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GOVERNMENT OF PAKISTAN
MINISTRY OF COMMUNICATIONS

Islamabad, the, 2005.

NOTIFICATION

S.R.O.....:- In exercise of the powers conferred by section 31 of the National Highway Authority Act, 1991 (XI of 1991), the Federal Government is pleased to make the following rules, namely:-

THE NATIONAL HIGHWAYS AND STRATEGIC ROADS
(CONTROL) RULES, 1998 AS AMENDED IN 2002.

1. **Short Title, Application and Commencement:-** (1) These Rules may be called the National Highways and Strategic Roads (Control) Rules, 1998, as amended in 2002.

(2) They shall apply to the national highways, motorway, strategic roads and bridges declared as such under the Act.

(3) They shall come into force at once.

2. **Definitions:-** (1) In these Rules, unless there is anything repugnant in the subject or context:-

(i) "Act" means the National Highway Authority Act, 1991 (XI of 1991).

(ii) "Appendix" means an appendix to these Rules.

(iii) "Authority" means the National Highway Authority established under Section-3 of the Act.

(iv) "Board" means the Executive Board of the Authority.

(v) "Bridge" means any structure including its sub structure and guide banks which carries a highway, road, railroad, utility, facility, pedestrian, other traffic over a water course, river, canal, nullas, water channels, railway line, stream, over, under or around an obstruction and with a clear span of more than 6.5 meters.

- (vi) "Building line" means the building line determined under Rule-5 or already established under West Pakistan Highways Ordinance, 1959 and as amended by Governments of Punjab, NWFP, Sindh, Balochistan, AJK and Northern Areas.
- (vii) "Chairman" means Chairman of the Authority.
- (viii) "Corridor Management" means carrying out of regulatory functions of the Authority in accordance with Regulatory Framework and Standard Operating Procedures (SOPs) or by any person or agency on behalf of the Authority.
- (ix) "Council" means the National Highway Council.
- (x) "Encroachment" means setting up, laying, erecting, excavating, constructing any type of building boundary wall, structure whether temporary or permanent (movable or immovable), scaffolding, tower, pylon, fence, hedge, post, sign board, advertisement, hoarding or banner, transmission line, duct or depositing or causing to be deposited, building material, dumping of garbage, solid/liquid waste, goods for sale, laying cable, wire, pipeline, drain, sewer/channel of any kind through, across, under or over any road, highway, motorway and bridge under its control or any other similar structure within the Right of Way (ROW) in violation of Rules-3, 4 & 6 without the consent, in writing, of the Authority;
- (xi) "Government" means the Federal Government.
- (xii) "Lease" means a letting of land or building to a person/firm/agency for specified rent and period.
- (xiii) "Management Contractor" means the service provider and under O&M agreement or any other duly executed agreement for corridor management, appointed to undertake the tasks assigned in the scope of services.
- (xiv) "Motorway" means a road especially designed and built for motor vehicles which does not serve the properties bordering on it except at special points and has separate carriageways for the two directions of the traffic and does not cross at level with any road, railway, tramway, cycle track or footpath.
- (xv) "National Highway" means a road specified in a Part-I of the Schedule and includes a road declared by the Federal

Government by notification in the official Gazette, to be a National Highway.

- (xvi) "NHA" mean National Highway Authority.
- (xvii) "RAMD" means the Road Asset Management Directorate of the Authority as approved by the Board.
- (xviii) "Regulations" means Regulations framed under the Act.
- (xix) "Ribbon Development" means erection of any building or structure on the land lying between the ROW and the building line.
- (xx) "Right of Way (ROW)" means the land acquired for the purpose of construction of a national highway or any other road assigned to the Authority or taken over ROW of the roads declared as national highway or strategic road under the NHA Act and controlled by the Authority including bridges constructed and owned by the Authority.
- (xxi) "Road" means a road including land within the ROW and all works, such as, carriageways, cartways, footpaths, berms, side drains, culverts, bridges, tunnels, fences, posts, sign boards, plantation, lighting arrangements, intersections and medians assigned to the Authority.
- (xxii) "Regulatory Framework (Regulations)" means Regulations framed under the Act.
- (xxiii) "Rules" means Rules made under the Act.
- (xxiv) "SOP" means the Standard Operating Procedures.
- (xxv) "Strategic Road" means a road specified in Part-II of the Schedule and includes a road declared by the Federal Government by notification in the official Gazette, to be a Strategic Road.

