The Jammu and Kashmir Levy of Toll Act, 1938

Act 8 of 1938

Keyword(s):
Regional Transport Officer, Toll, Toll Tax Officer, Transport Vehicle

Amendment appended: 40 of 2002
THE LEVY OF TOLLS ACT, 1995 (1938 A.D.)

ACT NO. VIII OF 1995

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THE LEVY OF TOLLS ACT, 1995 (1938 A.D.)

ACT NO. VIII OF 1995

[Received assent of His Highness the Maharaja Bahadur on 4th July, 1938/21st Har, 1995 and published in Government Gazette dated 20th Sawan, 1995.]

Whereas it is expedient to consolidate in one Act the provisions for levy of tolls upon public roads and bridges in the Jammu and Kashmir State; It is hereby enacted as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Levy of Tolls Act No. VIII of 1995.

(2) It extends to the whole of Jammu and Kashmir State.

(3) It shall come into force when after receiving the assent of His Highness the Maharaja Bahadur it is published in the Government Gazette except with regard to items 8, 9, 10, 12 and 14 of the first Schedule which shall come into force retrospectively with effect from 24th Baisakh, 1994.

2. Classes and powers of Toll Officers.—There shall be the same classes of Toll Officers under this Act as under the Excise Act, 1958, and in the absence of any orders of the Government to the contrary, and subject to the provisions of this Act, an officer of any class having jurisdiction within any local limits under the Excise Act shall be a Toll Officer of the same class having jurisdiction within the same local limits under this Act.

3. Rate of tolls to be levied.—(1) The Government may from time to time prescribe, annual or alter rates of tolls to be levied upon any road, ferry or bridge in the State and may plait the collection of such tolls under such management 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 the Excise Revenue under the Jammu and Kashmir Excise Act, 1958.

(2) The rates prescribed to be levied at the commencement of this Act, shall be the rates mentioned in the first Schedule hereto annexed. The rates shall continue to be levied till they are annulled or altered in accordance with the provisions of this section.

3. Substituted for certain words ibid (w.e.f. 1-11-1947).
4. Substituted by Act VIII of 1956 for "Customs".
(3) The power to annul or alter the rates vested in the Government under the foregoing provisions of this section may be exercised from time to time after publication in the Government Gazette. The amendment and alteration shall have the same force and effect as if they had been contained in the first Schedule.

(4) The persons under whose management the tolls are levied at the commencement of this Act shall levy the tolls prescribed and shall be held to have been appointed for collection of tolls under the provisions of this Act.

4. Toll-gates or stations.—The Government may establish toll-gates or stations at such places as the Government may deem necessary.

The toll-gates or stations in existence at the time of the commencement of this Act shall be deemed to have been established under the provisions of this Act.

5. Exemption from tolls.—The Government may from time to time define and grant exemptions from payment of tolls levied under this Act.

3[5-A. Recovery and refund of toll short levied or erroneously paid etc.—(1) When toll or charges have been short levied through inadvertence, error, collusion or misconstruction on the part of the Toll Officer, or through mis-statement as to the quantity, number or description of the goods, animals or vehicles on the part of the owner, or when such toll or charges after having been levied has been owing to any such cause erroneously refunded, the person chargeable with toll, or the charge so short levied, or to whom such refund has erroneously been made, shall pay the deficiency or repay the amount paid to him in excess on demand being made within twelve months from the date of the first assessment or the making of the refund and Toll Officer may refuse to pass any goods, animals or vehicle(s) belonging to such person until the deficiency or excess be paid or repaid.

(2) No toll or charges which have been paid and of which repayment, wholly or in part, is claimed in consequence of the same having been paid through inadvertance, error or misconstruction shall be refunded unless such claim is made within three months from the date of such payment.]

