



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण National Highways Authority of India

(सड़क परिवहन एवं राजमार्ग मंत्रालय)
(Ministry of Road Transport and Highways)

परियोजना कार्यान्वयन इकाई
Project Implementation Unit

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भारतमाला
BHARATMALA
प्रगति के पथ पर अग्रसर
ROAD TO PROSPERITY

NHAI/PIU-DWD/34001/SRS-KMT/2020/4395

March 20, 2020

To

The Principal Chief Conservator of Forests

Aranya Bhavan, 18th Cross

Malleswaram ,

Bengaluru - 03

Sub: Diversion of 32.9248 Hectare of forest land in Divagi, Anthravalli and 18 other villages spread over Honnavar and Sirsi Forest Divisions for Up-gradation to Two lane with paved shoulders of Belekeri to Hattikeri Road (NH-766EE) from Ch.0+000 to Ch.4+242 and Kumta to Sirsi Road (NH-766EE) from Ch.4+242 to Ch.59+410 in favor of Project Director, National Highways Authority of India (NHA), Project Implementation Unit (PIU), Dharwad - Reg.

Proposal No.FP/KA/ROAD/37738/2018

Ref: 1) Govt of Karnataka Letter No.FEE 04 FLL 2020 dt 10.01.2020 (Stage-I Proposal) and 06.03.2020 (communication of GOI EDS Query)
2) PCCF, Bangalore letter No.KFD/HOFF/A5-2K(GFL)/28/2018-FC dt 10.03.2020

Sir,

1. The proposal of diversion of 32.9248 hectare of forest land for the project of up-gradation to Two lane with paved shoulders of Belekeri to Hattikeri Road (NH-766EE) from Ch.0+000 to Ch.4+242 and Kumta to Sirsi Road (NH-766EE) from Ch.4+242 to Ch.59+410 has been submitted to Government of Karnataka for approval of the Stage-I proposal vide letter dated 10.01.2020 cited under reference Sl.No.1. The same proposal was put up before the 41st Regional Empowered Committee in its meeting held on 25.02.2020. A presentation was made before the Committee and appraised the Committee about the purpose and importance of taking up the up-gradation work of NH-766EE.

2. Certain observations were raised by the Regional Empowered Committee and the same were communicated vide letter dated 10.03.2020 of PCCF, Bangalore. The same have been examined and also based on the site visit, the following further information are furnished for kind consideration of the Committee for approval of the Stage-I Clearance.

Sl.No.	Observations of REC	Compliance
1	Re-examination of the proposal by User Agency, as the area proposed for diversion falls in dense evergreen forest of Central Western Ghats, which is rich in biodiversity and also prone to soil erosion	The stretch from Kumta to Sirsi and from Sirsi to Haveri was declared as National Highway vide its notification No.4193(E) dt 28.08.2018, which is a part of Bharatmala under the Port Connectivity. (i) Objective is to develop as economic/feeder route to facilitate freight & container movement from Belekeri port to Haveri and other business/ Industrial hub at Hubli, Chitradurga , Bellary, Raichur, Bangalore and Chennai by utilizing already developed 4 laning stretch of NH-66, NH-48, NH-50 and NH150A. (ii) Proposed road after development would also be useful for goods & freight movement from Honnavar port whose connectivity is also being developed under Sagarmala project by NHAI.

		<p>(iii) Proposed development shall uplift socio economic, employment and growth of the region.</p> <p>(iv) the existing road from Sirsi – Kumta, where width of the carriageway is limited and also having the poor geometry with heavy traffic leads to frequent mishaps and makes this stretch highly unsafe to travel.</p> <p>(v) In addition, there is no existing road available as alternative to connect the villages and towns. Further, this road is an important connectivity for major tourist destinations viz., Yana, Sirsi Marikamba Temple, Idagunji Temple, etc</p> <p>(vi) Due to direct connectivity with better facilities, travel time will get reduced. Thus local people will be eminently benefited, during Medical emergency and also increase in the growth of GDP.</p> <p>It is therefore requested to the committee to kindly accept the proposal for Stage-I approval of forest clearance.</p>
2	Whether the User Agency can restrict the upgradation work of the proposed road in Devimane Ghat and Bandal Ghat to the existing width?	<p>As suggested by the Committee, the detailed site visit were carried out by NHAI field officer along with Contractor in Devimane and Bandal Ghat taking into consideration of available road width, road geometry and other features. It has been desired by Committee to restrict the up-gradation work of proposed ROW of 18mts to existing ROW which varies from 10m to 24m.</p> <p>The total width of existing ROW excluding earthen/Concrete drain and toe wall on LHS & RHS is given in PCCF, Bangalore letter no.64956 dt.10.03.2020</p> <p>Assuming width of existing drain as 1m on either side existing ROW varies from 10M to 24.2M in Ghat section. Therefore, the construction of road can be limited to 2 lane (7m wide concrete road) instead 2 lane with paved shoulder (10m wide concrete road), which requires 12.5m in straight alignment & 15m in curved alignment.</p> <p>As per IRC & from safety point of view minimum total width of ROW required for construction of 2 lane road without paved shoulders in Ghat section considering earthen shoulder 1m and drain width 1m on either side and extra width for curved portion required minimum ROW is 12.50 in straight portion and 15m in curved portion as against the proposed ROW of 18m. Thus there can be reduction in width of ROW from 3 to 5.5mts, if construction is done without paved shoulder in Ghat Section. Therefore, portion of Ghat section at certain location where available ROW is less than 12.50 in straight portion and 15m in curved portion, the additional forest land would be required and in majority of balance stretch the construction of 2 lane road can be accommodated within existing ROW.</p>

