

The Punjab Motor Transport Vehicles (Toll) Act, 1992

PUNJAB

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Rule

THE-PUNJAB-MOTOR-TRANSPORT-VEHICLES-TOLL-ACT-1992 of 1992

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The Punjab Motor Transport Vehicles (Toll) Act, 1992Published vide Punjab Gazette, (Extra), Legislative Supplement, Part 1, dated 27.1.1993.An Act to provide for the levy and collection of tolls on certain motor transport vehicles entering the limits of the State of Punjab and for matters incidental thereto and connected therewith.Be it enacted by the Legislature of the State of Punjab in the Forty-third Year of the Republic of India as follows :-

1. Short title and commencement.

(1)This Act may be called the Punjab Motor Transport Vehicles (Toll) Act, 1992.(2)It shall come into force at once in whole of the State of Punjab.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"barrier" means a barrier established under Section 4 of this Act;(b)"motor transport vehicle" means a stage carriage or a goods carriage or a public service vehicle or a contract carriage vehicle;(c)"Operator" means any person whose name is entered in the permit in respect of a motor transport vehicle as the holder thereof and includes any person for the time being incharge of the motor transport vehicle;(d)"prescribed" means prescribed by rules made under this Act;(e)"toll" means the toll levied under Section 3;(f)"Toll Tax Officer" means such Officer, as the State Government may, by notification, appoint to be the Toll Tax Officer for the whole of the State of Punjab or for any area or areas thereof for the purposes of this Act; and(g)words and expressions used and not defined in this Act but defined in the Motor Vehicles Act, 1988 (Central Act 59 of 1988), shall have the respective meanings assigned to them in that Act.

3. Levy of toll.

(1) There shall be levied and paid to the State Government a toll on every motor transport vehicle plying under a permit granted under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) by an authority having jurisdiction outside the State of Punjab, entering the limits of the State of Punjab, at such rate not exceeding three hundred rupees per motor transport vehicle, as the State Government may, by notification specify : Provided that different rates may be specified for different categories of motor transport vehicle : Provided further that where the toll has been paid once in respect of the entry of a motor transport vehicle, no toll shall be levied for any subsequent entry on the same day of such vehicle. (2) The toll payable under sub-section (1), shall be paid by the operator of the motor transport vehicle.

4. Establishment of barriers.

- For the purposes of collection of the toll levied under this Act, the State Government shall, by notification, establish barriers at such places on the State boundaries, as may be specified in the notification.

5. Prohibition of entry without paying toll.

(1) No motor transport vehicles in respect of which toll under section 3 is leviable, shall be allowed to enter or ply in the State of Punjab, unless the toll under this Act in respect thereof, has been paid. (2) The Toll Tax Officer shall have the power to prevent the entry or plying of such motor transport vehicle in contravention of the provisions of sub-section (1).

6.

(1) When so required by the Toll Tax Officer or any other person authorised by him in this behalf, the driver of a motor transport vehicle shall stop the vehicle whether at the barrier or any other place within the State and keep it stationary for a reasonable period in order to enable the Toll Tax Officer or the person authorised by him in this behalf to satisfy himself that the toll, if payable, has been duly paid and that provisions of this Act have been complied with. (2) When the Toll Tax Officer or the person authorised by him under sub-section (1) has reason to believe, after giving the driver of the motor transport vehicle a reasonable opportunity of being heard, -(a) that the toll has not been paid; or (b) that any breach of the provisions of this Act has been committed; he may detain the motor transport vehicle or any part or accessory thereof sufficient in his opinion for realisation of the maximum amount of penalty leviable under section 7, until the toll is paid or cash security equivalent to such amount is furnished. (3) The things detained or the security furnished in terms of the provisions of sub-section (2), shall be dealt with in such manner, as may be prescribed.

7.

If the Toll Tax Officer is satisfied after making such enquiry, as he may deem necessary, that any person has committed a breach of any of the provisions of this Act, or the rules made thereunder, he may order that such person shall pay by way of penalty in addition to the toll, if any, payable by him, a sum, not exceeding five hundred rupees :Provided that no such order shall be made unless such person has been given a reasonable opportunity of being heard.

8.

Any person aggrieved by an order under section 7 may, within thirty days from the communication of such order to him, prefer an appeal against such order to such appellate authority as may be prescribed and the order of such appellate authority shall be final.

9. Manner of levy, payment and collection of toll.

(1)The toll under this Act shall be levied, paid and collected in such manner, as may be prescribed.(2)Without prejudice to the provisions of sub-section (1) any toll, penalty or other dues recoverable under this Act, if not paid within fifteen days of its becoming due, may be realised as arrears of land revenue.

10. Power of State Government to exempt from toll.

- The State Government may, by notification, subject to such conditions, if any, and for such period, as may be specified in the notification, exempt any motor transport vehicle or any class of motor transport vehicles from the levy and payment of toll either wholly or partially.

11. Reciprocal agreement.

- Notwithstanding anything contained in this Act, where any reciprocal agreement relating to levy, collection and payment of the toll is entered into by the State Government with any other State Government, or the Central Government, the levy, collection and payment of the toll shall be in accordance with the terms and conditions of such agreement :Provided that the toll so levied shall not exceed the toll which would have otherwise been levied under the provisions of this Act.

12. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or purported or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

13. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the purposes of this Act.(2)Every rule made under this section shall be laid as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised 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 the successive sessions aforesaid, the House agrees, in making any modification in the rule or the House agrees, 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 or omitted to be done under that rule.

14. Repeal and saving.

(1)The Punjab Motor Transport Vehicles (Toll) Ordinance, 1992 (Punjab Ordinance No. 7 of 1992), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act.