

HOOGHLY RIVER BRIDGE ACT, 1969

36 of 1969

[15th November, 1969]

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An Act to re-enact, with modification, the provisions of the Hooghly River Bridges Act, 1968. WHEREAS the Hooghly River Bridges Act, 1968, providing for the construction, maintenance and control of bridges across the river Hooghly within the Port of Calcutta was enacted by the President of India during the period of operation of the Proclamation issued by the President of India on the 20th day of February, 1968, under article 356 of the Constitution of India in relation to the State of West Bengal; AND WHEREAS it is expedient to re-enact, with modification, the provisions of the said Hooghly River Bridges Act, 1968; It is hereby enacted as follows

1. Short title and application :-

(1) This Act may be called the Hooghly River Bridge Act, 1969.

(2) It shall apply to the Port of Calcutta as defined, from time to time, under section 5 of the Indian Ports Act, 1908.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "bridge" includes a tunnel;

(b) "Chairman" includes a Vice-Chairman, if any, appointed by the State Government under sub-section (3) of section 3;

(c) "Commissioners" means the Hooghly River Bridge Commissioners, referred to in sub-section (1) of section 3;

(d) "notification" means a notification published in the Official Gazette;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "regulations" means regulations made under this Act.

3. Provisions of the Act to be carried out by Commissioners :-

(1) The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as the State Government may, by notification in the Official Gazette think fit to impose, be vested in a body of Commissioners to be called the Hooghly River Bridge

Commissioners.

(2) The Commissioners shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, and to enter into any contract and shall by the said name sue and be sued.

(3) The body of Commissioners shall consist of a Chairman and such number of other members as the State Government may, by notification, appoint.

(4) The Chairman or any other member appointed under subsection (3) shall be entitled to receive such fees for the performance of his duties under this Act as the State Government may prescribe.

4. Resignation of Chairman and members :-

The Chairman or any other member of the body of Commissioners may resign his office by giving notice in writing to the State Government and on such resignation being accepted by the State Government he shall be deemed to have vacated his office.

5. Validity of acts and proceedings :-

No act or proceeding of the Commissioners shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

6. Transaction of business :-

(1) The Commissioners shall meet at such time and place and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meeting as may be prescribed.

(2) The Chairman or in his absence the Vice-Chairman, if any, shall preside at a meeting of the Commissioners and in the absence of both the Chairman and the Vice-Chairman the members present shall elect one from amongst themselves to be the President of the meeting.

(3) All questions coming before a meeting shall be decided by the votes of the majority of members present and voting and in the case of equality of votes, the person presiding shall have a second or casting vote.

7. Officers and other employees of the Commissioners :-

(1) The Commissioners may appoint such officers and other employees as they consider necessary for the efficient performance of their functions under this Act:

Provided that no post carrying a monthly salary of rupees one thousand or more shall be created or abolished without the prior approval of the State Government.

(2) The terms and conditions of service of the officers and other employees of the Commissioners including their scales of pay shall be such as may be prescribed.

8. Officers and other employees of the Commissioners not to have any interest in contract, etc :-

No person who has, directly or indirectly by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Commissioners or in any work undertaken by the Commissioners shall become or remain an officer or employee of the Commissioners.

9. Functions of Commissioners :-

Subject to the provisions of subsection

(1) of section 3 and section 30 the functions of the Commissioners shall be

(a) to construct bridge or bridges across the river Hooghly, according to such design, of such materials and quality, and at such place or places together with such approaches, as the Commissioners may, subject to the approval of the State Government, consider suitable; and

(b) to maintain, control and improve such bridge or bridges together with the approaches.

10. Power to raise loans :-

(1) The Commissioners may, with the previous approval of the State Government and subject to such terms and conditions as the State Government may think fit to impose, raise such loans as are necessary for carrying out their functions under this Act.

(2) All loans raised under sub-section (1) shall be guaranteed by the State Government as to repayment of principal and payment of interest at such rate as the State Government may, in consultation with the Commissioners, fix at the time the loan is raised.

11. Levy of tolls :-

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(1) The Commissioners may, for the purpose of carrying out their functions under this Act, levy tolls on all types of vehicles and animals passing over or through any bridge constructed under this Act as such rates as may be determined by the State Government from time to time: Provided that no toll shall be levied on any military or police vehicle, vehicle belonging to the Commissioners, ambulance belonging to any local authority or hospital, ² [fire-fighting vehicle, vehicle of any Member of Parliament or Legislative Assembly, vehicle of any Judge of the Supreme Court of India or the High Court, vehicle of the Mayor or the Deputy Mayor of the Calcutta Municipal Corporation or the Howrah Municipal Corporation, or vehicle of such officer or officers of the State Government as may be authorized by the State Government in this behalf, and vehicles of such other persons as may be notified by the State Government, using such bridge on duty.