1. Words "a previous" deleted by Act 1 of 1956 (w.e.f. 1-11-1947).
2. Certain words omitted ibid (w.e.f. 1-11-1947).
6. **Procedure in case of non-payment of tolls.**—In case of non-payment of any tolls on demand, the officers appointed to collect the same, may, in the first instance, levy the same by sale of any goods of the person liable for the payment. In the event of the said goods being insufficient for the payment of the toll, the Toll Officer may detain the carriage or animal on which the toll is chargeable for such period not exceeding 24 hours till the payment is made. If any toll and the cost arising from such seizure remain undischarged for 24 hours, the case may be brought before the nearest Magistrate within the local limits of whose jurisdiction the toll-gate or station lies. The Magistrate shall thereupon proceed to enforce payment of the amount in like manner as if the amount had been a fine inflicted by himself.

7. **Police Officers bound to assist Toll Officers.**—All Police Officers shall be bound to assist Toll Officers 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 ordinary police duties.

8. **Offences.**—(1) Whoever trans-ships, abets or attempts the trans-shipment of goods from a carriage or animal on which the toll is chargeable at a higher rate to a carriage or animal on which the toll is chargeable at a lower rate, or vice versa, or whoever adopts any device to evade payment of toll at a toll-gate or station, shall be liable to a fine which may extend to 5 times the amount of actual toll leviable or 100 rupees, whichever be greater.

(2) The fine imposed under the provisions of this section may, on a requisition being made in this behalf by an officer inflicting the fine, be realized by a Magistrate having jurisdiction as if it had been inflicted by himself.

9. **Obstruction to Toll Officers.**—If any person intentionally obstructs any Toll Officer, or any other person duly employed in the collection of tolls in the exercise of any powers given under this Act to any such officers or person, he shall be liable to imprisonment not exceeding six months, or to fine not exceeding 1,000 rupees, or to both.

10. **Connivance at fraud or breach of duty by Toll Officers.**—If any Toll Officer or other person employed for the collection of toll, practises or attempts to practise any fraud for the purpose of injuring the toll revenue or abets or connives at any such fraud, or if any such officer or person is guilty of a wilful breach of the condition of this Act, he shall be liable to imprisonment for any term not exceeding two years, or to a fine not exceeding 1,000 rupees, or to both.
The punishment prescribed under the provisions of this section shall be in addition to any departmental punishment which may be inflicted on the offender under the departmental punishment and appeal rules.

11. For offences not otherwise provided for.—(1) Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act or of any rule or order made under this Act and not otherwise provided for in this Act, shall, on conviction before 1[a Judicial Magistrate] of the first class, be punished for each such wilful act or omission with fine which may extend to one hundred rupees.

(2) Whoever having been previously convicted of an offence under this Act is again convicted of an offence punishable under this Act shall be liable for every such subsequent offence to punishment not exceeding double the punishment provided therefor by this Act.

12. Penalty on unauthorised person demanding tolls and for illegal demand.—Every person, other than the person appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridges 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 1[a Judicial Magistrate] to imprisonment for any term not exceeding six months, or to fine not exceeding Rs. 200, any part of which fine may be awarded by the Magistrate to the person aggrieved but this remedy shall not be deemed to bar on effect his right to have redress by suit in the Civil Court.

13. Offences by whom punishable.—The offence of evasion of tolls up to 2[Rs. 100] shall be triable by the officer-in-charge of a toll-gate or station. All other offences shall be tried by 1[a Judicial Magistrate] having jurisdiction in the local limits of the place in which a toll-gate or station is situate.

1. Substituted by Act XL of 1966 for a “Magistrate”.
14. **Appeal.**—Any person convicted of an offence triable by any officer-in-charge of a toll-gate or station under this Act may, within 3 months, appeal therefrom to 1[a Judicial Magistrate] of the first class having jurisdiction within the local limits of the place in which a toll-gate or station is situate. The order of the Magistrate passed in the appeal shall be final.

15. **Deposit pending appeal.**—Where any toll or penalty has been demanded under the provisions of this Act, the person desirous of appealing against such decision or order shall, notwithstanding his intention of appealing or filing an appeal, deposit in the hands of the Toll Officer at the toll-gate or station the amount demanded by the officer passing such decision or order.

16. **No compensation for loss or injury except on proof of neglect or wilful act.**—No person liable to pay tolls in respect of a carriage or animal shall be entitled to claim any compensation from any Toll Officer for any loss or damage to him at any time while the carriage or animal are lawfully detained at any toll-gate or station, unless it be proved that such loss or damage was occasioned by the wilful neglect or malicious act of the Toll Officer.

