

KERALA TOLLS ACT, 1976 (NO.6 OF 1977)

KERALA TOLLS ACT, 1976 (Act 6 of 1977) CONTENTS Preamble Sections 1. 2. 3. 4 5. 6. 7, 8. 9. 11. 12. 13 Short title, extent and commencement Definitions. Levy of toll Recovery of toll Exemption Assistance by police officers Power to compound tolls Penalties Exhibition of table of tolls and statement of penalties Bar to proceedings Power to make rules Establishment of Bridges and Roads Fund and Its utilisation. Power to remove difficulties THE KERALA TOLLS ACT, 1976* (Act 6 of 1977) An Act to provide for the levy of tolls in respect of certain bridges in the State of Kerala. Preamble.—WHEREAS it is expedient to provide for the levy of tolls in respect of certain bridges in the State of Kerala ; BE It enacted in the Twenty-seventh Year of the Republic of India as follows :— 1. Short title, extent and commencement.— (1) This Act may be called the Kerala Tolls Act, 1976. 2, It extends to the whole of the State of Kerala

3. It shall come into force on such date as the Government may, by notification in the Gazette, appoint

2. Definitions.—In this Act, unless the context otherwise requires,— (a) "bridge" means any bridge on a highway, but does not include a bridge the cost of construction of which (including the cost of construction of the approach roads necessary for connecting the bridge to the highway) is less than fifteen lakhs rupees; (b) "highway" means any road or way over which the public have a right of way, or are granted access, but does not include any highway declared to be a national highway under the National Highways Act, 1956 (Central Act 48 of 1956) ; (c) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads, whether the power of propulsion is transmitted thereto from any external or internal source, and includes a chassis to which a body has not been attached and a trailer ; (d) "owner" means, where the person in possession of a vehicle is a minor, the guardian of such minor and in relation to a vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under that agreement ; (e) "prescribed" means prescribed by rules made under this Act ; (f) "toll" means the toll levied under this Act

3. Levy Of toll The Government may levy a toll on every motor vehicle entering a bridge constructed wholly or partly at the expense of the Government and declared open for traffic after the 1st day of January, 1976.(2) The toll shall be levied at such rate and for such period as the Government may, by notification in the Gazette, declare to be necessary for the recovery of the amounts expended upon such bridge by the Government, or such portion thereof as may be decided by the Government, together with interest at such rate as they may fix. Received the assent of the Governor on the 23rd January 1977 and published in the Kerala Gazette No. 49 dated 25th January, 1977 24 (3) The Government may place the collection of toll under the management of such person as may appear to them proper ; and all persons employed in the management and collection of the toll shall be liable to the same responsibilities as would belong to them if employed in the collection of basic tax. Explanation.—In this sub-section, 'basic tax' means the basic tax payable under the Kerala Land Tax Act, 1961 (13 of 1961). (4) The Government may farm out the collection of the toll and in such a case the farmer and his agents and servants shall be deemed to be persons appointed to collect the toll under this Act. 4 Recovery of toll—Where any toll is not paid on demand, the officer appointed to collect the same shall seize any motor vehicle on which it is chargeable or any goods carried by such motor vehicle and if the toll remains unpaid for twenty-four hours with the cost arising from such seizure, the case shall be brought before an officer appointed by the Government by notification in the Gazette to superintend the collection of the toll. (2) Where a case is brought before an officer under sub-section (1), he may sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale of the property in public auction, and any balance that may remain after such discharge shall be returned on demand to the owner of the motor vehicle or goods, as the case may be : Provided that if at any time before the sale has actually begun, the person whose property has been seized tenders the amount of all the expenses incurred and double the toll payable by him, the property seized shall forthwith be released

5. Exemption.—No toll shall be payable for the passage of any motor vehicle belonging to the Government of Kerala or the Government of India

6. Assistance by police officers.—All police officers shall be bound to assist the toll collectors, when required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary police duties

7. Power to compound tolls.—Any person entrusted with the management and collection of the toll may compound for any period not exceeding one year with any person for a certain sum to be paid by such person for himself or for any motor vehicle kept by him, but if the rates of tolls authorised to be levied under this Act, subject to such conditions and restrictions as may be prescribed.

6. Every person, other than any person appointed to collect toll, who levies or demands any toll on any bridge shall, on conviction by a Magistrate, be liable to Imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or With both.(2) Every person who unlawfully demands or takes any other or higher toll than the lawful toll, or under the colour of this Act seizes or sells any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extorts money or any valuable thing from any person under colour of this Act, shall, on conviction by a Magistrate, be liable to imprisonment for a term which may extend to six months, or with fine may extend to two hundred rupees, or with both. (3) Whoever— (a) attempts to cross any bridge without paying the toll payable by him under this Act; or (b) obstructs any officer or other person in the discharge of his duties imposed by or under this Act, shall on conviction by a Magistrate, be liable to a fine which may extend to one hundred rupees. (4) No Magistrate shall take cognisance of any offence under this Act except on a complaint in writing made by an officer authorised by the Government in this behalf. **Exhibition of table of tolls and statement of penalties.**—A table of the tolls authorised to be taken in respect of a bridge shall be put up in a conspicuous place near the entrance of such bridge legibly written or printed in English words and figures and also in those of the regional language. **10. Bar to Proceedings.**—No suit, prosecution or other legal proceeding shall lie against any officer or other person for anything which is in good faith done or intended to be done under this Act

11. Power to make The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for— (a) determination of the rate of levy of the toll; (b) method of collection of the toll; (c) any other matter which has to be, or may be, prescribed. (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly for a period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or 3414301B. that the rule should not be made, then, the rule shall thereafter have effect only in so much as modified or be of no effect, but the case may be; So however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. **12 Establishment of Bridges and Roads Fund and grants.** On the commencement of this Act, there shall be established a fund to be called the Kerala State Bridges and Roads Fund (hereinafter in this section referred to as the Bridge; and Roads Fund). (2) The proceeds of the toll levied and collected under this Act together with the fines, interest and fees recovered thereunder shall first be credited to the Consolidated Fund of the State and, after deducting the expenses of collection and recovery as determined by the Government, the remaining amount shall, under appropriation duly made by law in this behalf, be transferred and transferred to the Bridges and Roads Fund. (3) Any amount transferred to the Bridges and Roads Fund shall be charged on the Consolidated Fund of the State. (4) No sum shall be paid or applied from and out of the Bridges and Roads Fund except in the manner and for the purpose provided in sub-sections (5) and (6). (5) The amount standing to the credit of the Bridges and Roads Fund shall be expended in such manner and subject to such conditions as may be prescribed for the purpose of constructing bridges and roads. (6) The Bridges and Roads Fund shall be held and administered on behalf of the Government by the Chief Engineer in charge of roads and bridges in the State subject to such general or special direction as may be given by the Government from time to time. **13 Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require by order do anything, not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.