I

EXTRAORDINARY

PART II—Section 3—Sub-Section (ii)

PUBLISHED BY AUTHORITY

S. 130] NEW DELHI, FRIDAY, FEBRUARY 21, 1992/PHALGUNA 2, 1913

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MINISTRY OF SURFACE TRANSPORT
(Roads Wing)

S.O. 144(E).—Whereas the Central Government is of the opinion that it is necessary in the public interest to exempt levy being levied on permanent bridges on the National Highways costing more than rupees 25 lakhs and upto rupees 100 lakhs as specified in the Schedule to the National Highway (Fee for use of permanent bridges) Rules, 1992

2. Now, therefore, in exercise of the powers conferred by the proviso to Section 7 of the National Highway Act, 1956 (48 of 1956), the Central Government hereby directs that the rates of fee mentioned in the Schedule to the said rules shall not apply
to all permanent bridges on the National Highways costing more than Rs. 25 lakhs and upto Rs. 100 lakhs and completed and opened to traffic on or after 1-4-1976 with effect from 1st day of May, 1992. Such levy shall, however, be continued to be levied on permanent bridges costing in between rupees 25 lakhs and rupees 100 lakhs wherein the contract for collection of fee have already been finalised and awarded. However, in all such cases no contract would be renewed and collection of levy shall be discontinued with effect from the expiry of contract.

[F, No. RW|NH-11013|1|86-PL]

P. M. ABRAHAM, Secy.

उपर्युक्त वाक्यों का उपयोग करते हुए और यहाँ पर गुप्त बातों को समझाते हुए, निम्नलिखित वाक्यों को प्राप्त किया गया है:

(1) ऐसे विधान में समाष्टि की तारीख को प्रस्तुत होते हैं।

(2) पृष्ठांशः —एक विधान में जब तक कि संबंधते वस्तुता प्रस्तुत नहीं होते—

(3) "कर्पोरेशन अधिकार" के निर्देशित अधिकृत है—

(4) उन राष्ट्रीय रास्ताओं की वजह में निष्पादित वन के सींगे सरकार संचालन के माध्यम से प्रति है, नीमा सरकार नियास; और

(5) इस विनियम के अनुसार राष्ट्रीय रास्ताओं के माध्यम से प्रति है, राष्ट्रीय रास्ताओं अधिकृत और

(6) यह विनियम से राष्ट्रीय रास्ता बोर्ड प्रति प्रजाती किसी अधिकृत की धारा ५ के अनुसार ऐसे प्रयोग प्राप्तवर्तक तत्व नहीं है।

(8) और लैसिक वाक्य के अनुसार मतलब है कि ऐसे विधान में समाष्टि की तारीख को प्रस्तुत होते हैं।

(9) ऐसे विनियम के अनुसार प्रस्तुत किया गया है और ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(10) ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(11) "मूल मात्रा" के अनुसार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(12) "प्रति सरकार" के अनुसार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(13) सरकार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(14) सरकार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(15) सरकार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(16) सरकार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(17) सरकार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(18) सरकार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।

(19) सरकार मतलब है कि ऐसे विनियम के अनुसार प्रस्तुत किया गया है।
7. संस्कृती पौरुष का परिचय:---
(1) कर्म कर्म किया जा सकता है जो कर्म के किसी दीर्घ समय के लिए करा देने वाले कर्म का संक्षेप करता है। भारतीय संस्कृती के तरीके की अधीनता राज्य की राहत को रोकने वाले बहुत से संस्कृतियों के बारे में लिखे गए हैं।

8. पौरुष का एक अन्य परिचय है: ---
(1) कर्म कर्म किया जा सकता है जो कर्म के किसी दीर्घ समय के लिए करा देने वाले कर्म का संक्षेप करता है। भारतीय संस्कृती के तरीके की अधीनता राज्य की राहत को रोकने वाले बहुत से संस्कृतियों के बारे में लिखे गए हैं।

