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March 12, 2015

Shri D. Sam Singh, Deputy Secretary
Indian Roads Congress
Sector 6, (Near RBI Quarters),
R K Puram,
New Delhi- 110022
India

Your Reference No. IRC-13(5)/2014-IT
Via International Priority Mail International LJ 683 527 567 US

Dear Shri Singh:

I am in receipt of the above-captioned correspondence from Shri Raneesh Katkoch dated March 4, 2015. Shri Katoch objects to the posting of codes, manuals, and specifications published on behalf of the Ministry of Transport and Highways and in the capacity of the Indian Roads Congress as the apex body of Highway Engineers in India.

Public.Resource.Org is a not-for-profit corporation responsible for **posting these documents**. As stated on the posting web page, the purpose in doing so is “in order to promote public education and public safety, equal justice for all, a better informed citizenry, the rule of law, world trade and world peace, this legal document is hereby made available on a noncommercial basis, as it is the right of all humans to know and speak the laws that govern them. “

The Indian Roads Congress has made a substantial contribution to road safety in India, and we wish to applaud the long and distinguished work of your fine organization. As you know, road safety and the proper engineering and construction of the transportation infrastructure is of pressing concern in India. As Mr. Justice Gogoi recently stated:

“The importance of education on road safety cannot be gainsaid. Such consciousness needs to be developed amongst all citizens and should be inculcated from a young age. The importance of informing and educating the citizens of the virtues of road safety lies in the fact that, in the last resort, it is such realization alone that can lead to better and safer use of roads and vehicles.” **S.Rajasekaran vs Union Of India & Ors** on 22 April, 2014, Writ Petition (Civil) No. 295 of 2012, ¶ 29.

The publication of these detailed road specifications is done on behalf of the government, including the Honorable Ministry of Transport and Highways. The **Executive Committee Office Bearers** of the Indian Roads Congress include numerous

distinguished government officials such as Shri Dr. Mahesh Kumar of the Public Works Department of Haryana (President of the Indian Roads Congress), Shri S.N. Das of the Ministry of Road Transport & Highways (Honorary Treasurer of the Indian Roads Congress), Shri Sunil Bhowmik of the Public Works Department of the Government of Tripura (Immediate Past-President of the Indian Roads Congress), as well as representatives of the Governments of Odisha, the East Zone, and Project Brahmanik Border Roads Organisation.

The excellent work of the Indian Roads Congress is cited in numerous government regulations and specifications, including the Indian Railway, the Rural Roads Project, the Central Road Research Institute, the Highways Research Station, and the publications and specifications of each of the states of the Union. The National Highway Rules, 1957 and the Acts, Rules, and Notices of the Honorable Ministry of Road Transport & Highways make numerous references to the work of the Indian Roads Congress. The National Roads Safety Policy cites the importance of “encouraging safer road infrastructure” as a national goal. [*S. Rajasekaran vs Union of India, op. cit. at ¶ 9*]

The Courts of India have made numerous references to and relied upon the authoritative statements of the Indian Roads Congress, the apex body for this important field of endeavor.

- In **Al. Ramanathan vs. 4 National Highways Authority of India**, Hon’ble Mr. Justice V. Dhanapalan stressed the role of the Indian Roads Congress as “a competent authority to adopt the standards and designs of roads as per Cl.10(1) of the Schedule to the National Highways Authorities Rules, 1957.” [*W.P. (MD) No. 4449 of 2005, Madurai Bench of Madras High Court, June 9, 2008, ¶ 4*]
- In **Kewal Semlani vs Commissioner Of Bombay And Ors.**, Hon’ble Mr. Justice B. Dalveer stated “the guidelines provided by the Indian Roads Congress have to be implemented strictly.” [*2005 (4) BomCR 25, April 27, 2005, ¶ 14*]
- In **Outdoors Communication vs Pwd And Municipal Corporation Of Delhi**, Hon’ble Mr. Justice G. Mittal stated “despite availability of specific guidelines on the material aspects laid down by the Indian Roads Congress which require consideration, these have been completely ignored.” [*2007 (2) CTLJ 179 Del, August 31, 2007, ¶ 157*]
- In **Neeraj Kachhawaha vs State Of Raj. & Ors**, Hon’ble Mr. Justice Govind Mathur stated “the conditions so imposed are nothing but for adherence of the mandatory guidelines issued by the Indian Road Congress.” [*D. B. SPECIAL APPEAL (WRIT) NO.159/2013, May 10, 2013, ¶ 1*]
- In **Dalpat Singh vs Union Of India (Uoi) And Ors.**, Hon’ble Mr. Justice K.S. Rathore stated “the Food & Civil Supplies Department, Government of Rajasthan vide its letter dated 27.7.2004 addressed to the Collectors and District Supply Officers have categorically stated that the licences should not be granted in those cases where the norms prescribed by the Ministry of Road Transport & Highways/ Indian Roads Congress, as the case may be are not fulfilled.” [*RLW 2006 (1) Raj 161 2005 (4) WLC 378, August 31, 2005, ¶ 22*]

The subject of posting of mandatory governmental standards as promulgated by the Bureau of Indian Standards is the subject of the November 1, 2014 **Petition to the Honorable Ministry of Consumer Affairs, Food & Public Distribution**, a copy of which has been enclosed for your information as an annexure to this letter. Education of the youth, the right to practice one's profession, the promotion of trade, and the general public safety are all integral part of essential specifications, including the work of such noted institutions such as the Bureau of Indian Standards and the Indian Roads Congress.

In particular, the education of engineering students is essential to the accomplishment of national goals and priorities. Further promulgation of these important national specifications also has the important effect of making these documents more readily available to Small and Medium Enterprises (SMEs) as well as broader availability within the Public Works Departments of government organizations.

It is for these above-stated reasons that we respectfully decline to remove these documents from the web site where we have made them available for non-commercial use. I would, however, wish to extend an offer, which is that we would be delighted if the Indian Roads Congress can make use of these scanned documents on your own web site, and would be delighted to assist or advise your excellent technical staff on accomplishing such a goal.

I would also be very happy to discuss these matters further with you or any other members or secretariat of the Indian Roads Congress and I believe we both share sincere appreciation for the **important mission of the Indian Roads Congress**, including the promotion and encouragement of the science and practice of building and maintenance of roads.

With best regards,



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