



The Himachal Pradesh Tolls Act, 1975

Act 9 of 1975

Keyword(s):

Barrier, Mechanical Vehicle, Official Gazette, Toll Inspector

Amendment appended: 12 of 2001

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ARRANGEMENT OF SECTIONS

SECTIONS.

1. Short title, extent and commencement.
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THE SCHEDULE.

(Act No. 9 of 1975)¹

[Received the assent of the Governor on the 7th May, 1975 and was published in R.H.P. Extra., dated the 17th May, 1975 at pp. 509—513]

An act to provide for the levy and collection of tolls on mechanical vehicles crossing barriers in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-sixth Year of the Republic of India, as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Tolls Act, 1975.

(2) It shall extend to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “barrier” means a barrier established under section 6 of this Act ;

(b) “mechanical vehicle” means any laden or unladen vehicle designed to be driven under its own power including a motor vehicle as defined in clause (18) of section 2 of the Motor Vehicles Act, 1939 (4 of 1939) but does not include a cart or bicycle ;

(c) “notification” means notification published under proper authority in the Official Gazette ;

(d) “Official Gazette” means the Rajpatra, Himachal Pradesh ;

(e) “State Government” or “Government” means the Government of Himachal Pradesh ; and

(f) “toll Inspector” means the person authorised by the State Government to collect toll in respect of any mechanical vehicle crossing a barrier and includes every Government servant posted at a barrier in connection with the collection of toll.

3. Rate of toll and its payment.—(1) There shall be levied and paid to the State Government on every mechanical vehicle specified in column (2) of the Schedule to this Act, crossing a barrier, a toll at the rate specified against each mechanical vehicle in column (3) thereof.

(2) The Government shall have the power to amend, by notification, the Schedule, provided that the rates of tolls specified in column (3) of the Schedule shall not be enhanced by more than 50 per cent of the rates given therein on the commencement of the Act.

¹For Statement of Objects and Reasons, see R.H.P. Extra., dated the 12th April, 1975, p. 438.

(3) Every person in charge of mechanical vehicle for crossing a barrier shall pay to the toll Inspector posted at the barrier the toll and shall obtain a receipt from him in token of having paid the amount specified therein.

(4) The mechanical vehicle, which has paid toll under sub-section (3) at any barrier in the State, shall not be required to pay toll again while crossing any other barrier established under this Act within a period of 24 hours.

4. **Servants etc. to be public servants.**—All persons appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

5. **Power of toll Inspector.**—The driver of a mechanical vehicle shall cause the vehicle to stop when required to do so by the toll Inspector to enable him to carry out any of the duties imposed on him under this Act.

6. **Establishment of barriers.**—The State Government may, from time to time, by notification in the Official Gazette, establish or remove barriers on any road which has been or shall hereafter be made or repaired at the expense of the State Government.

7. **Exhibition of table of tolls and statement of penalties.**—A table of the tolls authorised to be taken at any barrier shall be put in a conspicuous place near such barrier legibly written or printed in Hindi and English words and figures, to which shall be annexed, written or printed in like manner, a statement of penalties for refusing to pay the tolls and for taking unlawfully any toll.

8. **Assistance to Toll Inspectors by police officers.**—All police officers shall be bound to assist the Toll Inspectors, when required, in the execution of this Act; and, for that purpose, shall have the same powers which they have in the exercise of their ordinary police duties.

9. **Procedure in case of non-payment of toll.**—In case of non-payment of such toll on demand, the person appointed to collect the same may detain the mechanical vehicle or seize any of the goods or part of burden or load of sufficient value to defray the toll and sell the same, unless the toll is paid.

10. **Application of proceeds of tolls.**—The tolls levied under this Act shall be deemed to be public revenue.

11. **Penalties.**—Whosoever—

- (a) attempts to cross any barrier without compliance with the provisions of this Act, or
- (b) contravenes any other provision of this Act or the rules made thereunder or any order or direction made under any such provision or rule,

shall be liable, on conviction, to a fine which may extend to two hundred rupees.

(2) No magistrate shall take cognizance of any offence under this Act except on a complaint in writing, made by the Toll Inspector.

12. Bar to proceedings.—No suit, prosecution or other legal proceeding shall lie against any person, authorised to act by or under this Act, for anything done or purporting to have been made, in good faith, under this Act or the rules made thereunder.