9. विद्वानों का परिचय: ---
(1) कर्म कर्म किया जा सकता है जो कर्म के किसी दीर्घ समय के लिए करा देने वाले कर्म का संक्षेप करता है। भारतीय संस्कृती के तरीके की अधीनता राज्य की राहत को रोकने वाले बहुत से संस्कृतियों के बारे में लिखे गए हैं।

(2) कर्म कर्म किया जा सकता है जो कर्म के किसी दीर्घ समय के लिए करा देने वाले कर्म का संक्षेप करता है। भारतीय संस्कृती के तरीके की अधीनता राज्य की राहत को रोकने वाले बहुत से संस्कृतियों के बारे में लिखे गए हैं।
10. The petitioners, the State of Punjab, and the Union of India, have been added as respondents. The petitioners have filed a petition challenging the validity of certain provisions of the Act. They contend that the Act is unconstitutional and violative of the fundamental rights guaranteed under Part III of the Constitution.

11. The State of Punjab and the Union of India have opposed the petition, contending that the provisions of the Act are valid and within the legislative competence of the State and the Union. They have submitted that the provisions of the Act are necessary to maintain law and order and to prevent the spread of communal violence.

(2) The petitioners have further submitted that the provisions of the Act are arbitrary and discriminatory, and that they violate the fundamental rights guaranteed under Part III of the Constitution.

[Para 3(ii)]

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Dir.: Bharti Vishwakarma and Bhanwar Prasad Prasad have been added as respondents.

[Para 3(ii)]

The petitioners have further submitted that the provisions of the Act are arbitrary and discriminatory, and that they violate the fundamental rights guaranteed under Part III of the Constitution.
प्रावधान "क"  
(प्रमाण नंबर-6 देखिए)

पीठ के संबंध की स्थिति  
(पुन का नाम)

1. पावित्र जमा का चित्रहरूकरण संबंधि साफत सर्गम 

2. पता लगा ज्ञात या बिना लगा पता पावित्र या पावित्र के बिना है 

3. जामा जमा का साफ तथा लाखरी 

4. पीठ नीति की राजति 

पीठ नीति के हुलावर 

प्रावधान "च"  
(प्रमाण 7(2) देखिए)

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NOTIFICATION

New Delhi, the 19th February, 1992

S.O. 145(E).—In exercise of the powers conferred by section 9 of the National Highways Act, 1956 (48 of 1956), and in supersession of the National Highways (Fees for use of permanent bridges) Rules, 1978, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the National Highways (Fees for Use of Permanent Bridges) Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires;

(a) “executing agency” means:

(i) in the case of those National Highways administratively placed under the charge of the Border Roads Organisation, the Border Roads Development Board;

(ii) in the case of those National Highways administratively placed under the charge of National Highway Authority, the National Highway Authority;

(iii) in other cases the State Government/Union Territory Administration to which such functions are delegated under section 5 of the Act.

(b) “fee inspector” means a person authorised by the executing agency concerned to collect fee in respect of any mechanical vehicle crossing a permanent bridge and includes every government employee posted on such bridge in connection with the collection of fees.

(c) “Form” means Form appended to these rules.

(d) “mechanical vehicle” means any vehicle designed to be driven under its own power including a motor vehicle as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

(e) “Pay and Accounts Officer” means Pay & Accounts Officer (National Highway) Ministry of Surface Transport, New Delhi.

(f) “permanent bridge” means a bridge with permanent structures, the cost of which including the cost of the bridge proper, approach roads, guide bunds and protective works, excluding the cost of toll booths, is more than—

(a) rupees 25 lakhs and upto rupees 100 lakhs each, completed and opened to traffic on or after first day of April, 1976 but before the first day of May, 1992 on National Highways; and

(b) more than rupees 100 lakhs each, completed and opened to traffic on or after first day of April, 1976 on National Highways.

3. Rates of fees and its payment.—These shall be levied and paid to the executing agency, on behalf of the Government of India, fees on mechanical vehicles for the use of permanent at the specified in the Schedule annexed to these rules.

