

TOLLS ACT, 1851

8 of 1851

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SCHEDULE 1 :- SCHEDULE

TOLLS ACT, 1851

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4th July, 1851

1. Repeal of Acts :-

Repealed by the Repealing Act, 1870 (14 of 1870) S. 1 and Sch., Pt. II.]

1A. Extent :-

¹ 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.]

1. Inserted by A.O., 1937.

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

responsibilities :-

¹[The State Govern- ment] may cause such rates of toll, ²[* * *] as ³[it thinks fit], to be levied upon any road or bridge which has been, or shall hereafter be, made or re- paired ⁴[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 to ⁵ [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 the land-revenue.

1. Substituted for the words "The Governor of the Presidency of Fort William in Bengal, the Lieutenant Governor of the North-Western Provinces of Ben- gal 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 ori- ginally specified in S. 2. See the Indian Tolls Act, 1888 (8 of 1888), S. 2 (1).

2. The words "not exceeding the rates mentioned in the Schedule annexed to this Act" were omitted by the Act 38 of 1920, S. 2 and Sch I.

3. Substituted for the words "they respectively think fit" by A.O., 1937.

4. Substituted for the words "at the expense of the Government", "they respectively think fit" by A.O., 1937.

5. Substituted for the word "them", "at the expense of the Government", "they respectively think fit" by A.O., 1937.

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."

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.

1. The words "of troops and military stores and equipages on their march or" were repealed by the Indian Tolls (Army and Air force)

Act, 1901 (2 of 1901), S. 5 and Schedule.

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. ¹ [* * *]

1. The words "of the Zillah" were repealed by the Repealing Act, 1876 (12 of 1876), S. 1 and Schedule Pt. 1.

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.

8. Application of proceeds of tolls :-

The tolls levied under this Act shall be deemed public revenue ¹ [* * *].

1. 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" were omitted by A.O" 1937.

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SCHEDULE

. [Repealed by the Devolution Act, 1920 (38 of 1920), S. 2 and Sch. 1.]