

PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 6th February, 2006

No. 2-Leg./2006.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 9th January, 2006, and is hereby published for general information :—

**THE PUNJAB MECHANICAL VEHICLES (BRIDGES AND ROADS TOLLS)
AMENDMENT ACT, 2005
(Punjab Act No. 2 of 2006)**

AN

ACT

further to amend the Punjab Mechanical Vehicles (Bridges and Roads Tolls) Act, 1998.

BE it enacted by the Legislature of the State of Punjab in the Fifty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Mechanical Vehicles (Bridges and Roads Tolls) Amendment Act, 2005. Short title and commencement.

(2) It shall come into force at once.

2. In the Punjab Mechanical Vehicles (Bridges and Roads Tolls) Act, 1998 (hereinafter referred to as the principal Act), in section 2,— Amendment of section 2 of Punjab Act 13 of 1998.

(a) for clause (c), the following clauses shall be substituted, namely :—

“(c) “bridge” means a permanent or temporary bridge or road overbridge or road under-bridge, specified in the First Schedule, and shall include such other permanent or temporary bridge or road overbridge or road under bridge or ferry services, as may, from time to time, be notified by the State Government in this behalf ;

(ca) “bypass” means a road constructed around a city or town for facilitating the movement of traffic ;

(cb) “concession” includes any right or interest granted to a concessionaire in relation to any aspect of a road project, as well as any subsidy, subvention, grant or other similar financial incentive granted by the State Government to secure the viability and commercial efficacy of a road project ;

(cc) “concessionaire” means a person, who is selected and awarded a concession for financing, development, maintenance or operation of a road project under any law for the time being in force ;

- (cd) "concession agreement" means any of the contracts executed between the State Government and a concessionaire for the purposes of granting a concession for private participation in a road project under any law for the time being in force ; and
- (ce) "concession fee" means the sum of money required to be paid by the concessionaire to the State Government or the Punjab Roads and Bridges Development Board, established under section 3 of the Punjab Roads and Bridges Development Board Act, 1998, as the case may be, in consideration of grant of a concession for undertaking a road project;";
- (b) after clause (d), the following clause shall be inserted, namely :—
- "(dd) 'lease' includes any grant or award of any right, privilege, interest, financial incentive, benefit, subsidy or subvention granted by the State Government to any person to secure participation in or in connection with the development, construction, repair, renovation, expansion, alteration, replacement, operation or maintenance of a road project or any other activity incidental thereto, in the form of or contained in or forming part of any lease, concession or management contract entered into in connection therewith;";
- (c) after clause (f), the following clause shall be inserted, namely :—
- "(ff) 'private participation' means the participation in development, maintenance or operation of road projects by any person other than the State Government or public body, as may be permitted by the State Government from time to time ;"; and
- (d) for clause (g), the following clauses shall be substituted, namely :—
- "(g) 'road' means a road or section of a road or by-pass other than a national highway, specified in the Second Schedule and shall include such other road or section of road or by-pass, as may from time to time, be notified by the State Government in this behalf ;
- (gg) 'road project' means a project, which may involve development, construction, repair, renovation, expansion, alteration, replacement, maintenance or operation of any road or bridge ;

(ggg) 'road overbridge' means a road overbridge that crosses above a railway track as specified in the First Schedule and shall include such road overbridges as may, from time to time, be notified as such by the State Government ;

(gggg) 'road under-bridge' means a road under-bridge that crosses under a railway track, and which is notified as such by the State Government ;”.

3. In the principal Act, in section 3, for sub-section (1), including the provisos thereto, the following sub-section shall be substituted, namely :—

Amendment of section 3 of Punjab Act 13 of 1998.

“(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 such rate, as may be notified for each mechanical vehicle by the State Government from time to time, but not exceeding the maximum rates as specified in the Third Schedule. The State Government may, notify different rates of toll for roads, bypasses, bridges, road over-bridges or road under-bridges :

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 by notification :

Provided further that no toll shall be levied on defence service vehicles and such other mechanical vehicles or class of mechanical vehicles or 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 :

Provided further that without prejudice to the liability of a person under the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the State Government may, by notification, levy an additional toll, not exceeding the toll of the double amount, payable on any goods vehicle, carrying more than the permissible weight under that Act.”.

4. In the principal Act, for section 4, the following section shall be substituted, namely :—

Substitution of
section 4 of Punjab
Act 13 of 1998.

“(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 on a bridge or road or to authorise for such collection,—

Power to lease or
authorise the
collection of toll.

(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 ; or

(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 concession agreement and in such a case, the lessee will retain the amount of toll, collected to the extent, as 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 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 :

Provided that any order, which affects the terms and conditions of a concession agreement, shall be made with the prior approval of the State Government.”.

5. In the principal Act, in section 6, in sub-section (1), for the words and sign “three thousand rupees.”, the words and sign “three thousand rupees:” shall be substituted and the following proviso shall be added thereto, namely :—

Amendment of
section 6 of Punjab
Act 13 of 1998.

“Provided that if a person pays the amount of toll and penalty equal to the toll on demand by the Fee Inspector or the concessionaire, as the case may be, he shall not be liable for conviction.”.

6. In the principal Act, in section 7, for the words and sign "lodging the complaint.", the words and sign "lodging the complaint:" shall be substituted and the following proviso shall be added thereto, namely :—

Amendment of
section 7 of
Punjab Act 13 of
1998.

"Provided that any order which affects the terms and conditions of a concession agreement, shall be issued with the prior approval of the State Government."

7. (1) The Punjab Mechanical Vehicles (Bridges and Roads Tolls) Amendment Ordinance, 2005 (Punjab Ordinance No. 7 of 2005), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

H. S. BHALLA,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.