

The Indian Tolls (Army and Air Force) Act, 1901

UNION OF INDIA

India

The Indian Tolls (Army and Air Force) Act, 1901

Act 2 of 1901

- Published on 1 January 1901
- Commenced on 1 January 1901
- [This is the version of this document from 1 January 1901.]
- [Note: The original publication document is not available and this content could not be verified.]

The Indian Tolls (Army and Air Force) Act, 1901(2 Of 1901)

13.

/611Statement of Objects and Reasons.-Section 134 of the Army Act (44 and 45 Vict., C. 58) exempts certain officers, soldiers and other persons and certain animals, baggage and carriages belonging or attached to the Army, from the payment of certain tolls, and the provision is applicable to India in common with the rest of Her Majesty's dominions. In the Indian Statute-book however, there are several enactments on the same subject; and these while they provide for exemption from the payment of tolls of the classes referred to in the Army Act, do so in favour of persons more or less different from those indicated in that Act. Moreover, there are some Acts of the Indian Legislatures which authorize the levy of tolls of the same classes as those described in the English Statute, but which either contain no exempting clauses at all or merely contain clauses empowering the executive to allow exemptions. In these circumstances, it has been decided to legislate. In the case of those Indian enactments which contain lists of exempted persons and property, legislation is necessary in order to remove the conflict which at present exists between them and the Army Act. The latter would of course prevail if the conflict were brought to the notice of the Courts but, so long as the Indian enactments remain as they now are, it is probable that full effect may not always in practice be given to the Army Act. In the case, too of the remaining enactments of the Indian Legislatures above mentioned, it is not unlikely that the provisions of section 143, Army Act may be overlooked tolls being levied under the local law in cases in which their levy is in reality prohibited by Parliament. The present Bill reproduces section 143, Army Act, except sub-section (2), which does not apply to India and amplifies its provisions so as to cover certain additional exemptions all inconsistent provisions to be found in the Indian Statute book being at the same time repealed. Section 22, Indian Councils Act, 1861 (24 and 25 Vict. C. 67), prevents the repeal of section 143, Army Act by the Governor General's Legislative Council, but it is believed that there is nothing to prevent that Council from re-enacting the section, and in doing so extending the list of persons and property to be exempted from payment of tolls. The list now given in the Bills is a provisional

one only. It requires careful consideration, and attention is, therefore, specially invited to its details"[22ndMarch ,1901]An Act to amend the law relating to the exemption from tols of persons and property belonging to the Army [for Air Force] [Inserted by Act 10 of 1927, S.2 and Sch.1.][***] [Preamble omitted by A.L.O. 1950.]

This Act has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941); to the new Provinces and Merged States by the Merged States (Laws) Act, 1949 (59 of 1949; and to the States of Manipur, Tripura and Vindhya Pradesh by the Union Territories (Laws) Act, 1950 (30 of 1950). Manipur and Tripura are full-fledged States now, see Act 81 of 1971, section 3 and 4. Vindhya Pradesh is a part of Madhya, see Act 37 of 1956, section 9(1)(e). The Act has been extended to the Union Territories of (1)Dadra and Nagar Haveli; (2) Pondicherry and (3) Laccadive, Minicoy and Amindivi Islands now known as Lakshdweep, Act 34 of 1973, section 3 (1.11.1973) by Regns. 6 of 1963; 7 of 1963 and 8 of 1963, respectively. The Act has been extended to and enforced on 1.4.1976 at pages 1213 and 66.

1. Short title, extent and commencement .-(1) This Act may be called The Indian Tolls [(Army and Air Force)] Act, 1901.

(2)[It extends to the whole of India [* * *] [Substituted by A.L.O. 1950, for Sub-S.(2).].](3)It shall come into force on the first day of April, 1901.

