

Himachal Pradesh Tolls Act, 1975

HIMACHAL PRADESH

India

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Act 9 of 1975

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Himachal Pradesh Tolls Act, 1975 (Act No. 9 of 1975) Last Updated 13th February, 2020 For Statement of Objects and Reasons, see R.H.P. Extra., dated the 12th April, 1975, p. 438. An Act to provide for the levy and collection of tolls on mechanical vehicles [passing over any road infrastructure] [Substituted for the words 'crossing barriers' vide Act No. 12 of 2001.] in Himachal Pradesh. Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-sixth Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Himachal Pradesh Tolls Act, 1975. (2) It shall extend to the whole of Himachal Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires,- (a) "barrier" means a barrier established under section 6 of this Act; (aa) ["Commissioner" means Excise and Taxation Commissioner, Himachal Pradesh; [Clauses (a-a) and (a-b) inserted vide Act No. 9 of 2002.] (a-b) "lessee" means a person to whom the lease of the right to collect toll has been granted under section 3-A.] [(a-c) "light mechanical vehicle" means a motor car or van or jeep or gypsy the unladen weight of which does not exceed 7500 kilograms.] [Clause (a-c) inserted vide Act No. 9 of 2003 w.e.f.

1.4.2003.] (b) "mechanical vehicle" means any laden or unladen vehicle designed to be driven under its own power including a motor vehicle as defined in clause [(28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988)] [Substituted vide Act No. 12 of 2001.] but does not include a cart or bicycle; (c) "notification" means notification published under proper authority in the Official Gazette; (d) "Official Gazette" means the Rajpatra Himachal Pradesh; [(d-a) "Road Infrastructure" means roads, tunnels, flyovers, bridges, underground roads, approach or link roads or by-passes and includes other services and facilities ancillary thereto. [Sub-clauses (d-a) and (d-b) inserted vide Act No. 12 of 2001 and sub-clause (d-a) Substituted vide Act No. 16 of 2002 w.e.f. 21st May,

2001.](d-b) "Schedule" means Schedule appended to this Act;](e)"State Government" or "column (3)" means the Government of Himachal Pradesh;[(e-a) "tolling authority" means any person appointed by the State Government for the purpose of section 9-A; [Sub-clauses (e-a) and (e-b) inserted vide Act No. 12 of 2001.](e-b) "token" means proof of collection of toll at the rates specified in columns (4) and (5) of the Schedule;](f)"Toll Inspector" means the person authorised by the State Government to collect toll in respect of any mechanical vehicle [passing over any road infrastructure] [Substituted for the words 'crossing barriers' vide Act No. 12 of 2001.] and includes,-(i)[every Government servant posted at a barrier in connection with the collection of toll; and [Substituted for the words 'every Government servant posted at a barrier in connection with the collection of tolls' vide Act No. 9 of 2002.](ii)every lessee or the person employed by him as his agent for collection of toll under section 3-A.]

3. Rate of toll and its payment.

(1)There shall be levied and paid to the State Government on every mechanical vehicle specified in column (2) of the [Schedule-I] [Substituted for the words 'Schedule' vide Act No. 9 of 2003 w.e.f. 1.4.2003.] to this Act, [for the use of any road infrastructure] [Substituted for the words 'crossing barrier' vide Act No. 12 of 2001 and again the words 'passing over' Substituted by the words 'for the use of ' vide Act No. 16 of 2002, w.e.f. 21.5.2001.], a toll at the rate specified against each mechanical vehicle in [columns (3), (4) and (5)] [Substituted for the word, bracket and figure 'column (3)' vide Act No. 12 of 2001.] thereof.(2)[The State Government may subject to the condition of previous publication, by notification add to or delete any class of vehicles from column (2) of the [Schedule-I] [Section (2) and (2-A) Substituted vide Act No.12 of 2001.] and amend the rate of tolls specified in columns (3), (4) and (5) thereof and thereupon the said [Schedule-I] [Substituted for the words 'Schedule' vide Act No. 9 of 2003 w.e.f. 1.4.2003.], shall stand amended accordingly:Provided that the rate of toll shall not be increased at any one time by more than 100% of the rate specified in the [Schedule-I] [Substituted for the words 'Schedule' vide Act No. 9 of 2003 w.e.f. 1.4.2003.].(2-A) Every notification issued under sub-section (2) shall, as soon as may be, after it is issued, be laid on the Table of the Legislative Assembly.](3)Every person in charge of mechanical vehicle for [using any road infrastructure] [Substituted for the words 'crossing a barrier' vide Act No. 12 of 2001 and again the words 'passing over' Substituted by the words 'using' vide Act No. 16 of 2002 w.e.f. 21st May, 2001] shall pay to the toll Inspector posted at the barrier the toll and shall obtain a receipt from him in token of having paid the amount specified therein.(4)The mechanical vehicle, which has paid toll under sub-section (3) at any barrier in the State, shall not be required to pay toll again while crossing any other barrier established under this Act [within the period for] [Substituted for the words 'within a period of 24 years' vide Act No. 12 of 2001.] which the toll is paid.(5)[Daily receipt shall be valid for 24 hours and the period shall be counted from crossing the first barrier.(6)Quarterly token shall be valid for the quarter beginning with the 1st January, April, July and October of each year.(7)The annual token shall be valid for the financial year for which it is issued.] [Section (5) (6) (7) Added vide Act No. 12 of 2001.]