13. Saving.—Nothing contained in this Act shall apply to the mechanical vehicles belonging to the President, the Vice-President, the Ministers, the Speaker and Defence Services of the Union of India and the mechanical vehicles belonging to Diplomatic Core and the Himachal Pradesh Government.

14. Power to make rules.—(1) The State Government may by notification in the Official Gazette, make rules¹ consistent with this Act, for securing the levy and collection of toll and generally for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Himachal Pradesh while it is in session for a total period of not less than fourteen days which may comprise in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or sessions aforesaid, the Assembly makes any modification in the rule or decides 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.

¹Rules framed *vide* Notification No. 2-1/75, P.W.D., dated the 16th June, 1975 (Appended).

THE SCHEDULE

(See section 3)

RATES OF TOLL

Serial No.	Particulars or the type of mechanical vehicle on which toll is leviable	Rate
1	2	3
1	Truck :	
	(a) Laden	.. Rs. 3
	(b) Unladen	.. Rs. 2
2	Bus :	
	(a) Laden	.. Rs. 3
	(b) Unladen	.. Rs. 2
3	Tractor with trailor :	
	(a) Laden	.. Rs. 3
	(b) Unladen	.. Rs. 2
4	Light Motor Vehicle such as Jeep, Car, Pickup Van, Tractor, Station Wagon, Delivery Van, Tempo, Motor Rickshaw, Scooter Rickshaw	Rs. 2
5	Motor Cycle, Scooter (with or without side car)	.. Re. 1
6	Any other mechanical vehicle not herein provided for	.. Rs. 3

and Lodging Houses) Act, 1979 (Act No.15 of 1979), the Governor, Himachal Pradesh is pleased to appoint the Assistant Excise and Taxation Commissioner, (FS) (NZ), at Palampur to assist the Commissioner, for carrying out the purposes of the said Act.

The Governor of Himachal Pradesh, in exercise of the powers conferred under sub-section (2) of section 3 of the said Act, is further pleased to direct that the Assistant Excise and Taxation Commissioner (FS) (NZ), Palampur shall also exercise the powers and perform the duties/functions of the Assessing Authority within the meaning of clause (a) of section 2 of the said Act, within his territorial jurisdiction.

(R.H.P.Extra dated, 6.9.2001 p. 2452)

THE HIMACHAL PRADESH TOLLS (AMENDMENT) ACT, 2001.

ARRANGEMENT OF SECTIONS

Sections:

1. Short title.
2. Amendment of Preamble.
3. Amendment of section 2.
4. Amendment of section 3.
5. Insertion of section 9-A.
6. Amendment of section 13.
7. Substitution of Schedule.

THE HIMACHAL PRADESH TOLLS (AMENDMENT) ACT, 2001.

(ACT NO. 12 OF 2001)¹

(Received the assent of the Governor on 18th May, 2001 and was published in Hindi and English R.H.P. Extra., dated 21.5.2001, P. 529-536).

An Act to amend the Himachal Pradesh Tolls Act, 1975 (Act No. 9 of 1975).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-second Year of the Republic of India, as follows :-

1. **Short title.**- This Act may be called the Himachal Pradesh Tolls (Amendment) Act, 2001.

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 16.4.2001, P. 149 & 155.

2. Amendment of Preamble.- In Preamble of the Himachal Pradesh Tolls Act, 1975 (9 of 1975)(hereinafter referred to as the "principal Act") for the words "crossing barriers", the words "passing over any road infrastructure" shall be substituted.

3. Amendment of section 2.- In section 2 of the principal Act,-

(a) in clause (b), for the brackets, figures, words and sign "(18) of section 2 of the Motor Vehicles Act, 1939 (4 of 1939)", the brackets, figures, words and sign "(28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988)" shall be substituted;

(b) after clause (d), the following shall be added, namely :-

"(d-a) " road infrastructure" means roads, tunnels, flyovers, bridges, underground roads, approach roads, any section of new roads or bye-passes which may, from time to time, be notified as such by the State Government ;

(d-b) "Schedule" means Schedule appended to this Act; "

(c) after clause (e), the following shall be added, namely :-

"(e-a) "tolling authority" means any person appointed by the State Government for the purpose of section 9-A;

(e-b) "token" means proof of collection of toll at the rates specified in columns (4) and (5) of the Schedule;"; and

(d) in clause (f), for the words "crossing a barrier", the words "passing over any road infrastructure" shall be substituted.

