

# Indian Tolls Act, 1851

UNION OF INDIA

India

## Indian Tolls Act, 1851

### Act 8 of 1851

- Published on 4 July 1851
- Commenced on 4 July 1851
- [This is the version of this document from 4 July 1851.]
- [Note: The original publication document is not available and this content could not be verified.]

Indian Tolls Act, 1851(Act No. 8 of 1851)Last Updated 18th October, 2019[Dated 4.7.1851.]Short title given by the Indian Short Titles Act, 1897 (14 of 1897).This Act should be read with the Indian Tolls Act, 1864 (15 of 1864), and the Indian Tolls Act, 1888 (8 of 1888).This Act is deemed to be in force throughout the territories administered by the Lieutenant-Governor of the Punjab on the 5th September, 1888 and to have been in force, from the 21st August 1857, in the territories for the time being administered as part of the Punjab, Punjab is now divided into 2 States and a Union territory by Act 31 of 1966.It has been extended under s. 3 of Act 15 of 1864 to Ajmer and Merwara, see Gazette of India, 1889, Pt. II, p. 562. (Now forms part of Rajasthan).It has been declared to be in force in the C.P. and the Sambalpur District by the C. P. Laws Act, 1875 (20 of 1875), s. 3; in the Santhal Parganas by the Santhal Parganas Settlement Regulation, 1872 (3 of 1872), s. 3, Sambalpur and Santhal Parganas are in Orissa and Bihar respectively.It has been declared, by notification under s. 3(a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely: -The Districts of Hazaribagh, Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p. 44), and Manbhum, and Pargana Dhalbhum and Kolhan in the District of Singhbhum. See Gazette of India, 1881, Pt. I, p. 504.The District of Lahaul (now in H.P.) See G.9, 1886, Pt. I, p. 301.It has been extended by notification under s. 5 of the last mentioned Act to the Scheduled District of Coorg, see Gazette of India, 1878, Pt. I, p. 45; to the Scheduled Districts in Ganjam and Vizagapatam, see *ibid.*, 1899, Pt. I, p. 720; to the Ducharti and Guditeru Muttahs, Yellavaram taluk, East Godavari Agency, see Notification No. 110, dated 22nd April, 1927, Fort St. George Gazette, 1927, Pt. I, p. 661, and to the District of Darjeeling, see Calcutta Gazette, 1934, Pt. I, p. 179.The Act has been extended to the States merged in the State of -(a) Orissa by Ori. Act 4 of 1950.(b) Former Madhya Pradesh by M.P. Act 12 of 1950;(c) Madras (Tamil Nadu) by Madras Act 35 of 1949.and to the transferred territory in the State of Madras (Tamil Nadu) by Madras Act 23 of 1960, section 3.The Act has been extended to the other regions of the State of Madhya Pradesh as it was in force in the Mahakoshal region of that State - see M.P. Act 23 of 1958, section 3.It has been repealed in the Presidency of Bombay, to which it originally applied by the Bombay Tolls Act 1875 (Bom. Act 3 of 1875), s. 1 and as in force in any area of the State of Mysore by Mys. 29 of 1958, section 5 (1.1.1959).It has been repealed in Mysore by Mysore Act 29 of 1958, section 5.It has now been extended to the Union territory of Pondicherry by Act 28 of 1968, w.e.f. 1.6.1968, see Pondi

Gazette, 1.8.1968, Extraordinary Part 1. An Act for enabling Government to levy Tolls on Public Roads and Bridges. Preamble. - Whereas it is expedient to enable Government to levy tolls upon roads and bridges; it is enacted as follows: -

## **1. Short title.**

- This Act may be called the [Indian Tolls Act, 1851.] [Previously the short title under section 1 was repealed by the Repealing Act (14 of 1870), section 1 and schedule Part II but further it was reinforced by the Indian Short title Act (14 of 1897), section 2 and Schedule.]