(2) For the purpose of levy of tolls under sub-section (1), the Commissioners may establish such number of toll-bars as they may consider necessary, and may undertake collection of tolls through such officers or agents as may be appointed by them in this behalf

Provided that no agent shall be appointed for the purpose as aforesaid except with the prior approval of the State Government."

1. Section 11 subs, by W.B. Act 20 of 1992, which was earlier as under: "11. Levy of tolls. (1) The Commissioners may, for the purpose of carrying out their functions under this Act, levy, with the approval of the State Government, tolls at such rates not exceeding the rates specified in sub-section (2) on all types of vehicles and animals passing over or through a bridge constructed under this Act, as the Commissioners may think fit: Provided that no toll shall be levied on any military or police vehicle, vehicle belonging to the Commissioners for the Port of Calcutta, ambulance car belonging to any local authority or hospital, or fire-fighting vehicle, using such bridge on duty. (2) The maximum rates of toll that may be levied under sub-section (1) shall be as follows, namely: (a) Lorry, bus or tractor, with or without trailer, and similar other heavy vehicles. @ Rs. 1.50 each; (b) Tempo, scooter-rickshaw, or any other power-driven carrier with three or less than three wheels. @ Re. 0.50 each; (c) Car or Taxi (with or without trailer) @ Re. 0.75 each; (d) Motor cycle, scooter, cycle-rickshaw, or bicycle with a minimum of 3 riders including the person driving. @ Re. 0.25 each; (e) Animal @ Re. 0.10 each. (3) For the purpose of levy of tolls under sub-section (1), the Commissioners

may establish such number of toll-bars as they consider necessary and may undertake collection of tolls through such officers as may be appointed by them for the purpose."

2. Words subs, for the words "or fire-fighting vehicle, using such bridge in duty." by W.B. Act 10 of 1994.

12. Table of tolls to be published and hung up :-

The Commissioners shall, by notification, publish a table of tolls to be levied under sub-section (1) of section 11 and shall cause copies of such table legibly written in English, Bengali and Hindi to be hung up in some conspicuous place near every tollbar for the information of all persons required to pay such tolls.

13. Power for recovery of tolls :-

(1) Any person appointed to collect tolls may refuse any vehicle or animal to pass through a toll-bar until the toll due on such vehicle or animal, as the case may be, has been paid.

(2) If the toll due on any vehicle or animal is not paid on demand the person appointed to collect the same may, without prejudice to the liability of any person for prosecution under any provision of this Act, seize the vehicle or animal, or such part of its load, if any, as may be sufficient in value to defray the toll, and if any toll remains unpaid for twenty-four hours, with the cost arising from such seizure, the case shall be brought before such officer as may be appointed by the Commissioners to superintend the collection of the said toll, who may, after issue of notice to hold a sale by auction not later than noon of the third following day, exclusive of Sunday or any closed holiday, sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale and cause any balance that may remain, to be returned, on demand, to the owner of the property:

Provided that if at any time before the sale has been concluded, the person whose property has been seized tenders to the officer holding the sale, the amount of all the expenses incurred and double the toll payable, the said officer shall forthwith release the property seized.

(3) If the load or part thereof seized under sub-section (2) consists of articles which are subject to speedy and natural decay, or consists of livestock, the same may forthwith be sold and the sale-proceeds dealt with in the manner specified in sub-section (2).

(4) Notwithstanding anything contained in this section, the surplus

of the sale-proceeds of any property seized under this section may be utilised for the payment of any fine imposed for contravention of the provisions of section 14, and any property which has been seized under this section may be sold for the realisation of any such fine.

14. Prohibition of refusal or avoidance of payment of toll :-

No person taking through a toll-gate any vehicle or animal shall refuse to pay the toll due on such vehicle or animal or shall fraudulently avoid payment of such toll.

15. Prohibition of taking unauthorised tolls :-

No person who is appointed under this Act to collect tolls shall demand or take any toll other than that authorised under this Act.

