

The Gujarat Motor Transport Vehicles Toll Act, 1992

GUJARAT

India

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Act 7 of 1992

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1. [Amended by Gujarat Motor Transport Vehicles Toll (Amendment) Act, 1994 (Act 1 of 1994) on 10 February 1994]

The Gujarat Motor Transport Vehicles Toll Act, 1992 Gujarat Act No. 7 of 1992 [Dated 1st April, 1992] For Statement of Objects and Reasons, see Gujarat Government Gazette, Extraordinary, Part V, dated the 30th March, 1992, p. 21-4. This Act was assented to by the Governor on the 1st April, 1992. An Act to provide for the levy of toll on certain motor vehicles entering in the State of Gujarat and for matters connected therewith or incidental thereto. It is hereby enacted in the Forty-third Year of the Republic of India as follows.-

1. Short title, extent and commencement.

(1) This Act may be called the Gujarat Motor Transport Vehicles Toll Act, 1992. (2) It extends to the whole of the State of Gujarat. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definition.

- In this Act, unless the context otherwise requires,-(a) "barrier" means a barrier established under Section 4; (b) "motor transport vehicle" means a stage carriage, contract carriage or goods carriage as defined in the Motor Vehicle Act, 1988 (59 of 1988); (c) "operator" means any person whose name is entered in the permit in respect of the motor transport vehicle as the holder thereof or where the motor transport vehicle is used or caused or allowed to be used without a permit, a person in whose name that vehicle is registered under the Motor Vehicle Act, 1988 (59 of 1988) and includes any person having the possession or control or for the time being in-charge of the motor transport vehicle; (d) "prescribed" means prescribed by rules made under this Act; (e) "toll" means the toll levied under Section 3 of this Act; (f) "Toll Tax Officer" means such officer or officer as the State Government may, by notification in the Official Gazette, appoint to be the Toll Tax Officer for the

whole of the State of Gujarat or any area or areas thereof for the purpose of this Act and includes a Taxation Authority appointed under the Bombay Motor Vehicles Tax Act, 1958 (Bombay LXV of 1958);(g)words and expressions used and not defined in this Act shall have the meanings respectively assigned to them in the Motor Vehicles Act, 1988 (59 of 1988).

3. Levy of toll.

- [(1) Notwithstanding anything contained in any law for the time being in force there shall be levied and collected a toll on every entry in the State of Gujarat, of a motor transport vehicle plying under a permit granted or deemed to have been granted under the Motor Vehicles Act, 1988 (59 of 1988) by an authority having jurisdiction outside the State of Gujarat, at such rate not exceeding one hundred rupees per vehicle, as the State Government may, by notification in the Official Gazette, specify.] [Sub-section (1) was substituted for the original by Gujarat 1 of 1994, Section 2 (w.r.e.f. 01-09-1993).](2)The Toll shall be paid by the operator of the motor transport vehicles in cash.

4. Establishment of barriers.

- For the purpose of collection of toll, the State Government shall, by notification in the Official Gazette, establish barriers at such places as may be specified in the notification.

5. Prohibition of entry without paying toll.

- The motor transport vehicles liable to pay toll under Section 3 shall not be allowed to enter or ply unless the toll is paid, and the Toll Tax Officer shall have power to prevent such vehicles from entering or plying in the State in contravention of the provisions of this Act.

6. Powers to stop and detain vehicle.

(1)Whenever so required by Toll Tax Officer or any other person authorised by him in this behalf, the driver or the person-in-charge of motor transport vehicle shall stop the vehicle at the barrier or any other place within the State and cause it to remain stationary so long as reasonably necessary to enable the Toll Tax Officer or the person so authorised to satisfy himself that the amount of toll, if payable, has been paid and the other provisions of the 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,-(a)that the toll has not been paid, he may detain the motor transport vehicle or any part or accessory thereof, which is considered sufficient in his opinion for realisation of the toll, until the toll is paid, or.(b)that any breach of the provisions of this Act has been committed, detain the motor transport vehicle or any part or accessory thereof, which is considered sufficient in his opinion for realisation of the maximum amount of penalty leviable under Section 7, until the penalty is paid or security equivalent to such amount is furnished:Provided that no action under this sub-section shall be taken unless the driver or operator of such vehicles has been given a reasonable opportunity of being heard.(3)The vehicles and its accessory so detained or the security so furnished shall be dealt with in such manner as may be prescribed.

7. Penalty.

- If the Toll Tax Officer is satisfied after making such enquiry, as may be 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 two hundred and fifty rupees: Provided that no such order shall be made unless such person has been given a reasonable opportunity of being heard.

8. Appeal.

- Any person aggrieved by an order made 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 in such manner and on payment of such fees, as may be prescribed and the order passed thereon by the appellate authority shall be final.

9. Manner of levy, payment and Collection of toll, etc.

(1) The toll 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 recovered as arrears of land revenue.

10. Power of State Government to exempt from toll.

- The State Government may, by notification in the Official Gazette, exempt in whole or in part any motor transport vehicles or class of motor transport vehicle from the payment of toll for such period and subject to such restrictions and conditions as may be specified in the notification.

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, the levy collection and payment of thereto 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 other provisions of this Act.

12. Protection of action taken under the Act.

- No suit, prosecution or other legal proceedings shall lie against any person for anything which in good faith done 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 in the Official Gazette, make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely.-(a)the manner of dealing with the vehicles and its accessory detained or the security furnished under sub-section (3) of Section 6;(b)to prescribe the authority to whom, the manner in which and fees on payment of which, appeal may be filed under Section 8;(c)the manner of levy, payment and collection of the toll under sub-section (1) of Section 9;(d)any other matter which is to be or may be prescribed.(3)The rules made under this section shall be subject to the condition of previous publication:Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with previous publication of any rule to be made under this section.(4)All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.(5)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.