2. [Definitions .-In this Act, unless there is anything repugnant in the subject or context,-

(a)the expression "authorised followers "means persons other than officers, soldiers or airmen, who are employed by, or air 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;(d)[the expression "the regular forces "means "the regular Army "as defined in clause (xxi) of section 3 of the Army Act, 1950, and includes the "Air Force "as defined in clause (iv) of section 4 of the Air Force Act, 1950;](e)["horse "including a mule and any beast of whatever description which is used for burden or draught or for carrying persons; [Substituted by Act 15 of 1942, S.3, for S.2 (w.e.f. 30.3.1942).](f)the expression "Irregular Corps "means any force (other than [the Regular Forces or] [the Territorial Army or the National Cadet Corps]) [Substituted by Act 3 of 1951, S.3 and Sch., for " the Auxiliary Force (India) or the Indian Territorial Force" (w.e.f. 1.4.1951).][raised and maintained in India under the authority of the Central Government, [* * *] [Substituted by Act 15 of 1942, S.3, for S.2 (w.e.f. 30.3.1942).][or any other force may be notified in this behalf by order published in the Official Gazette; [Substituted by Act 15 of 1942, S.3, for S.2 (w.e.f. 30.3.1942).](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 [Regular Reserve of Officers] [and members of [* * *] [Substituted by Act 15 of 1942, S.3, for S.2 (w.e.f. 30.3.1942).][the Indian Air Force Volunteer Reserve when subject to military or air force law, as the case may be; [Substituted by Act 15 of 1942,

S.3, for S.2 (w.e.f. 30.3.1942).](h)"landing-place "includes a pier, wharf, quay, jetty and a stage, whether fixed or floating;(i)"public authority "means the Central Government [* * *][or a State Government or a local authority; and, so far as regards tolls levied by a railway complaint under section 4 of the Indian Guaranteed [Railways Act, 1879] [Substituted by Act 15 of 1942, S.3, for S.2 (w.e.f. 30.3.1942).][or section 51 of the Indian Railways Act, 1890, includes such a railway company; and [Substituted by Act 15 of 1942, S.3, for S.2 (w.e.f. 30.3.1942).](j)"tolls "includes duties, dues, rates, 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.]

3. Exemptions from tolls .-The following persons and property, namely:-

(a)[all officers, soldiers and airmen of -(i)[the Regular Forces,](ii)[any Irregular Corps, [*] [Substituted by Act 14 of 1942, S.4, for Cls. (a) to (h).][* * *] [Sub-Cl. (iii) omitted by the Adaptation of Laws (No.2) Order, 1956.](b)[all members of [the Territorial Army or of the National Cadet Corps] [Substituted by Act 14 of 1942, S.4, for Cls. (a) to (h).] [when on duty or when proceeding to or returning from duty,] [Substituted by Act 14 of 1942, S.4, for Cls. (a) to (h).](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)[the Regular Forces,] [Substituted by A.L.O., 1950, for " His Majesty's Regular Forces" .](ii)[the Territorial Army or the National Cadet Corps,] [Substituted by Act 3 of 1951, S.3 and Sch., for sub-Cl.(ii)](iii)any Irregular Corps, [*] [The word " or" omitted by the Adaptation of Laws (No.2) Order, 1956.][* * *] [Sub-Cl. (iv) omitted by the Adaptation of Laws (No.2) Order, 1956.](e)all members of the families of officers, soldiers, airmen or authorised followers of -(i)[the Regular Forces,] [Substituted by A.L.O., 1950, for " 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 accompanying the persons so exempted under the circumstances mentioned in those clauses respectively,(h)[[Cls. (i), (j), (k) and (l)lettered (h),(i),(j) and (k), respectively by Act 14 of 1942, S.4.] all carriages and horses belonging to Government or employed [in the Indian] [Substituted by A.L.O. 1950, for " in his Majesty" .] military [for air force] [Inserted by Act 10 of 1927, S.2 and Sch.1.] service and all persons in charge of or accompanying the same, when conveying any such persons as hereinbefore in this section mentioned or when conveying baggage or stores, or when returning, unladen from conveying such persons, baggage or stores;(i)[[Cls. (i), (j), (k) and (l)lettered (h),(i),(j) and (k), respectively by Act 14 of 1942, S.4.] all carriages and horses when moving under the orders of military [or air-force] [Inserted by Act 10 of 1927, S.2 and Sch.1.] authority for the purpose of being employed in the Indian military [or air force] [Inserted by Act 10 of 1927, S.2 and Sch.1.] service;(j)[[Cls. (i), (j), (k) and (l)lettered (h),(i),(j) and (k), respectively by Act 14 of 1942, S.4.] all animals accompanying any body of troops which are intended to be slaughtered for food or kept for any purpose connected with the provisioning of such troops, and(k)[[Cls. (i), (j), (k) and (l)lettered (h),(i),(j) and (k), respectively by Act 14 of 1942, S.4.] all persons in charge of any carriage, horse or