3A. [Power of the State Government to lease the right to collect toll. [Section (3-A) Added vide Act No. 9 of 2002.]

(1)the State Government may, with effect from such date as it may by notification specify, lease to any person the right to collect toll levied under section 3, on mechanical vehicles passing over any road infrastructure, by auction or tender or combination of both, or any other mode for any financial year or part thereof, on such terms and conditions as the Commissioner may, subject to approval of the State Government, determine.(2)For the purpose of grant of lease under sub section (1), the Commissioner shall, after taking into consideration the receipts of the toll or the preceding year for any part thereof and the rates of toll applicable for the lease period, assess aggregate amount of toll likely to be recovered at a barrier during the period of lease.(3)The lessee shall be required to furnish such security for due fulfillment of the terms and conditions of the lease as the Commissioner may direct.(4)Any sum (including penalty, interest or costs of the proceedings) payable by the lessee under a lease granted under sub-section (1), if not paid by the due date, shall be recoverable as arrears of land revenue.]

4. Servants etc. to be public servants.

- All persons appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

5. Power of Toll Inspector.

- The driver of a mechanical vehicle shall cause the vehicle to stop when required to do so by the Toll Inspector to enable him to carry out any of the duties imposed on him under this Act.

6. [Establishment of barriers. [Section 6 Substituted vide Act No. 16 of 2002 w.e.f. 21.5.2001.]

- The State Government may, from time to time, by notification in the Official Gazette, establish or remove barriers on any road infrastructure, for the purpose of this Act.]

7. Exhibition of table of tolls and statement of penalties.

- A table of the tolls authorised to be taken at any barrier shall be put in a conspicuous place near such barrier legibly written or printed in Hindi and English words and figures, to which shall be annexed, written or printed in like manner, a statement of penalties for refusing to pay the tolls and for taking unlawfully any toll.

8. Assistance to Toll Inspectors by police officers.

- All police officers shall be bound to assist the Toll Inspectors, when required, in the execution of this Act; and, for the purpose, shall have the same powers which they have in the exercise of their

ordinary police duties.

9. Procedure in case of non-payment of toll.

- In case of nonpayment of such toll on demand, the person appointed to collect the same may detain the mechanical vehicle [until] [Substituted for the words 'or seize any of the goods or part of burden or lo and of sufficient value to defray the toll and sell the same, unless' vide Act No. 9 of 2002.] the toll is paid.

9A. [Establishment of Mobile Squads. [Section (9-A) Inserted vide Act No. 12 of 2001.]

(1)The State Government may, by notification, order the establishment of Mobile Squads for checking of the vehicles to ensure collection of the toll and prevent evasion and the Mobile Squads so established shall be under the charge of an officer of the Government who shall be a tolling authority under this Act.(2)When so required by the tolling authority, the driver or the person in-charge of the mechanical vehicle shall stop the mechanical vehicle and keep it stationary as long as may be necessary, and allow the tolling authority to examine receipt or token of payment of toll paid and the driver or the person-in-charge of such mechanical vehicle shall also furnish such other information as may be required by the tolling authority.(3)The driver or person-in-charge of the mechanical vehicle shall keep in the vehicle the receipt of payment of toll at least upto 72 hours of last entry into the territory of the State of Himachal Pradesh and the token upto 15 days of its expiry, and on demand shall produce it to the tolling authority.(4)If the driver or the person-in-charge of the mechanical vehicle fails to produce the receipt of payment of toll or token, as required under sub-section (3), then the tolling authority shall recover the toll at the place of inspection at the rate specified under column (3) of the Schedule:Provided that in addition to the toll, the tolling authority shall recover a collection fee of equal to 4 times the rates specified under column (3) of the Schedule.(5)Notwithstanding anything contained in sub-section (4), the tolling authority may also order detention of the mechanical vehicle, including the goods, if any, being carried therein, for such period as may reasonably be necessary and shall allow the same to proceed only after the driver or the person-in-charge of the mechanical vehicle making payment of the toll and the amount of collection fee imposed under this section or furnishing to his satisfaction a security or executing a bond with or without sureties for securing the amount of toll and collection fee.]

10. [Refund. [Section 10 omitted vide Act No. 9 of 2002 and again inserted vide Act No. 18 of 2006.]