## **1A. [ Extent. [Inserted by the A.O. 1937.]**

- This Act extends to the territories administered on the fourth of July, eighteen hundred and fifty-one, by the Governor of the Presidency of Fort William in Bengal, the Lieutenant- Governor of North-Western Provinces of Bengal and the Governor of the Presidency of Fort St. George in Council.]

Andhra Pradesh.- In its application to the State of Andhra Pradesh, substitute S. 1A as under: -"1A. Extent.- This Act extends to the whole of the State of Andhra Pradesh." [A.P. Act 17 of 1975, section 3 (1.6.1975).] Madhya Pradesh.- In its application to the whole of the State of Madhya Pradesh, for section 1A substitute the following, namely, -"1A. It extends to and shall be in force in the whole of Madhya Pradesh." [M.P. Act 23 of 1958, section 3 and Schedule, Part A, Item I.]

## **2. Power to cause levy of tolls on roads and bridges within certain rates, and to appoint collectors. Collectors' responsibilities.**

- [The State Government] [[Substituted 'The Governor of the Presidency of Fort William in Bengal, the Lieutenant-Governor of the North-Western Provinces of Bengal and the Governor of the Presidency of Fort St. George in Council' by A.O. 1937. The authority of the Provincial Government in any Province of India not specified in s. 1A to which this Act and the Indian Tolls Act, 1864 (15 of 1864), may be or have been extended, is to be the same as if it had been originally specified in s. 2. See the Indian Tolls Act, 1888 (8 of 1888), s. 2(1).]] may cause such rates of toll, [\*\*\*] [The words 'not exceeding the rates mentioned in the Schedule annexed to this Act' omitted by Act 38 of 1920, s. 2 and the First Schedule.] as [it thinks fit] [Substituted by the A.O. 1937, for 'they respectively think fit'.], to be levied upon any road or bridge which has been, or shall hereafter be, made or repaired [at the expense of the Central or any State Government] [Substituted by the A.O. 1937, for 'at the expense of the Govt.'.]; and may place the collection of such tolls under the management of such persons as may appear to [it] [Substituted by the A.O. 1937, for 'them'.] proper: and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the land revenue.

Andhra Pradesh.- In its application to Andhra area of the State of Andhra Pradesh, the Amendment made in section 2 is the same as that of Madras (Tamil Nadu). Jharkhand.- In its application to State of Jharkhand. After Section 2 of Indian Toll Act, 1851, two new sections i.e. '2A' and '2B' shall