(2) All other expressions used but not defined in these Rules, shall have the same meaning as are assigned to them under the Act.

3. **Restriction on Encroachment and Ribbon Development:-** (1) Subject to Sub Rule (2) of Rule 3, no person shall without the consent, in writing, of the Authority; (a) erect any, building, boundary wall and structure whether temporary or permanent, moveable or immovable; (b) set up any fence, hedge, post, scaffolding, tower, pylon, transmission line, dispenser, sign board, advertisement, hoarding or banner; (c) deposit or cause to be deposited building material, goods for sale, rubbish, industrial waste, waste water,

sullage, industrial effluent or any other such matter or article etc.; (d) carry any cable, wire, pipeline, drain, duct, sewer or channel of any kind through, across, under or over; and (e) make any excavation on road, highway, motorway, bridge or land:-

- (i) within seventy meters from center line of ROW of a national highway and no industrial building within one hundred meters on either side of the centre line;
- (ii) within two hundred and fifty meters from centre line of ROW of a motorway;
- (iii) within one thousand meters on either side of centre line at all interchanges and service areas in a length of one kilometer beyond connecting point of ramps and loops with a motorway and feeding roads; and
- (iv) within forty meters from center line of the ROW in case of sections of a national highway or strategic road or bridge which is situated in municipal limits and hilly areas.

(2) No such restriction on Ribbon Development referred to in Sub-Rule (1), shall apply in case of:-

- (a) any building/structure or excavation which is used or intended to be used mainly or exclusively for purposes of or relating to cultivation of land adjacent thereto otherwise than as a dwelling house or a commercial property;
- (b) any work begun before the date of coming into force the Highway Ordinance, 1959 (W P Ord XXXII of 1959), or any other provincial law on the subject or any work carried out in accordance with permission of any competent authority before that date; or
- (c) any national highway in respect of which a Building Line has been determined under Rule-5 or under any provincial law before the commencement of the Act.

4. **Prohibition to Construct or Layout any Means of Access:-** No person shall, without the consent, in writing, of the Authority, construct or layout any means of access to or from a national highway, motorway, strategic road or any other road or bridge declared as such under the Act.

5. **Determination of Building Line:-** (1) The Authority may determine a building line along one or both sides of a national highway, motorway, strategic road or any other road or bridge declared as such under the Act.

(2) The Authority shall, before proposing to determine a Building Line, take into consideration report of the National Highways and Motorways Police (NH&MP) or traffic police concerned and any planning scheme proposed, prepared or enforced in the same vicinity by any other local authority in that behalf.

(3) The Authority shall, if it is of opinion that a Building Line may be determined, publish in a local newspaper a notice in the form set out in Appendix-I for information of the general public and all persons having interest in the land and property covered under the proposed Building Line but it shall not be necessary to include a plan of the proposed Building Line in such notice.

(4) A copy or copies of the plan of the proposed Building Line shall be deposited at one or more places in or near the locality of the proposed building line and such place or places shall be specified in the notice.

(5) The plan of the proposed Building Line shall be available for public inspection for a period of not less than sixty days from the date of publication of notice under Sub-Rule (3).

(6) The notice shall invite objections to the proposed Building Line to be filed before a person specified therein within a period of sixty days from the date of issuance of the notice and all objections received within such period shall be taken into consideration by the Authority before determination of the Building Line.

(7) The Building Line so determined shall be declared by notification in the official gazette, and shall be effective from the date of such publication.

