

THE INDIAN TOLLS (ARMY AND AIR FORCE) ACT, 1901

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ARRANGEMENT OF SECTIONS

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SECTIONS

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THE INDIAN TOLLS (ARMY AND AIR FORCE) ACT, 1901

ACT NO. 2 OF 1901<sup>1</sup>

[22nd February, 1901.]

An Act to amend the law relating to the exemption from tolls of persons and a property belonging to the Army <sup>2</sup>[or Air Force].

<sup>3</sup>\* \* \* \* \*

It is hereby enacted as follows: —

**1. Short title, extent and commencement.**—(1) This Act may be called the Indian Tolls <sup>4</sup>[(Army and Air Force)] Act, 1901;

<sup>5</sup>[(2) It extends to the whole of India <sup>6</sup>\*\*\*.]

(3) It shall come into force on the first day of April, 1901.

<sup>7</sup>**2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) the expression “authorised followers” means persons other than officers, soldiers or airmen, who are employed by, or are in the service of, the Forces or Corps concerned, or are in the service of any officer, soldier or airman of such Forces or Corps;

(b) “carriage” means a vehicle for carriage or haulage other than one specially constructed for use on rails;

(c) “ferry” includes every bridge and other thing which is a ferry within the meaning of any enactment authorising the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of “railway” in section 3 of the Indian Railways Act, 1890 (9 of 1890) ;

<sup>8</sup>[(d) the expression “the regular forces” means “the regular Army” as defined in clause (xxi) of section 3 of the Army Act, 1950 (46 of 1950), and includes the “Air Force” as defined in clause (iv) of section 4 of the Air Force Act, 1950 (45 of 1950);]

(e) “horse” includes a mule and any beast of whatever description which is used for burden or draught or for carrying persons;

(f) the expression “Irregular Corps” means any force (other than <sup>9</sup>[the Regular Forces or <sup>10</sup>[the Territorial Army or the National Cadet Corps]) raised and maintained in India under the authority of the Central Government, <sup>11</sup>\*\*\* or any other force which may be notified in this behalf by order published in the Official Gazette;

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1. The Act has been extended to—

(1) Berar by the Berar Laws Act 1941 (4 of 1941).

(2) Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, s. 2 and the First Schedule.

(3) Pondicherry on 1-10-1963, *vide.*, Reg. 7 of 1963. s. 3 and the First Schedule.

(4) Lakshadweep (w.e.f. 1-10-1967): *vide.* Reg. 8 of 1965. s. 3 and the First Schedule.

2. Added by Act 10 of 1927, s. 2 and the First Schedule.

3. Preamble omitted by the A.O. 1950.

4. Subs. by Act 14 of 1942, s. 2, for “(Army)”.

5. Subs. by the A.O. 1950 for sub-section (2).

6. The words “except Part B States” omitted by Act 3 of 1951. s. 3 and the Schedule.

7. Subs. by Act 14 of 1942, s. 3, for section 2.

8. Subs. by Act 3 of 1951, s. 3 and the First Schedule, for clause (d).

9. Ins. by the A.O. 1950.

10. Subs. by Act 3 of 1951, s. 3 and the Schedule, for “the Auxiliary Force (India) or the Indian Territorial Force”.

11. The words “or of the Crown Representative” omitted by the A. O. 1948.



(g) the carriages, horses, and baggage, and the persons (if any) employed in driving the carriages or in carrying the baggage, of any persons exempted under any of the foregoing clauses, when such carriages, horses, baggage, or persons accompanying the persons so exempted under the circumstances mentioned in those clauses respectively]

<sup>1</sup>[(h)] all carriages and horses belonging to Government or employed <sup>2</sup>[in the Indian] military <sup>3</sup>[or air-force] service and all persons in charge of or accompanying the same, when conveying any such persons as hereinbefore in this section mentioned or when conveying baggage or stores, or when returning, unladen from conveying such persons, baggage or stores,

<sup>1</sup>[(i)] all carriages and horses, when moving under the orders of military <sup>3</sup>[or air-force) authority for the purpose of being employed <sup>2</sup>[in the Indian] military <sup>3</sup>[or air-force] service.