17. **Power to make rules.**—The Government may, by notification in the Jammu and Kashmir Government Gazette, make rules from time to time for the purpose of carrying out the provisions of this Act.

18. **Repeal.**—All orders and notifications having the force of law issued regarding the levy of road toll upon public roads and bridges shall be repealed with effect from the date this Act comes into force.

Without prejudice to the generality of the foregoing provisions the enactments mentioned in the second Schedule hereto annexed are hereby repealed to the extent specified in the 3rd column thereof but not so as to render invalid anything done in accordance with any of them.

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1. Substituted by Act XL of 1966 for a “Magistrate”.
**LEVY OF TOLLS ACT, 1995 (1938 A.D.)**

1. **SCHEDULE**

(See section 3.)

Through Traffic up and down crossing the Dome1
Toll Stations per trip each way.

<table>
<thead>
<tr>
<th>Rs.</th>
<th>a.</th>
<th>p.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Camel</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>2. Donkey</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>3. Bullock, buffalo, pony or mule</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>4. Bicycle</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>5. Vehicle drawn by one or two bullocks</td>
<td>...</td>
<td>10 0 0</td>
</tr>
<tr>
<td>For every additional bullock over two</td>
<td>...</td>
<td>2 8 0</td>
</tr>
<tr>
<td>6. Vehicle drawn by one pony or one mule</td>
<td>...</td>
<td>3 12 0</td>
</tr>
<tr>
<td>7. Vehicle drawn by two ponies or two mules</td>
<td>...</td>
<td>6 4 0</td>
</tr>
<tr>
<td>For every additional pony or mule over two</td>
<td>...</td>
<td>2 8 0</td>
</tr>
<tr>
<td>8. Motor Cycle</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>9. Motor Cycle with side car</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>10. Motor car carrying not more than three passengers (excluding chauffeur)</td>
<td>...</td>
<td>15 0 0</td>
</tr>
<tr>
<td>For every extra passenger over three</td>
<td>...</td>
<td>3 0 0</td>
</tr>
<tr>
<td>11. Trailer attached to motor vehicle</td>
<td>...</td>
<td>10 0 0</td>
</tr>
<tr>
<td>12. Lorry with a permissible laden weight of 33 maunds or 13 passengers</td>
<td>...</td>
<td>30 0 0</td>
</tr>
<tr>
<td>13. Lorry with a permissible laden weight of 51 maunds or 17 passengers</td>
<td>...</td>
<td>45 0 0</td>
</tr>
<tr>
<td>14. Motor or steam tractor</td>
<td>...</td>
<td>80 0 0</td>
</tr>
<tr>
<td>15. Lorry of Sheep Breeding Farm, Banihal when carrying grass shall pay as a special case, if empty</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>For full load grass</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

3 [Provided that, for all load beyond 51 maunds up to 100 maunds, proportionate toll per maund worked out on this basis shall be charged irrespective of the permissible laden capacity of the vehicle.]

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16. Lorry with a permissible laden weight of 56 maunds or 17 passengers
   ... 60 0 0
17. Lorry with a permissible laden weight of 70 maunds or 17 passengers
   ... 75 0 0
18. For every extra maund beyond the permissible weight under items 12, 13, 16 and 17
   ... ... ...
   ... 6 0 0
1[18-A. For every extra passenger beyond the permissible number under items 12, 13, 16 and 17
   ... ... ...
   ... 12 0 0]

[Note—on an article such as machinery or a plant etc., which cannot be broken into parts so as to keep the load within the maximum permissible weight fixed for vehicles of different capacities, road toll on the excess weight shall be charged proportionately in accordance with the rate applicable to the vehicle in which the article is carried:

Provided permission to the carriage of the article in a single vehicle or on an extension of the vehicle irrespective of the permissible weight limit laid down for such vehicle is obtained from competent authority beforehand.]

