

KARNATAKA HIGHWAYS RULES, 1965

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KARNATAKA HIGHWAYS RULES, 1965

In exercise of the powers conferred by Section 72 of the Karnataka Highways Act, 1964 (Karnataka Act 44 of 1964), the Government of Karnataka hereby makes the following rules, the draft of the same having been published as GSR 654 in Part IV, Section 2-C (i) of Karnataka Gazette dated 9th September, 1965, as required by sub-section (1) of the said section, namely.

1. Title :-

These rules may be called the Karnataka Highways Rules, 1965.

2. Definitions :-

In these rules, unless the context otherwise requires,

(a) "Act" means the Karnataka Highways Act, 1964;

¹[(aa) "Assistant Executive Engineer" means an officer of the State Public Works Department having that designation and being incharge of particular road, bridge, tunnel or causeway located on the Highway and who is appointed by the State Government under Section 6 of the Karnataka Highways Act, 1964 to work under Highway Authority.

(aaa) "Bridge" means a bridge with permanent structures, the cost of which including the cost of the bridge proper, approach roads, guide bunds and protective works as also structures constructed or improved for collection of toll, is more than rupees twenty-five lakhs and which is completed and opened to traffic on Highways after the First day of April, 1983.]

(b) "Form" means a form appended to these rules;

²[(bb) "Motor vehicle" has the same meaning as in the Motor Vehicles Act, 1939.]

(c) "Schedule" means the schedule to these rules;

(d) "Section" means a section of the Act.

³ [(e) "Toll Inspector" means a person appointed by the State Government under Section 6 of the Karnataka Highways Act, 1964 to collect toll in respect of any motor vehicle crossing a bridge tunnel or causeway and includes every State Government employee posted on such bridge, runnel or causeway in connection with the collections of toll.]

1. Clauses (aa) and (aaa) inserted by GSR 89, dated 30-3-1984, w.e.f. 31-3-1984.

2. Clause (bb) inserted by GSR 89, dated 30-3-1984, w.e.f. 31-3-1984.

3. Clause (e) inserted by GSR 89, dated 30-3-1984, w.e.f. 31-3-1984.

3. Manner of publication of the notification under Section 7(2) :-

In addition to publication of the notification in the official Gazette under sub-section (2) of Section 7, the notification shall be caused to be published in the chavadi of the village and in the office of the Tahsildar of the Taluk concerned in which the highway is situated.

4. Places where copies of map to be kept under Section 8 :-

The Highway Authority shall arrange to keep for inspection a copy of the map referred to in Section 8 at the following places besides its own office;

(i) office of the Tahsildar of each of the Taluks in which the lands between the highway boundaries and the control lines marked on the map are situated,

(ii) office of each of the Public Works Department sub-divisions in charge of the highway marked on the map.

5. Form of application for permission under Section 9. :-

An application for permission falling under clause (a) or clause (b) of sub-section (1) of Section 9 shall be made in Form 'A' and for permission falling under clause (c) of that sub-section shall be made in Form 'B'.

6. Manner of publication of the Notification under Section 15 :-

In addition to publication of a notification in the official Gazette under Section 15, such notification shall be caused to be published

(i) in the office of the Highway Authority;

(ii) in the chavadi of the Village;

(iii) office of the Tahsildar of each of the Taluks in which the land in question lies.

7. Form of application for permission under Section 21 to occupy Highway Land :-

An application for permission to occupy or encroach upon highway land within the highway boundaries under sub-section

(1) of Section 21 shall be made to the Highway Authority in Form 'C'.

