the case may be;

- (f) that such lease or licence, as the case may be, shall be valid for a period determined by the Highway Administration at the time of lease or licence which shall not exceed five years on the expiry of lease.

**10. Rent or other charges for granting lease or licence—** (1) The lease or licence of Highway land shall be granted on payment of rent by the person to whom the lease or licence, as the case may be, is given to the Highway Administration at the rate as specified below:

$$\text{Rate of rent per month in rupees} = \frac{\text{Present cost of such Highway land}}{5 \times 12}$$

(2) Where the lease of Highway land is renewed, each renewal of the lease shall be made on payment of rent specified in sub-rule (1) and additional charge amounting to rupees five thousand where such Highway land is upto twenty-five square metres and where it exceeds twenty five square metres such additional charge shall increase further at the rate of five thousand rupees per twenty-five square metres or part thereof.

**11. Form of notice—** (1) Every notice to be issued under sub-section (2) of section 26 shall be in the form as specified in Schedule III.

**12. The cost for making feasible construction, etc.—** The cost for making construction including alteration of any construction feasible under sub-section (8) of section 26 shall be such as may be determined from time to time by the Highway Administration having regard to the cost of material to be utilised for such construction or alteration of construction, the rate of labour charges in the concerned area and other relevant factors.

**13. Form of bill—** (1) Every bill to be served under sub-section (2) of section 27 shall be in the form as specified in Schedule IV.

(2) The bill referred to in sub-rule (1) shall be accompanied by a certificate issued by the Highway Administration or the officer authorised by such Administration in this behalf and also with a brief description of unauthorised occupation, construction including alteration of construction in respect of any unauthorised construction or repairing of any damage, as the case may be, to which the bill belongs.

**14. Application for specific permission to access to a Highway—** The application for obtaining specific permission for access to a Highway under sub-section (2) of section 29 shall be in such Form as is specified in Schedule V and shall be accompanied by a fee of rupees five hundred drawn in favour of the concerned Highway Administration.

**15. Terms and conditions for specific permission to access to a Highway—** The Highway Administration may, while giving a permission under sub-section (2) of section 29, impose any one or more of the following terms and conditions namely:

- (i) that the specific permission shall be for a limited period of time and for the purposes as specified by the Highway Administration in the licence issued under sub-section (3) of section 29;
- (ii) that the specific permission shall be limited for the access to such length of a Highway as may be specified in the said licence.
- (iii) that the person to whom the specific permission is given shall not do or cause to be done in pursuance of the specific permission any act which may cause any damage to Highway;
- (iv) that such person shall not do or cause to be done, in pursuance of the specific permission, any act by which safety and convenience of traffic on the Highway shall be disturbed;
- (v) that such person shall while utilising permission shall observe such guidelines relating to safety and convenience of traffic on the Highway, hygiene, prevention of nuisance and pollution on the Highway as may be specified by the Highway Administration in the said licence.

16. **Form of licence, period of validity and manner of renewal of licence**—(1) The licence given under sub-section (3) of section 29 shall be in the Form as specified in the Schedule VI.

(2) The specific permission under the licence referred to in sub-rule (1) shall be valid upto a period specified in the licence which shall not exceed six months at a time and the person in whose favour such permission is given may if he desires to obtain an extension of time, make an application within one month before the expiry of the permission so given to the Highway Administration and the Highway Administration may, having regard to the guidelines and instructions issued under sub-section (2) of section 28 and the notification under sub-section (3) of that section either renew the permission under the licence or reject the same.

(3) Where the permission under licence is renewed under sub-rule (2), the Highway Administration shall make the entry for such renewal on the back of the licence and specify the time for which the renewal is made which shall not exceed six months at a time and endorse the same with signature and seal and where the renewal is rejected, the Highway Administration shall record the reason in writing for such rejection and communicate the same to the person concerned.

#### CHAPTER IV

#### LADEN WEIGHT, SAFETY CONTROL AND MANNER OF HANDING OVER THE VEHICLE, ETC.

17. **Limit of laden weight**— The Highway Administration may keeping in view the conditions of the surface of a Highway determine with the previous approval of the Central Government, the limit of laden weight in respect of the Highway or any part thereof, or any bridge, culvert or causeway built on or across the Highway as the case may be from time to time, which shall be the limit of laden weight for the purposes of section 32 and the Highway Administration shall publish such limits of laden weight in a local newspaper for the information of the concerned persons.

18. **Prohibition or restriction of the plying of vehicle under section 32**— 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 vehicle of which the laden weight exceeds the limit of laden weight as determined under rule 17, it may by public notice of such fact in the local newspapers and after placing signboards containing such fact at suitable distances nearby such Highway or any part thereof or any bridge, culvert or causeway built on or across the Highway, as the case may be for the information of the traffic concerned, prohibit or restrict the plying of such vehicles on or over such Highway or any part thereof or such bridge culvert or causeway built on or across the Highway as the case may be and in case of doubt, the Highway Administration may remove the additional laden weight in excess of the permissible limit of the laden weight of any vehicle to implement the provisions of this rule for directing such plying of the vehicle.

Per month fees in rupees	=	Present cost of land forming part of the Highway occupied or applied for permission to undertake the proposed work
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5 x 12

(2) Where the land forming part of the Highway in respect of which the fees imposed under sub-rule (1) is situated in a Municipal area, then, the other charges at the rate of twenty per cent of the fees imposed under sub-rule (1) shall also be imposed and where such land is situated in the rural area, then, the other charges so imposed shall be ten per cent.

*Explanation*— For the purpose of this sub-rule, the expression “Municipal area” has the meaning assigned to it under clause (a) of Article 243P of the constitution and the expression “rural area” means the area other than a Municipal area.