be inserted as follows: '2A' Development, construction, re-construction, repair, operation and/or maintenance of road and/or bridges other than National Highway and/or bridges thereon; (i) Notwithstanding anything contained in this Act and any other law for time being in force the State Government may cause Roads and/or Bridges other than National Highway and/or bridges thereon developed, constructed, reconstructed, operated and/or maintained by any person by entering into a specific agreement in respect thereof with such persons. (ii) Notwithstanding anything contained in this Act, the person referred to in sub-section (i) shall be entitled to collect and retain fees as such rate for services or benefits rendered by him, as the State Government may specify by notification in the official gazette having regard to the expenditure involved in building, maintenance, management and operation of the roads and/or bridges, interest on the capital invested, reasonable return, the volume of traffic and the period of such agreement. (iii) A person referred to in sub-section (i) shall have power to regulate and control the traffic in accordance with the provisions contained in chapter-VIII of the Motor Vehicles Act, 1988 on the highway in respect of the subject matter of such agreement for proper management thereof. 2B. Punishment or mischief by injury to roads and/or bridges.- Whoever commits mischief by doing any act which renders or which he knows to be likely to render any road and/or bridge referred to in sub-section (i) of section '2A' impassable or less safe travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with a fine or with both. Explanation.- For the purpose of this the expression "any person" shall include any company or association or body of individuals (whether incorporated or not) or a firm. - [Jharkhand Act 4 of 2002, S. 2 (26-3-2004).] For section 2, the following sections shall be substituted namely : -2. Power to cause levy of tolls on roads and bridges within certain rates, and to appoint Collectors, Collector's responsibilities.- The State Government may cause such rates if tolls, as it thinks fit, to be levied upon any road or bridge, which has been, or shall hereafter be, made or repaired partly or wholly at the expense of the State Government or any Local body or through any agency authorised by the State Government and may place the collection of such tolls under the management of such persons as may appear to it proper; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of land revenue. 2A. Roads and Bridges Construction, Maintenance and Repair Fund.- (1) All sums received by the State Government by way of tolls levied and collected under section 2 shall be credited to a specific fund called "the Bridges and Roads Construction, Maintenance and Repair Fund" to be constituted for this purpose on or after the commencement of the Indian Tolls (Andhra Pradesh Amendment) Act, 2002. (2) The amounts credited under sub-section (1) shall be applied for the construction of future bridges and roads and maintenance and repairs of existing bridges and roads in the State in such manner as may be prescribed." - [A.P. Act 4 of 2002]. Madhya Pradesh.- Sections 2 and 3 of the Indian Tolls Central Provinces (Amendment) Act, 1932 (C.P. Act 8 of 1932) run as follows: 2. Power of State Government to lease levy of tolls.- It shall be lawful for the State Government to lease the levy of tolls at the rates prescribed under section 2 of the Indian Tolls Act, 1851, as subsequently amended, upon any public road or bridge by public auction or private contract from year to year or [for such longer period not exceeding fifteen years] [Substituted by M.P. Act 25 of 1994.] on such terms and conditions as the State Government may deem fit: Provided that the lessee shall give security for the due fulfilment of such conditions, and that sums payable under the terms and conditions of the lease shall be recoverable as if they were arrears of land revenue. 3. Acts of lessee or his agent.- When the right to collect tolls on any public road or bridge

has been duly leased, the lessee and every person employed by the lessee as his agent for collecting the tolls shall be deemed to be persons appointed to collect tolls under this Act, and shall exercise all the powers and be subject to all the responsibilities attaching to persons so appointed. [M.P. Act 25 of 1994, section 3.]3A. In section 2, in its application to the State of Madhya Pradesh for the words "at the expense of the Central or any State Government" the words "at the expense of the Central or any State Government, or such other Corporation, statutory body, Company, firm or person authorised by the State Government for this purpose" shall be substituted. [M.P. Act 25 of 1994, section 3.] Orissa.- In its application to the State of Orissa, in S. 2 for the words "at the expense of the Central or any State Government" the words "at the expense of the Central or any State Government or any Corporation, Statutory Body, Company, Firm or person authorised by the State Government for this purpose" shall be substituted. [Orissa Act 7 of 1999, S. 2.] Tamil Nadu.- In its application to the State of Tamil Nadu, for section 2 the following section shall be substituted, namely:-

2. Power of State Government to levy tolls on roads and bridges.- (1) The State Government may levy tolls in respect of-(a) any road or bridge made, improved or repaired at their expense after the 1st April, 1931, and (b) any bridge made, improved or repaired after the 1st April, 1931, partly at the expense of the State Government and partly at the expense of a local body or bodies or solely at the expense of a local body or bodies, provided that the total expense incurred on the bridge shall not be below such limit, if any, as the State Government may, by rules, determine. (2) The tolls shall be levied only at such rates and for such period as the State Government may by notification in the Official Gazette declare to be necessary: -(a) in the case of tolls levied under clause (a) of sub-section (1) for the recovery of the amount expended upon the road or bridge or such portion of such amount as the State Government may determine, together with interest thereon at such rate as they may fix; and (b) in the case of tolls levied under clause (b) of sub-section (1), for the recovery of the amounts expended upon the bridge -(i) by the State Government; and (ii) by the local body or bodies otherwise than from its or their ordinary revenues, or such portions of such amounts as the State Government may determine, together with interest on such amounts or such portions, as the case may be, at such rate or rates as they may fix. (3) Where tolls are levied in respect of any bridge under clause (b) of sub-section (1), the receipts from the tolls after deducting the expenses on account of the collection thereof, shall -(i) in case the bridge is made, improved or repaired solely at the expense of a local body be paid to that local body, and (ii) in other cases, be distributed between the local body or bodies concerned and the State Government in proportion to the expenditure respectively incurred by the local bodies otherwise than from their ordinary revenues and by the Government. (4) All sums payable to local bodies under sub-section (3) shall be charged on the Consolidated Fund of the State. (5) (a) The State Government may place the collection of the tolls levied under sub-section (1) under the management of such persons as may appear to them proper; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of land revenue. (b) The State Government may farm out the collection of the tolls levied under sub-section (1) and in such a case the farmer and his agents and servants shall be deemed to be persons appointed to collect tolls under this Act" - [T.N. Acts 6 of 1938, section 2 (19-4-1938) and 14 of 1942, section 2 (w.e.f. 19-4-1938)].