		<p>Hence, keeping stringent clause in Motor Vehicle act 2019, safety norms and development of the area in view, it is requested to accord stage-I clearance with direction to NHAI to restrict the proposed ROW of 18m to 12.50m in straight portion and 15m in curved portion of Devimane Ghat and Bandal Ghat for stretches where existing ROW is less than 12.50/15m.</p> <p>Further, it is pertinent to mention that the following sections are inserted under amended motor vehicle act 2019 under 198A(1) <i>“Any designated authority, Contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time”</i></p> <p>198A(2) says that <i>“where failure on the part of the designated authority, contractor, Consultant or Concessionaire responsible under sub-section(1) to comply with standards for road design, construction or Concessionaire shall be punishable with a fine which may extend to one lakh rupees and the same shall be paid to the fund constituted under section 164B”.</i></p>
3	Re-verification of proposed area vis-à-vis the boundary of Sharavathi Wildlife Sanctuary	To be answered by concerned Forest Division
4	Re-verification of tree enumeration up to 30cm girth class	

3. In view of the above, it is therefore kindly requested to consider the proposal for approval of the diversion of forest land for the project of “Up-gradation of Two lane with paved shoulders of Belekeri to Hattikeri Road (NH-766EE) from Ch.0+000 to Ch.4+242 and Kumta to Sirsi Road (NH-766EE) from Ch.4+242 to Ch.59+410”.

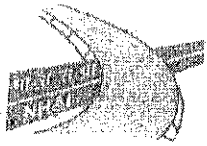
Thanking you,

Yours faithfully,

GM (Tech) & Project Director

Copy to:

- 1) Deputy Inspector General of Forests (Central), MoEF&CC, Regional Office (Southern Zone), Kendriya Sadan, Bangalore – 34 – for information please
- 2) The Chief Conservator of Forests, Kanara Circle, Sirsi
- 3) The Deputy Conservator of Forests, Sirsi / Honnavar Divisions – for information please
- 4) Regional Officer, NHAI RO Bangalore – for information please



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(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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NHAI/11001/11/2016-RSC/ 109

Date: 27.11.2019

To

All ROs & PDs

NHAI

Sub: Motor Vehicles (Amendment) Act 2019 - New provisions related to safety and NHAI and then Chairman NHAI directives - regarding.

Sir,

As you are aware the Motor Vehicles (Amendment) Act 2019 has the following new provisions which relate to road safety and NHAI.

(A) Motor Vehicles (Amendment) Act 2019

- (i) Section 116 sub-section (1A) of MV Act - deals with traffic signs/erection/removal on National Highways for the purpose of regulating motor vehicle traffic, etc. (refer relevant pages of the cited Act).
- (ii) Section 138 sub-section 1(A) of MV (Amendment) Act-2019 - regarding State Govt to frame rules for the purpose of regulating the activities and access to non-mechanically propelled vehicles and pedestrians to public places and National Highways - proviso thereto requires NHAI to be consulted in the course of framing of these rules (refer relevant pages of the cited Act).
- (iii) Section 198 of MV Act - deals with the designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road and failure on the part of them, etc. (refer relevant pages of the cited Act).

In the light of the above, all ROs/PDs are requested to ensure that all necessary road safety provisions are included while preparing DPRs/feasibility reports.

RO/PDs are also expected to ensure that maintenance of roads to take up well in advance separate instructions issued in this regard.

(B) The then Chairman NHAI (Shri N.N. Sinha) directives:

(iv) Lighting at the inhabited sections of NHs

ROs/PDs are requested to get in touch with the concerned Municipal/local authority to provide lighting at the inhabited sections of the NHs as per the existing contract/concession agreement.

