

Himachal Pradesh Tolls Act, 1975

9 of 1975

[17 May 1975]

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Himachal Pradesh Tolls Act, 1975

9 of 1975

[17 May 1975]

An Act to provide for the levy and collection of tolls on mechanical vehicles [FOOTNOTE 2][passing over any road infrastructure] in Himachal Pradesh.

Amended, repealed or otherwise affected by,-

² Subs for the words "crossing barriers" vide Act No. 12 of 2001.

³ (i) The H.P Act No. 12 of 2001, published in Hindi and English in R.H.P. Extra, dated 21-5-2001 p.529-536.

3 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.

(ii) The H.P.No.9 of 2002 **1**, published in Hindi and English in R.H.P. Extra., dated 8th May, 2002 at pages 307-310.

(iii) The H.P. Act No. 16 of 2002 **2** published in Hindi and English in R.H.P. Extra., dated 9th October,2002 at pages 1989-1992, effective w.e.f.21st May, 2001.

(iv) The H.P. Act No. 9 of 2003 **3** published in Hindi and English in R.H.P. Extra., dated 2nd August, 2003 at pages 1103-1106.effective w.e.f.1st April, 2003.

(v) The H.P. Act No.18 of 2006 **4** published in Hindi and English in R.H.P. Extra., dated 30th September,2006 at pages 4921-4923.effective w.e.f.23rd May,2006.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-sixth 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 26.3.2002, P.4643 & 4646.

2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 29.8.2002, P.1611 & 1616.

3. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons R.H.P. Extra., dated 18.7.2003, P821 & 826.

4. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons R.H.P. Extra., dated 23.8.2006, P. 3888 & 3892.

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;

5[(aa) "Commissioner" means Excise and Taxation Commissioner,

Himachal Pradesh;

(a-b) "lessee" means a person to whom the lease of the right to collect toll has been granted under section 3-A.]

⁶(a-c) "light mechanical vehicle" means a motor car or van or jeep or gypsy the unladen weight of which does not exceed 7500 kilograms.

(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 ⁷[(28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988)] 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;

¹ [(d-a) "Road Infrastructure" means roads, tunnels, flyovers, bridges, underground roads, approach or link roads or by-passes and includes other services and facilities ancillary thereto.

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

(e) "State Government" or "Government" means the Government of Himachal Pradesh;

² [(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;]

(f) "Toll Inspector" means the person authorised by the State Government to collect toll in respect of any mechanical vehicle ³ [Passing over any road infrastructure] and includes:-

⁴ [(i) every Government servant posted at a barrier in connection with the collection of toll; and

(ii) every lessee or the person employed by him as his agent for collection of toll under section 3-A.]

5 Clauses (a-a) and (a-b) ins. vide Act No. 9 of 2002.

6 Clause (a-c) ins. vide Act No.9 of 2003 w.e.f.1.4.2003.

7 Subs. vide Act No. 12 of 2001.

1 Sub-Clauses (d-a) and (d-b) ins. vide Act No. 12 of 2001 and sub-clause (d-a) subs, vide Act No. 16 of 2002 w.e.f. 21st May,2001.

2 Sub-clauses (e-a) and (e-b) ins. vide Act No. 12 of 2001.

3 Subs. for the words "crossing barriers" vide Act No.12 of 2001.

4 Subs. for the words "every Government servant posted at a barrier in connection with the collection of tolls" vide Act No.9 of 2002.

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 ⁵ [Schedule-I] to this Act, ⁶ [for the use of any road infrastructure], a toll at the rate specified against each mechanical vehicle in ⁷ [columns (3),(4) and (5)] thereof.

⁸ [(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 ⁹ [Schedule-I] and amend the rate of tolls specified in columns (3),(4) and (5) thereof and thereupon the said ¹⁰ [Schedule-I], 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 ¹ [Schedule-I].

(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 Legislative Assembly.]

(3) Every person in charge of mechanical vehicle for ² [using any road infrastructure] 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 ³ [within the period for which the toll is paid.

⁴ [(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 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 Subs. for the words "SCHEDULE" vide Act No.9 of 2003 w.e.f. 1.4.2003.

6 Subs. for the words "crossing barrier" vide Act No. 12 of 2001 and again the words "passing over" subs, by the words "for the use of" vide Act No.16 of 2002, w.e.f.21.5.2001.