6. Prohibition to Construct or Maintain any Structure or Make any Excavation Between a Building Line and the ROW:- (1) No person subject to Sub-rule (2) of Rule-3 without the consent, in writing and no objection certificate of the Authority shall:-

- (a) erect any, building, boundary wall, shed, dispenser and structure whether temporary or permanent, moveable or immovable;
- (b) setup any fence, hedge, post, scaffolding, tower, pylon, transmission line, sign board, advertisement, hoarding or banner;
- (c) deposit, cause to deposit, building material, goods for sale, rubbish, industrial waste, waste water, sullage, industrial effluent or any other such matter and articles;

- (d) and carry any cable, wire, pipeline, drain, duct, sewer or channel of any kind through, across, under or over;

the land between a ROW and a Building Line.

(2) In case any building or structure and other amenities defined in Sub-section (1) of Rule-6 including a work or any part thereof which already existed (before determination of Building Line by the Authority under Rule-5 or under any provincial law before the commencement of the act) between the ROW and Building Line, the Authority may, whenever such building, structure and other amenities or part thereof has fallen down, by notice require such building, structure and other amenities or part thereof to demolish and set back to the building line and if the portion of land thus rendered vacant is included within the boundaries of road in relation to which such building line has been determined, such portion shall become part of the national highway, motorway, strategic road or bridge.

Provided that the Authority shall pay compensation to the owner of such portion of land or of the building which existed thereon for any damage caused to him by the setting back of building and structure.

7. **Payment of Compensation:-** (1) The Authority shall pay compensation to a person having interest in land, if he proves that his interest in land has been adversely affected by determination of Building Line.

Explanation:- For the purposes of this Sub-rule, the expression "interest in land" shall mean the interest in land vested in such person on the day the determination of Building Line comes into effect.

(2) For grant of compensation, such person shall furnish proof of danger or loss to the satisfaction of the Authority.

(3) No compensation shall be paid for any loss in so far as the land is subject to a substantially similar restriction under any other law or when compensation in respect of a substantially similar restriction has already been paid under the Act or any other law.

(4) The Authority shall pay compensation according to the market value of the interest in land prevailing at the time when determination of building line came into effect.

8. **Construction of Means of Access to or From the Road or to Construct a Building, Structure and Other Amenities Within a Building Line:-** (1) Any person wishing to obtain the consent of the Authority to construct a means of access to or from the highway or to construct a building, structure and other amenities within the Building Line determined under Rule-

5 or under any provincial law before the commencement of Act shall apply to the Authority for grant of its permission.

(2) The applicant shall furnish to the Authority such plans, other relevant documentation and fees as it may require in this behalf as prescribed under NHA regulatory framework and SOPs for preservation and commercial use of ROW.

(3) The Authority shall, subject to due consideration to highway safety and convenience of road users and if satisfied that the permission to construct a means of access to, or from, the highway or to construct a building, structure and other amenities within the Building Line may be granted, inform the applicant accordingly, subject to such conditions as it may deem fit to impose on payment of such fees as it may fix.

(4) In case the Authority is of the opinion that such permission may not be granted, it shall record its reasons, in writing, for refusal to grant such permission and inform the applicant accordingly with reasons for such refusal.

9. **Removal of Encroachment:-** (1) If any person, without the consent of the Authority, makes any encroachment, the Authority shall give such person a notice in the form set out in **Appendix-II** to remove the encroachment within such period as may be specified by it and the period so specified shall not be of less than twenty four hours.

(2) In case such person fails to comply with such notice within the period specified therein, the Authority may under Section-12 of the Act take such action against such person as may be necessary to remove the encroachment and to recover the cost thereof.

10. **Determination and Recovery of Cost:-** (1) The cost to be recovered under Rule-9 shall be the actual cost incurred in removing the encroachment and the peace keeping cost as may be determined by the Authority.

(2) The Authority shall serve the person concerned with a notice to pay the cost within such a period as may be specified by it in the notice.

(3) In case such person fails to pay the cost, the Authority may recover the cost by sale of the material removed and the remaining sum due, if any, as an arrears of land revenue.

