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No. NHIII/P/16/76

Dated the 17th March, 1976

To

All State Governments
(Departments dealing with roads)

Sub : Acceptance of central financial liability for the development/maintenance of urban road links of National Highways

I am directed to say that under the constitution, the Government of India are primarily responsible for maintenance and development of roads declared as National Highways and all other roads fall within the sphere of State responsibilities. According to Section 2 (1) of the National Highway Act, 1956 (No. 48 of 1956), such Sections of the National Highways as are situated within any "municipal area" (which term under the aforesaid Act means with a population of twenty thousand or more, the control or management of which is entrusted to a municipal committee, a town area committee, a town committee or any other authority) are not regarded as part of the National Highways. The responsibility for the development, improvement and maintenance of the urban road links of National Highways lying within the aforesaid municipal areas is thus that of the State Government or the local body concerned. However, in order to assist the State Governments in the proper maintenance and upkeep of the urban road links of the National Highways, the Government of India

had worked out a Scheme in 1954. The details of the Scheme, which have been set out in the attached annexure, are hereby re-circulated for your information. The Governments of Orissa, Bihar, Rajasthan, Haryana and Uttar Pradesh have already executed the agreement under the Scheme. Agreements have also been received from a few more States which are under scrutiny. As the Government of India are anxious to ensure unimpeded free flow of traffic through the urban road links of National Highways the need and urgency for execution of the agreements under the scheme has been impressed upon the States in a number of meetings of the Chief Engineers and standing Committee on Roads of the T.D.C. I am therefore to request that in case your State Government have not already executed, or forwarded the agreement to this Ministry, the matter may please be looked into and an agreement executed for and on behalf of the Governor of the State may be forwarded to this Ministry in the manner indicated in the annexure, at an early date.

Enclosure to letter No. NHIII/P/16/76 dt. 17.3.76

ANNEXURE

SCHEME FOR DEVELOPMENT AND MAINTENANCE OF URBAN ROAD LINKS OF NATIONAL HIGHWAYS

For the purpose of this scheme, urban road links have been defined as follows:

DEFINITION

- a) Portions of existing National Highways lying within towns having a population of 20,000 or more; and
- b) Roads in towns having a population of 20,000 or more connecting the terminal points of two or more different National Highways at the boundary of the town or city.
(The maintenance and development of such links lying within towns having a population upto 20,000 is already the responsibility of the Central Government).

URBAN ROAD LINKS ELIGIBLE FOR BEING TREATED AS PERMANENT ROUTES OF N.Hs

2. The Central Government have decided to accept financial liability both for the development and maintenance of only those urban road links which are suitable for taking through traffic and being declared as National Highway. The general criteria for this purpose are:

- (a) The road land should be adequate for a through traffic road in the centre and parallel service roads for local traffic on the sides. At the very minimum the road land width should be not less than 100 ft (50 ft. for the National Highway proper and 25 ft. on either side for service roads in built up areas.)
- (b) The road land should be free from encroachments or any leased structures. If there are any encroachments or leased structures the State Government should undertake to remove the encroachments and in cases or leases, not to renew them.

3. The centres contribution towards the development and maintenance of the urban road links described above will be to the extent indicated below:

1) **Improvement** : The Central Government will meet the full cost of improvements to the carriageway for through traffic. In addition, the Central Government will also meet the initial cost of providing parallel service roads excluding the cost of acquisition of built up property if required therefor. Once constructed, the service roads will be maintained and improved by the State Government or the local municipality and the Central Government will have no liabilities for these items. The provision of municipal services such as lighting, drainage, scavenging, and sanitation for both the National Highway and service roads will be the responsibility of the Municipality concerned.

(2) **Maintenance** : The Central Government will pay for the maintenance of these road links upto a sum calculated at the rate of Rs 3,100/- per km. or the actual expenditure incurred, whichever is less. If any expenditure has to be incurred in excess of Rs. 3,100/- per km. for the proper maintenance of these link roads, such additional expenditure will have to be borne by the State Government.

URBAN ROAD LINKS NOT SUITABLE AS PERMANENT ROUTES OF N.Hs

4. The road links within large towns served by National Highways which do not satisfy the criteria laid down in para 2 above will be eligible for Central assistance in regard to maintenance only and that too only till such time as a new bypass is constructed. In these cases also the Central financial liability for maintenance will be limited to Rs. 3,100 per km or the actual expenditure incurred, whichever is less and if any expenditure has to be incurred in excess of Rs. 3,100/- per km on the proper maintenance of these link roads, such additional expenditure will be borne by the State Government.