4. Displaying of rates of fees.—A table displaying rates of fees, rates authorised to be levied at any permanent bridge, shall be put up in a conspicuous place near a fee collection booth legibly written or printed in English, Hindi and the regional language of the area in which the permanent bridge is situated.

5. Procedure for collection/recovery or amount, handling, etc.—(1) All fees levied under these rules shall be collected by the executing agency concerned departmentally or through private contractors on the basis of competitive bidding on behalf of the Central Government. The executing agency concerned shall make necessary arrangement for putting up adequate number of collection booths, operated manually or by automatic arrangements or by combination of both as may be considered suitable by the executing agency.

(2) There shall be posted a fee inspector, with necessary police guard to assist at either end of the permanent bridge, who shall be authorised to collect fee in respect of any mechanical vehicle crossing the permanent bridge at the rates specified in the Schedule.

(3) There shall be provided, at either end of a permanent bridge, a cross bar for securing the stoppage of mechanical vehicles.

(4) The Fee Inspector shall ensure at the cross bar that passage is not allowed to mechanical vehicles unless the fee leviable in respect thereof has been paid.

6. Mode of collection of fee.—(1) Every driver, owner or person in-charge of a mechanical vehicle shall, before crossing the permanent bridge or after having crossed it, stop his vehicle at the cross bar and pay the fee leviable in respect of the vehicle at the fee collection booth. The fee Inspector shall, in return, prepare a receipt in duplicate in Form A and hand over one copy of the receipt to the driver/owner/person in-charge of the mechanical vehicle.

(2) In the case of two or more bridges falling in close proximity to each other within 80 kms. from a point at the beginning of the approach of entry of the first bridge to be crossed, under the jurisdiction of the same executing agency, the fee may be collected, from the driver, owner or person in-charge of such vehicle on the first bridge which he intends to cross. The driver, owner or person in-charge of the
vehicle holding the receipt of such payment shall be allowed to pass through other aforesaid bridges, unhindered after showing the receipt to the fee inspectors posted on the other bridges. Details of such bridges shall be displayed at a conspicuous place near the fee collection booths of the bridges covered under this sub-rule, legibly written or printed in English, Hindi and the regional language of the area in which the said bridges are situated. The collection of fee will continue till aggregate cost of all bridges in the reach is recovered.

(3) The Fee Inspector shall, on receipt of the fee specified in the Schedule, fill up a receipt in duplicate in Form 'A' and deliver one copy thereof to the driver, owner or the person in-charge of the vehicle in respect of which the fee has been paid and retain the second copy for record.

(4) When the same vehicle has to cross the bridge more than once in a day, the user shall have the option to pay one and a half times of the rate specified in the Schedule while crossing the bridges in the first trip itself, or if the vehicle has to use the bridge quite frequently the vehicle owner can have a monthly pass on the payment of charges equal to 30 single rates.

7. Remittance of fees collected.—(1) The Fee Inspector on duty shall be responsible for the collection and safe custody of the amounts collected during his duty period. The fee inspector shall not leave the collection booth till his reliever takes over from him.

(2) The Fee Inspector shall maintain a cash register as prescribed in Form 'B' and keep it posted up to date.

(3) The Fee Inspector shall at the end of the period of his duty, hand over the amount collected by him to his reliever after obtaining the signature of the latter in the relevant column of the cash register.

(4) Every day between 1600 hrs and 1700 hrs the Fee Inspector on duty shall hand over the entire amount of fee collected during the preceding 24 hours to the Sectional Officer/Junior Engineer-in-charge of the bridge after obtaining his signature in the relevant column of the cash register.

(5) The Sectional Officer/Junior Engineer-in-charge shall keep the amounts of collection received from the Fee Inspector in the chest provided for the purpose at his office.

(6) The Sectional Officer/Junior Engineer-in-charge shall, on every Saturday or if it happens to be a holiday, on the next working day, remit the amount received by him in respect of the week preceding the Saturday by a demand draft to the Pay and Accounts Officer. The Pay and Accounts Officer shall account the amounts so received in the relevant receipt head in his books.