11. (1) No person, municipal committee, district government, cantonment board or any other government agency shall do any of the following acts within ROW without the consent of the Authority in writing, namely:-

- (a) open or break up the surface of any road, highway, motorway, strategic road and bridge; or
- (b) construct or carry any cable, wire, pipe, drain, sewer channel of any kind through, across, under or over any road and bridge; or
- (c) within the boundaries of any road, repair or alter or execute any works on, or in relation to, any existing cable, wire, pipe, drain, sewer or channel of any kind, running through, across, under or over such road, highway, motorway and bridge; or
- (d) erect and install any structure or amenities and carry out commercial activities;

(2) In giving its consent under Sub-section (1) of Rule-11, the Authority may impose such conditions as it may deemed to be necessary and consistent with the performance of its duty as such the Authority may impose a rent or other charge for any land forming part of the road occupied by or applied to the proposed work.

(3) Any person or agency contravening or causing the contraventions of the provision of Sub-section (1) of Rule-11 shall be liable to prosecution under the provision of these Control Rules and the Authority may, also without giving any notice to the offender, remove the offending works, restore the road to its former condition and the Authority may recover the cost thus incurred from the offender as determined by the Authority.

(4) The cost recoverable under Sub-section (3) shall be such sum as may be determined to be the actual cost by the Authority may require the offender through a demand notice to pay the cost within a reasonable period not exceeding fifteen (15) days and in case he fails to make the payment within the specified period the cost shall be recovered as arrears of land revenue or from sale of material so removed.

(5) If any dispute arises between the Authority and any other government agency or person, out of or in relation to the exercise of powers of such authority under Sub section-1 such dispute shall be referred to arbitration under 1940 Arbitration Act. The cost of the arbitration shall be borne by municipal committee, district government, cantonment board and any other agency or the person concerned.

12. **License for the Grant of Permission to Construct Approach Roads or Culverts for the use of Government Land for Construction, Installation of Filling/CNG Stations, Other Amenities and Laying of Utility Lines Through, Across, Under and Over the Road or Bridge:-** (1) The Authority may, at its discretion, with due regard to the safety and convenience of the road user and subject to such conditions as it may impose and on

payment of such fees and rental charges/lease charges as it may fix, permit any person or agency to; (a) setup filling/CNG stations, hotel/motel, restaurants, sign boards, nurseries, shops, khokhas, hoardings, banners for a specific period; (b) to carry any cable, wire, pipeline, drain, duct, sewer or channel of any kind through, across, under or over any national highway, motorway, strategic road and bridge under its control; (c) to manage the national highway, strategic road or bridge corridor including all amenities in Sections or Sub-sections or part thereof as commercial entity through management contractor on behalf of the Authority, at a fee or ground rental charges prescribed by the Authority in the duly executed contract agreement approved by the Board or as prescribed under Regulatory Framework and SOPs of the Authority.

(2) Any person or agency wishing to obtain the consent of the authority to construct or lay out a means of access to or from or to construct a building, structure and other amenities within ROW and Building Line to which restrictions have been applied by or under Sub-section (1) of Rules-3, 6 and 11 and shall furnish with his application such plans and other particulars as may be prescribed by Authority and the Authority may refuse to grant the application or may grant the application subject to such conditions as it may deem fit to impose and ground rental charges and fees prescribed under Regulatory Framework and SOPs of the Authority.

(3) If the owner of CNG/filling stations, restaurants, hotels/motels, factories, nurseries, shops/khokhas and any other amenities or government agencies, departments, cantonment boards fails to pay the lease or ground rental charges in the prescribed time and fail to comply with the instructions of the Authority, a surcharge fee shall be charged at the prescribed rates as given in the Regulatory Framework and SOPs of the Authority.

(4) The land utilized other than approach road as specified by NHA shall be mandatory for the applicant to pay ground rental charges as determined by DCO or prescribed by the Authority @ 7% of the land value.

13. Lease of Government Land for the Erection of Filling/CNG Stations and Other Structures, Service Area Concessions and Amenities:-

Licenses, leases and agreements for the construction or use by a private person or works of a private nature by any other agency for public works/utilities on land which is the property of government shall govern under the following Sub-sections of the Rule:-

- (1) Future Installation
 - (a) No objection/registration fees as prescribed by the Authority under its Regulatory Framework and SOPs for commercial use of ROW.
 - (b) Ground rental charges @ 7% (minimum) or prescribed by the Authority (with the approval of Board), of the

land value assessed and notified by District Revenue Officers or any other prescribed authority for this purpose, in the lease year shall be taken as ground rental for land.

