

# **The Punjab Mechanical Vehicles (Bridges and Roads Tolls) Act, 1998**

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India

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### **Act 13 of 1998**

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The Punjab Mechanical Vehicles (Bridges and Roads Tolls) Act, 1998 Punjab Act No. 13 of 1998 Statement of Objects and Reasons. - Industrialization of the State has induced a traffic growth of about 8% per year on major sections of the State highways and this growth trend is expected to continue in future. While traffic on the State highways has been growing at a rapid pace, it has not been possible for the State Government to provide matching required funds due to heavy constraints on financial resources. Though the State has the distinction of having a good road net work including the link roads, many sections of the State roads are in dire need of capacity argumentation by way of widening grade separation, construction of bye-passes, bridges, express ways etc. etc. A large number of bridges are in need of replacement. The traffic movement on State highways is also hindered due to large number of rail-road level crossings where road traffic has to stop due to frequent closures. The over- all scenario of inadequate capacity of our highways has led to economic losses by way of longer turn around time for the vehicle fleet, rising vehicle, operational cost, wastage of scarce resources like petrol, diesel etc. pollution of environment and avoidable dissipation of human energy. Thus the existing state of affairs calls for urgent and immediate upgradation of the state of health of our roads and bridges infrastructure. 2. To motivate the inflow of resources for the development, maintenance and management of State Highways and to improve their efficiency, productivity and quality of service, it is necessary to argument the State resources by way of toll collection both through the State Government sources as well as private investors on B.O.T. basis.[Vide Punjab Government Gazette Extraordinary dated 23.3.1998.][20th April, 1998]No. 15-Leg/98. - The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 16th April, 1998, and is hereby published for general information:-An Act to provide for levy and collection of tolls on mechanical vehicles crossing certain bridges and using certain roads or section of the roads in the State of Punjab.Be it enacted by the Legislature of the State of Punjab in the Forty-ninth Year of the Republic of India as follows :-

## **1. Short title and commencement.**

(1) This Act may be called the Punjab Mechanical Vehicles (Bridges and Roads Tolls) Act, 1998. (2) It shall come into force at once.

## **2. Definitions.**

- In this Act unless the context otherwise requires, - (a) "appellate authority" means a Superintending Engineer, Department of Public Works (Building and Roads Branch) in whose jurisdiction the bridge or the roads falls; (b) "authority" means an Executive Engineer, Department of Public Works (Building and Roads Branch) in whose jurisdiction the bridge or the road falls; (c) "bridge" means a permanent or temporary bridge specified in the First Schedule and shall include such other permanent or temporary bridges or Ferry services as may, from time to time, be notified by the State Government in this behalf; (d) "Fee Inspector" means an officer of the State Government authorised by the authority to collect the toll; (e) "mechanical vehicle" means any laden or unladen 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 (Central Act No. 59 of 1988); (f) "National Highway" means a National Highway specified in the Schedule appended to the National Highways Act, 1956 (Central Act No. 48 of 1956); (g) "road" means a road or section of road, other than a National Highway, specified in the Second Schedule and shall include such other road or section of the road, as may from time to time, be notified by the State Government in this behalf; (h) "Schedule" means a Schedule appended to this Act; and (i) "State Government" means the Government of State of Punjab.

## **3. Rate of toll and its payment.**

(1) There shall be levied and paid to the State Government on every mechanical vehicle crossing the bridges or using the road, a toll at the rate not exceeding the maximum rates specified in the Third Schedule, as may be notified for each mechanical vehicle by the State Government from time to time: Provided that if in the opinion of the State Government, it is necessary or expedient to revise the maximum rates specified in the Third Schedule, the same may be revised at any time by a notification to be published in the Official Gazette: Provided further that no toll shall be levied on defence service vehicles and such other mechanical vehicle or class of mechanical vehicles, any class of persons or individuals as the State Government may, by general or special order, exempt from the levy or payment of the toll. (2) Every person in-charge of mechanical vehicle shall, before crossing the bridge or using the road, as the case may be, pay to the Fee Inspector posted at the entry point, the toll and shall not cross the bridge or use the road, as the case may be, without obtaining a receipt in token of having paid the amount of toll. (3) Such receipt shall be shown to the Fee Inspector on demand posted at the other entry point of the bridge or the road, as the case may be.