In the Indian Tolls Act, 1851 (hereinafter referred to as the Principal Act) in section 2, (1) in sub-section (1), -(a) in clause (a), the word "and" occurring at the end shall be omitted; (b) in clause (b), the word "and" shall be added at the end; (c) after clause (b), the following clause shall be added, namely:-(c) any road or

bridge made, improved or repaired at the expense of any person or body or association of individuals, whether incorporated or not, provided that the total expenditure incurred on the road or bridge shall not be below such limit, if any, as the State Government may, by rules, determine.";(2) in sub-section (2),-(a) in clause (c), the word "and" occurring at the end shall be omitted;(b) in clause (b), the word "and" shall be added at the end;(c) after clause (b), the following clause shall be added, namely:-"(c) in the case of tolls levied under clause (c) of sub-section (1), for the recovery of the amount expended upon the road or bridge by the person or body or association of individuals concerned, together with interest thereon at such rate as the State Government may fix and such other amount as the State Government may determine.";(3) after sub-section (3), the following sub-section shall be inserted, namely:-"(3-A) Where tolls are levied in respect of any road or bridge under clause (c) of sub-section (1), the receipts from the tolls, after deducting the expenses on account of the collection thereof, shall be paid to the person or body or association of individuals concerned.";(4) for sub-section (4), the following sub-section shall be substituted, namely:-"(4) All sums payable to -(a) local bodies under sub-section (3), and(b) any person or body or association of individuals under sub-section (3-A), shall be charged on the Consolidated Fund of the State." - [T.N. Act 63 of 1997, section 2.]In its application to the State of Tamil Nadu(1) in sub-section (1), in clause (b), for the word "bridge" to two places where it occurs, the words "road or bridge" shall be substituted;(2) in sub-section (2), in clause (b), for the word "bridge" the words "road or bridge" shall be substituted;(3) in sub-section (3), for the word "bridge" in two places where it occurs the words "road or bridge" shall be substituted.- [T.N. Act (35 of 2000), S. 2, 4-10-2000.]Sections 2A to 2FUttar Pradesh.- In its application to the State of Uttar Pradesh, after section 2 insert as under -2A. Tolls on roads, and bridges made, maintained or repaired by the Corporation.- The provisions of section 2 shall apply to any road or bridge which has been, or shall hereafter be made, maintained or repaired at the expense of the Uttar Pradesh State Bridge Corporation Limited, a Government company registered under the Companies Act, 1956 (hereinafter referred to as the Corporation) as they apply to roads and bridges made or repaired at the expense of the State Government.2B. Powers of a Corporation to manage and collect tolls, etc.-(1) Without prejudice to the generality of the provisions of sections 2 and 2-A, and subject to any rules made under this Act or to any general or special orders of the State Government, the State Government may authorise the Corporation to manage and collect all tolls levied upon any road or bridge which has been or shall hereafter be made, maintained or repaired at the expense of the Corporation, or the ownership, maintenance and repairs whereof has been or shall hereafter be transferred to the Corporation by the State Government.(2) Where the Corporation is authorized to manage and collect any tolls under sub-section (1), the State Government shall, at the beginning of each financial year, after due appropriation has been made by law withdraw from and out of the Consolidated Fund of the State an amount equivalent to the tolls so collected by the Corporation and deposited by it in the Government treasury in the preceding financial year, and pay the same to the Corporation, and such payment shall be an expenditure charged on the Consolidated Fund of the State.2C. Power of the State Government and the corporation to lease and levy of tolls.-(1) Notwithstanding anything contained in section 2, section 2-A or section 2-B the State Government or the corporation as the case may be, may lease the right to collect the tolls levied under the said sections upon any road or bridge to any person by public auction or by private negotiations for a period not exceeding five years at any one time, on such terms and conditions as the State Government or the Corporation, as the case may be, may deem fit:Provided that the lessee shall be

