

67

Government of India
Ministry of Shipping and Transport
(Roads Wing)

Telegrams
ROALIED

TELETYPE UNIT BHAVAN
1, Parliament Street

No. NHII/P/72/76

New Delhi the

103 JAN 1977
20 Dec. 1976

To

1. All State Govts & Union Territories (Departments dealing with Highways)
2. All State Chief Engineers/Asst. Chief Engineers/Principal Engineer dealing with Highways.
3. Engineer-in-Chief, C.P.W.D. and Army Headquarters.
4. D.G.B.R., C.P.W.D., and Army Headquarters.

Subject: Control of Ribbon Development and removal of encroachments along highways.

Sir,

In supersession of the instruction communicated in the circulars mentioned in the margin, I am directed

- to issue the following consolidated guide line for control of ribbon development and removal of encroachments along highways special National Highways and
1. PI-12(2)/52, dated 10.10.52
 2. VII-2(57)/61 dated 6.10.61
 3. VI-43(3)/63 dated 24.7.63
 4. PL-7(11)/57 dated 1.1.66

such centrally sponsored highways as the Lateral Road and the Strategic Road.

2. Ribbon Development along arterial highways has become an acute problem near developing towns. This is further accentuated by uncontrolled proliferation of access points to the highway. In some of the congested towns along National highway where ribbon development has already taken place, bye-passes have been provided but unless adequate measures are taken to prevent recurrence of ribbon development, no lasting solution is possible. Some of the measures which should be given immediate consideration to control further deterioration of the situation are:

- (a) Provision of adequate land width for future development.
- (b) Provision for Service road for traffic which is purely local in character.
- (c) Control of access.
- (d) Control of building activities.

S. CCNHR
CCNHR
C.E. (N.H.)

- (e) Control of road side advertisement.
- (f) Prevention of encroachments and their speedy removal.

3. Access to arterial highways should be restricted to predetermined points and in urban and industrial areas this should be done by constructing parallel service roads on either side. The necessary land for the service road should be acquired simultaneously with the acquisition of land for the highway proper. The general requirement of land width for highways is indicated in table-1 below:-

TABLE 1: LAND WIDTH FOR DIFFERENT CLASSES OF ROAD

Class of Roads	Land width in Meters							
	Plain & Rolling country				Mountainous & Steep Terrain			
	Rural Areas		Urban areas		Rural Areas		Urban areas	
Normal	Range	Normal	Range	Normal	Exceptional	Normal	Exceptional	
National Highways and State Highway	45	30-60	30	30-60	24	18	20	18
Major District Road	25	25-30	20	15-25	18	15	15	12
Other District Road	15	15-25	15	15-20	15	12	12	9
Village Road	12	12-18	10	10-15	9	9	9	9

Parallel service roads for 2 way traffic should be planned as an essential part of any scheme for erecting buildings and factories on the land abutting the highway and provision for these made in the layout from the very beginning. In this connection, I am bringing to your notice the recommendations of the Transport Development Council of its fourth meeting held in April 1953 which are as below:

"The Council recommends that parallel service roads should be constructed in factory areas alongside the National and State Highways to avoid congestion on these Highways. The State Govt. could ensure compliance with this requirement by stipulating a suitable condition at the time of granting permission to the setting of factories and other building".

As service roads are intended to meet mainly

local traffic needs, these could be constructed by the concerned Road Authority who can, if they so desire consider and examine possibility of charging some fee from the owners of the factories/buildings to recoup the cost by adopting some suitable necessary procedure as admissible. In case of the suitable urban links on National Highways through towns having populations of 20,000 or more, the Central Govt. would discharge the responsibilities conforming the scheme vide this letter No. MHIII/P/16/76 dated 17th March, 1976 (copy enclosed) and to the consequent agreement.

5. ACCESS POINTS

5.1 In urban areas the spacing of access to Arterial highways should wherever possible be restricted to 500 metre interval. If an highway is likely to be developed as Expressway/Motorway the spacing should be 1000 metre.

5.2 In rural areas spacings of connections from parallel service roads and of intersection should not be closer than 750 m. Individual driveways to private properties other than petrol pumps should not be spaced closer than 300 metre from each other or from an intersection. Regarding petrol pumps practice recommended in IRC 12 & 13 should be followed. On highways with dual carriageway median openings should generally be limited to intersection with public roads and should not be permitted for individual business needs. Where inter-sections are far apart, median openings may be provided at intervals of 2 Km for permitting U-turns and diversion of traffic to one of the carriageways at times of emergency or major repairs.

5.3 A reference may be made to IRC:52-1976 - "Guidelines for Control of Access on Highways" for general guidance in other situations.

5.4 Designs of all access points should conform to the minimum geometric standards required for safety at the particular location and adequate warning should be provided through Road Signs and Markings.