## **4. Power to lease the collection of toll.**

(1) Without prejudice to the provisions of section 3 of this Act, it shall be lawful for the State

Government to lease the collection of toll of a bridge or a road, -(i)to any person by invitation of bids for a period not exceeding one year at a time, where such bridge or road, as the case may be, was constructed, developed or maintained by the State Government; and(ii)to a person who invested his own funds for construction, development or maintenance of such bridge or road for the agreed period and at the agreed rate under the Build, Operate and Transfer Agreement scheme and in such a case the lessee shall retain the amount of toll collected to the extent also so agreed upon under the aforesaid agreement.(2)Where the collection of toll has been leased under sub-section (1), any person employed by the lessee shall subject to the conditions of the lease, exercise the powers and perform the duties conferred and imposed on the Fee Inspector under this Act or the rules made thereunder;(3)The lessee and all the persons employed by him in the management and collection of toll shall be bound by the orders made by the authority.

## **5. Power of Fee Inspector.**

(1)A person driving the mechanical vehicle shall cause the vehicle to stop when required to do so by the Fee Inspector to enable him to carry out duties imposed on him by or under this Act.(2)The Fee Inspector shall perform such other duties as are specified in the rules made under this Act for carrying out the purposes of this Act.

## **6. Offences and Penalties.**

(1)Whoever -(a)attempts to cross the bridge or use the road without complying with the provisions of this Act;(b)obstructs or attempt is to obstruct the Fee Inspector in the discharge of his duties imposed by or under this Act;(c)contravenes or attempts to contravene any provision of this Act or the rules made thereunder or any order or direction made under such provisions or rules; or(d)fails to pay the toll;shall be liable on conviction to a fine which may extend to three thousand rupees.(2)No Magistrate shall take cognizance of any offence under this Act except on a complaint, in writing, made by the Fee Inspector.

## **7. Complaints.**

- Any person aggrieved in connection with the collection of toll may lodge a complaint to the authority who shall, after giving a reasonable opportunity of being heard to the complainant, pass such orders as it may deem fit in the matter within fifteen days from the date of lodging the complaint.

## **8. Appeals.**

(1)Any person aggrieved by an order passed under section 7 of this Act may, within thirty days of the communication of that order, appeal to the appellate authority.(2)The appellate authority may, after giving reasonable opportunity of being heard to the appellant and the authority, pass such an order either rejecting the appeal or accepting the appeal, as in the circumstances of the case it may deem fit.(3)The decision of the appellate authority on the appeal shall be final and shall not be questioned

in any court excepting the High Court of competent jurisdiction.

## 9. Bar to proceedings.

- No suit, prosecution or other legal proceedings shall lie against any person authorised to act or for anything done or purporting to have been done in good faith under this Act or the rules made thereunder.

## 10. Exclusion of jurisdiction of civil court.

- No civil court shall have jurisdiction in any matter which the State Government or any other person or authority is empowered by this Act or the rules made thereunder to dispose of or take cognizance of, and regarding the manner in which the State Government or such person or authority exercises any power vested in it or him by or under this Act or the rules made thereunder.

## 11. Power to make rules.

- The State Government may, by notification, make rules, consistent with this Act, for securing the levy and collection of toll and generally for carrying out the purposes of this Act. The First Schedule [See section 2(c)] (i) Railway Over Bridge at Morinda. (ii) Neelon Bridge or Sirhind Canal, on Chandigarh-Ludhiana Road. (iii) Chandigarh-Kurali Via Parole Road-Parole Bridge. (iv) Tanda Sri Hargobindpur Bridge on Beas river. The Second Schedule [See section 2(g)] (i) Chandigarh-Ludhiana road. (ii) Ropar-Nawanshahar-Phagwara Road. (iii) Hoshiarpur-Jalandhar Road. The Third Schedule (See section 3)

## of Rate of Toll To Be Recovered From the Users of the Facility

Serial No.	Particulars of vehicles	Maximum rate of fee charged per trip for a bridge	Maximum rate of fee per KM charged per trip for a road
1	Motor Cycle, Scooter or any other two wheeler mechanically propelled vehicle	Nil	Nil
2	Motor Car, Taxi, Jeep, Station Wagon, Tempo, Auto-Rickshaw, Three- Wheeler Scooter or other auto driven light vehicles with or without trailer Pickup Van	Rs. 30.00	Re. 1.00
3	Bus, Truck and other heavy vehicles including truck-trailer combination laden with goods/passengers unladen	Rs. 10.00	Rs. 2.50
4	Other mechanically propelled vehicles not mentioned above like mobile crane dozers, earth movers road roller, etc. Loaded/Unloaded	Rs. 150.00	Rs. 4.00