8. Conditions on which permission to be granted under Section 21 to occupy highway land :-

Permission to occupy or encroach on any highway within the highway boundaries shall be granted subject to the following conditions:

(i) The structure to be erected or work to be carried out shall be so executed as not to interfere with traffic on the highway or the highway drainage;

(ii) The structure shall be erected in conformity with the plan approved by the Highway Authority and shall not be altered or extended without the prior written permission of the Highway Authority. It shall not be used for any purpose other than the one for which permission is granted;

(iii) The structure shall be constructed and maintained to the satisfaction of the Highway Authority;

(iv) No trees on the Highway land shall be removed, cut or damaged or highway accessories or materials removed or damaged without the prior written permission of the Highway Authority and payment of compensation therefor, as determined by the Highway Authority;

(v) The applicant shall be solely liable for any loss or injury sustained by any person as a result of any carelessness, negligence or misconduct of any of his employees in the erection, setting up, repair or use of the structure on or overhanging the highway land;

(vi) The applicant shall pay rent for the occupation of or encroachment on a highway within the highway boundaries at the rates fixed under Rule 9;

(vii) The applicant shall be liable to pay all taxes, rates or assessments payable to Government or any local authority in respect of the highway land occupied or structure constructed or projected thereon;

(viii) The applicant shall deposit by way of security with the Highway Authority such amount as may be fixed by the Highway Authority which will be liable to forfeiture in case of default in the payment of rent and other charges payable to Government or

contravention of any of the conditions subject to which the permission is granted;

(ix) On the expiry of the period for which the permission is granted, the land shall be vacated and restored to its original condition and handed over to the Highway Authority;

(c) "Schedule" means the schedule to these rules;

(d) "Section" means a section of the Act.

¹ [(e) "Toll Inspector" means a person appointed by the State Government under Section 6 of the Karnataka Highways Act, 1964 to collect toll in respect of any motor vehicle crossing a bridge tunnel or causeway and includes every State Government employee posted on such bridge, tunnel or causeway in connection with the collections of toll.]

(x) The permission shall not be transferred to any other person, without the prior written permission of the Highway Authority.

1. Rules 18 to 25 inserted by GSR 89, dated 30-3-1984, w.e.f. 31-3-1984.

9. Rent to be charged for occupation of Highway Land :-

The Highway Authority shall charge rent for occupation of or encroachment on a highway within the highway boundaries permitted under Section 21 at the rates prescribed in the Schedule.

10. Manner of reference under Section 35 by the Highway Authority or the authorised officer :-

(1)

(i) An application under Section 35 for reference to the court against the award made under Section 28 shall be in Form 'D'.

(ii) the Highway Authority or the officer authorised under Section 28 shall make reference under Section 35, by a statement in writing, giving the following particulars namely:

(a) full particulars of the property or right or interest therein and the nature of damage, if any, thereto in respect of which compensation is awarded;

(b) the names of the persons whom he has reason to think interested in such compensation;

(2) The statement under sub-rule (1) shall be accompanied by,

(a) a copy of the award;

(b) a copy of the application requiring the reference to be made under Section 35; and

(c) a schedule giving particulars of the notices served upon and of the statements in writing made or delivered by the parties interested.

11. Form of application under Section 44 for reference against order fixing betterment charges :-

An application under sub-section (2) of Section 44 for a reference against an order fixing the betterment charges under Section 42 shall be made in Form 'E'.

12. Manner of reference under Section 44 by the officer authorised :-

(1) The officer authorised under Section 41 shall make the reference under Section 44 by a statement in writing giving the following particulars, namely:

(a) the situation and extent of the land with particulars of buildings, if any, thereon; and

(b) the names of the persons whom he has reason to think are interested in such land and buildings;

(2) The statement under sub-rule (1) shall be accompanied by,

(a) a copy of the order fixing the betterment charges;

(b) a copy of the application requiring the reference to be made under Section 44;

(c) a schedule giving the particulars of the notices served upon and of the statement in writing made or delivered by the parties interested;

(d) a copy of the plans showing the nature and location of the highway work concerned in relation to the lands assessed to betterment levy.

13. Date on which betterment charges shall be payable under Section 47 :-

The betterment charges shall be payable within ninety days from

the date of the communication of the order made under Section 42 or the date of the decision of the Court under Section 44, as the case may be.

