

Thirteenth Kerala Legislative Assembly
Bill No. 81

THE KERALA TOLLS (AMENDMENT) BILL, 2012

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Kerala Legislature Secretariat
2012

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further to amend the Kerala Tolls Act, 1976.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Tolls Act, 1976 (6 of 1977), for the purpose hereinafter appearing ;

BE it enacted in the Sixty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Tolls (Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 28th day of November, 2011.

2. *Amendment of section 2.*—In the Kerala Tolls Act, 1976 (6 of 1977) (hereinafter referred to as the principal Act), in clause (a) of section 2, for the words “one hundred lakhs rupees”, the words “five hundred lakhs rupees” shall be substituted.

3. *Repeal and savings.*—(1) The Kerala Tolls (Amendment) Ordinance, 2012 (12 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

As per the provisions contained in sub-section (1) of section 3 and section 3A of the Kerala Tolls Act, 1976 (6 of 1977) read with clause (a) of section 2 thereof, the Government or a local authority, may levy toll on every motor vehicle entering a bridge constructed wholly or partly at the expense of the State Government or the local authority, and declared open for traffic, if the cost of its construction is not less than 100 lakhs rupees. Considering the increase in the construction cost, toll will have to be collected even from very small bridges. Government have, therefore decided that the minimum cost of the bridge for which toll shall be levied to be fixed to rupees five hundred lakhs and to amend clause (a) of section 2 of the Kerala Tolls Act, 1976 (6 of 1977) suitably.

As the Legislative Assembly of the State of Kerala was not in session and as the aforesaid proposals had to be given effect to immediately, the Kerala Tolls (Amendment) Ordinance, 2011 was promulgated by the Governor of Kerala on 28th day of November, 2011 and published as Ordinance No. 54 of 2011 in the Kerala Gazette Extraordinary No. 2239 dated, 28th November, 2011.

A Bill to replace the said Ordinance could not be introduced in and passed by the Legislative Assembly in its session which commenced on 9th day of December, 2011 and ended on the same day. Hence the Kerala Tolls (Amendment) Ordinance, 2012 was promulgated by the Governor of Kerala on 18th day of January, 2012 and was published as Ordinance No. 12 of 2012 in the Kerala Gazette Extraordinary No. 149 dated, 20th day of January, 2012.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

V. K. EBRAHIM KUNJU

EXTRACT FROM THE KERALA TOLLS ACT, 1976

(ACT 6 OF 1977)

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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 one hundred 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) ;

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