24. **Summary inquiry under section 43**—(1) If the Highway Administration or the officer authorised in this behalf by such Administration, desires to make any inquiry for the purposes of the Act, he may make a

summary inquiry in the following manner, namely:

- (a) the Highway Authority or the Officer authorised by him, as the case may be, may visit the place of unauthorised occupation of the highway land, inspect such land and reduce his observations in writing to arrive at a conclusion for appropriate action under the Act;
- (b) the Highway Administration or the Officer authorised by him, as the case may be thinks necessary, he may record the statement of the concerned village headman, village accountant, village watchman or other village official referred to in section 42 or any other person to arrive at the conclusion that any offence including unauthorised occupation, damage or destruction of a Highway land has been committed or not;
- (c) where the Highway Administration or the Officer authorised by him, as the case may be, records the statement under clause (b), he shall record such statement in duplicate and obtain signature thereon of the concerned village headman, village accountant, village watchman, other village official or any other person, as the case may be, where statement has been so recorded.

(2) Where on the basis of the inquiry made under sub-rule (1), the Highway Administration or the officer authorised in this behalf by such Administration is satisfied that any action is required to be taken under the Act, the Highway Administration or the person authorised by him, as the case may be shall take such without any delay and where the Highway Administration or such officer is satisfied on the basis of such inquiry that any offence involving unauthorised occupation, damage or destruction of the Highway land has been committed, as the case may be, shall without delay inform the officer in charge of the police station concerned, along with the copy of relevant observation reduced in writing under clause (a) or statement recorded under clause (b) of sub-rule (1) of such commission of offence for taking necessary action.

(3) Every Highway Administration shall send a summary report once in every three months to the Central Government stating therein the brief description of inquiries made under sub-rule (1) within the jurisdiction of such Highway Administration within such period and the actions taken on the basis of such inquiries.

(4) On receipt of the summary reports under sub-rule (3), the Central Government may issue any general or special orders under the proviso to sub-section (1) of section 3, which such Government thinks fit for proper exercise of powers and discharge of functions by the Highway Administrations under the Act.

**25. Manner of service or presentation of notice or bill**— Save as otherwise provided in the Act, every notice or bill issued or prepared under section 47 may be served or presented in the following manner, namely:

- (a) such notice or bill may be served on the person concerned or presented to him by a messenger handing over a copy thereof or obtaining his signature on another copy thereof;
- (b) in case the service or presentation of such notice or and is not easily possible under clause (a), then, such notice or bill shall be sent to the person concerned by registered post or speed post at his known residence and the delivery of such registered post to such person shall be the service on or presentation to him on such notice or bill as the case may be and in case he refuses to receive such registered post or speed post, the remarks of such refusal by a post office official on the registered post shall be deemed to be the service on or presentation to such person of such notice or bill as the case may be;
- (c) In case the service or presentation of such notice or bill is not physically possible under clauses (a) and (b), then, the contents of such notice or bill shall be published in newspaper having circulation in the locality where the person concerned actually or voluntarily resides or carries on business or personally works for gain and such publication shall be deemed to be the service of such notice or bill as the case may be, on such person or presentation thereof to him.

**26. Interpretation**— If any question arises relating to the implementation of these rules, the same shall be referred to the Central Government for its decision and the decision of the Central Government shall be implemented.

**SCHEDULE V**  
(See rule 14)

**FORM OF APPLICATION FOR SPECIFIC PERMISSION FOR ACCESS TO A HIGHWAY**  
[Under sub-section (2) of section 29 of the Control of National Highways (Land and Traffic) Act, 2002]

To,

The Highway Administration,

.....

.....

State/Union Territory of .....

1. Name of applicant
2. Father's Name
3. Address of applicant (with telephone No.)
4. Highway No. and the point of access on Highway  
on which the permission for access is sought for
5. Purpose of such permission
6. The means of access to which the  
permission sought for relates
7. Grounds for such permission  
which applicant likes to mention
8. Period for which the permission  
is required
9. Particulars of fee paid

From..... To .....

Signature of the applicant

Place .....

Date .....

**SCHEDULE VI**  
**(See rule 16)**

**LICENCE FOR ACCESS TO HIGHWAY**

[Under sub-section (3) of section 29 of the control of  
National Highways (Land and Traffic) Act, 2002]  
State/Union Territory of .....

1. Name of the person to whom the licence is issued
2. Father's name
3. Address of such person (with telephone No.)
4. Purpose of specific permission
5. Brief description of Highway in respect of which  
the specific permission is given  
(N.H. No. and kilometrage also to be indicated)
6. Means of access to which such permission relates
7. Period for which the licence is valid From ..... To .....
8. Terms and conditions (if any)

Name of Highway Authorities  
and signature and seal of the  
officer issuing the licence

Place .....

Date .....



**SCHEDULE VII**  
(See rule 22)

**APPLICATION FOR CONSTRUCTION, INSTALLATION, ETC. ON HIGHWAY LAND**

[Under sub-section (2) for obtaining permission under sub-section (1) of section 38 of the Control of National Highways (Land and Traffic) Act, 2002]

To,

The Highway Administration,

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.....

State/Union Territory of .....

1. Name of applicant
2. Father's Name
3. Address of applicant (with telephone No.)
4. Location and part of Highway to be occupied  
(N.H. No. and K.M. also to be indicated)
5. Purpose
6. Period of occupancy of Highway land
7. Method of execution of work  
(Detailed drawing/map of the work to be attached)
8. Period of construction
9. Method of restoration of such  
part of the Highway

From ..... To .....

Place .....

Signature of Applicant

Date .....