- (c) The area of the land to be leased shall be clearly mentioned in square meters on the lease agreement and ferro plan accompanying it.
- (d) The ground rental charges shall be deposited in advance for three (3) years or on annual basis as prescribed by the authority in its Regulatory Framework and SOPs from the date of assessment.
- (e) The lease agreement shall be for thirty (30) years (maximum) or for the period prescribed by the authority. The ground rental charges will be fixed and will be appreciated after every three (03) years @ 7% or as prescribed by the authority in its Regulatory Framework and SOPs for the purpose of revision of ground rental charges.
- (f) In case of any dispute, either party shall have the right to terminate the Contract Agreement after serving ninety (90) days notice for termination to the other party.

(2) **Already Established Installations:-** The ground rental charges at the rate of 7% (minimum) of assessed value of the land by District Revenue Officers or any other prescribed authority shall be charged with effect from 1st July, 1999 from the already established CNG/filling stations within NHA ROW (previously leased by C&W Deptt. or District Councils) along with approach rental charges and NOC registration fees.

(3) **Agreement:-** An agreement on a stamp paper of a value equivalent to 4% of the annual ground rentals would be duly executed under Sub-sections-1 & 2 of Rule-13 by the two parties. The expenses for providing the stamp paper shall be borne by the lessee. Where government is the lessee it is exempted from stamp duty.

(4) The Authority may fix the ground rental charges for other commercial amenities with the approval of Board.

(5) If the owner of CNG/filling stations, restaurants, hotels/motels, factories, nurseries, shops/khokhas and any other amenities or government agencies, departments, cantonment boards fails to pay the lease or ground rental charges in the prescribed time and fail to comply with the instructions of the Authority, a surcharge fee shall be charged at the prescribed rates as given in the Regulatory Framework and SOPs of the Authority.

(6) Service area concessions under legally executed contracts approved by Board on case to case basis.

(7) The area up to the first dispenser will be charged in approaches while the remaining area will be measured in square meters. The ground rental charges will be fixed as notified by the DCO and will be appreciated @ 7% after every three (03) years.

14. **Lease of Government Land for Establishment of Movable Property like Nurseries, kiosks, Khokhas, Vendor Stalls etc:-** Licenses, leases and agreements for the construction or use by a private person or works of a private nature by any other agency for public works/utilities on land which is the property of government shall govern under the following sub sections of Rule:-

- (1) Future Installation
 - (a) No objection/registration fees as prescribed by the Authority under its Regulatory Framework and SOPs for commercial use of ROW.
 - (b) Ground rental charges @ 2½ (minimum) or prescribed by the Authority (with the approval of Board), of the land value assessed and notified by District Revenue Officers or any other prescribed authority for this purpose, in the lease year shall be taken as ground rental for land.
 - (c) The area of the land to be leased shall be clearly mentioned in square meters on the lease agreement and ferro plan accompanying it.
 - (d) The ground rental charges shall be deposited in advance for three (3) years or on annual basis as prescribed by the Authority in its Regulatory Framework and SOPs from the date of assessment.
 - (e) The lease agreement shall be for five (05) years (maximum) or for the period prescribed by the Authority. The ground rental charges will be fixed and will be appreciated after every three (03) years @ 2½% or as prescribed by the Authority in its Regulatory Framework and SOPs for the purpose of revision of ground rental charges.
 - (f) In case of any dispute, either party shall have the right to terminate the Contract Agreement after serving ninety (90) days notice for termination to the other party.

(2) **Already Established Installations:-** The ground rental charges at the rate of 2½% (minimum) of assessed value of the land by District Revenue Officers or any other prescribed authority shall be charged with effect from 1st July, 1999 from the already established moveable property like nurseries, khokhas, vendor stalls etc. within NHA ROW (previously leased by C&W Deptt or District Councils) and NOC registration fees and will be appreciated @ 2½% after every three (03) years.