5.5 Prior permission of the Ministry should be obtained before permitting new access points on National Highways other than those provided in accordance with policy mentioned above.

6. Control of Building Activities

6.1 In order to prevent overcrowding and preserve sufficient space for future road improvement, it is

desirable to lay down restrictions to regulate building activities along arterial highways. Such measures will help in securing adequate sight distance and preserve the aesthetic value of the highway besides ensuring free flow of traffic. It is desirable that within a prescribed distance from the highway no building activity is allowed as undertaken. This distance from road is defined by a hypothetical line called the "Building line". Beyond this line it is desirable that buildings of height exceeding 15 metres above road level are not built for a further distance defined by what are called "Control Lines". The minimum desirable standard for "Building Lines" and "Control Lines" for various types of road are given in table 2 below:

TABLE:2 STANDARDS FOR BUILDING LINES AND CONTROL LINES

Class of Road	Plain and Rolling Terrain		Mountainous & Steep Terrain				
	Rural Areas		Urban & Industrial Areas	Distance between Building line and Road land boundary			
	Width between Building lines (overall width) (metres)	Width between control lines (overall width) (metres)	Distance between Building line and Road land boundary (set back distance) (metres)	Rural Areas Normal (Metre)	Urban Areas Exccp- tional (metre)	Rural Areas Normal (metre)	Urban Areas Excep- tional (metre)
1. National & State Highway	80	150	3-6	5	3	5	3
2. Major District Roads	50	100	3	5	3	5	3
3. Other District Roads.	25/30*	35	-	5	3	5	3
4. Village Roads	25	30	-	5	3	5	3

* If the land width is equal to the width between building lines indicated in this column, the building lines shall be set back 2.5 metres from the road land boundary lines.

Generally the building and control lines would be symmetrical about the road way. These should be strictly enforced by State Govts. along all National Highways/Strategic Roads while approving schemes of development and specifying land use. Necessary legislation to enforce these, where required, may also be enacted.

6.2 No structure of any kind, save the ones required for the development and operation of the highway or those for which the State's have been authorised separately, should be permitted to be put up on National Highway road land without the prior approval of the Ministry.

7. Control on Advertisements

7.1 Erection of hoardings, advertisement boards, statues etc. are a source of distraction and cause of accidents on highways and should not be permitted on National Highway land. Only signs and notices of the types mentioned in para 3.3 of the IRC:46-1972 "A Policy on Roadside Advertisements" may be permitted if they do not interfere with visibility along the Highway and are atleast 100 m from any road junction, bridges or another crossing. ~~The general considerations given in the above mentioned IRC policy should be kept in view.~~ The general considerations given in the above mentioned IRC policy should be kept in view.

8. Prevention and Removal of Encroachments

8.1 It is noticed that a number of encroachment have developed in the past on arterial highways. It is essential that urgent action is taken to remove all the existing encroachments expeditiously so as to eliminate nuisance and ensure safe and free flow of traffic. Ministry of Law has advised that any or all of the following methods may be used to remove encroachment on highways.

- (1) Action be taken under section 133 of the Criminal Procedure Code. In order to bring the case under section 133, the prosecution has to prove that the land in question is either a public way or a public place.
- (2) Encroachment upon a public road is an obstruction to the public path and it is a nuisance in itself under Section 269 of the Indian Penal Code. No argument by a user can justify an encroachment upon a public way. The question of sufficient width of the road being left in support of the encroachment for public use is no ground for allowing encroachment or obstruction to continue. It is the duty of the Magistrate to come to a finding whether the claim of the person complaining of such encroachment is bonafide or not. The question of possession is relevant for this purpose.

- (3) Criminal proceedings may, be initiated against the wrong doer under the various provision of Indian Penal Code, Criminal Procedure Code and such of the Police Acts as are applicable to Central subjects like National Highways which are a Union subject under the Constitution.
- (4) Section 291 of the Indian Penal Code punishes a person continuing a nuisance after he is enjoined by a public servant not to repeat or continue it. Sections 142 and 143 of the Code of Criminal Procedure empower a Magistrate to forbid an act causing a public nuisance. The Civil Procedure Code also empowers a court to issue temporary injunction. To be able to expedite removal of encroachments each P.W.D. division must prepare accurate land maps and keep them handy for checking and for producing in evidence.

9. The need and urgency of taking suitable legislative measures for restricting ribbon development along highways in the country have been brought to the notice of the State Govts. on several occasions in the past. In regard to the framing of a Central legislation for the prevention of ribbon development along National Highways, it has not been possible to make a headway so far, as the requisite resolutions under Article 252 (1) of the Constitution are still awaited from several States. Since there is an urgent need for a uniform pattern of enactment, it is desirable that all States empower the Central Govt. to legislate a common law applicable throughout the country, so far as National Highways are concerned. This may please be expedited.