(7) The Sectional Officer/Junior Engineer-in-charge shall maintain a register as prescribed in Form 'C' showing the remittances made to the Pay and Accounts Officer and shall keep the register posted up to date.

(8) The Sectional Officer/Junior Engineer-in-charge shall exercise supervision and control over the staff posted at the permanent bridge in connection with the collection of the fees and maintenance of proper accounts and records.

(9) The Sub-Divisional Officer, in-charge of the roads on which the permanent bridge is situated, shall pay surprise visits, at least twice a month, at the offices of the fee inspector and the sectional officer/Junior Engineer-in-charge to check that the collection and remittance of fees by the staff is being done in accordance with the provisions of these rules. He shall countersign the cash register and other record maintained by the staff in token of such visit. Such visit, at least once in three months, shall also be made by the Executive Engineer concerned.

(10) In case the fee collection is through a contractor (on the basis of competitive bidding) the agreement duly executed shall provide for remittance by the contractor of the proportionate amount payable by the contractor for the period of contract atleast once every month to the executing agency/or his authorised representative.

8. The tenure of collection of fee : The levy of fee shall be discontinued in respect of bridges costing more than rupees 25 lakhs and upto rupees 100 lakhs completed and opened to traffic on or after first day of April, 1976 but before the first day of May, 1992 on National Highways forthwith or after the expiry of the existing contract period in cases where contracts have been entered into for fee collection. The levying of fee shall also be discontinued in respect of bridges costing more than rupees 100 lakhs completed and opened to traffic on or after first day of April, 1976 on National Highways as soon as the full cost of the bridge or a group of bridges including the cost of approaches, cost of structure to be put up for the collection of fees, guide bunds and protective works, including interest thereon as also the maintenance and special repairs expenditure thereon, up to the date of discontinuance of the levy is recovered.

9. Submission of returns.—The executing agency concerned shall furnish in the first week of July, October, January and April to the Pay & Accounts Officer :-

(a) monthwise consolidation statement showing the amount collected and remitted on account of fees proceeds in respect of each permanent bridge along with the details of number and date of the demand draft by which the amount has been remitted;

(b) monthwise break-up of the expenditure incurred on each permanent bridge by the executing agency required to be reimbursed on account of collection of the fees on the basis of actual expenditure incurred.

10. Furnishing of security.—The Fee Inspector and the Sectional Officer/Junior Engineer-in-charge
shall deposit a cash security of not less than Rs. 1000 by executing a security bond in the prescribed form as laid down in the Treasury Rules with the Executive Engineer.

11. Credit of the proceeds of the fees and its utilisation.—(1) The proceeds from the fees shall form part of the Consolidated Fund of India. A sum equal to the amount estimated to be received during a year shall be provided in the Demands for Grants of the Ministry of Surface Transport for transfer to a non-lapsing Reserve Fund not bearing interest within the Public Account of India, to be set up by the Central Government. The amount standing to the credit of the Fund would be allocated by the Central Government for development of National Highways in the States and the Union territories. The amount to be allocated to various States and the Union territories, shall, as far as possible, be equal to the fees collected in the respective States under these rules, reduced by collection charge not exceeding 12 per cent of the total collections within the State. The collection charges shall be reimbursed to the executing agency concerned in the manner indicated in sub-rule (3) of this rule. The allocations so made to the States and the Union territories shall be over and above their normal plan allocations.

(2) The allocations so made shall, however, be subject to planning discipline and shall be a Plan expenditure which shall be augmented to the extent of the net proceeds after excluding the collection charges from the proceeds of the levy. The proceeds of the fees remaining unutilised at the end of the Financial Year shall not lapse at the close of that Financial Year but shall be available for being utilised during subsequent year or years against individual works to be approved by the Central Government.

(3) Payment of the amounts in reimbursement of the expenditure incurred by the executing agencies on collection of fees, not exceeding 12 per cent of the total collection of fees shall be made by the Central Government by specific payment sanctions from out of the specific budget provision to be made by the Central Government in its budget from year to year.