4. Amendment of section 3.- In section 3 of the principal Act,-

(a) in sub-section (1), for the words "crossing a barrier", the words "passing over any road infrastructure" and for the words, bracket and figure "column (3)" the words, brackets, figures and sign "columns (3), (4) and (5)" respectively shall be substituted ;

(b) for sub-section(2), the following shall be substituted, namely :-

"(2) The State Government may subject to the condition of previous publication, by notification add to or delete any class of vehicles from column (2) of the Schedule and amend the rate of tolls specified in columns (3), (4) and (5) thereof and thereupon the said Schedule shall stand amended accordingly :

Provided that the rate of toll shall not be increased at any one time by more than 100% of the rate specified in the Schedule.

(2-A) Every notification issued under sub-section (2) shall, as soon as may be, after it is issued, be laid on the Table of the Legislation Assembly.;"

(c) in sub-section (3), for the words "crossing a barrier", the words "passing over any road infrastructure" shall be substituted ;

(d) in sub-section (4), for the words and figure "within the period of 24 hours", the words "within the period for which the toll is paid" shall be substituted; and

(e) after sub-section (4), the following sub-sections shall be added, namely:-

"(5) Daily receipt shall be valid for 24 hours and the period shall be counted from crossing the first barrier.

(6) Quarterly token shall be valid for the quarter beginning with the 1st of January, April, July and October of each year.

(7) The annual token shall be valid for the financial year for which it is issued."

5. Insertion of section 9-A.- After section 9 of the principal Act, the following shall be inserted, namely :-

"9-A. Establishment of Mobile Squads.- (1) The State Government may, by notification, order the establishment of Mobile Squads for checking of the vehicles to ensure collection of the toll and prevent evasion and the Mobile Squads so established shall be under the charge of an officer of the Government who shall be a tolling authority under this Act.

(2) When so required by the tolling authority, the driver or the person-in-charge of the mechanical vehicle shall stop the mechanical vehicle and keep it stationary as long as may be necessary, and allow the tolling authority to examine receipt or token of payment of toll paid and the driver or the person-in-charge of such mechanical vehicle shall also furnish such other information as may be required by the tolling authority.

(3) The driver or person-in-charge of the mechanical vehicle shall keep in the vehicle the receipt of payment of toll at least upto 72 hours of last entry into the territory of the State of Himachal Pradesh and the token upto 15 days of its expiry, and on demand shall produce it to the tolling authority.

(4) If the driver or the person-in-charge of the mechanical vehicle fails to produce the receipt of payment of toll or token, as required under sub-section (3), then the tolling authority shall recover the toll at the place of inspection at the rate specified under column (3) of the Schedule :

Provided that in addition to the toll, the tolling authority shall recover a collection fee of equal to 4 times the rates specified under column (3) of the Schedule.

(5) Notwithstanding anything contained in sub-section (4), the tolling authority may also order detention of the mechanical vehicle, including the goods, if any, being carried therein, for such period as may reasonably be necessary and shall allow the same to proceed only after the driver or the person-in-charge of the mechanical vehicle making payment of the toll and the amount of collection fee imposed under this section or furnishing to his satisfaction a security or executing a bond with or without sureties for securing the amount of toll and collection fee."

6. **Amendment of section 13.**- At the end of section 13 of the principal Act, the words and sign "Fire tenders, Ambulances and vehicle specially designed for use by physically handicapped person", shall be added.

7. **Substitution of the Schedule.**- For the Schedule of the principal Act, the following shall be substituted, namely :-

"SCHEDULE

(See section-3)

Sl. No.	Particulars of vehicles.	Rate of toll per day or part thereof	Rate of toll per quarter or part thereof	Rate of toll per year or part thereof
1	2	3	4	5
1.	Vehicle having loading capacity :			
	(a) Exceeding 90 quintals.	Rs. 50.00	20 times the rate as specified in Column in (3)	3 times the amount as specified in Column (4)
	(b) Exceeding 20 but upto 90 quintals.	Rs.40.00	-do-	-do-
	(c) Exceeding 10 but upto 20 quintals.	Rs. 30.00	-do-	-do-
	(d) Tractors plying with public carrier or private carrier permit.	Rs. 30.00	-do-	-do-
2.	Passenger vehicles having seating capacity of :			