- The Assistant Excise and Taxation Commissioner or the Excise and Taxation Officer in charge of the district either suo-moto or on an application shall, in the prescribed manner, refund to the lessee or any other person, with the prior approval of the Commissioner, any amount of lease money paid by such lessee or person under this Act, if the amount of lease money so paid is in excess of the amount due from him under this Act:Provided that refund shall only be allowed to the lessee in the event of any loss sustained on account of law and order situation, natural calamity or by acts of God

or force majeure: Provided further that no refund under this section shall be allowed unless the claim for refund is made within a period of one year from the date on which such claim accrues.]

10A. [Appeal. [Sections 10-A and 10-B inserted vide Act No. 18 of 2006.]

- An appeal shall lie to the appellate authority, appointed by the State Government in this behalf, against any order passed under this Act, within sixty days of the passing of such order or within such further period as the appellate authority may, for sufficient cause, allow.

10B. Revision.

- The Commissioner may, on his own motion call for the record of any proceeding which is pending before, or have been disposed of by any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or the orders are prejudicial to the interest of revenue, may pass such order in relation thereto as he may think fit: Provided that powers under this section shall be exercisable only within a period of five years from the date on which such order was communicated.]

11. Penalties.

- Whosoever-(a) attempts to cross any barrier without compliance with the provisions of this Act, or (b) contravenes any other provision of this Act or the rules made thereunder or any order or direction made under any such provision or rule, shall be liable, on conviction, to a fine which may extend to two hundred rupees. (2) No magistrate shall take cognizance of any offence under this Act except on a complaint in writing, made by the Toll Inspector.

12. Bar to proceedings.

- No suit, prosecution or other legal proceeding shall lie against any person, authorised to act by or under this Act, for anything done or purporting to have been made, in good faith, under this Act or the rules made thereunder.

13. [Exemptions. [Section 13 Substituted Act No. 9 of 2003 w.e.f. 1.4.2003.]

(1) No toll shall be payable and charged on the vehicles specified in column (2) of the Schedule-II for the use of any road infrastructure, subject to the conditions and exceptions, if any, set out in column (3) thereof. (2) The State Government, after giving by notification not less than thirty days notice of its intention so to do, may by like notification, add to or delete any vehicle from the Schedule-II and thereupon the said Schedule-II shall be deemed to be amended accordingly. (3) Every notification issued under sub-section (2) shall, as soon as may be, after it is issued, be laid on the Table of the Legislative Assembly.]

14. Power to make rules.

(1)The State Government may by notification in the Official Gazette, make [rules] [Rules framed vide Not. No. 2-1/75, PWD, dated 16th June, 1975 (appended).] consistent with this Act, for securing the levy and collection of toll and generally for carrying out the purposes of this Act.(2)Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Himachal Pradesh while it is in session for a total period not less than fourteen days which may comprise in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or sessions aforesaid, the Assembly makes any modification in the rule or decides 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.[Validation. [Validation section ins. vide Act No. 16 of 2002, w.e.f. 21.5.2001.] - Notwithstanding anything contained to the contrary in the Himachal Pradesh Tolls Act, 1975 (9 of 1975) (hereinafter referred to as the "principal Act"), levy, collection or payment of toll or any action taken or anything done or purporting to have been taken or done under the provisions of the principal Act, at any time on or after the 21st day of May, 2001 but before the publication of the Himachal Pradesh Tolls (Second Amendment) Act, 2002 (hereinafter referred to as the "said Act"), shall be deemed to be valid and effective as if such levy, collection or payment or any action or anything had been taken or done under the provisions of the said Act and accordingly-(i)the aforesaid toll levied, collected or paid or purporting to have been levied, collected or paid under the provisions of the principal Act, before the publication of the said Act shall and shall always be deemed to have been validly levied, collected or paid in accordance with the law;(ii)no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of, and no enforcement shall be made by any court or authority of any decree or order directing the refund of any such aforesaid toll which has been collected or paid;(iii)recoveries, if any, shall be made in accordance with the provisions of the principal Act as amended by the said Act, of all amounts which would have been collected thereunder as such aforesaid toll if the said Act have been in force at all material times; and(iv)any action taken or anything done (including any rule or order made, any barrier established or removed, notification issued or directions given) under the principal Act, before the publication of the said Act, shall and shall always deemed to have been validly taken or done in accordance with the provisions of the principal Act, as amended by the said Act.(2)For the removal of doubts, it is hereby declared that-(a)Nothing in sub-section (1) shall be construed as preventing any person-(i)from questioning in accordance with the provisions of the said Act, the levy, collection or payment of the aforesaid toll; or(ii)from claiming refund of aforesaid toll paid by him in excess of the amount due from him under the provisions of the principal Act as amended by the said Act; and(b)No Act or omission on the part of any person, before the publication of the said Act, shall be punishable as an offence which would not have been so punishable if the said Act had not come into force.][Schedule - I] [Substituted for the words 'Schedule' vide Act No. 9 of 2003 w.e.f. 1.4.2003.](See section-3)

Sr. No.	Particulars of vehicles	Rate of Toll per day or part thereof	Rate of toll per quarter of part thereof	Rate of toll per year or part thereof
1.	2.	3.	4.	5.