CONSTRUCTION OF BY-PASSES PARALLEL SERVICE ROADS

5. If the road link in any town is not suitable for through traffic and it is decided to construct a new bypass, the incidence of the cost of construction of such a bypass will be as follows:

(1) Where the new bypass (which will be the National Highway proper) runs through the municipal limits, the Central Government will bear the full cost of land acquisition, construction, and future maintenance of the national highway proper. The State Government will be responsible for providing parallel service roads and meeting the cost of land acquisition, construction and future maintenance of the same. The land required for the parallel service roads to a width of at least 35 ft. on either side of the national highway proper should be acquired simultaneously with the acquisition of land for the national highway proper. The actual construction of the parallel service roads may be taken up later but, in any case, it should be before any building activity is allowed near the bypass.

(2) Where the new bypass runs outside the municipal limits, the Central Government will bear the cost of land acquisition, construction and future maintenance of the National Highway without

insisting on the State Government providing parallel service roads for future development. If, however, at any time the area begins to get built upon the State Government shall construct at its cost parallel service roads before allowing any building activity near the bypass or extending the municipal limits to include the whole or a part of the bypass. Where these service roads can be accommodated in National Highway land this will be permitted but the entire responsibility for constructing and maintaining these will be that of the State Government.

6. The scheme as described above will be governed by the following general conditions:

(i) All the construction and maintenance work debitable to the Centre shall be done through State Public Works Department.

(ii) The parallel service roads shall have limited access to the National Highway and these points of access shall be got approved by the Central Government.

(iii) The State Governments should ensure that octrois or any other terminal taxes on through traffic and tolls are not levied by the local body concerned on the link roads maintained and/or developed at Central expense.

(iv) The extent to which the Central Government can make available every year funds for improvement works on road links will depend on the grants voted annually by Parliament.

(v) Funds for improvement works will be sanctioned on the basis of detailed plans and estimates to be submitted to the Central Government for technical approval and financial sanction.

(vi) The Central contribution towards the maintenance of road links will be given on the basis of abstract particulars of estimates in the first instance and will eventually be limited to Rs 3.100 per km or the actual expenditure incurred during the year, whichever is less.

(vii) The Central Government will have power to impose conditions so as to ensure the prevention and removal of encroachments from the road links. Road land should not be leased to any one without the approval of the Central Government.

7. There will be no objection to the State Governments meeting the expenditure on the acquisition of land and construction of parallel service roads under this scheme (vide para 5 above) from their allocation account in the Central Road Fund.

8. As required in Section 8 of the National Highways Act, 1956, an agreement has to be entered into between the Central Government and the State Government for availing of the financial assistance under the Scheme. A specimen copy of the agreement form is enclosed (Appendix I). The agreement is to be sent to the Ministry of Shipping and Transport (Roads Wing) in duplicate duly executed for and on behalf of the Governor of the State. Following points should be kept in view while executing the agreement:

- a) The agreement form should be typed on a durable paper.
- b) The agreement should be forwarded in duplicate.
- c) Each page of the agreement, including the Schedule, should be signed by the Officer executing the agreement for and on behalf of the Governor.
- d) All typographical mistake, interlineations alteration, typing faults etc. in the agreement should be authenticated by the signature of the Officer signing the agreement.
- e) The dates in the opening sentence of the agreement and in para 2 thereof should be left blank as these will be indicated by the Ministry of Shipping and Transport.
- f) The signature of the Officer executing the agreement should be attested by two witnesses (as indicated in the agreement form).

AGREEMENT TO BE SIGNED UNDER THE SCHEME.

DOCUMENTS TO BE SENT ALONGWITH THE AGREEMENT

9. Following documents may please also be sent to the Ministry alongwith the agreement:

- i) Details of the urban road links as per proforma attached (Appendix II).
- ii) Maps of the towns showing all the existing roads, including the National Highways urban road links.

APPENDIX I

AGREEMENT ENTERED INTO BETWEEN THE PRESIDENT OF INDIA AND THE GOVERNOR OF

This agreement made this day of One thousand nine hundred and seventy..... between the President of India (herein after called "The Central Government", which expression shall, where the context so admits, include his successors and assigns) of the one part and the Governor of..... (Hereinafter referred to as "The State Government" which expression shall, where the context so admits, include his successors and assigns) of the other Part.