<sup>1</sup>[(j)] all animals accompanying any body of troops which are intended to be slaughtered for food or kept for any purpose connected with the provisioning of such troops, and

<sup>1</sup>[(k)] all persons in charge of any carriage, horse or animal exempted under any of the foregoing clauses when accompanying the same under the circumstances mentioned in those clauses respectively,

shall be exempted from payment of any tolls—

(i) on embarking or disembarking, or on being shipped or landed, from or upon any landing-place, or

(ii) in passing along or over any turnpike or other road or bridge, or

(iii) on being carried by means of any ferry,

otherwise demandable by virtue of any Act, Ordinance, Regulation, order or direction of any legislature or other public authority in <sup>4</sup>India:]

Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or property along any canal from payment of tolls in like manner as other boats, barges and vessels.

<sup>5</sup>[*Explanation.*—The persons or property exempted under clauses (d), (e) (g) and (j) shall be deemed to accompany the Forces, troops, persons or property concerned, when the move of the former is the direct result of, or is connected with the move of the latter, irrespective of the interval of space and time between the two moves.]

**4. Tolls on vessels transporting troops and baggage, etc., of troops embarked or disembarked.**—(1) No tolls shall be leviable by any local authority in respect of—

(a) any vessel employed by <sup>6</sup>[the Central Government] solely for the transport of troops, or

(b) the horses, baggage or other effects of any troops embarking or disembarking at any port, or

(c) carriages belonging to Government or employed <sup>2</sup>[in the Indian] military <sup>3</sup>[or airforce] service embarking or disembarking at any port.

(2) In respect of all such vessels or troops, their families, their horses, baggage, and their effects, or any such carriages as aforesaid, the local authority concerned shall. in addition to its duties in the embarking and disembarking of the same, perform and supply all such reasonable services and accommodation as may, from time to time, be required by <sup>6</sup>[the Central Government], and shall receive payment for all such services and accommodation on such terms and for such periods as may,

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1. Clauses (i), (j), (k) and (l) relettered (h), (i), (j) and (k) respectively by Act 14 of 1942. s. 4.

2. Subs. by the A.O. 1950, for “in His Majesty’s”.

3. Ins. by Act 10 of 1927, s. 2 and the First Schedule.

4. Subs. by Act 3 of 1951, s. 3 and the Schedule, for “a Part A State or a Part C State”.

5. Added by Act 14 of 1942, s. 4.

6. Subs. by the A.O. 1937, for “the Government”.

from time to time, be determined by <sup>6</sup>[the Central Government] in consultation with such local authority.

**5. Penalty.**—Any person who demands and receives any toll in contravention of the provisions of section 3 or section 4 shall be punishable with fine which may extend to fifty rupees.

**6. Compensation.**—(1) If any owner or lessee, or any Company, railway administration or local authority claims compensation for any loss alleged to have been incurred Owing to the operation of this Act, the claim shall be submitted to the <sup>1</sup>[Central Government].

(2) On receiving any such claim, the <sup>1</sup>[Central Government] <sup>2\*\*\*</sup> shall pass such order thereon as justice requires, and shall give all necessary directions for the purpose of ascertaining the fact of the case and of assessing the compensation, if any, to be paid.

**7. Rules.**—(1) The Central Government <sup>3\*\*\*</sup> may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Central Government <sup>4\*\*\*</sup> may make rules providing for the form of passes to be given to persons or bodies of persons or in respect of property entitled to exemption from the payment of tolls under this Act.

(3) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the Official Gazette <sup>5\*\*\*</sup> and, on such publication, shall have effect as if enacted by this Act.

<sup>6</sup>[(5) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule].

**8. [Repeals.]** *Rep. by the Repealing and Amending Act, 1914 (10 of 1914), s. 3 and the Second Schedule.*

THE SCHEDULE.—[*Enactments repealed.*] *Rep. by s. 3 and the Second Schedule ibid.*

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1. Subs. by the A.O. 1937, for "L. G.".

2. The words "subject to the control of the G. G. in C." omitted, *ibid.*

3. The words "and the L.G. with the previous sanction of the G.G. in C.", omitted, *ibid.*,

4. The words "or the L. G. with the previous sanction of the G.G. in C.", omitted, *ibid.*

5. The words "or in the local Official Gazette" omitted, *ibid.*

6. Ins. by Act 20 of 1983, s. 2 and the Schedule (w. e. f. 15-3-1984).