



The Indian Tolls (Uttar Pradesh Amendment) Act, 1974
Act 22 of 1974

Keyword(s):
Toll, Toll Collection, Central Act Amendment

Amendment appended: 8 of 1995

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THE INDIAN TOLLS (UTTAR PRADESH AMENDMENT) ACT, 1974

(U. P. ACT NO. 22 OF 1974)

[*Authoritative English text of the Indian Tolls (Uttar Pradesh Sanshodhan) Adhiniyam, 1947]

विधान पुस्तकालय
(राजकीय प्रकाशन)
उत्तर प्रदेश, लखनऊ

AN
ACT

VIII
851.

to amend the Indian Tolls Act, 1851, in its application to Uttar Pradesh

IT IS HEREBY enacted in the Twenty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Tolls (Uttar Pradesh Amendment) Act, 1974.

Short title, extent and commencement.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on the first day of April, 1974.

2. After section 2 of the Indian Tolls Act, 1851, as amended in its application to Uttar Pradesh, hereinafter called the principal Act, the following sections shall be inserted, namely :—

Addition of new Sections 2-A, 2-B, 2-C, 2-D, 2-E and 2-F in Act VIII of 1851.

2-A. 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.

Tolls on roads, and bridges made, maintained or repaired by the Corporation.

2-B. (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.

Powers of a Corporation to manage and collect tolls, etc.

(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.

2-C. (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 :

Power of the State Government and the Corporation to lease and levy of tolls.

Corporation, as the case may be, may deem fit :

Price 010 Paise

(*For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated June 22, 1974).

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on June 20, 1974 and by the Uttar Pradesh Legislative Council on July 5, 1974).

(Received the Assent of the Governor on July 23, 1974, under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated July 25, 1974)

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 subsection (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 arrear 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.

2-D. 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.

2-E. 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.

2-F. 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."

Insertion of new section 9.

3. After section 8 of the principal Act, the following section shall be inserted, namely :—

"9. (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 Houses 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."

Dated, Lucknow, March 14, 1995

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India the Governor is pleased to order the publication of the following English translation of the Indian Tolls (Uttar Pradesh Amendment) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 8 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 14, 1995.

**THE INDIAN TOLLS (UTTAR PRADESH AMENDMENT) ACT,
1995**

(U. P. ACT No. 8 OF 1995)

(As passed by both Houses of the Uttar Pradesh Legislature under Article 198
of the Constitution of India)

AN
ACT

further to amend the Indian Tolls Act, 1851 in its application to Uttar Pradesh

IT IS HEREBY enacted in the Forty-sixth Year of the Republic of India
as follows :—

1. (1) This Act may be called the Indian Tolls (Uttar Pradesh Amendment)
Act, 1995.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on January 10, 1995

2. After section 1-A of the Indian Tolls Act, 1851, as amended in its
application to Uttar Pradesh, hereinafter referred to as the principal Act, the
following section shall be inserted, namely :—

“1-B. In this Act—

Definition “Authorised person” means any person authorised under
section 2-B”.

3. In section 2 of the principal Act, for the words “made or repaired”
the words “made, maintained or repaired” shall be substituted.

Short title, extent
and commence-
ment

Insertion of new
section 1-B in
Act no. VIII of
1851

Amendment of
section 2

Amendment of section 2-A.

4. In section 2-A of the principal Act—

(a) in the marginal heading, for the words "the Corporation" the words "an Authorised person" shall be substituted,

(b) for the words "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)", the words "which has been or shall hereafter be made, maintained or repaired at the expense of an Authorised Person" shall be substituted,

(c) for the words "made or repaired" the words "made, maintained or repaired" shall be substituted.

Substitution of section 2-B

5. For section 2-B of the principal Act, the following section shall be substituted, namely :—

"2-B—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, and in accordance with any agreement that may be made in this behalf, the State Government may authorise any person 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 such person, or the maintenance and repairs whereof has been or shall be transferred to such person by the State Government."

6. In section 2-C of the principal Act—

(a) in the marginal heading for the words "the Corporation" the words, "the Authorised Person" shall be substituted;

(b) in sub-section (1), for the words "the State Government or the Corporation" wherever they occur, the words "the State Government or the Authorised Person" shall be substituted;

(c) in sub-section (2), for the words "and in the case of the Corporation, the Managing Director thereof" the words "and in case of an Authorised Person, if he is an individual, the Authorised Person himself, any in any other case, the person incharge of the affairs thereof (by whatever name called)" shall be substituted.

Amendment of section 2-C

Amendment of section 2-D

Insertion of new section 2-G

7. In section 2-D of the principal Act, for the words "the Corporation" the words "the Authorised Person" shall be substituted.

8. After section 2-F of the principal Act, the following section shall be inserted, namely,—

"2-G. Notwithstanding anything contained in any law for the time being in force, no local authority shall, with effect from the date of commencement of the Indian Tolls (Uttar Pradesh Amendment) Act, 1995 manage or collect tolls in respect of which the State Government or an Authorised person may manage or collect the tolls under this Act."

Amendment of section 8

9. In section 8 of the principal Act, the following proviso shall be inserted, namely :—

"Provided that the tolls collected by an Authorised person shall not be deemed public revenue."

Repeal and savings

10. (1) The Indian Tolls (Uttar Pradesh Amendment) Ordinance, 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

U. P. Ordinance no. 2 of 1995

By order,
N. K. NARANG,
Pramukh Sachiv.