WHEREAS section 8 of the National Highways Act, 1956 (No. 48 of 1956) (Hereinafter called "The said Act") authority the Central Government to enter into an agreement with the Government of any State or with any authority entrusted with the control or management of any municipal area in relation to the development or maintenance of the whole or any part of a National Highway situated within the State or, as the case may be, in relation to the development or maintenance of any such part of a highway situated within a municipal area as is referred to in sub-section (I) of Section 2 of the said Act and any such agreement may provide for the sharing of expenditure by the respective parties thereto:

AND WHEREAS the road links described in the Schedule hereunder written which will fall in the State of..... are covered by the exception to sub-section (I) of the Section 2 of the said Act:

AND WHEREAS the Central Government and the State Government have decided to enter into an agreement in respect of the development and maintenance of such road links subject to the terms and conditions hereafter mentioned.

Now it is hereby agreed by and between the parties hereto as follow:

1. The following words and expressions wherever appearing in this Agreement, shall have the meaning assigned to them as hereunder:

BYEPASS :	A road to enable through traffic to avoid congested areas or other obstruction to passage.
NATIONAL HIGHWAY :	A Highway declared as such by the Government of India by a notification in the official Gazette.
ROAD :	A way over which both vehicles and other types of traffic may lawfully pass. It includes the whole area upto the defined boundary and all structures and appurtenance pertaining to the road.
ROAD LAND :	The land secured and reserved to the public for road purpose
PARALLEL SERVICE ROAD :	A subsidiary road constructed between a road and buildings or properties facing therein and connected only at selected points with the principal road.
ROAD LINK :	(a) Portions of existing National Highway lying within towns having a population of 20,000 or more; (b) Roads in towns having a population of 20,000 or more connecting the terminal points of two or more different National Highways at the boundary of the town or city.
MUNICIPAL AREA :	Any municipal area with a population of 20,000 or more the control or management of which is entrusted to a municipal Committee, town Committee, or any local authority.

2. The agreement will take effect from.....
3. Road links considered eligible for being treated as permanent routes of National Highways.

The Central Government accepts financial liability both for the development and maintenance of those urban road links described in the schedule hereunder written which are considered suitable for being treated as permanent routes of National Highway. The general criteria for this purpose will be:

- a) The road land should be adequate for a through traffic road in the centre and parallel service roads for local traffic on the sides. At the very minimum the road land width should be not less than 30.5 m (100 ft) 15.25 m (50 ft) for the national highway proper and 7.63 m (25 ft) on either side for service roads in built-up area.
 - b) The road land should be free from encroachments or any leased structures. If there are any encroachments or leased structures the State Government should undertake to remove the encroachments and in cases of leases not to renew them.
4. The Central Government's contribution towards the development and maintenance of the urban road links described in clause 3 hereof will be to the under mentioned extent namely:

(a) IMPROVEMENTS :

The Central Government will meet the full cost of improvements to the carriageway for through traffic. In addition, Central Government will also meet the initial cost of providing parallel service roads excluding the cost of acquisition of built up property if required therefor. Once constructed, the service roads will be maintained and improved by the State Government or the local municipality and the Central Government will have no liabilities for the said roads. The State Government shall ensure that the provision of municipal services such as lighting, drainage, scavenging and sanitation for both the national highway and service roads will be the responsibility of the Municipality concerned.

(b) MAINTENANCE :

The Central Government will pay for the maintenance of the said road links upto a sum calculated at the rate of Rs. 3,100/- per km. (Rupees Three thousand and one hundred) only Rs. 5,000/- (Rupees Five Thousand) only per mile or the actual expenditure incurred, whichever is less. If any expenditure has to be incurred in excess of Rs. 3,100/- per km (Rs 5,000/- per mile) for the proper maintenance of the said road links, such additional expenditure will be borne by the State Government.

5. Treatment of road links which are not suitable for through traffic.

The road links within large towns served by national highways which do not satisfy the criteria laid down in clause 3 hereof will be eligible for Central Government assistance in regard to maintenance only and that too only till such time as a new bypass is constructed. In these cases also the financial liability of the Central Government for maintenance will be limited to Rs. 3,100/- per km (Rupees 5,000/- per mile) or the actual expenditure incurred, whichever is less, and if any expenditure has to be incurred in excess of Rs. 3,100/- per km (Rs 5,000/- per mile) on the proper maintenance of the said link roads, such additional expenditure will be borne by the State Government.