	(a) above 12 passengers	Rs.50.00	-do-	-do-
	(b) upto 12 passengers	Rs.30.00	-do-	-do-
	(c) other light motor vehicles such as jeep, car, pick-up van, station wagon :			
	(i) Registered as Private Vehicle.	Rs.20.00	-do-	-do-
	(ii) Registered as public carrier.	Rs.30.00	-do-	-do-
3.	(a) Motor Rickshaw and Scooter Rickshaw.	Rs.10.00	-do-	-do-
	(b) Motor Cycles and Scooters.	Rs.5.00	-do-	-do-

Note.- (i) For payment at rate specified under column (3), a receipt will be issued.

(ii) For payments at rates specified under columns (4) and (5), a token in notified design will be issued and it shall be displayed on the vehicle."

(R.H.P. Extra dated 21.5. 2001. p. 533-536)

NOTIFICATION

Under

THE HIMACHAL PRADESH TOLLS ACT, 1975

APPOINTMENTS AND DELEGATIONS

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Shimla-2, the 30th May, 2001.

No. PBW (B & R) B (1)-1-1/2001. - In exercise of the powers vested in him vide clause (f) of section 2 of the Himachal Pradesh Tolls Act, 1975 (Act No. 9 of 1975), the Governor, Himachal Pradesh is pleased to declare the officials deployed by the Excise and Taxation Commissioner, H.P. for the collection of Tolls under the Himachal Pradesh Tolls Act, 1975, as Toll Inspectors within the meaning of the Act *ibid*.

(R.H.P. Extra dated, 30.5. 2001 p. 819)

(Issued and published in Hindi in R.H.P. Extra., dated 11.6.2001, P. 816-817)

Shimla-2, the 28th May, 2001

No. PBW(B & R) B (1) 1-1/2001.- In exercise of the powers conferred by section 6 of the Himachal Pradesh Tolls Act, 1975 (Act No. 9 of 1975), the Governor, Himachal Pradesh is pleased to notify the following multipurpose barriers of Excise and Taxation Department as Toll Collection points for collection of tolls under the Himachal Pradesh Tolls Act, 1975 :-

Sl. No.	Name of District	Name of Multipurpose Barriers of Excise Department
1	2	3
1.	Shimla	1. Kuddu
2.	Solan	1. Parwanoo 2. Barotiwala 3. Dhcrewal 4. Baddi 5. Dabhota 6. Gullerwala 7. Bhageri 8. Navgaon 9. Parwanoo Sector-IV
3.	Sirmaur	1. Kala Amb 2. Behral 3. Gobindghat 4. Haripur khol
4.	Bilaspur	1. Swarghat 2. Goalthai 3. Sri Naina Devi ji
5.	Kangra	1. Kandwal 2. Sansarpur Terrace 3. Indora 4. Kandrori
6.	Chamba	1. Tunnhatti
7.	Una	1. Marwari 2. Gagret 3. Pandoga 4. Mchatpur 5. Ajoli 6. Polian 7. Gondpur jaichand 8. Basdehra

9. Bhatoli
10. Bathu
11. Santokhgarh

(R.H.P.Extra dated, 11.6.2001 p. 818-819)

**THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT, 2001**

ARRANGEMENT OF SECTIONS

Sections:

1. Short title.
2. Amendment of section 10.
3. Amendment of section 30-A.
4. Insertion of section 31-A.
5. Amendment of section 39.
6. Amendment of section 66.
7. Amendment of section 70.
8. Amendment of section 71.
9. Amendment of section 77.
10. Insertion of section 83-A.
11. Amendment of section 87.

**THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT, 2001**

(ACT NO. 15 OF 2001)¹

(Received the assent of the Governor on the 18th June, 2001 and was published in Hindi and English in R.H.P. Extra, dated 27.6.2001, P. 1099-1103)

An Act further to amend the Himachal Pradesh Town and Country Planning Act, 1977 (Act. No. 12 of 1977).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-second Year of the Republic of India, as follows :-

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra, dated 18.4.2001, P. 200 & 204.