(3) **Agreement:-** An agreement on a stamp paper of a value equivalent to 4% of the annual ground rentals would be duly executed under Sub-sections 1 & 2 of Rule-14 by the two parties. The expenses for providing the stamp paper shall be borne by the lessee. Where government is the lessee it is exempted from stamp duty.

(4) The Authority may fix the ground rental charges for other moveable commercial amenities with the approval of Board.

(5) If the owner of CNG/filling stations, restaurants, hotels/motels, factories, nurseries, shops/khokhas and any other amenities or government agencies, departments, cantonment boards fails to pay the lease or ground rental charges in the prescribed time and fail to comply with the instructions of the Authority, a surcharge fee shall be charged at the prescribed rates as given in the Regulatory Framework and SOPs of the Authority.

15. **Acquisition of Land:-** (1) The Authority may acquire any land situated between a building line and the ROW to which it relates, if in its opinion, such acquisition is necessary for the construction or improvement of the highway or motorway or strategic road or bridge.

(2) If the purchase cannot be effected by agreement, the Authority may certify that the land is required for the construction or, as the case may be, the improvement of a national highway, motorway, strategic road and bridge, and thereafter acquisition may be effected under the Land Acquisition Act, 1894.

16. **Temporary Closure of National Highway, Motorway, Strategic Road and Bridge:-** When any national highway, motorway, strategic road and bridge or portion thereof is temporarily closed for repairs or for any other purpose connected with the functions of the Authority under its Act and Rules in such a manner as to interfere with the passage of traffic, it shall be the duty of the Authority to set such notices as may be prescribed at each end of the closed portion, and the Authority may also announce the fact by such other means as it may deem proper; and the Authority shall further provide, so far as may be, reasonable means of access to the open portion of the road from the adjoining areas which have been deprived of access by such closure as well as a reasonable passage for through traffic, and may, for these purposes make temporary access or diversion roads through contiguous lands, after giving

reasonable notice to the owner thereof and shall pay reasonable compensation for any damage caused to such land thereby.

Copy of the notices shall also be provided to National Highways and Motorways Police fifteen days before the temporary closure.

17. **Notices:-** All notices under these Rules shall be served in the following manner:-

(1) In case the identity of the offender is known, the notice shall be served on him or on his known authorized representative or on the person found to be representing him at the site of occurrence of the offence personally and if these persons be not available or traceable or refuse to receive the notice, by affixation at a conspicuous place at the site of the offence.

Copy of the notice shall also be provided to National Highways and Motorways Police.

(2) In case the Authority is satisfied that the identity of the offender cannot be ascertained, a notice with the heading “to whom it may concern” affixed at a conspicuous place at the site of offence shall be deemed to have been served on the offender.”

18. **Financial and Administrative Powers**

<u>Nature of Power</u>	<u>To Whom Delegated</u>
(i) Determination of Building Line under Rule-5, along sides of National Highways, Motorways and Strategic Roads and Bridges.	Executive Board
(ii) Fixation of ground rental/lease charges For CNG/filling stations, hotels/motels, nurseries, shops, khokhas and other structures & other amenities under Rules-12, 13 & 14.	Executive Board
(iii) Payment/fixation/grant of compensation under Rule-7.	Chairman

- (iv) Approval of lease of government land under Rules-13 & 14.
- Executive Board Above Rs. 20.0 million (in each case) for lease period
 - Chairman Upto Rs. 20.0 million (in each case) for lease period
 - Member (Ops) Upto Rs. 5.0 million (in each case) for lease period
- (v) Permission to construct or layout any means of access to or from a National Highway, Motorway, Strategic Road and Bridge under Rules-8, 11 & 12. Member (Ops)
- (vi) Orders for Removal of Encroachments within ROW and preservation of Building Line under Rules-3, 4, 6, 9 & 11. GM (Region)/(Project)
- (vii) Determination and recovery of cost of removal of encroachment, from the person making the encroachment under Rules-10 & 11. GM (Region)/(Project)

NOTICE FOR DETERMINATION OF BUILDING LINE

WHEREAS, the National Highway Authority is of opinion that a building line may be determined between Km _____+ _____ and Km _____+_____ of National Highway/Motorway/strategic road (N-_____) (M-_____) (SR-_____) covering _____ side (specify cardinal direction i.e. Western/.Eastern/Southern/Northern in addition to left or right of the said section of the road).