19. Station wagon carrying not more than 6 passengers excluding the driver
   ... 23 0 0
   For every extra passenger ...
   ... 3 0 0

Conveyances not drawn by animals will pay the same road toll as if they were drawn by the animals by which they are usually drawn. Similarly motor or steam vehicles will pay the same road toll whether working under their own power or not.

Jhelum Valley Road

Wheeled traffic will be dealt with at Domel. Traffic other than wheeled will be dealt with at Domel, Kohalla and Ramkot.

Banihal Road

Omitted.

Short Distance Toll

3[Omitted.]

1. Item 18-A added by C. O. No. 1225-C of 1945 published in Government Gazette dated 12th Magh, 2002. (This amendment shall take effect one month after the publication of the Notification in the Gazette).
Rates of tolls at Banihal, Lakhanpur and Kandoli Nagrota Toll Posts

Finance Department 1[Order No. 63-F of 1958 dated 13th March, 1958.—In exercise of the powers conferred by sub-section (1) of section 3 of the Levy of Tolls Act, Svt. 1995 (VIII of 1995), and in supersession of the Finance Department Notification forming an annexure to Order No. 226/F of 1957 dated 29th August, 1957 and Cabinet Order No. 849/C of 1951 dated 3rd August, 1951, the Government hereby direct that the rates of tolls to be levied upon the Madhopur-Jammu-Banihal-Srinagar road at the Banihal, Lakhanpur and Kandoli Nagorta toll posts with effect from the first day of April, 1958 shall be as follows:—

A. Through traffic up and down crossing Banihal toll post per trip

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lorries, Trucks, Buses, Passenger-cum-load Buses, motor or steel Tractors (while crossing from Jammu side)</td>
<td>30.00</td>
</tr>
<tr>
<td>Lorries, Trucks, Buses, Passenger-cum-load Buses, Motor or steel Tractors (while crossing from Kashmir side)</td>
<td>20.00</td>
</tr>
<tr>
<td>Motor cycles with or without side cars</td>
<td>3.00 each way</td>
</tr>
<tr>
<td>Motor cars, jeeps, station wagons and vans</td>
<td>7.50 each way</td>
</tr>
<tr>
<td>Other vehicles (raidas, tongs or bullock or buffalo carts)</td>
<td>3.00 each way</td>
</tr>
</tbody>
</table>

B. Lakhanpur through traffic up and down crossing toll post Lakhanpur per trip each way.

3[Omitted.

C. Short Distance Toll at Toll Station Kandoli Nagrota per Trip each way

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All lorries, buses, trucks, passenger-cum-load buses and motor or steel tractors</td>
<td>7.50</td>
</tr>
<tr>
<td>Station wagons, cars, jeeps and vans</td>
<td>2.50</td>
</tr>
<tr>
<td>Motor cycles with or without side cars</td>
<td>1.00</td>
</tr>
</tbody>
</table>

Notes 1.—Vehicles plying between Jammu and Srinagar will also pay short distance traffic toll at 1[Toll Station Kandoli Nagrota] and get credit thereof at Banihal on production of receipt obtained at 1[Toll Station Kandoli Nagrota]. Vehicles coming from Srinagar to Jammu will be allowed to pass free at 1[Toll Station Kandoli Nagrota] on production of the receipt obtained for payment of full toll at Banihal.

2. Vehicles going to any place up to Banihal from Jammu and vice versa will pay the short distance toll at 1[Toll Station Kandoli Nagrota], similarly the vehicles running between Jammu and Pathankot will pay the toll at Lakhanpur.

Basic Toll on heavy vehicles plying on Jammu-Poonch road

Finance Department 2[Notification No. SRO-96 dated 9th June, 1962.—In exercise of the powers conferred by sub-section (1) of section 3 of the Levy of Tolls Act, Svt. 1995, the Government hereby direct that the basic toll on heavy vehicles playing on Jammu-Poonch road shall be levied at rupees ten per vehicle per trip each way at Canal Toll Station Jammu.

Rate of toll levied on vehicles carrying fruit produced in the State at toll posts Nagrota and Satbain

Finance Department 3[Notification SRO-379 dated 14th September, 1967.—In exercise of the powers conferred by sub-section (1) of section 3 of the Levy of Tolls Act, Samvat 1995 (VIII of 1995), the Government hereby direct that with effect from 15th September, 1967 additional toll shall be levied on vehicles carrying fruit produced in the State at Toll Posts Nagrota and Satbain (down traffic) at the rate of Rs. 2.00 per 37 kgs.