1.	Vehicle having loading capacity:	Rs.[50.00] [In column 3 the rates of toll specified against Sr. No. 1(a), (b), (c), (d), 2(a), (b), (c)(i), (ii), 3(a) subs. vide Not. No. EXN-F(21)4/2000, dated 29th May, 2002, published in R.H.P. Extra., dated 30.5.2002, p. 539-540.]	20 times the rate as specified in Column (3)	3 times the amount as specified in Column (4)
	(a) Exceeding 90 quintals.			
	(b) Exceeding 20 but upto 90 quintals.	Rs. 40.00	-do-	-do-
	(c) Exceeding 10 but upto 20 quintals.	Rs. 30.00	-do-	-do-
	(d) Tractor plying with public carrier or private carrier permit [(except when used for agricultural purposes.)] [Added vide Not. No. EXN-F(21)4/2000, dated 29th May, 2002, published in R.H.P. Extra., dated 30.5.2002, p. 539-540]	Rs. 30.00	-do-	-do-
2.	Passenger vehicles having seating capacity of:			
	(a) above 12 passengers	Rs. 50.00	-do-	-do-
	(b) upto 12 passengers	Rs. 30.00	-do-	-do-
	(c) other light motor vehicles such as jeep, car, pick-up van, station wagon:	Rs. 20.00	[15 times the rate as specified in Column (3)] [Substituted for the words and sign '-do-' vide Not. No. EXN-F(10)1/2004, dated 31st March, 2004, published in R.H.P. Extra., dated	-do-

			31.3.2004, p. 3960-3961.]	
			[20 times the rate as specified in Column (3)] [Substituted for the words and sign '-do-' vide Not. No. EXN-F(10)1/2004, dated 31st March, 2004, published in R.H.P. Extra., dated 31.3.2004, p. 3960-3961.]	-do-
	(i) Registered as Private Vehicle.	Rs. 30.00		
	(ii) Registered as private carrier.	Rs. 30.00	Rs. 100.00	[Rs. 300.00] [Item No. (iii) inserted vide Not. No. EXN-F(10)1/2004, dated 31st March, 2004, published in R.H.P. Extra., dated 31.3.2004, p. 3960-3961.]
	(iii) The owners of private registered vehicles residing within 5 kilometers radius of toll barrier.			
3.	(a) Motor Rickshaw and Scooter Rickshaw.	Rs. 10.00	[20 times the rate as specified in Column (3)] [Substituted for the words and sign '-do-' vide Not. No. EXN-F(10)1/2004, dated 31st March, 2004, published in R.H.P. Extra., dated 31.3.2004, p. 3960-3961.]	[3 times the amount as specified in Column (4)] [Substituted for the words and sign '-do-' vide Not. No. EXN-F(10)1/2004, dated 31st March, 2004, published in R.H.P. Extra., dated 31.3.2004, p. 3960-3961.]
	(b) [XXXXXXXXX] [Sub-item (b) omitted vide Not. No. EXN-F(21)4/2000, dated 29th May, 2002,			

published in R.H.P.
Extra., dated
30.5.2002, p. 539-540]

Note. - (i) For payment at rate specified under column (3) a receipt will be issued.(ii)For payments at rates specified under columns (4) and (5) a token in notified design will be issued and it shall be displayed on the vehicle.[Schedule - II] [Schedule - II added vide Act No. 9 of 2003 w.e.f.

1.4.2003.](See Section 13)

Sl. No.	Particulars.	Conditions and Exceptions.
1.	2.	3.
1.	The mechanical vehicles belonging to thePresident, Defence Services of Union India, Diplomatic Crops, theHimachal Pradesh Government,[Central Government and otherStates Government] [Inserted vide Not. No. EXN-F(10)1/2005, dated 30th March, 2005, published in R.H.P. Extra., dated 31.3.2005, p. 4392.], Fire Tenders and the High Court of HimachalPradesh;	-----
2.	The light mechanical vehicles belonging to theVice-President, the Ministers, the Speaker and the DeputySpeaker;	-----
3.	The light mechanical vehicles belonging to theMembers of parliament elected from Himachal Pradesh and theMembers of the Himachal Pradesh Legislative Assembly;	-----
4.	The ambulances and the vehicles speciallydesigned for use by physically handicapped person;	-----
5.	Motor cycles and Scooters; and	-----
6.	Tractors.	When used for agricultural purpose.