14. Payment of betterment charges by instalments under proviso to Section 47 :-

(1) If the owner of any land desires to pay the amount of betterment charges by annual instalments as provided in Section 47, he shall make an application to that effect in writing to the Officer making the order under Section 42 within one month from the date of the communication of the order made under Section 42 or the date of the decision of the court under Section 44, as the case may be. The owner shall state in the application the number of instalments in which he desires to pay the charges. Such number shall not exceed ten.

(2) Interest at the rate of 5 per cent per annum shall be charged on the amount of betterment charges permitted to be paid in instalments.

(3) The instalments shall be so fixed as to secure the full payment of the whole amount of betterment charges together with interest thereon as far as possible within the period specified by the owner in his application but in no case shall such period exceed ten years from the date on which such charges become leviable.

(4) On receipt of an application under sub-rule (1), the officer authorised shall fix the amount of each annual instalment including the interest charges to be paid by the owner, the number of such instalments and the date on which each instalment shall be paid by the owner.

(5) The owner of the land shall thereon execute an agreement as required by the proviso to Section 47. Such agreement shall be in Form 'F'.

15. Relinquishment or exchange of land under Section 48 :-

(1) If the owner of land desires to relinquish the whole or any part of the land or to deliver it in exchange in favour of the State Government under Section 48, he shall make an application to that effect in writing to the authorised officer within one month from the date on which betterment charges become leviable in respect of such land.

(2) The owner of the land shall state in the application.

(a) full particulars of the land and the amount of betterment charges fixed thereon;

(b) the area of the land proposed to be relinquished or given in exchange and the value thereof according to the owner;

(c) particulars of the encumbrances, if any, on the land. He shall attach a sketch showing the exact location of the land proposed to be relinquished or given in exchange.

(3) The authorised officer on receipt of the application shall assess the value of the land proposed to be relinquished or exchanged and shall forward the application, along with his recommendations to the State Government, which may pass such orders thereon as it may deem fit under Section 48.

16. Prohibition or regulation of traffic when highway considered unsafe under Section 50 :-

Whenever the Highway Authority closes a highway or portion thereof or regulates the number or speed or weight of vehicles using the highway under Section 50, it shall

(i) publish a notification in the official Gazette and also in at least one newspaper circulating in the locality, giving particulars of the restrictions imposed;

(ii) put up notice boards at suitable places along the highway giving particulars of the restrictions imposed;

(iii) in case of closure of the highway or portion thereof to all or any class of traffic, put up barriers, as may be necessary, at suitable places with arrangements for display of red light at night.

17. Prohibition or restriction of the use of heavy vehicles under Section 51 :-

Whenever the Highway Authority prohibits or restricts the plying of heavy vehicles under Section 51 it shall:

(i) Publish a notification in the official Gazette and also in at least one newspaper circulating in the locality giving particulars of the restrictions imposed;

(ii) put up notice boards at suitable places along the highway, giving particulars of the restrictions imposed.

18. Rates of toll and its payments :-

¹ There shall be levied and paid to the Highway Authority on behalf of the State Government toll on the motor vehicles for the use of bridges, causeways and tunnels at the rates specified in the Second Schedule to the said rules.

1. Rules 18 to 25 inserted by GSR 89, dated 30-3-1984, w.e.f. 31-3-1984.

19. Exhibition of rates of toll :-

A Table of tolls authorised to be levied at any bridges, causeways or tunnels shall be put up in a conspicuous place near a collection booth legibly written or printed in Kannada, English and Hindi.

20. Procedure for collection/realisation of amount, handling etc :-

(1) All tolls levied under these rules shall be collected by the Highway Authority concerned departmentally on behalf of the State Government and for this purpose necessary arrangements shall be made by the Highway Authority concerned for putting up adequate number of collection booths operated manually or by automatic arrangement or by combination of booth as may be considered suitable by the Highway Authority including improvement and widening of approach roads to serve the collection booths so set up.