[F. No. RW/NH-11013/1/86-PL]
P. M. ABRAHAM, Secy.

SCHEDULE
(See rule 3)

Fee chargeable in respect of Mechanical Vehicles using permanent Bridges, costing more than Rs. 25 lakhs on National Highways completed/to be completed and opened to traffic on or after 1-4-1976 in regard to vehicle other than defence vehicles, vehicles with VIP symbols, police vehicles, fire fighting vehicles, Ambulances, funeral vans, posts and telegraph department vehicles and Central and State Government vehicles on duty.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Particulars of bridges</th>
<th>Motor Cycle</th>
<th>Motor-cars, taxi, Jeep, Pick-up</th>
<th>Bus, Truck and other heavy vehicles including truck and trailers</th>
<th>Other mechanically propelled vehicles (not mentioned above)</th>
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<tr>
<td></td>
<td></td>
<td>Scooter or any other two-wheeled mechanically propelled light vehicles</td>
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<td></td>
<td></td>
<td>Without trailer</td>
<td>With trailer</td>
<td>Ladon</td>
<td>Unladen</td>
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<tr>
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<tr>
<td>1. Fee for bridges costing more than Rs. 25 lakhs and upto Rs. 50 lakhs completed/to be completed and opened to traffic on or after 1-4-1976 but before 1st May, 1992.</td>
<td>0.50</td>
<td>2.00</td>
<td>3.00</td>
<td>6.00</td>
<td>3.00</td>
<td>6.00</td>
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<tr>
<td>2. Fee for bridges costing more than Rs. 50 lakhs and upto Rs. 100 lakhs completed/to be completed and opened to traffic on or after 1-4-1976 but before 1st May, 1992.</td>
<td>0.50</td>
<td>2.00</td>
<td>3.00</td>
<td>8.00</td>
<td>4.00</td>
<td>8.00</td>
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<tr>
<td>3. Fee for bridges costing more than Rs. 100 lakhs completed/to be completed and opened to traffic on or after 1-4-1976.</td>
<td>Nil</td>
<td>5.00</td>
<td>5.00</td>
<td>15.00</td>
<td>15.00</td>
<td>20.00</td>
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</tr>
</tbody>
</table>

Note (1) When the same vehicle has to cross the bridge more than once in a day, the user shall have the option to pay one and half times.
the above rates while crossing the bridges in the first trip itself, or if the vehicles has to use a bridge continuously and quite frequently for the entire month or even beyond that, for much longer period the vehicle owner can even have a monthly pass payment of charges equal to 30 single rates.

(2) The following vehicles having VIP symbols shall be exempted from the payment of such fee:

President and Vice-President of India, Central and State Ministries, Leaders of Opposition in Lok Sabha/Rajya Sabha/State Legislatures having the status of a Cabinet Minister, Governors/Lt. Governors/Executive Councillors/Speakers/Chairsman of Central and State Legislatures, Foreign Dignitaries on State visit to India, Foreign-Diplomats stationed in India using cars with CD symbols.

FORM 'A'
[See rule 6]

R.No
Receipt for payment of fee
Name of Bridge(s)
1. Description of mechanical vehicle with Registraton Number
2. Whether laden or unladen or with or without passengers
3. Time and date of outward journey
4. Name of driver and/or owner
5. Amount of fee paid
Signature of 'Fee' Inspector

FORM 'B'
[See rule 7(2)]

Sl. No. Date Vehicle No. Name of person paying the fee No. of receipt Amount of fee paid by which fee paid Progressive figures of Fee of费 Inspector of successors of sectional fee Inspector officer-in-charge/Junior Engineer-in-charge Remarks

FORM 'C'
[See rule 7(7)]

Sl. No. Name of the Sectional Officer-in-Charge/ Junior Engineer-in-Charge Amount of the Receipt from the Bank Demand Draft and Date of Demand Draft Demand Draft Details of postal registration Remarks

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