

No. RW/NHIII/P/1/85

Dated the 20th August, 1986

**NOTIFICATION**

S.O. 496(E). 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 further to amend the National Highways Rules, 1957, namely :

1. (1) These rules may be called the National Highways (Amendment) Rules, 1986.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the National Highways Rules, 1957 (hereinafter referred to as the said rules), for the words "executive agency", wherever they occur, the words "executing agency" shall be substituted.
3. In rule 2 of the said rules —
  - (i) for clause (b), the following clause shall be substituted, namely :
    - (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.
  - (ii) for clause (d), the following clause shall be substituted, namely :
    - (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
      - (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;
  - (iii) for clause (e), the following clauses shall be substituted, namely :
    - (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. For rule 3 of the said rules, the following rule shall be substituted, namely :
  3. Estimate of work, its commencement, completion, etc
    - (1) where the estimates of the cost for the execution of any original work on a national highway exceeds Rs 25 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 Rs 25 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.
    - (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 estimates 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 the 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 two years from the 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-rule (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 have been accorded by the appropriate sanctioning authority.

Provided that in cases 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.

- (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 thereto :

(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 as specified from time to time by the Central Government shall be considered for pre-qualification.

**(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 provisions made in the estimates of work sanctioned by the Central Government or 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 of 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 clause (b) and (c) shall be made available for inspection by the officers of the State Government and the Central Government at all reasonable times.

5. In rule 4 of the said rules, for sub-rule (1), the following sub-rules shall be substituted, namely :

"(1) An abstract of the particulars of the detailed estimate for 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 or such other day as may be specified by the Central Government in that financial year.

(1A) 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 for the maintenance of any national highway in such form as that Government may require."

6. In rule 5 of the said rules :

For the words and figures 'Rs 10 lakhs' wherever they occur, the words "twenty five lakhs" shall be substituted.

7. For rule 7 of the said rules the following rule shall be substituted, namely :

*"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.
- (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."

8. For rule 8 of the said rules, the following rule shall be substituted, namely :

**"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 alongwith 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 and 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.

9. For rule 9 of the said rules, the following rule shall be substituted, namely :

**"9 Inspection of work**

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"

10. In Schedule to the said rules.

- (a) in the heading for the words, brackets and figures "[See rule 3(2)] the words brackets and figures" [See rules 3(2) and 3(7)] shall be substituted;
- (b) For condition (1), the following condition shall be substituted, namely :
  - "(i) The executing agency shall forward to the Central Government for approval general abstract of cost alongwith detailed information in respect of the particulars contained in the tentative details given in the annual programme of works for a particular year. The executing agency shall accord technical approval and financial sanction to the detailed estimate already prepared within three months from the date of according administrative approval by the Central Government; and shall commence execution of the work within six months from the date of according technical approval and financial sanction failing which, the administrative approval accorded by the Central Government shall stand cancelled automatically and the executing agency shall approach the Central Government for fresh administrative approval for the said work."
- (c) in conditions (4) and (9) for the words and figure "Rs 10 lakhs", the words "rupees twenty five lakhs" shall be substituted.

**Notes :**

The principal rules were published in the Gazette of India, Part II, Section 3 sub-section (ii) dated 13.4.57 *vide* Government Notification, Ministry of Transport (Roads Wing) No. S.R.O. 1181 dated 4.4.57 and was subsequently amended by :

- (i) Government Notification No. SO-680(E) dated 15.10.76 published in the Gazette of India, Part II, Section 3, sub-section (II)