(2) There shall be posted at either end of the bridge, causeway and tunnel, a Toll Inspector (with necessary police guard to assist) who shall be authorised to collect toll in respect of any motor vehicle crossing the said bridge, causeway and tunnel at the rates specified in the Second Schedule.

(3) There shall be provided at either end of the bridge, causeway or a tunnel, a cross bar for securing the stoppage of motor vehicles.

(4) The Toll Inspector shall ensure at the cross bar that passage is not allowed to motor vehicles unless the toll leviable in respect thereof has been paid.

21. Mode of collection of toll :-

(1) Every driver, owner or person incharge of a motor vehicle, required to pay toll under these rules shall before crossing the bridge, causeway or runnel or after having crossed it stop his vehicle at the cross bar, go to the toll collection booth to pay the toll leviable in respect of the vehicle and obtain from the toll

Inspector a receipt in duplicate in Form G in token of having paid the toll, before he is allowed to proceed further.

(2) In the event of two or more bridges, causeways or tunnels falling in close proximity to each other within twenty kilometres from a point at the beginning of the approach of entry of the first bridge, tunnel or causeway to be crossed under the jurisdiction of the same Highway Authority, the aggregate toll for all such bridges, tunnels or causeways may, if so deemed necessary, be collected from the driver, owner or person incharge of such of the motor vehicles which intend to cross more than one such bridge, tunnel, causeway or any of the intermediary bridges, tunnels, causeways to be crossed and the vehicle holding the receipt of such a payment shall be allowed to pass through other aforesaid bridges, causeways or tunnels unhindered after showing the receipt to the Toll Inspectors posted on those bridges, causeways or tunnels. Details of bridges, causeways and tunnels shall be displayed at a conspicuous place near the toll collection booths of the bridges, causeways and tunnels covered under this sub-rule legibly written or printed in Kannada, English and Hindi in which the said bridges, causeways, tunnels are situated.

(3) The Toll Inspector shall, on receipt of the toll specified in the Schedule, fill up a receipt in triplicate in Form 'G' and deliver two copies thereof to the driver, owner or the person incharge of the motor vehicle in respect of which the toll has been paid and retain the third in his office. The motor vehicle shall be allowed to go ahead of the cross bar only after the toll has been paid and receipt issued under these rules.

(4) Where, and if, found necessary, the Highway Authority may also set up counter-checking booths, for the purpose where such a booth has been set up at some location considered suitable beyond toll collection booth, after the motor vehicle has crossed the bridge, causeway or tunnel and also paid the prescribed toll, the Toll Inspector on counter-checking duty at the counter checking booth shall ensure that the motor vehicle is allowed to pass from the counter-checking cross bar only after verifying on checking the copies of the receipts for payment of the toll from the driver, owner or person incharge of the vehicle.

22. Remittance of toll collected :-

(1) The Toll Inspector on duty shall be responsible for the collection

and safe custody of the amounts collected towards tolls during the period of his duty and shall not leave his booth till his reliever takes over from him.

(2) The Toll Inspector shall maintain a Cash Register in Form-H and keep it posted upto date.

(3) The Toll Inspector shall at the end of the period of his duty, handover the amount collected by him to his reliever after obtaining the signature of the latter in the relevant column of the Cash Register.

(4) Every day between the hours of 4 and 5 in the afternoon the Toll Inspector on duty shall handover the entire amount of toll collected during the preceding 24 hours to the Assistant Executive Engineer incharge of the bridge, causeway or tunnel after obtaining his signature in the relevant column of the Cash Register.

(5) The Assistant Executive Engineer shall keep the amounts of collection received from the Toll Inspector in the chest provided for the purpose at his office.

(6) The Assistant Executive Engineer shall, on every Saturday or if it happens to be a holiday, on the next working day, remit the amount received by him in respect of the week ending the preceding Saturday by a Demand Draft to the nearest Treasury or Bank. The Treasury or the Bank shall account the amount so received in the relevant receipt head in their books.