7 Subs. for the word, bracket and figure "column(3)" vide Act No. 12 of 2001.

8 Section (2) and (2-A) subs, vide Act No.12 of 2001.

9 Subs. for the words "SCHEDULE" vide ActNo. 9 of 2003 w.e.f. 1.4.2003.

10 Subs. for the words "SCHEDULE" vide ActNo. 9 of 2003 w.e.f. 1.4.2003.

1 Subs. for the words "SCHEDULE" vide ActNo. 9 of 2003 w.e.f.1.4.2003.

2 Subs. for the words "crossing a barrier" vide Act No. 12 of 2001 and again the words "passing over" subs, by the words "using" vide Act No. 16 of 2002 w.e.f.21st May, 2001.

3 Subs. for the words "within a period of 24 years" vide Act No. 12 of 2001.

4 Section (5) (6) (7) Added vide Act No. 12 of 2001.

3A. Power of the State Government to lease the right to collect toll :-

5 [3-A. Power of the State Government to lease the right to collect toll.-

(1) the State Government may, with effect from such date as it may by notification specify, lease to any person the right to collect toll levied under section 3, on mechanical vehicles passing over any road infrastructure, by auction or tender or combination of both, or any other mode for any financial year or part thereof, on such terms and conditions as the Commissioner may, subject to approval of the State Government, determine.

(2) For the purpose of grant of lease under sub section (1), the Commissioner shall, after taking into consideration the receipts of the toll or the preceding year for any part thereof and the rates of toll applicable for the lease period, assess aggregate amount of toll likely to be recovered at a barrier during the period of lease.

(3) The lessee shall be required to furnish such security for due fulfillment of the terms and conditions of the lease as the Commissioner may direct.

(4) Any sum (including penalty, interest or costs of the proceedings) payable by the lessee under a lease granted under

sub-section (1), if not paid by the due date, shall be recoverable as arrears of land revenue.]

5 Section (3-A) Added vide Act No. 9 of 2002.

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 :-

1 [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 infrastructure, for the purpose of this Act.]

1 Section 6 subs, vide Act No.16 of 2002 w.e.f.21.5.2001

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 the 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 [FOOTNOTE 2][until] the toll is paid.

[FOOTNOTE 2] Subs. for the words "or seize any of the goods or part of burden or load of sufficient value to defray the toll and sell the same, unless" vide Act No. 9 of 2002.

9A. Establishment of Mobile Squads :-

3 [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.]

3 Section (9-A) Ins. vide Act No. 12 of 2001.

10. Refund :-

¹[10. Refund.

The Assistant Excise and Taxation Commissioner or the Excise and Taxation Officer in charge of the district either suo-moto or on an application shall, in the prescribed manner, refund to the lessee or any other person, with the prior approval of the Commissioner, any amount of lease money paid by such lessee or person under this Act, if the amount of lease money so paid is in excess of the amount due from him under this Act:

Provided that refund shall only be allowed to the lessee in the event of any loss sustained on account of law and order situation, natural calamity or by acts of God or force majeure:

Provided further that no refund under this section shall be allowed unless the claim for refund is made within a period of one year from the date on which such claim accrues.]

1 Section 10 omitted vide Act No.9 of 2002 and again ins. vide Act No. 18 of 2006.

10A. Appeal :-

² [10-A. Appeal.- An appeal shall lie to the ³[Financial Commissioner (Appeal) as an Appellate Authority] , against any order passed by the Excise & Taxation Commissioner, Himachal Pradesh under this Act, within sixty days of the passing of such order or within such further period as the appellate authority may, for sufficient cause, allow.

2 Section 10-A and 10-B inserted vide Act No. 18 of 2006

3 Section 10-A amended vide notification No.EXN-F(1)-4/2012, dated 16,h February, 2013

10B. Revision :-

The Commissioner may, on his own motion call for the record of any proceeding which is pending before, or have been disposed of by any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or the orders are prejudicial to the interest of revenue, may pass such order in relation thereto as he may think fit:

Provided that powers under this section shall be exercisable only

within a period of five years from the date on which such order was communicated.]

11. Penalties :-

Whosoever (1):-

(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, authorized 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. Exemptions :-

¹[13. Exemptions.- (1) No toll shall be payable and charged on the vehicles specified in column (2) of the Schedule-II for the use of any road infrastructure, subject to the conditions and exceptions, if any, set out in column (3) thereof.

