



LEGISLATIVE ASSEMBLY OF THE  
STATE OF GOA

**The Goa Highways  
(Amendment) Bill, 2012**

**(Bill No. 24 of 2012)**

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**(To be introduced in the Legislative Assembly of the State of Goa)**

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**GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM-GOA  
AUGUST, 2012**

# The Goa Highways (Amendment) Bill, 2012

(Bill No. 24 of 2012)

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BILL

*further to amend the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974).*

5 Be it enacted by the Legislature Assembly of Goa in the Sixty-third Year of the Republic of India, as follows:

1. Short title and commencement.— (1) This Act may be called the Goa Highways (Amendment)  
10 Act, 2012.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. *Amendment of section 54 A*,— In section 54A  
15 of the Goa, Daman and Diu Highways Act, 1974 (Act No.10 of 1974) (hereinafter referred to as the 'principal Act), in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:-

20 "Provided further that the Government may by notification and subject to such restrictions and conditions as may be specified in the notification, exempt either totally, or partially  
25 any motor vehicle or motor vehicles or any class of motor vehicles, from the payment of fees.

3. *Amendment of section 54B.*— in section 54B of the principal Act, in sub section (1) after the existing proviso, the following proviso shall be inserted, namely:-

“Provided further that the Government may by notification and subject to such restrictions and conditions as may be specified in the notification, exempt either totally or partially, any motor vehicles or motor vehicles, or any class of motor vehicles, from the payment of fees”.

4. *Insertion of new section 54C and 54D.*— After section 54 B of the principal Act, the following sections shall be inserted, namely:-

“54C. Entry to bridges, State highways, etc. without paying fee- Whoever enters a bridge or State highway or major district road or village road without paying the fee shall, on conviction, be punished.-

(a) for the first offence with a fine which may extend to one thousand rupees.

(b) for a subsequent offense with a fine which may extend to five thousand rupees.

54D. Power of the Government to enter into agreement for development and maintenance of Highways and bridges – (1) Notwithstanding anything contained in this Act or any other Act for the time being in force, the Government may enter into an agreement with any person in relation to the construction, development and maintenance of the whole or any part of the Highway or a bridge.

(2) To facilitate or secure such construction, development and maintenance, the agreement may, subject to such terms and conditions as may be prescribed, provide for the transfer of any land belonging to or to be acquired by the Government under this Act or any other Act, for the time being in force, to such person or persons by way of lease or otherwise during the period of such agreement.

(3) Notwithstanding anything contained in sections 54A and 54B and rules framed thereunder the person referred to in sub-section (1) shall be entitled to collect and retain fee at such rate of rates, for the service or benefits rendered by him as the Government may by notification in the Official Gazette specify having regard to the expenditure involved for acquisition of land and construction, development and maintenance of bridges or highway.

(4) A person referred to in ;sub-section (1) shall have powers to regulate and control the traffic in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) on the highway or a bridge forming subject matter of such agreement, for proper management thereof”.

### **Statement of object and Reasons**

The Bill seeks to amend section 54A and 54B of the Goa, Daman and Diu Highways Act, 1974 (Act 10 of 1974) (hereinafter referred to as the "said Act") so as to enable the Government to exempt under the said Act, any Motor Vehicles or Motor Vehicles or any class of Motor Vehicles from the payment of fees to be levied under the said Act.

The Bill further seeks to insert new section 54C so as to provide for punishment or entering any bridges or such highways or roads without payment of the said fees.

The Bill also seeks to insert new section 54D in the said Act so as to enable the Government to enter in to an agreement for development and maintenance of highways/bridges/roads.

This Bill seeks to achieve above objects.

### **Financial Memorandum**

No Financial implications are involved in this Bill.

### **Memorandum Regarding Delegated Legislations.**

Clause 1(2) of the Bill empowers the Government to issue notification for appointing a date to bring into force the Act.

Clause 2 and 3 of the Bill empowers the Government to issue notification exempting Motor Vehicle or class of Motor Vehicles from payment of fees leviable under said Act.

Clause 4 of the Bill empowers the Government to lay down by way of rules the terms and conditions subject to which the agreement maybe entered into by Government with any persons. Further, it also empowers the Government to issue notification specifying the rate of which fees may be collected and retained by the persons with whom the agreement is entered into.

These delegations are of normal character.

Porvorim-Goa,  
Dated: 02/08/2012.

R. M. DHAVALIKAR  
Hon. PWD Minister

Assembly Hall,  
Porvorim-Goa,  
Dated: 02/08/2012

NILKHANT B. SUBHEDAR  
Secretary to the Legislative  
Assembly of Goa

ANNEXURE

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**Extracts of Section 54A & 54B of the Goa,  
Daman and Diu Highways Act, 1974**  
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<sup>1</sup>"[54A. *Power of Government to levy fees for services or benefits rendered on highways etc.*— (1) The Government may, by notification in the Official Gazette, levy fees amendment at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of permanent bridges costing more than rupees twenty five lakhs constructed on State Highway, major district roads and village roads, which are thrown open for the public on or before the first day of January, 1986.

Provided that if the Government is of the opinion that it is necessary in the public interest so to do, it may, by like notification, specify any bridge in relation to the use of which fees shall not be leviable under this section.

(2) Such fees when so levied shall be collected in accordance with the rules made under this Act.]"

<sup>2</sup>"[54B. *Power of Government to levy fees for use of roads etc.*— (1) The Government may, by notification in the Official Gazette, levy fees amendment at such rates as may be laid down by rules made in this behalf for use of State Highway, major district roads and village roads, or any portion thereof, which are thrown open for the public on or after the first day of January, 1988:

Provided that if the Government is of the opinion that it is necessary in the public interest so to do, it may, by like notification, specify any State Highways,

major district roads and village roads, or any portion thereof, in relation to the use of which fees shall not be leviable under this section.

(2) Such fees, when so levied, shall be collected in accordance with the rules made under this Act.]"

<sup>1</sup> Inserted by the GDD Highway (Amendment) Act, 1987 (Act No.9 of 1987)

<sup>2</sup> Inserted by the GDD Highway (Amendment) Act, 1988 (Act No.8 of 1987)