animal exempted under any of the foregoing clauses when accompanying the same under the circumstances mentioned in those clauses respectively, shall be exempted from payment of any tolls - (i) on embarking or disembarking, or on being shipped or landed, from or upon any landing place, or (ii) in passing along or over any turnpike or other road or bridge, or (iii) on being carried by means of any ferry, otherwise demandable by virtue of any Act, Ordinance, Regulation, order or direction of any Legislature or other public authority in [India] [Substituted by Act 3 of 1951, S.3 and Sch., for " a Part A or Part C State" w.e.f. 1.4.1951).]: Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or property along any canal from payment of tolls in like manner as other boats, barges and vessels. [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.] [Added by Act 14 of 1942, S.4.]

4. Tolls on vessel transporting troops and baggage, etc., of troops embarked or disembarked .-(1) No tolls shall be leviable by any local authority in respect of -

(a) any vessel employed by [the Central Government] solely for the transport of troops, or (b) the horses, baggage or other effects of the any troops embarking or disembarking at any port, or (c) carriages belonging to Government or employed [in the Indian] [Substituted by A.L.O. 1950, for " in his Majesty" .] military [or air force] [Inserted by Act 10 of 1927, S.2 and Sch.1.] service embarking or disembarking at any port. (2) In respect of all such vessel or troops, their families, their horses, baggage, and their effects, or any such carriages as aforesaid, the local authority concerned shall, in addition to its duties in the embarking and disembarking of the same, perform and supply all such reasonable services and accommodation as may, from time to time, be required by [the Central Government] [Substituted by A.O. 1937, for " Local Government" .], and shall receive payment for all such services and accommodation on such terms and for such periods as may, from time to time, be determined by [the Central Government] [Substituted by A.O. 1937, for " Local Government" .] in consultation with such local authority.

5. Penalty .-Any person who demands and receives any toll in contravention of the provisions of section 3 or section 4 shall be punishable with fine which may extend to fifty rupees.

6. Compensation

-(1) If any owner or lessee, or any Company, railway administration or local authority claims compensation for any loss alleged to have been incurred to the operation of this Act, the claim shall be submitted to the [the Central Government]. (2) On receiving any such claim, the [the Central Government] [Substituted by A.O. 1937, for " Local Government" .] [* * *] [The words " subject to the control of the Government-General in Council" omitted by A.O. 1937.] shall pass such order thereon as justice requires, and shall give all necessary directions for the purpose of ascertaining the

facts of the case and of assessing the compensation, if any, to be paid.

7. Rules .-(1) The Central Government [* * *] may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Central Government [* * *] [The words " and the Local Government with the previous sanction of the Governor General in council" omitted by A.O. 1937.] may make rules providing for the form of passes to be given to persons or bodies of persons or in respect of property entitled to exemption from the payment of tolls under this Act. (3) The power to make rules under this section is subject to the condition of the rules made after previous publication. (4) All rules made under this section shall be published in the Official Gazette [* * *] [The words " or in the local Official Gazette" omitted by A.O. 1937.] and, on such publication, shall have effect as if enacted by this Act. (5) [Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modification form or be of no effect, as the case may be; so however, that any such modification or a annulment shall be without prejudice to the validity of anything previously done under that rule.] [Inserted by Act 20 of 1983, S.2 and Sch. (w.e.f. 15.3.1984).]

8. Repeals .-[Repealed by the Repealing and Amending Act, 1914 (10 of 1914), section 3 and Schedule II.]

THE SCHEDULE ENACTMENTS REPEALED.-[Repealed by the Repealing and Amending Act, 1914 (10 of 1914), section 3 and Schedule II.]-----