GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
RAJYA SABHA
UNSTARRED QUESTION NO-1568
ANSWERED ON- 08/03/2021

RIGHT-OF-WAY ON NHS

1568. SHRI NEERAJ DANGI:

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

(a) whether it is a fact that Right-of-way is a constitutional right of citizens on the National Highways (NHs);

(b) if so, whether the movement of citizens could be hampered by installing toll plazas on NHs, without providing alternative routes;

(c) if so, the details thereof; and

(d) whether any order has been issued by the Hon'ble Supreme Court or Hon'ble High Court with regard to hampering of uninterrupted movement of citizens through installation of toll barriers on NHs without providing alternate routes, if so, the details thereof?

ANSWER

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS

(SHRI NITIN JAIRAM GADKARI)

(a) to (d) Right-of-way on the National Highways is not a right enshrined under the Constitution of India. Control of land within the National Highways, Right of Way, traffic moving on National Highway and removal of unauthorized occupation is governed by 'The Control of National Highways (Land and Traffic) Act, 2002'. As per this act, no person shall have right of access to a Highway either through any vehicle or on foot by a group of five or more persons except permitted by the Highway Administration either generally or specifically in the manner specified.

Further, National Highways Act, 1956 empowers Central Government to levy fees for services or benefits rendered on National Highways and use of sections of National Highways.

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