required to furnish such security for due fulfilment of the terms and conditions of the lease as the State Government or the Corporation, as the case may be, may direct.(2) Where any sum payable by a lessee under a lease granted under sub-section (1) is due, then, in the case of State Government such officer as may be authorized in that behalf by the State Government by general or special order, and in the case of the Corporation, the Managing Director thereof, may send a certificate to the Collector, mentioning the sum due from such lessee and requesting that such sum together with costs of the proceedings be recovered as if it were an arrears of land revenue.(3) The Collector on receiving the certificate shall proceed to recover the amount stated therein as an arrear of land revenue.(4) No suit for the recovery of any sum due aforesaid shall lie in the civil court against such lessee.2D. Powers of lessee and their agents.- All persons employed by the Corporation in the management and collection of tolls levied under section 2 and section 2-A and where the right to collect toll has been leased under section 2-C, the lessee and every person appointed by the lessee as his agent for the purpose of collection of such tolls shall be deemed within the meaning of section 3 to be an officer appointed to collect the tolls and shall, except as otherwise provided, exercise all the powers and be subject to all the obligations and liabilities attaching persons so appointed, including the obligation to exhibit a table of toll and statement of penalties required by section 7.2E. Liability to issue receipt.- The lessee or any person collecting the toll on his behalf shall issue a receipt therefor duly signed by him in such form and manner as may be prescribed by rules.2F. General penalty.- Any person guilty of any act or omission in contravention of the provisions of this Act, for which no other punishment is provided in this Act, shall be punishable with fine which may extend to five hundred rupees." - [U.P. Act, 22 of 1974, section 2 (w.r.e.f. 1-4-1974).][Andhra Pradesh]- Substitution of Section 2:- In the Indian Tolls Act, 1851 (Central Act of 1851) (hereinafter referred to as the principal Act), in its application to the State of Andhra Pradesh, for Section 2, the following sections shall be substituted, namely:-2. Power to cause levy of tolls on roads and bridges within certain rates, and to appoint Collectors, Collector's responsibilities.- The State Government may cause such rates of tolls, as it thinks fit, to be levied upon any road or bridge which has been, or shall hereafter be, made or repaired partly or wholly at the expense of the State Government or any Local Body or through any agency authorised by the State Government and may place the collection of such tolls under the management of such persons as may appear to it proper: and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of land revenue.2A. Roads and Bridges Construction, Maintenance and Repair Fund.- (1) All sums received by the State Government by way of tolls levied and collected under Section 2 shall be credited to a specific fund called "the Bridges and Roads Construction, Maintenance and Repair Fund" to be constituted for this purpose on or after the commencement of the Indian Tolls (Andhra Pradesh Amendment), Act, 2002.(2) The amounts credited under subsection (1) shall be applied for the construction of future bridges and roads and maintenance and repairs of existing bridges and roads in the State in such manner as may be prescribed". [A.P. Act No. 5 of 2002.]

