

THE INDIAN TOLLS ACT, 1851

ARRANGEMENT OF SECTIONS

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SECTIONS

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SCHEDULE.—[*Repealed.*].

THE INDIAN TOLLS ACT, 1851¹

ACT NO. 8 OF 1851

[4th July, 1851.]

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. [*Repeal of Acts*].—*Rep. by the Repealing Act, 1870 (14 of 1870), s. 1 and the Schedule, Part II.*

²[**1A. Extent.**—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.]

2. Power to cause levy of tolls on roads and bridges within certain rates, and to appoint collectors. Collectors' responsibilities.—³[The State Government] may cause such rates of toll, ⁴*** as ⁵[it thinks fit], to be levied upon any road or bridge which has been, or shall hereafter be, made or repaired ⁶[at the expense of the Central or any State Government]; and may place the collection of such tolls under the management of such persons as may appear ⁷[it] proper: and all persons employed in the

1. 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 has been amended in Assam by Assam Act 3 of 1931 and Act 1 of 1932; C. P. by C.P. Act 8 of 1932, Madras by Madras Act 6 of 1938, Act 14 of 1942 and Act 26 of 1950.

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.

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.

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 Sonthal Parganas by the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), s. 3.

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 Singbhum.

See Gazette of India,

1881, Pt. I, p. 504.

The District of Lahaul

Ditto

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.

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 has also been amended in Assam by Assam Acts 3 of 1931 and 1 of 1932; C.P. by C. P. Act 8 of 1932; and Madras by Madras Acts 6 of 1938 and 14 of 1942.

It has been repealed in Mysore by Mysore Act 29 of 1958.

The Act has been extended to the whole of Madhya Pradesh by M.P. Act 23 of 1958 and to the Union territory of Pondicherry by Act 26 of 1968, s. 3 and the Schedule.

The Act has been amended in its application to Uttar Pradesh by U.P. Act 5 of 1957, Andhra Pradesh by A.P. Act 17 of 1975 and West Bengal by W.B. Act 18 of 1978.

2. Ins. by the A.O. 1937.

3. Subs. by *ibid.*, for “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”. The words “and the Governor of the Presidency of Bombay in Council” had been rep. by Act 8 of 1888, s. 5.

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(I).

4. 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.

5. Subs. by the A.O. 1937, for “they respectively think fit”.

6. Subs., *ibid.*, for “at the expense of the Govt.”.

7. Subs., *ibid.*, for “them”.

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.

STATE AMENDMENT

Orissa

Amendment of section 2.—In section 2 of the Indian Tolls Act, 1851(8 of 1851) in its application to the State of Orissa, 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 authorized by the State Government for this purpose” shall be substituted.

[Vide the Orissa Act 7 of 1999, s. 2]

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.

4. Exemptions from payment of toll.—No tolls shall be paid for the passage^{1***} 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.

STATE AMENDMENT

Orissa

Amendment of section 4.—In section 4 of the Indian Tolls Act, 1851 (8 of 1851), in its application to the State of Orissa, after the words “shall be paid for the passage of” the words “the State Government Vehicles on Government duty and” shall be inserted.

[Vide the Orissa Act 13 of 1987, s. 2]

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 to lawful, 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^{2***}.

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

1. The words “of troops and military stores and equipages on their march or” rep. by Act 2 of 1901, s. 8 and the Schedule.

2. The words “of the Zillah” rep. by Act 12 of 1876, s. 1 and the Schedule, Part. I.

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.

8. Application of proceeds of tolls.—The tolls levied under this Act shall be deemed public revenue^{1***}.

[*SCHEDULE.*] *Rep. by the Devolution Act, 1920 (38 of 1920), s. 2 and the First Schedule.*

1. The words “but the net proceeds thereof shall be applied wholly to the construction, repair and maintenance roads and bridges within the presidency in which they are levied” omitted by the A.O. 1937.