

# THE KERALA TOLLS ACT, 1976

## ACT 6 OF 1977

Amended by Acts 34 of 1986 , 5 of 1990 and 4 of 2004.

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An Act provide for the levy of tolls in respects 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 <sup>3</sup>[one hundred lakhs rupees;]

<sup>2</sup>[(aa) "company" means a company in which not less than fifty one per cent of the paid up share capital is held by the Government of Kerala or jointly by the Central Government and the Government of Kerala and includes a company which is a subsidiary of any such company;]

<sup>2</sup>[(aa) "corporation" means a corporation established or constituted by or under a Central or State Act and owned or controlled by the Government of Kerala;]

(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 <sup>3</sup>[other than a two wheeler or an ambulance] adapted for use upon roads, whether the power of propulsion is transmitted there to from any external or internal source, and includes a chassis to which a body has not been attached and a trailer;

*\*Published in K.G. Ex. No. 49 dt 25-1-1977.*

*\*\*Date of Commencement:*

*1. Substituted by Acts 34 of 1986 and 5 of 1990.*

*2. Inserted by Act 34 of 1986.*

*3. Inserted by Act 4 of 2004.*

**STATEMENT OF OBJECTS & REASONS.**

(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.**-(1) 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<sup>1</sup>[1st day of July 1983]:

<sup>2</sup>[Provided that if the Government are of opinion that it is necessary in the public interest so to do, they may, by notification in the Gazette, specify any bridge in respect of which no toll shall be leviable under this sub-section:]

(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.

(3) The Government may place the collection of the 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 <sup>3</sup>[and in sub-section (4) of S. 3. A] "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.

<sup>4</sup>[**3.A. Levy of toll by company or corporation** - (1) A company or a corporation may levy a toll on every motor vehicle entering a bridge constructed by it at the instance of the Government utilising wholly or partly its own funds or funds raised by it by loans from financial institutions, and declared open for traffic after the commencement of the Kerala Tolls {Amendment} Act, 1986.

(2). The toll under sub-section (1) 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 company or the corporation, or such portion thereof as may be decided by the Government, together with interest and other overhead charges, at such rates as they may fix.

*1. Substituted by 34 of 1986.*

*2. Proviso added by *ibid*.*

*3. Inserted by *ibid*.*

*4. S. 3A inserted by *ibid*.*

(3) The toll leviable under this section shall be collected by the company or the corporation, as the case may be, in such manner and in accordance with such rules as may be prescribed.

(4) Any person employed in the management and collection of toll under this section shall be liable to the same responsibilities as would belong to him if employed in the collection of basic tax.

(5) The proceeds of the toll collected by a company or a corporation under this section shall be utilised.-

(a) for recouping any amount spent by such company or corporation from its own funds and interest thereon;

(b) for repayment of the principal amount of any loan obtained by such company or corporation from any financial institution for the purpose of constructing the bridge in respect of which the toll is levied and the interest thereon; and

(c) for meeting the expenses of collection and recovery of the toll and other overhead charges as may be determined by the Government.

(6) The Company or the corporation, as the case may be, shall furnish to the Government or to such officer or authority as may be specified by the Government in this behalf, accounts regarding the levy and collection of tolls and the utilisation thereof, in such manner, at such intervals and in such form as may be prescribed.

(7) Where the Government have expended any amount on the construction of a bridge in respect of which toll is leviable under this section, toll may be levied by the Government under S.3 after the expiry of the period of collection of toll under this section.]

'[3B. Levy of toll when there are more than one bridge within a radius of fifteen kilometres:-Notwithstanding anything contained in S.3 or S.3A, if there are more than one bridge within a radius of fifteen kilometres toll for the passage of a motor vehicle shall be levied only at the first of such bridges.]

**4. Recovery of toll.**-( 1) Where any toll is not paid on demand, the officer appointed to collect the same 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.

*1. S. 3B inserted by Act 5 of 1990*

(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

<sup>1</sup>[(5) **Exemption.**-No toll shall be payable for the passage of.-

(a) any motor vehicle belonging to the Government of Kerala or the Government of India; and

(c) any stage carriage operated by the Kerala State Road Transport Corporation.]

**6. Assistance by police officers.**- AJ1 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, in lieu of the rates of toll authorised to be levied under this Act, subject to such conditions and restrictions as may be prescribed.

**8. Penalties.**-(1) 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 which 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,

*1. Substituted by ibid*

(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.

**9. 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 upon a conspicuous place near the entrance to 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 be 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 rules.**-(1)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 or in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as 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 Fund] and its utilisation.**-(1) On the commencement of this Act, there shall be established a fund to be

called the Kerala State '[Bridges Fund] (hereinafter in this section referred to as the '[Bridges Fund].

(2) The proceeds of the toll levied and collected under this Act, <sup>2</sup>[by the Government] together with the fines, interest and fees recovered there under 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 entered into and transferred to the <sup>1</sup>[Bridges Fund].

(3) Any amount transferred to the '[Bridges Fund] shall be charged on the Consolidated Fund of the State.

*1. For the words "Bridges and Roads Fund" substituted by "Bridges Fund" by Act of 1986. 34*

*2. Inserted by Ibid*

(4) No sum shall be paid or applied from and out of the '[Bridges 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 Fund shall be expended in such manner and subject to such conditions as may be prescribed for the purpose of constructing bridges.<sup>2</sup>[xxx]

(6) The '[Bridges 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.

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*1. For the words "Bridges and Roads Fund" substituted by "Bridges Fund" by Act 34 of 1986.*

*2. Omitted by *ibid*.*