Road Toll at Lakhanpur, Kathua Railway Station, Sat Bain, Pattan Bherrian, Mandi Medikheran, Thean, Darekri and Basohli

4[Finance Department Notification SRO-334 dated 26th June, 1969.—In exercise of the powers conferred by sub-section (1) of section

3. SRO-379 of 1967 published in Government Gazette dated 14th September, 1967. Also see SRO-77 of 1968 issued under section 5 which has partially modified it.
the Toll Stations Lakhanpur Kathua Railway Station, Sat Bain 3 of the Levy of Tolls Act, Samvat, 1995 (VIII of 1995), the Government hereby direct that road Toll shall be levied at (on Dhar Udhampur Road) Pattan Bherrian (Kathua), Mandi Medikheran (Kathua), Thean (Basohli), Darekri (Nagri Parol) and Basohli (Ropeway) at the following rates:—

Through traffic up and down crossing the Toll Stations per trip each way:—

A—All goods Vehicles (Private and Public Carriers)—

(i) empty or carrying registered
  Laden weight as specified in
  the certificate of Registration
  issued by the Registering
  Authority under the Motor
  Vehicles Act—

(i) Toll Station Kathua
  Railway Station Rs. 7.50
  Per vehicle

(ii) All other Toll Stations Rs. 15.00
    Per vehicle.

(iii) carrying load in excess of
     the registered laden weight
     as specified in the certificate of registration issued
     by the Registering Authority under the Motor
     Vehicles Act—

(i) Toll Station Kathua
  Railway Station Rs. 15.00
  per vehicle

(ii) All other Toll Station Rs. 30.00
    Per vehicle.

B—Passenger buses (Stage Carriage, Public Service Vehicles)

(i) Empty or carrying pas-
  sengers according to the
  seating capacity as
  specified in the certificate of Registration issued
  by the Registering Authority under the Motor
  Vehicles Act—

Plus Rs. 6.00
per quintal
on the goods carried, Pro-
vided in the case of goods
vehicles:—

(a) If the goods carried are not in excess of the laden weight as prescribed and entered in the certificate of Registration issued by the Registering Authority under the Motor Vehicles Act.

(b) on the goods carried in excess of the prescribed weight at Rs. 6.00 per quintal.
(ii) Carrying Passengers in excess of the seating capacity as specified in the certificate of Registration issued by the Registering Authority under the Motor Vehicles Act.

C.—Station Wagons, Cars, Jeeps, Vans, Rickshaws carrying passengers only or plying empty.

D.—Tractors, Station Wagons, Cars, Jeeps and Vans when carrying goods (excepting personal luggage of the passengers) or plying empty.

E—Passenger buses plying between:

(i) Jammu and Mahanpur and vice versa via Lakhanpur Basohli route, and

(ii) Jammu and Basohli and vice versa via Lakhanpur Basohli routes or via Diala Chak-Ramkote route.

F—Motor Cycles with or without side car.

G—Tempos when plying between Kathua and Madhoaur Bridge.

H — Bullock or Buffalo Carts, Tongas and Raidas when empty or carrying Passengers only.

I — Tongas, Raidas and Gaddas (Bullock or Buffalo Carts) if carrying Load:

(i) Passenger Tonga

(ii) Raidas driven by a horse carrying up to 880 kgs.

(iii) Raidas driven by a horse carrying above 880 kgs.

(iv) Gaddas (Bullock or Buffalo Carts):

(A) at Toll Station Kathua Railway Station—
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(a) carrying up to 880 kgs. Rs. 2.50 per Gadda. 
(b) carrying above 880 kgs. Rs. 5.00 per Gadda.
(B) at all other Toll Stations Rs. 7.50 per Gadda.
(v) Cycles when carrying goods. Rs. 3.00.