### **3. Their powers for recovery of toll.**

- In case of non-payment of any such toll on demand, the officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll; and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the officer appointed to

superintend the collection of the said toll, who may sell the property seized for discharge of the toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property; and the said officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday, or any closed holiday, he will sell the property by auction: Release of seized property on tender of dues. Provided that, if, at any time before the sale has actually begun, the person whose property, has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

Andhra Pradesh.- In application to Andhra area of the State of Andhra Pradesh, the Amendment made in section 3 is the same as that of Madras (Tamil Nadu). Tamil Nadu.- In its application to the State of Tamil Nadu in section 3 for the words "officers appointed to collect the same" the words "officers and persons appointed to collect the same" shall be substituted. - [T.N. Act 14 of 1942, section 3 (w.r.e.f. 19-4-1938).]

#### **4. Exemptions from payment of toll.**

- No tolls shall be paid for the passage [\*\*\*] [The words 'of troops and military stores and equipages on their march or' repealed by Act 2 of 1901, s. 8 and the Schedule.] of Police-officers on duty, or of any person or property in their custody, but no other exemption from payment of the toll levied under this Act shall be allowed.

Andhra Pradesh.- In its application to the State of Andhra Pradesh, in section 4, for the words "No tolls shall be paid" substitute the words "No tolls shall be paid for the passage of vehicles belonging to the State Government and" - [A.P. Act 17 of 1975, section 3 (1-6-1975)]. Assam.- In its application to the State of Assam, section 4 is the same as that of Madhya Pradesh. - [Assam Act 3 of 1931, section 3.] Bihar.- In its application to the State of Bihar in section 4, after the words "Police Officers", insert the words "or other Government servants". - [Bihar Act 19 of 1965, section 2 (29-9-1965)]. Madhya Pradesh.- In its application to the whole of the State of Madhya Pradesh for the words "but no other exemption from payment of the toll levied under this Act shall be allowed", the words "or of any person or property exempted by order of the State Government from payment of tolls" shall be substituted. - [C.P. Act 8 of 1932, section 4 (15-10-1932)]. Maharashtra.- VIDARBHA. - In its application to the Vidarbha region of the State of Maharashtra, the amendment made in section 4 is the same as that made by C.P. Act 8 of 1932, given under Madhya Pradesh. Orissa.- In its application to the State of Orissa, in section 4, after the words "shall be paid for the passage of" the words "the State Government Vehicles on Government duty and" shall be inserted. - [Orissa Act 13 of 1987, section 2.] Tamil Nadu.- In its application to the State of Tamil Nadu, substitute section 4 as under: - "4. Exemptions from payment of tolls.- No tolls shall be paid for the passage of -(a) police officers on duty or of any person or property in their custody; and (b) any person or class of persons, of any vehicle or class of vehicles with persons on board, as the State Government may, by general or special order, specify in this behalf." - [T.N. Act 63 of 1997, section 2.] Uttar Pradesh.- In its application to the State of Uttar Pradesh, for section 4 substitute the following namely, - "4. No tolls shall be paid for the passage of-(i) police officers on duty, or of any person or property in their custody, (ii) any other officer of the Central Government or the State Government on official duty, and (iii) such other person or classes of persons on duty in similar

circumstances as the State Government may specify in this behalf. - [U.P. Act 5 of 1957, section 3 and Schedule II (19-1-1957).] West Bengal.- In its application to the State of West Bengal, substitute section 4 as under - "4. Exemptions from payment of toll.- (1) No tolls shall be paid for the passage of Members of Parliament and Members of the West Bengal Legislative Assembly and their vehicles, or for the passage of police officers on duty or of any person or property in their custody, or for the passage of any vehicle belonging to the Government of West Bengal with persons on board.(2) The State Government may, by order, exempt from payment of tolls, for such area and for such period as it may specify -(a) the passage of vehicles with persons on board, engaged in relief operations, procurement and transport of food grains and election duty or in any other urgent Government work, as it may determine; or(b) the passage of such vehicles with persons on board of a religious or charitable institution, as it may think fit.(3) No exemption from payment of the toll levied under this Act shall be allowed." - [W.B. Act 18 of 1978, section 3 (31-5-1978).]