NOW, THEREFORE, this notice is hereby published for the information of the general public and of persons having interest in land and property covered under the proposed building line. The plan of the proposed building line has been deposited at _____ and at _____ for inspection at any time during the period from _____ to _____ and to file their objections in the office of _____(specify designation and address) within the period ending on _____.

Given under the hand and seal of _____ (specify designation), this _____ day of _____ (specify month and year) on behalf of the National Highway Authority.

Signature:_____

Name:_____

Designation:_____

Seal of the National
Highway Authority.

NOTICE FOR REMOVAL OF ENCROACHMENT

WHEREAS, Ms/Mr./Mrs./Mss _____
son/daughter of _____ has made an
encroachment within the Right of Way/between Right of Way and building line
in violation of the restriction on ribbon development in respect of the National
Highway/Motorway/ strategic road, within the meaning of National Highways
and Strategic Roads (Control) Rules, 1998 as amended in 2002 at
_____ and whereas the said
encroachment is liable to removal under the aforesaid rules.

NOW, THEREFORE, you are hereby directed to remove the aforesaid
encroachment within twenty-four hours, failing which the aforesaid
encroachment shall be removed by the National Highway Authority at your
expense and cost.

Given under the hand and seal of _____ (specify
designation), at _____ AM/PM on this _____ day of
_____ (Specify month and year) on behalf of the National
Highway Authority.

Signature: _____

Name: _____

Designation: _____

Seal of the

National Highway Authority.
[No F. 1(7)/DG(C)/97]

NATIONAL HIGHWAY AUTHORITY (NHA) ACT

**CHAPTER III
POWERS AND DUTIES OF THE AUTHORITY**

10. The powers of the Authority ----- (1) The Authority may take such measures and exercise such powers as it considers necessary or expedient for carrying out the purposes of the Act.
- (2) Without prejudice to the generality of the powers conferred by sub-section (1), the Authority may for the purpose of carrying out the purpose of this Act:-
- (i) advise the Federal Government on matters relating to National Highways and strategic roads;
 - (ii) acquire any land in accordance with legal procedure and obtain and dispose of moveable and immovable property or interests therein;
 - (iii) undertake any work specified in sub-section (1) and (2) of section 11;
 - (iv) incur expenditure on works specified in clause (iii);
 - (v) procure plant, machinery, instruments and materials required for its use;
 - (vi) enter into and perform all such contracts as it may consider necessary;
 - (vii) levy, collect or cause to be collected tolls on National Highways, strategic roads and such other roads as may be entrusted to it and bridges thereon;
 - (viii) license facilities on roads under its control on such terms as it deems fit;
 - (ix) determine a building line between which and the ROW it shall not be lawful without the consent of the Authority to construct or maintain any structure or make any excavation;
 - (x) cause studies, surveys, experiments and technical researches to be made or contribute towards the cost of such studies, surveys, experiments or technical researches made by any other agency;

- (xi) exercise power to award negotiated contracts for projects to be undertaken through Private Sector Financing programme;
- (xii) seek and obtain advice and assistance for the preparation and execution of any plan programme or project;
- (xiii) raise funds (local and foreign) through borrowing, floating of bonds, sharing or leasing of assets or any other means from time to time;

Provided that a foreign loan shall be negotiated in consultation with the relevant Ministry of the Government of Pakistan.

- (xiv) perform any other function supplement, incidental or consequential to the purposes and functions aforesaid; and
- (xv) takeover ROW of the roads declared as National Highway with the consent of provinces and approval of the Federal Cabinet and Provinces shall simultaneously effect the mutation free of cost and without any liability or condition.