

ACT No. XIV OF 1942.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
30th March, 1942.)

An Act further to amend the Indian Tolls (Army) Act, 1901.

II of 1901.

WHEREAS it is expedient further to amend the Indian Tolls (Army) Act, 1901, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. This Act may be called the Indian Tolls (Army) Short title.
Amendment Act, 1942.

II of 1901

2. In sub-section (1) of section 1 of the Indian Tolls Amendment of section 1, Act II of 1901.
(Army) Act, 1901 (hereinafter referred to as the said Act), for the brackets and word “(Army)” the brackets and words “(Army and Air Force)” shall be substituted.

3. For section 2 of the said Act the following section Substitution of new section for section 2, Act II of 1901.
shall be substituted, namely:—

2. In this Act, unless there is anything repugnant Definitions.
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;

IX of 1890;

(d) the expression “His Majesty’s Regular Forces” has the meaning assigned to it by section 190, clause (8), of the Army Act, and includes His Majesty’s Regular Air Force as defined by section 190, clause (8), of the Air Force Act,

the

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the Indian Air Force, and also the Indian Reserve Forces when subject to military or air force law, as the case may be ;

(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 the Auxiliary Force (India) or the Indian Territorial Force] raised and maintained in India under the authority of the Central Government or of the Crown Representative, or any other force which may be notified in this behalf by order published in the official Gazette ;

(g) the expression "Indian Reserve Forces" means the forces constituted by the Indian Reserve Forces Act, 1888, and includes officers belonging to the Army in India Reserve of Officers or to the Indian Regular Reserve of Officers and members of the Royal Air Force Volunteer Reserve and the Indian Air Force Volunteer Reserve when subject to military or air force law, as the case may be ; V of 1888.

(h) "landing-place" includes a pier, wharf, quay, jetty and a stage, whether fixed or floating ;

(i) "public authority" means the Central Government or the Federal Railway Authority or a Provincial Government or a local authority ; and ; so far as regards tolls levied by a railway company under section 4 of the Indian Guaranteed Railways Act, 1879, or section 51 of the Indian Railways Act, 1890, includes such a railway company ; and 42 and 43
Vict., c. 41,
IX of 1890.

(j) "tolls" includes duties, dues, rates, rents, fees and charges, but does not include customs duties levied under the Indian Tariff Act, 1934, octroi duties or town duties on the import of goods, or fares paid for the conveyance of passengers on a tramway. XXXII of
1934.

Amendment of
section 3, Act
II of 1901.

4. In section 3 of the said Act,—

(a) for clauses (a), (b), (c), (d), (e), (f), (g) and (h) the following clauses shall be substituted, namely :—

"(a) all officers, soldiers and airmen of—

(i) His Majesty's Regular Forces,

(ii) any Irregular Corps, or

(iii) Indian State Forces, when on duty or on the march,

(b) all

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- (b) all members of the Auxiliary Force (India) or of the Indian Territorial Force when on duty or when proceeding to or returning from duty,
- (c) all officers, soldiers and airmen of the Indian Reserve Forces when proceeding from their place of residence on being called out for service, training, or muster or when proceeding back to their place of residence after such service, training or muster,
- (d) all authorised followers of—
 - (i) His Majesty's Regular Forces,
 - (ii) the Auxiliary Force (India) or the Indian Territorial Force,
 - (iii) any Irregular Corps, or
 - (iv) Indian State Forces, when they accompany any body of such Forces or Corps on the march, or when they are otherwise moving under the orders of military or air force authority,
- (e) all members of the families of officers, soldiers, airmen or authorised followers of—
 - (i) His Majesty's Regular Forces, or
 - (ii) any Irregular Corps, when accompanying any body of troops, or any officer, soldier, airman or authorised follower thereof on duty or on the march,
- (f) all prisoners under military or air force escort,
- (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 accompany the persons so exempted under the circumstances mentioned in those clauses respectively," ;

(b) clauses (i), (j), (k) and (l) shall be relettered as clauses (h), (i), (j) and (k), respectively ;

(c) after the proviso to the said section the following shall be added, namely :—

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."