J— Pack animals when carrying goods:
(i) Camels Rs. 1.00 Per tail
(ii) Ponies and mules Rs. 0.50 Per tail plus Rs. 3.00 per quintal.
(iii) Bullocks and buffaloes Rs. 0.25 Per tail plus Rs. 3.00 per quintal.

K— Head Loads Exempt. Rs. 3.00 per quintal on the goods carried at Toll Station Kathua Railway Station.

L — Sheep and Goats. Rs. 1.00 per head.

M—Explanation:— For purposes of this Notification the expression 'goods' means any goods which are the subject of trade or manufacture:

Provided that:

(a) Toll on Iron, Cement, Steel, Coke, Coal and Fruit when carried by a goods vehicle shall be levied at Rs. 2.70 per quintal if the load carried is not in excess of the laden weight as prescribed and entered in the certificate of Registration issued by the Registering Authority under the Motor Vehicles Act and if it exceeds the said laden weight, the toll on the excess load shall be chargeable at Rs. 5.40 per quintal, and

(b) When carried by a passenger bus shall be levied at Rs. 5.40 per quintal up to 185 Kgs. and in case the load carried exceeds 185 Kgs. the basic toll on such vehicle shall be chargeable at Rs. 30 per trip each way.

(c) Toll on timber at Toll Station Kathua Railway Station shall be levied at the rate of Rs. 2.70 per quintal and in case any goods vehicle carries a load in excess of the laden weight as prescribed and entered in the certificate of Registration issued by the Registering Authority under the Motor Vehicles Act, the toll on the excess load shall be levied at Rs. 5.40 per quintal.
(d) Toll on timber at Toll Station Lakhanpur and Toll Station Kathua Railway Station (Down Traffic) shall be levied on the cubical contents as obtained from the Forest Department and as recorded in the challans produced by the exporters (calculating one cft. equivalent to 13 kgs. for purposes of assessment).

(e) Toll on shooks planks and willow blades and in the case of timber where measurement is not available shall be recovered on actual weight at the rates prescribed.

(f) Toll on the following shall not be levied:

(a) Goods belonging to the Government of India or any State Government in India other than the Jammu and Kashmir State.

(b) Goods required for Banihal Tunnel Project.

(c) Petrol carried by Petrol-Tank Lorries up to 12,000 litres; provided that when such lorries carry other goods, toll shall also be charged thereon.

(g) Vehicles plying between Jammu and Pathankot will get credit of the toll paid at the Toll Station Kathua Railway Station at the Toll Station, Lakhanpur on production of receipt obtained at Toll Station, Kathua Railway Station.

(h) Goods carried to Basohli from within the State via Lakhanpur shall not be subjected to additional toll at Lakhanpur Toll Station.

(i) Light vehicles viz. Station Wagons, Cars, Jeeps, Vans, Scooters, Motor Cycles, with or without side Cars, Tongas, Cycles and Rickshaws when plying empty or carrying passengers with luggage only and goods vehicles when plying empty between Tolls Station Kathua Railway Station and Kathua Town and vice versa shall be kept exempt at Toll Station Kathua Railway Station as here-tofore vide SRO-47 dated 16th February, 1966.

(j) Passenger-buses and light vehicles plying empty or with passengers only between Jammu and Toll Station Kathua Railway Station shall continue to be kept exempt at Toll Station Kathua Railway Station.
N—The following Notification are hereby rescinded:

8. Notification No. SRO-380 dated 14-9-1967 and

This notification shall take effect from 30th June, 1969.

Rate of Toll at Toll Station Tangmarg

Finance Department /Notification SRO-220 dated 10th June, 1971.—In exercise of the powers conferred by sub-section (1) of section 3 of the Levy of Tolls Act, Samvat 1995 (VIII of 1995), and in supersession of Notification SRO-599 dated 26-12-1970, the Government hereby direct that with effect from 11-6-1971 road toll shall be levied at Toll Station Tangmarg at the following rates:

1. **Passenger Buses** .. Rs. 40.00 Per Vehicle
2. **Private Motor Cars, Jeeps, Station Wagons and Vans** Rs. 3.00 Per Vehicle.
3. **Taxi** .. Rs. 5.00 Per Vehicle.
4. **Trucks** .. Rs. 5.00 Per Day;

2 [Provided that toll shall not be levied on:

(i) State Motor Garages Vehicles and other Departmental Vehicles;

(ii) Vehicles belonging to the Government of India or any other State Government in India.]