## **5. Assistance of collectors by Police-officers.**

- All Police-officers shall be bound to assist the toll collectors, when required, in the execution of this Act; and, for that purpose, shall have the same power which they have in the exercise of their common police-duties.

## **6. Penalty for offences under Act. Compensation to person aggrieved. Saving of his right to sue.**

- Every person, other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand, or take any other or higher toll than the lawful toll, or under colour of this Act seize or sell any property knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable on conviction before a Magistrate to imprisonment for any term not exceeding six calendar months, or to fine not exceeding two hundred rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved; but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court [\*\*\*] [The words 'of the Zillah' repealed by Act 12 of 1876, s. 1 and the Schedule, Part. I.].

## **7. Exhibition of table of tolls, and statement of penalties.**

- A table of the tolls authorized to be taken at any toll-gate or station shall be put up in a conspicuous place near such gate or station legibly written or printed in English words and figures, and also in those of the vernacular language of the district, to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any lawful toll.

Assam.- After section 7, new sections 7A and 7B were inserted in Assam by the Indian Tolls (Amendment) Act, 1932 (Assam Act 1 of 1932). [Text not printed as not available.]



## 8. Application of proceeds of tolls.

- The tolls levied under this Act shall be deemed public revenue [\*\*\*] [The words 'but the net proceeds thereof shall be applied wholly to the construction, repair and maintenance of roads and bridges within the presidency in which they are levied' omitted by the A.O. 1937.].

Section 9 Andhra Pradesh.- In its application to the State of Andhra Pradesh, section 9 is the same as that of Madras (Tamil Nadu). This section has been renumbered as sub-section (1) and sub-section (2) inserted as under:-(2) Every rule made under this Act shall, immediately it is made, be laid before each House of the State Legislature if it is in session, and if it is not in session in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified in the Andhra Pradesh Gazette have effect only in such modified form or shall stand annulled, 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 the rule." - [A.P. Act 17 of 1975, section 3 (1-8-1975).] Assam.- In its application to the State of Assam, section 8 is repealed. -[Assam Act 1 of 1932, section 3.] Bihar.- After S.8, insert the following -"9. Power of State Government to make rules.- (1) The State Government may, subject to previous publication, make rules not inconsistent with the provisions of this Act, for carrying out the purposes of the 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) method of collection of the tolls;(b) determination of the rate of levy of the tolls;(c) method for settlement of collection for the tolls; or(d) any other matter required generally for carrying out the purposes of this Act.(3) Every rule made under this section shall be laid as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of 14 days which may be comprised in one session or two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following 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 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. - [Bihar. Act 19 of 1965, section 3 (29-9-1965).] Tamil Nadu.- In its application to the State of Tamil Nadu after section 8, the following section shall be added, namely: -"9. Power of State Government to make rules.- The State Government shall have power to make rules regarding the method of collection of the tolls, including the terms and conditions of the farming out thereof, the manner of distribution of the receipts therefrom, and generally for carrying out the purposes of this Act". - [T.N. Acts 6 of 1938, section 3 (19-4-1938) and 14 of 1942, section 4 (w.r.e.f. 19-4-1938).] Uttar Pradesh.- In its application to the State of Uttar Pradesh, after section 8 insert as under -"9. Power to make rules.- (1) The State Government may make rules to carry out the purposes of this Act.(2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of thirty days extending in its one session or more than one successive sessions, and shall unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the two House of

the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder." - [U.P. Act 22 of 1974, section 3 (w.r.e.f. 1-1-1974).]Section 10Bihar.- In its application to the State of Bihar, after section 9, insert as under -"10. Powers of the State Government to vary the rates of toll.- The State Government may from time-to-time vary the rate of tolls and may fix different rates for different kind of vehicles." - [Bihar Act 69 of 1982, section 2 (14-8-1982).]  
[Schedule.] [Repealed by the Devolution Act, 1920 (38 of 1920), s. 2 and the First Schedule.]