Contd.....2

(v) Providing VUPs

The then Chairman NHAI directed that decision on these issues is considered and taken after study of the traffic and habitation patterns alongwith viability considerations.

(vi) Provision of FoBs

With regard to the Supreme Court Committee on Road Safety (SCCoRS) suggestion for FOBs with lifts, RO/PDs are requested to explore with the advertising agency to auction/entrust these responsibility of construction and operation of the lifts. Based on the inputs received from the ROs/PDs, the respective Technical divisions may finalize the proposals.

2. ROs and PDs are requested to examine the provisions listed in Motor Vehicles (Amendment) Act 2019 in particular the above cited provisions and ensure its compliance without fail. Furthermore, with regard to para A(ii), ROs are requested to furnish their views to RSC so that the consolidated inputs may be sent to MoRTH in framing the rules on the above mentioned matter.

Encl: MV (Amendment) Act 2019 - relevant sections

Yours faithfully,



(Dr. H.M. Naqvi)

Chief General Manager (T)

Copy to:

All CGMs(Tech) at HQ

Central Government, may cause harm to the environment or to the driver or occupants of such motor vehicle or to other road users.

Type-approval certificate and testing agencies.

110B. (1) No motor vehicle, including a trailer or semi-trailer or modular hydraulic trailer or side car shall be sold or delivered or offered for sale or delivery or used in a public place in India unless a type-approval certificate referred to in sub-section (2) has been issued in respect of such vehicle:

Provided that the Central Government may, by notification in the Official Gazette, extend the requirement of type-approval certificate to other vehicles drawn or intended to be drawn by a motor vehicle:

Provided further that such certificate shall not be required for vehicles which are—

- (a) intended for export or display or demonstration or exhibition; or
- (b) used by a manufacturer of motor vehicles or motor vehicle components or a research and development centre or a test by agency for testing and validation or for data collection, inside factory premises or in a non-public place; or
- (c) exempted by the Central Government.

(2) The manufacturer or importer of motor vehicles including trailers, semi-trailers, modular hydraulic trailers and side cars shall submit the prototype of the vehicle to be manufactured or imported for test to a testing agency for obtaining a type-approval certificate by such agency.

(3) The Central Government shall make rules for the accreditation, registration and regulation of testing agencies.

(4) The testing agencies shall conduct tests on vehicles drawn from the production line of the manufacturer or obtained otherwise to verify the conformity of such vehicles to the provisions of this Chapter and the rules and regulations made thereunder.

(5) Where the motor vehicle having a type-approval certificate is recalled under section 110A, the testing agency which granted the certificate to such motor vehicle shall be liable for its accreditation and registration to be cancelled.”

Amendment of section 114.

41. In section 114 of the principal Act, in sub-section (1), for the words “authorised in this behalf by the State Government”, the words “or any other person authorised in this behalf by the State Government” shall be substituted.

Amendment of section 116.

42. In section 116 of the principal Act,—

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), the National Highways Authority of India constituted under the National Highways Authority of India Act, 1988 or any other agency authorised by the Central Government, may cause or permit traffic signs, as provided in the First Schedule, to be placed or erected or removed on national highways for the purpose of regulating motor vehicle traffic and may order the removal of any sign or advertisement which in its opinion is so placed as to obscure any traffic sign from view or is so similar in appearance to a traffic sign as to mislead or is likely to distract the attention or concentration of the driver.

68 of 1988.

Provided that for the purposes of this sub-section, the National Highway Authority of India or any other agency authorised by the Central Government may seek assistance from the authorities of the State Government and the said State Government shall provide such assistance.”;

(b) in clause (d), for the word "highways", the words "highways; and" shall be substituted; and

(ii) after clause (d), the following clause shall be inserted, namely:—

"(e) any other amenities in the interests of the safety and the convenience of the public,";

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The Central Government may, by notification in the Official Gazette, make one or more schemes to conduct in-depth studies on the causes and analysis of road accidents."

Insertion of
new section
136A.

Electronic
monitoring
and
enforcement
of road safety.

47. After section 136 of the principal Act, the following section shall be inserted, namely:—

'136A. (1) The State Government shall ensure electronic monitoring and enforcement of road safety in the manner provided under sub-section (2) on national highways, state highways, roads or in any urban city within a State which has a population up to such limits as may be prescribed by the Central Government.

(2) The Central Government shall make rules for the electronic monitoring and enforcement of road safety including speed cameras, closed-circuit television cameras, speed guns, body wearable cameras and such other technology.

Explanation.—For the purpose of this section the expression "body wearable camera" means a mobile audio and video capture device worn on the body or uniform of a person authorised by the State Government."

Amendment
of section
137.