16. Composition in respect of tolls :-

The Commissioners may compound for any period not exceeding one year at a time, with any person for a certain sum to be paid by such person for a fixed number of vehicles or animals to be taken by him through a toll-gate, in lieu of the ordinary toll payable.

17. Police-officers to assist :-

All police-officers shall be bound to assist the toll-collectors when required, and, for that purpose, shall have the same powers as they have in the exercise of their ordinary police duties.

18. The Hooghly River Bridge Fund :-

(1) The Commissioners shall maintain a fund to be called the Hooghly River Bridge Fund and credit shall be given to the said fund of any income derived from

(a) grant from Government or any other source;

(b) loans from Government or any other source;

(c) issue of debentures;

(d) tolls collected under this Act, and

(e) any other source as may be approved by the State Government.

(2) All moneys belonging to the said Hooghly River Bridge Fund shall vest in the Commissioners in trust for the purposes of this Act.

(3) The State Government may, by rules, provide for the manner of payment of moneys into the said Hooghly River Bridge Fund and

for the investment, custody and disbursement of such moneys.

18A. Delegation :-

¹ Subject to the provisions of this Act, the Commissioners may, by order in writing, authorise one or more of such officers drawing a monthly salary of not less than rupees one thousand as may be specified in the order

(a) to appoint such other officers and employees whose maximum monthly salary is less than rupees one thousand;

(b) to incur such expenditure for carrying out the purposes of this Act on such conditions as may be determined by regulations.

1. Section 18A ins. by W.B. Act 26 of 1980.

19. Accounts and audit :-

The Commissioners shall keep an account of all the receipts and expenditure in such manner and in such form as the State Government may prescribe and the account shall be examined and audited annually by auditor or auditors appointed by the State Government.

20. Budget :-

(1) The Commissioners shall by the first day of March each year cause to be prepared and submitted to the State Government a budget estimate showing in such form as may be prescribed, their anticipated income and expenditure for the next financial year.

(2) The State Government shall within thirty days from the date of receipt of the budget estimate either accord its approval to the same or return it to the Commissioners with such comments and suggestions thereon as it deems necessary.

(3) The Commissioners shall resubmit the budget estimate to the State Government within fifteen days from the date of receipt thereof together

(4) If the State Government does not accord its approval to the budget estimate within thirty days of the receipt thereof for such approval or within fifteen days of the resubmission thereof with or without modification, the said estimate shall be deemed to have been approved by the State Government in the form in which it was last submitted to the State Government.

21. Supplementary budget :-

The Commissioners may, at any time during the year for which any budget estimate has been prepared and approved under, section 20, cause a supplementary estimate to be prepared and submitted to the State Government for approval in the same manner as if it were an original budget estimate.

22. Powers in case of default by Commissioners :-

If, in the opinion of the State Government, the Commissioners have made default in the performance of their duties under this Act, the State Government may, by notification, dissolve the body of Commissioners constituted under section 3 and may, by notification, constitute another body of Commissioners or take under its own management the construction, maintenance, improvement and control of any bridge or bridges constructed under this Act together with the approaches thereto and also the arrangements for the service and repayment of any loan raised under this Act, and thereupon all the powers conferred and duties imposed by this Act upon the Commissioners and all contracts entered into or liabilities incurred by the Commissioners under this Act shall be deemed to be transferred to the Commissioners reconstituted as aforesaid or to the State Government, as the case may be, and the Commissioners so reconstituted or the State Government, as the case may be, may take possession of the bridge or bridges constructed under this Act and the approaches thereto and of all properties and moneys vested by this Act in the Commissioners:

Provided that before proceeding under this section the State Government shall give a reasonable opportunity to the Commissioners to show cause as to why the proposed action shall not be taken.

23. Land and structures of bridges when to be exempt from or when to be liable to municipal taxation :-

Lands required for the construction of any bridge under this Act including its foundations, approaches and slopes or for any improvement thereof together with all structures on such lands forming part of such bridge which vest in the Commissioners,

(i) shall be exempt, or

(ii) shall not be exempt, from the rate or rates leviable under the Calcutta Municipal Act, 1951, the Calcutta Municipal Act, 1923, as extended to the Municipality of Howrah, the Howrah Municipal Act,

1965, the Bengal Municipal Act, 1932 or the Chandernagore Municipal Act, 1955, as the case may be, according as

(i) they are not, or

(ii) they are, let out to tenants or otherwise utilised for deriving income,

Explanation. In this section, the expression "income" does not include income from levy of tolls,

24. Compulsory acquisition or requisition and acquisition of land :-

¹ Any land, with or without structures thereon, required by the Commissioners for carrying out their functions under this Act may be acquired under the provisions of the Land Acquisition Act, 1894, or may be requisitioned and acquired under the provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948, and any such acquisition or requisition and acquisition shall be deemed to be made for a "public purpose" within the meaning of clause (f) of section 3 of the Land Acquisition Act, 1894, or for a public purpose referred to in sub-section (1) of section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948, as the case may be.