10. The content of this communication, with suitable instructions, may be brought to the notice of all concerned to ensure speedy action.

Yours faithfully,

Letter No. (I S DUTT)
 Encl: WHIII/P/16/ Under Secretary to the Govt of India
 76 dt. 17.3.76

- Copy Forwarded to:
- 1. All Officers at Headquarter.
 - 2. All R.Os/E.L.Os.
 - 3. All Works Sections with 3 spare copies.
 - 4. Chief Engineer, Eastern Region.
 - 5. 50 spare copies for WHIII Section.
 - 6. 25 copies to MB(R)Stas3.

(I. S. DUTT)

Encl: Nil Under Secretary to the Govt of India

Dated, the 16th August, 2000

No. RM/NT-11014/196-PI.

To

The Chief Secretaries/Secretaries/Chief Engineers of all States /UTs (dealing with National Highways & Centrally Sponsored Schemes)

Subject: Demarcation of Building Lines and Control Lines on the land adjacent to the National Highways - Enactment of Legislation and Enforcement

Please refer to this Ministry's letters of even no dated 17th October, 1997, 16th June, 1998 and 27th October, 1998 requesting the State Governments to enact legislation for control of development activities on the land adjacent to the National Highways outside their right-of-way (since the regulation of land outside the National Highways right-of-way vests with the State Governments) on the following broad framework of the proposed legislation.

- (i) Acquisition of powers by Government to fix building and control lines adjacent to National Highways, apart from control on construction and restriction of building activities.
- (ii) Powers of Government to levy, fix and recover betterment charges on land alongside the National Highways, if desired to recover cost of providing better services and improved accessibility to the people.
- (iii) Provision for creation of an organisation to delineate Highway boundaries, Building Lines and Control Lines along the National Highways with powers to enforce provisions of the Acts.
- (iv) Powers to prevent obstructions of view of users of National Highways especially at any bend, curve or corner of National Highways in order to remove or alter the height or character of any existing wall, fence, hedge, tree, advertisement banner, etc.

2. Copies of Assam Highways Act 1989 and Rajasthan Highway Act 1995 were also enclosed with the above mentioned letter of even No. dated 17th Oct., 1998 for reference while preparing the draft legislation.

3. Item on "Demarcation and enforcement of Building Lines and Control Lines on the land adjacent to the National Highways" was discussed during the 2nd State PWD Ministers' Conference held on 12th June, 2000 at New Delhi, wherein the States supported it. It was also reported during the conference that some States have already enacted suitable legislation on the above mentioned subject. It is, therefore, requested that the States, who have enacted such a legislation may demarcate and enforce building lines and control lines on the private lands beyond the right-of-way of National Highways after preparing plans showing these lines along the National Highways and send a copy of the act to this Ministry for reference and record. The States who have not yet enacted the suitable legislation may take necessary action for enactment of the legislation and intimate this Ministry regarding action taken by them. If any help is required from this Ministry, necessary reference may be made to Ministry without any hesitation.

143.2/6

143.2.11

No. RWNH-24035/22/94-PI.Vol.V

Dated, the 20th June, 2000

To

The Chief Engineers of the States/Union Territories (dealing with NHs and other centrally sponsored schemes); Chairman, National Highways Authority of India; Director General Border Roads

Subject : Construction of Bypasses on National Highways

Please refer to this Ministry's letter of even number dated 26.2.1999 requesting you to identify suitable projects for construction of bypasses on National Highways on BOT basis. It may be appreciated that the purpose of the bypasses is to ensure free and smooth flow of through traffic, avoiding the congested and accident-prone sections through habitations. In the past it has been observed that, once constructed, these bypasses attract growth of the town along their alignment, soon leading to the ribbon development and obstructions from cross traffic thereby causing deterioration in the desired level-of-service and reduction in safety. In order to mitigate these impediments and to ensure full benefits to the users for the user fee paid in case of BOT projects as well as to ensure long life to such investments, it would be necessary to keep in mind the following measures while planning, designing and constructing the bypasses:-

- 1.1. Provision of parallel service roads having controlled access and necessary fencing on either side of main highway.
- 1.2. Restricting the entry of cross roads only at selected and pre-determined locations.
- 1.3. All road intersections and rail crossing are to be provided with grade separators.
- 1.4. Wherever the bypasses length is either more than 10 km or it bypasses any important town/city, develop wayside amenities as integral part of the bypass project.
- 1.5. Enforce planning measures, such as, "building lines" and "control lines" rigidly.
- 1.6. Acquire adequate land width to provide for an ultimate six-lane facility to cater for next 10 to 15 years traffic growth along with service roads even though the present requirement may be only of two-lane/four-lane facility.

2. You are requested to give wide publicity to the above guidelines and issue necessary instructions to the officers concerned with planning and implementation of the highway works.