

THE TOLLS ACT, 1851

(ACT NO. VIII OF 1851).

THE INDIAN TOLL (JHARKHAND AMENDMENT ACT, 2002 [JHARKHAND ACT, 02, 2004]

AN
ACT

TO AMEND THE INDIAN TOLL ACT, 1851

Preamble :

WHEREAS, In the interest of all round development of the State of Jharkhand, it is expedient to provide for the proper development, construction, re-construction, repair, operation and / or maintenance of roads and / or bridges in the state, and further with a view to attract any person for meeting the expenditures thereof, as due to constraints of resources it has not been possible for the State to allocate sufficient funds for these activities, it has become necessary to incorporate provision in the Indian Tolls Act, 1851 (Act 8 of 1851) (as applicable in the State of Jharkhand) to enable the State Government:-

1. To enter into agreement with any person in relation to the development and maintenance of roads and / or bridges **other than National Highway and / or bridges thereon;**
2. To levy fees and authorize the person, who has undertaken to develop the roads and / or bridges, to collect such fee;
3. To empower such person to regulate traffic on such roads and / or bridges;
4. To provide for punishment for mischief by injury to such roads and / or bridges;

Be it enacted by the legislature of the State of Jharkhand in the fifty third years of Republic of India as follows:-

- 1 Short title, extent and commencement : (i) This Act may be called The Indian Tolls (Jharkhand Amendment) Act, 2002.
- (ii) It shall extend to whole of the State of Jharkhand.
- (iii) It shall come into force at once.

1. [Repealed by the Repealing Act, 1870 (Act XIV of 1870).]

1A. 1[This Act extends to the whole of Bangladesh].

2. The ²[* * *] Government may cause such rates of toll, as it thinks fit, to be levied upon any road or bridge which has been, or shall hereafter be, made or repaired at the expense of the ³[* * *] Government; and may place the collection of such tolls under the management of such persons as may appear to it proper: and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the land-revenue.

'2A' Development, construction, re-construction, repair, operation and / or maintenance of road and / or bridges **other than National Highway and / or bridges thereon;**

- (i) Not-with-standing anything contained in this Act and any other law for time being in force the State Government may cause Roads and / or Bridges other than National Highway and / or bridges thereon developed, constructed, reconstructed, operated and / or maintained by any person by entering into a specific agreement in respect thereof with such persons.
- (ii) Not-with-standing anything contained in this Act, the person referred to in sub-section (i) shall be entitled to collect and retain fees at such rate for services or benefits rendered by him, as the State Government may specify by notification in the official gazette having regard to the expenditure involved in building, maintenance, management and operation of the roads and / or bridges, interest on the capital invested, reasonable return, the volume of traffic and the period of such agreement.
- (iii) A person referred to in sub-section (i) shall have power to regulate and control the traffic in accordance with the provisions contained in chapter-VIII or the Motor Vehicles Act, 1988 on the highway in respect of the subject matter of such agreement for proper management thereof.

'2B' Punishment for mischief by injury to roads and / or bridges :

Whoever commits mischief by doing any act which renders or which he knows to be likely to render any road and / or bridge referred to in sub-section (i) of section '2A' impassable or less safe traveling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with a fine or with both.

nation :

For the purpose of this the expression "any person" shall include any company or association or body of individuals (whether incorporated or not) or a firm.

3. In case of non-payment of any such toll on demand, the officer appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll; and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the officer appointed to superintend the collection of the said toll, who may 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; and the said officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday, or any closed holiday, he will sell the property by auction:

Provided that, if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

4. The following persons and things shall be exempt from payment of tolls:

(a) Government Stores and persons in charge thereof;

(b) Public servants travelling on duty, and the vehicles and animals employed by the persons aforesaid;

(c) Any other class of persons or things which may be exempted by order of the ⁴[Government] provided that no exemption shall be granted during the currency of a lease.

5. All Police-officers shall be bound to assist the toll-collectors, when required, in the execution of this Act; and, for that purpose, shall have the same power which they have in the exercise of their common police-duties.

6. Every person, other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Act seize or sell any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable on conviction before a Magistrate to imprisonment for any term not exceeding six calendar months, or to fine not exceeding two hundred ⁵[Taka], any part of which fine may be awarded by the Magistrate to the person aggrieved; but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court.

7. A table of the tolls authorized to be taken at any toll-gate or station shall be put up in a conspicuous place near such gate or station legibly written or printed in 6[Bengali] words and figures, 7[* * *] to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll.

8. The tolls levied under this Act shall be deemed public revenue.

⁸[9.(1) The Government may, from time to time, lease by public auction the levy of tolls upon any public road or bridge, for any period not exceeding 3 years, on such terms and conditions as it may deem fit.

(2) The levy of tolls shall be settled with the highest bidder by open public auction:

Provided that the Government may, for sufficient reasons to be recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid or may withdraw the tolls from such auction.

(3) The lessee shall give security for the due fulfilment of the conditions of the lease, and the sums payable under the terms of the lease shall be recoverable as a public demand.

10. When the right to collect tolls on any public road or bridge has been duly leased, the lessee and the persons employed by the lessee as his agent for collecting tolls shall be deemed to be persons appointed to collect tolls under this Act, and shall exercise all the powers and be subject to all the responsibilities attaching to persons so appointed.

11. The lessee of any toll bar may compound with any person for a certain sum to be paid by such person for himself or for any vehicles or animals kept by him in lieu of the prescribed rates.

12. Whoever, having rendered himself liable to payment of tolls, refuses to pay such tolls, shall be liable to fine which may extend to one hundred Taka.

13. The Government may, by notification in the official Gazette, direct that any power or duty which is conferred or imposed by this Act upon the Government, shall be exercised or discharged by any officer subordinate to it.

14. The Government may make rules, not inconsistent with the provisions of this Act, “to carry out the purposes of this Act.”]

¹ The words “This Act extends to the whole of Bangladesh” were substituted, for section 1A by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act, 1973](#) (Act No. VIII of 1973)

² The word “Provincial” was omitted by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act](#), 1973 (Act No. VIII of 1973).

³ The words “Central or any Provincial” were omitted by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act](#), 1973 (Act No. VIII of 1973).

⁴ The word “Government” was substituted, for the words “Provincial Government” by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act](#), 1973 (Act No. VIII of 1973)

⁵ The word “Taka” was substituted, for the word “rupees” by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act](#), 1973 (Act No. VIII of 1973)

⁶ The word “Bengali” was substituted, for the word “English” by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act](#), 1973 (Act No. VIII of 1973).

⁷ The words and comma “and also in those of the vernacular language of the district,” were omitted by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act](#), 1973 (Act No. VIII of 1973)

⁸ Sections 9 to 14 were inserted by section 3 and 2nd Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act](#), 1973 (Act No. VIII of 1973)

Sec 2(A) & 2(B) inserted by Jharkhand Act No.02 of 2004 w.e.f 26.03.2004