Levy of Additional Surcharge on Goods carried through all Toll Stations

Finance Department 3 [Notification SRO-566 (A) dated 29th November, 1971.—In exercise of the powers conferred by sub-section (1) of section 3 of the Levy of Tolls Act, Samvat 1995, and in partial

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modification of Notification SRO-334 dated 26-6-1969, the Government hereby direct that an additional surcharge of 10 paisa per quintal shall be levied on goods carried through all Toll Stations specified in the aforesaid Notification SRO-334 dated 26-6-1969.

This Notification shall take effect from 1-12-1971.

Rate of Road Toll at Toll Station Manwal

Finance Department 1[Notification SRO-103 dated 14th February, 1972.—In exercise of the powers conferred by sub-section (1) of section 3 of the Levy of Tolls Act, Samvat 1995 (VIII of 1995), the Government hereby direct that the Road Toll shall be levied at Toll Station Manwal on Dhar-Udhampur Road with immediate effect at the following rates :—

1. All trucks empty or carrying load and passenger buses when carrying load and motor or steel tractors plying up to Banihal or vice versa ... Rs. 10.00 (each trip)

2. All trucks empty or carrying load and passenger buses when carrying load and motor or steel tractors plying beyond Banihal Toll Post or vice versa Rs. 7.50

3. There shall also be levied an additional Toll @ Rs. 2 per 37 Kgs. on the vehicles carrying fruit produced in the State on down traffic at Toll Post Manwal.

Note.—(a) The load carried by the buses shall not include the load permitted vide Notification SRO-193 dated 25-4-1970

(b) The additional Toll on fruit (down traffic) shall not be levied on the fruit specified vide SRO-77 dated 20-2-1968.

(c) Vehicles paying Toll at Manwal Toll Post will get credit thereof at Banihal Toll Post on production of receipt obtained at Manwal. Vehicles crossing Banihal Toll Post will be allowed to pass free at Manwal on production of receipt obtained for payment of full Toll at Banihal.

(d) Vehicles which have paid Toll at Manwal or Kandoli Nagrota shall not be subjected to Toll again at Kandoli Nagrota or Manwal Toll Stations respectively provided the period of journey does not exceed 12 hours.

**SCHEDULE II**

*(See Section 18)*

<table>
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<tr>
<th>No. and year</th>
<th>Subject</th>
<th>Extent of repeal</th>
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<tr>
<td>Act No. III of 1958</td>
<td>Octroi Act. The words &quot;and toll,&quot; occurring between the words &quot;Kahcharai&quot; and,&quot; in section II</td>
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THE LEVY OF TOLLS (AMENDMENT) ACT, 2002.

Act No. XL of 2002.

[Received the assent of the Governor on 12th December, 2002 and published in the Government Gazette dated 16th December, 2002].


Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-third Year of Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Levy of Tolls (Amendment) Act, 2002.

(2) It shall be deemed to have come into force with effect from 17th July, 2002.

2. Amendment of the Preamble of Act VIII of Svt. 1995.—In the preamble of the Levy of Tolls Act, Samvat 1995 (1938 A.D.) (hereinafter referred to as 'the principal Act'), for the words "the Jammu and Kashmir State", the words "the state in respect of men, animals, vehicles, machinery, commodities and goods in any form whatsoever" shall be substituted.

3. Amendment of section 3, Act VIII of Svt. 1995.—In sub-section (1) of section 3 of the principal Act, for the words "in the state", the words "in the state in respect of men, animals, vehicles, machinery, commodities and goods in any form whatsoever" shall be substituted.

4. Repeal and saving.—(1) The Levy of Tolls (Amendment) Ordinance, 2002 (Ordinance No. II of 2002) is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken, any order or notification issued, under any of the provisions of law repealed under sub-section (1) shall be deemed to have been done, taken or issued under the corresponding provisions of this Act as if such provisions of the Act were in force or notification was issued.