1. Section 24 subs, by W.B. Act 20 of 1974 which was earlier as under: "24. Compulsory acquisition of land. Any land, with or without structures thereon, required by the Commissioner for carrying out their functions under the provisions of the Land Acquisition Act, 1894 and any such acquisition shall be deemed to be acquisition for a "public purpose" within the meaning of clause (f) of section 3 of that Act."

24A. Bar to jurisdiction of court :-

¹ No acquisition under the provisions of the Land Acquisition Act, 1894 or requisition or acquisition or requisition and acquisition under the provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948, of any land required by the Commissioners for carrying out their functions under this Act, shall be called in question in any court of law.

1. Section 24A ins. by W.B. Act 20 of 1974.

25. Indemnity :-

No person shall be entitled to any compensation for any loss or injury which he may sustain by reason of any obstruction to the navigation of the river Hooghly which may be caused by operations connected with the construction of any bridge or approaches under

this Act or with the repair of such bridge or approaches or for any interference with any rights vested or otherwise, which may result from operations connected with such construction or repair.

26. Protection of action taken under the Act :-

No suit or other legal proceeding shall lie against the Commissioners for any damage caused or likely to be caused and no suit, prosecution or other legal proceeding shall lie against any person in the employment of the Commissioners for anything in good faith done or purported to be done under this Act.

27. Power to undertake survey :-

The Commissioners may, for the purpose of carrying out their functions under this Act, undertake survey of any area and for the purpose it shall be lawful for any officer of the Commissioners or the workmen of such officers

(a) to enter upon and take level of any land; or

(b) to dig or bore into the sub-soil; or

(c) to mark levels and boundaries by placing marks and cutting trenches; or

(d) where otherwise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that before entering upon any land, the Commissioners shall give notice of their intention to do so to the owner or occupier of the land in such manner as may be prescribed.

28. Power to prohibit sinking of or direct removal of tube-wells :-

(1) In order to ensure the safety of any bridge or the approaches there to constructed under this Act, the Commissioners may, after consultation with the chief executive officer of the municipal body concerned, the General Manager of the Calcutta Metropolitan Water and Sanitation Authority and the Commissioners for the Port of Calcutta, by notification, prohibit the sinking of tube-wells within such distance from the piers of such bridge as may be specified in the notification.

(2) The Commissioners may, by order to be served in such manner as may be prescribed, direct the removal, within such time as may

be specified in the order, of any tube-well which is, in their opinion, likely to endanger the safety of any bridge or approaches constructed under this Act.

29. Penalty :-

(1) Whoever contravenes the provisions of section 14 or section 15 shall be punishable with fine which may extend to fifty rupees.

(2) Whoever contravenes the provisions of any notification issued under sub-section (I) of section 28 or fails to comply with any direction made under sub-section (2) of that section shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention or failure, with additional fine which may extend to fifty rupees for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

30. Directions by State Government :-

The State Government may, after consultation with the Commissioners, give to the Commissioners such directions relating to the performance of their functions and duties under this Act as appear to the State Government to be requisite in the public interest and the Commissioners shall give effect to such directions.

30A. Provident Fund :-

The Commissioners may constitute a provident fund for the benefit of officers and other employees of the Commissioners in such manner and subject to such conditions as may be determined by regulations 6[and also specify the date or dates from which the regulations shall come into force or shall be deemed to have come into force].

31. Power to make rules :-

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which are to be or may, under any provision of this Act, be required to be provided for by rules.

(3) Any rule made under this Act may provide that any person committing a breach thereof shall, on conviction be punishable with fine which may extend to one hundred rupees and in the case of a

continuing breach with an additional fine which may extend to twenty-five rupees for every day during which such breach continues after conviction for the first such breach.

32. Power to make regulations :-

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(1) The Commissioners may, with the previous approval of the State Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, on such matters as may be required to be determined by regulations.

(2) All regulations shall be published in the Official Gazette.

1. Sec.32 Ins,by W.B Act 26 of 1980.