(2) The State Government, after giving by notification not less than thirty days notice of its intention so to do, may by like notification, add to or delete any vehicle from the Schedule-II and thereupon the said Schedule-II shall be deemed to be amended accordingly.

(3) Every notification issued under sub-section (2) shall, as soon as may be, after it is issued, be laid on the Table of the Legislative Assembly.]

1 Section 13 subs. Act No.9 of 2003 w.e.f.1.4.2003

14. Power to make rules :-

(1) The State Government may by notification in the Official Gazette, make rules ² 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 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.

3 [Validation - Notwithstanding anything contained to the contrary in the Himachal Pradesh Tolls Act, 1975 (9 of 1975) (hereinafter referred to as the "Principal Act"), levy, collection or payment of toll or any action taken or anything done or purporting to have been taken or done under the provisions of the principal Act, at any time on or after the 21st day of May, 2001 but before the publication of the Himachal Pradesh Tolls (Second Amendment) Act, 2002 (hereinafter referred to as the "said Act"), shall be deemed to be valid and effective as if such levy, collection or payment or any action or anything had been taken or done under the provisions of the said Act and accordingly:-

(i) the aforesaid toll levied, collected or paid or purporting to have been levied, collected or paid under the provisions of the principal Act, before the publication of the said Act shall and shall always be deemed to have been validly levied, collected or paid in accordance with the law;

(ii) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of, and no enforcement shall be made by any court or authority of any decree or order directing the refund of any such aforesaid toll which has been collected or paid;

(iii) recoveries, if any, shall be made in accordance with the provisions of the principal Act as amended by the said Act, of all amounts which would have been collected thereunder as such aforesaid toll if the said Act have been in force at all material times; and

(iv) any action taken or anything done (including any rule or order made, any barrier established or removed, notification issued or directions given) under the principal Act, before the publication of

the said Act, shall and shall always deemed to have been validly taken or done in accordance with the provisions of the principal Act, as amended by the said Act.

(2) For the removal of doubts, it is hereby declared that-

(a) Nothing in sub-section (1) shall be construed as preventing any person-

(i) from questioning in accordance with the provisions of the said Act, the levy, collection or payment of the aforesaid toll; or

(ii) from claiming refund of aforesaid toll paid by him in excess of the amount due from him under the provisions of the principal Act as amended by the said Act; and

(b) No Act or omission on the part of any person, before the publication of the said Act, shall be punishable as an offence which would not have been so punishable if the said Act had not come into force.]

2 Rules framed vide Not. No.2-1/75, PWD, dated 16th June, 1975 (appended).

3 Validation section ins. vide Act No.16 of 2002, w.e.f.21.5.2001.

SCHEDULE 1

SCHEDULE 1

SCHEDULE 1 (See section-3)

| Sr. No. | Particulars of vehicles | Rate of Toll per day or part thereof | Rate of toll per quarter of part thereof | Rate of toll per year or part thereof |
|----------------|---|---|---|---|
| 1. | 2. | 3. | 4. | 5. |
| 1. | Vehicle having loading capacity: (a) Exceeding 120 quintals | 2 Rs.400.00 | 20 times the rate as specified in Column (3) | 3 times the amount as specified in Column (4) |
| | (b) of 90 but not exceeding 120 quintals. | 2 Rs.200.00 | -do- | -do- |
| | (c) of 20 but not exceeding 90 quintals | 2 Rs.100.00 | -do- | -do- |
| | (d) Less than 20 quintals | 2 Rs.75.00 | -do- | -do- |
| 1.A | Tractor plying with public carrier or private carrier permit 1[(except when used for agricultural purposes.)] | Rs. 40.00 | -do- | -do- |
| | Passenger vehicles having | | | |

| | | | | |
|----|--|----------------|--|--|
| 2. | passenger. Vehicles having seating capacity of: | 2 Rs.100.00 | -do- | -do- |
| | (a) above 12 passengers | | | |
| | (b) upto 12 passengers | 2 Rs.60.00 | -do- | -do- |
| | (c) other light motor vehicles such as jeep, car, pickup van, station wagon: | Rs.40.00 | -do- | -do- |
| | (i) Registered as Public Vehicle. | | | |
| | (ii) Registered as Private carrier. | Rs.30.00 | 3 [15 times the rate as Specified in Column (3)] | 3 45 times the rate as specified in column (3) |
| | [(iii) The owners of private registered vehicle residing within 5 kilometres radius of toll barrier. | Rs.30.00 | 6 Rs. 50.00 | 6 Rs. 150.00 |
| 3. | (a) Motor Rickshaw and Scooter Rickshaw. | Rs. 20.00 | 4 [20 times the rate as specified in Column (3)] | 4 [60 times the amount as specified in Column (4)] |
| | 2 [(b) XXXXXX] | | | |

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.