6. Construction of new bypasses:

If the road link in any town is not suitable for through traffic and it is decided to construct a new bypass, the incidence of the cost of construction of such a bypass will be as follows :

- (a) Where the new bypass (which will be the national highway proper) runs through the Municipal Limits, the Central Government will bear the full cost of land acquisition, construction and future maintenance of the national highway proper. The State Government will be responsible for providing parallel service roads and meeting the cost of land acquisition, construction and future maintenance of the same. The land required for the parallel service roads to a width of at least 10.7 m (35 ft.) on either side of the National Highway proper should be acquired simultaneously with the acquisition of land for the National Highway proper. The actual con-

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struction of parallel service roads may be taken up later but in any case, it should be before any building activity is allowed near the bypass.

- (b) Where the new bypass runs outside the Municipal limits, the Central Government will bear the cost of land acquisition, construction and future maintenance of the National Highway without insisting on the State Government providing parallel service roads for future development. If, however, at any time the area begins to get built upon, the State Government shall construct at its cost parallel service roads before allowing any building activity near the bypass, or extending the municipal limits to include the whole or a part of the bypass. Where the said service roads can be accommodated in national highway land, this will be permitted but the entire responsibility for constructing and maintaining the same will be that of the State Government.
7. The Scheme as described above will be governed by the following general conditions;
- (i) All the construction and maintenance work debitable to the Centre shall be done through State Public Works Department.
- (ii) The parallel service roads shall have limited access to the national highway and in respect of these points of access the State Government shall obtain the prior approval of the Central Govt.
- (iii) The State Government shall ensure that octroi or any other terminal taxes on through traffic and tolls are not levied by the local Body concerned on the link roads maintained and/or developed at Central Government's expense.
- (iv) The extent to which the Central Government can make available every year funds for improvement works on road link will depend on the grants voted annually by Parliament.
- (v) Funds for improvement works will be sanctioned on the basis of detailed plans and estimates to be submitted to the Central Government for the technical approval and financial sanction.
- (vi) The Central Government's contribution towards the maintenance of road links will be given on the basis of abstract particulars of estimates in the first instance and will eventually be limited to Rs 3,100/- per km (Rs 5,000/- per mile) or the actual expenditure incurred during the year, whichever is less.
- (vii) The Central Government will have power to impose conditions so as to ensure the prevention and removal of encroachments from the road links. Road land shall not be leased to any one without the prior approval of the Central Government.
8. The State Government may, if it so decides, meet the expenditure on the acquisition of land and construction of parallel service roads under this scheme (Vide Clause 6 hereof) from its allocation amount in the Central Road Fund.

IN WITNESS WHEREOF this agreement is executed in duplicate by the parties hereto on the dates mentioned below their respective signatures.

Signed for and on behalf of the President of India by Shri
in the presence of

For and on behalf of the President of India

- i) Name and Designation
- ii) Name & Designation

Signed for and on behalf of the Governor of by
in the presence of

- i) Name & Designation
- ii) Name & Designation

SCHEDULE (SEC. CLAUSES 3 & 5)

S.No.	Name of town or City	National Highway Route	Length in kms	Remarks (whether suitable unsuitable as permanent links)
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For and on behalf of the President of India

For and on behalf of the
Governor of.....
Dated

URBAN ROAD LINKS CONNECTING NATIONAL HIGHWAYS**(1) SUITABLE FOR DEVELOPMENT AND MAINTENANCE AS PERMANENT ROUTES OF N.Hs.****(2) NOT SUITABLE FOR THROUGH TRAFFIC.**

Name of Town and City	Routes Nos. of N.Hs. serving the town or city.	Description of the Length	of the N.H. at terminal points	urban links		Type of surface	Date from which State Govt. assumed responsibility for maintenance of the urban links.	Whether the property in the urban link vests in the State Govt.	REMARKS
				Road land In built up area	width In open area				
				(b) Total					
1	2	3	4	5	6	7	8	9	10

- Notes:* 1. Only those towns and cities lying on National Highways and having a population of 20,000 (according to last census) or over should be included in this statement.
2. Under column 6 an indication should be given, in case the existing road width is less than 150 ft., whether there is scope for acquiring additional land to make up 150 ft.