48. In section 137 of the principal Act,—

(i) after clause (a), the following clause shall be inserted, namely:—

"(aa) providing for the standards of protective headgear and measures for the safety of children below the age of four years riding under section 129;"

(ii) after clause (b), the following clauses shall be inserted, namely:—

"(c) providing for limits of urban city by the State Governments under sub-section (1) of section 136A; and

(d) providing for electronic monitoring and enforcement under sub-section (2) of section 136A."

Amendment
of section
138.

49. In section 138 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The State Government may, in the interest of road safety, make rules for the purposes of regulating the activities and access of non-mechanically propelled vehicles and pedestrians to public places and national highways:

Provided that in the case of national highways, such rules shall be framed in consultation with the National Highways Authority of India."

Omission of
Chapter X.

50. Chapter X in the principal Act shall be omitted.

Substitution of
new Chapter
XI for
Chapter XI.

51. For Chapter XI of the principal Act, the following Chapter shall be substituted, namely:—

(i) sounds the horn in an area with a traffic sign prohibiting the use of a horn, or

(b) drives a motor vehicle which makes use of a cut-out by which exhaust gases are released other than through the silencer,

shall be punishable with a fine of one thousand rupees and for a second or subsequent offence with a fine of two thousand rupees."

80. Section 195 of the principal Act shall be omitted.

Omission of section 195.

81. In section 196 of the principal Act,—

(i) after the words "shall be punishable", the words "for the first offence" shall be inserted;

Amendment of section 196.

(ii) for the words "which may extend to one thousand rupees", the words "of two thousand rupees." shall be substituted; and

(iii) after the words "with both", the words "and for a subsequent offence shall be punishable with imprisonment for a term which may extend to three months, or with fine of four thousand rupees, or with both," shall be inserted.

82. In section 197 of the principal Act,—

(i) in sub-section (1), for the words "which may extend to five hundred rupees", the words "of five thousand rupees" shall be substituted;

Amendment of section 197.

(ii) in sub-section (2), for the words "which may extend to five hundred rupees", the words "of five thousand rupees" shall be substituted.

83. In section 198 of the principal Act, for the words "with fine which may extend to one hundred rupees", the words "with fine of one thousand rupees" shall be substituted.

Amendment of section 198.

84. After section 198 of the principal act, the following section shall be inserted, namely:—

Insertion of new section 198A

"198A. (1) Any designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time.

Failure to comply with standards for road design, construction and maintenance.

(2) Where failure on the part of the designated authority, contractor, consultant or concessionaire responsible under sub-section (1) to comply with standards for road design, construction and maintenance, results in death or disability, such authority or contractor or concessionaire shall be punishable with a fine which may extend to one lakh rupees and the same shall be paid to the Fund constituted under section 164B.

(3) For the purposes of sub-section (2), the court shall in particular have regard to the following matters, namely:—

(a) the characteristics of the road, and the nature and type of traffic which was reasonably expected to use it as per the design of road;

(b) the standard of maintenance norms applicable for a road of that character and use by such traffic;

(c) the state of repair in which road users would have expected to find the road;

(d) whether the designated authority responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to the road users;

(e) whether the designated authority responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose;

(f) whether adequate warning notices through road signs, of its condition had been displayed; and

(g) such other matters as may be prescribed by the Central Government.

Explanation.—For the purposes of this section, the term "contractor" shall include sub-contractors and all such persons who are responsible for any stage in the design, construction and maintenance of a stretch of road.

85. After section 199 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
199A and
199B.

Offences by
juveniles.

"199A. (1) Where an offence under this Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render such guardian or owner liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.—For the purposes of this section, the Court shall presume that the use of the motor vehicle by the juvenile was with the consent of the guardian of such juvenile or the owner of the motor vehicle, as the case may be.

(2) In addition to the penalty under sub-section (1), such guardian or owner shall be punishable with imprisonment for a term which may extend to three years and with a fine of twenty-five thousand rupees.

(3) The provisions of sub-section (1) and sub-section (2) shall not apply to such guardian or owner if the juvenile committing the offence had been granted a learner's licence under section 8 or a driving licence and was operating a motor vehicle which such juvenile was licensed to operate.

(4) Where an offence under this Act has been committed by a juvenile, the registration of the motor vehicle used in the commission of the offence shall be cancelled for a period of twelve months.

(5) Where an offence under this Act has been committed by a juvenile, then, notwithstanding section 4 or section 7, such juvenile shall not be eligible to be granted a driving licence under section 9 or a learner's licence under section 8 until such juvenile has attained the age of twenty-five years.

(6) Where an offence under this Act has been committed by a juvenile, then such juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the provisions of the Juvenile Justice Act, 2000.