(7) The Assistant Executive Engineer shall maintain a Register in Form I showing the amount collected from the Toll Inspector and remittances made to the Treasury or Sub-Treasury or Bank and shall keep the Register posted upto date.

(8) The Assistant Executive Engineer shall exercise supervision and control over the staff posted at the bridges, causeways or tunnels in connection with the collection of the toll and over the maintenance of proper accounts and records by such staff.

(9) The Highway Authority incharge of the road on which the bridges, causeways or tunnels are situated shall check the collection and remittance of toll by the staff in accordance with these rules by paying surprise visits atleast twice a month at the office of the Toll Inspectors.

23. Submission of returns :-

The Highway Authority concerned shall furnish to the Accountant-General in Karnataka, Bangalore every quarter in the first week of April, July, October and January,

(i) a consolidated statement showing monthwise the amounts collected and remitted on account of toll proceeds in respect of each bridge, causeway or tunnel alongwith the details of number and date of the demand draft with which this amount was remitted.

(ii) break-up of the monthwise expenditure incurred on each bridge, causeway or tunnel by the Highway Authority required to be reimbursed on account of collection of the toll on the basis of actual expenditure incurred.

24. Reimbursement of collection charges :-

(1) The collection charges shall not exceed 12 per cent of the total collections. The collection charges shall be reimbursed to the Highway Authority in the manner indicated in sub-rule (2).

(2) Payment of the amounts in reimbursement of the expenditure incurred, by the Highway Authority on collection of toll not exceeding 12 per cent of the total collection of toll shall be made by the State Government by specific payment sanctions from out of the specific budget provision to be made by the State Government in its budget from year to year.

25. Assistance by police :-

All police officers of the area in whose jurisdiction the bridges, causeways and tunnels fall shall be bound to assist the Toll Inspectors, when required in the collection of toll under these rules, and for that purpose, shall have the same power which they have in exercise of their normal police duties.

SCHEDULE 1

Table showing the rents to be charged for temporary occupation of highway land

SCHEDULE 1	
[See Rule 9]	
Table showing the rents to be charged for temporary occupation of highway land	
Purpose for which highway land occupied	Rent to be charged
1. Temporary encroachment in front of a building owned by the	An annual sum not exceeding 2 1/2 per cent of the market value of the land

	applicant or for a temporary structure overhanging a highway.	encroached upon or below the temporary structure subject to a minimum of Rs. 6 in municipal areas and Rs. 3 in other areas.
2.	Putting up temporary awnings, tents, pandals, scaffoldings or other similar erections	A daily sum not exceeding Re. 1 per 100 square feet of land occupied in municipal areas and 50 paise per 100 square feet in other areas
3.	Temporary stalls	An annual sum not exceeding 10 per cent of the full market value of the land occupied subject to a minimum of Rs. 12 in municipal areas and Rs. 6 in other areas
4.	Depositing building materials, goods for sale or other articles	A daily sum not exceeding Re. 1 per 100 square feet of land occupied in municipal areas and 50 paise per 100 square feet in other areas
5.	Making temporary excavations	Nil.

SCHEDULE 2

SCHEDULE

SCHEDULE 2		
[See Rule 18]		
SI. No.	Particulars of vehicles	Toll for bridges, cause ways and tunnels costing more than rupees fifty lakhs and constructed on or after 1-4-1983
1.	Motor cycle, scooter or any other two wheeled mechanically propelled vehicles	Nil
2.	Autorikshaw, 3 wheeler scooter or other auto driven light vehicles	3.00
3.	Motor car, taxi, jeep, van and auto driven light vehicles	5.00
4.	Bus, lorry and other heavy vehicles (excluding above vehicles) including multi axled vehicles Laden	15.00

	Up-laden	10.00
5.	Other mechanically propelled heavy vehicles namely, Mobile Cranes, Dozers, Earth movers which have more than two axles and vehicles trailers, (Laden or un-laden)	15.00