- Added vide Not. No. EXN-F(21)4/2000, dated 29th May, 2002, published in RHP. Extra., dated 30.5.2002
- In column 3 the rates of toll specified against Sr. No. 1(a), (b), (c), (d), 2 (a), (b), (c) (i), (ii), 3(a) subs, vide notification No. EXN-F(21) 4/2000, dated 29th May, 2002, published in R.H.P. Extra., dated 30.5.2002, p. 539-540. Further substituted vide Notification No. EXN-F(10)-1/2010(i) dated 11th March, 2010. Further substituted vide notification No. EXN-F(10)-1/2010(i) dated 21.3.2011.
- Subs. for the words and sign "-do-" vide Not. No. EXN-F (10)1/2004, dated 31st March, 2004, published in R.H.P. Extra., dated 31.3.2004, p. 3960-3961.
- Subs. for the words and sign "-do-" vide Not. No. EXN-F(10)1/2004, dated 31st March, 2004, published in R.H.P. Extra., dated 31.3.2004, p. 3960-3961. Further amended vide notification No. EXN-F(10)-1/2010(i) dated 21.3.2011.
- Item No.1 substituted by notification No. EXN-F(10)-1/2008 dated 31.3.2008
- Substituted vide notification No. EXN-F(10)-1/2008 dated 30th March, 2009. Further amended vide notification No. EXN-F(10)-1/2010(i) dated 21.3.2011.

SCHEDULE 2

SCHEDULE II

**SCHEDULE II
(See Section 13)**

| SI. No. | Particulars. | Conditions and Exceptions. |
|---------|---|--|
| 1. | 2. | 3. |
| 1. | The mechanical vehicles belonging to the President, Defence Services of Union India, Diplomatic Crops, the Himachal Pradesh Government, 6[Central Government and other States Government], Fire Tenders and the High Court of Himachal Pradesh; | ----- |
| 2. | The light mechanical vehicles belonging to the Vice-President, the Ministers, the Speaker and the Deputy Speaker; | ----- |
| 3. | The light mechanical vehicles belonging to the Members of parliament elected from Himachal Pradesh and the Members of the Himachal Pradesh Legislative Assembly; | ----- |
| 4. | The ambulances and the vehicles specially designed for use by physically handicapped person; | ----- |
| 5. | Motor cycles and Scooters; and | |
| 6. | Tractors. | When used for agricultural purpose. |
| 7. | 7 The light mechanical vehicles belonging to the serving personnel of the Army and Air Force whether they are traveling on duty or off duty and their spouses and dependent children. | On production of Identity Cart and Registration Certificate of the vehicle and certificate from the Army/Air Force authorities in favour of their spouses and dependent children to the effect that they are the members of the family of such personnel and are undertaking the journey for their private work and are not carry out any business activities. |
| 8. | 8 The light mechanical vehicles belonging to the Gallantry Award Winner ex-servicemen and their families i.e. recipients of Param Veer Chakra, Ashok Chakra, Maha Veer Chakra, Kirti Chakra, Veer Chakra, Shourya Chakra, Sena Medal (Gallantry), and also the recipients of Victoria Cross and Military Cross. | On production of Certificate/ Identity Card issued by the competent Military Authority or on production of and identity card issued by the Asstt. Excise & Taxation Commissioner, In-charge of the District. |
| 9. | Vehicles of Ex-Members of Legislative Assembly and Ex-Members of Parliament elected from Himachal Pradesh only. | ----- |

- 1 Item No. (iii) ins. vide Not. No. EXN-F (10)1/2004, dated 31st March, 2004
- 2 Sub-item (b) omitted vide Not. No. EXN-F-F(21)4/2000, dated 29th May, 2002.
- 3 Subs. for the words and sign "-do-" vide Not. No. EXN-F(10)1/2004, dated 31st March, 2004.
- 4 Subs. for the words and sign "-do-" vide Not. No. EXN-F(10)1/2004, dated 31st March, 2004.
- 5 SCHEDULE-II added vide Act No. 9 of 2003 w.e.f. 1.4.2003.
- 6 Ins. vide Not. No. EXN-F(10)1/2005, dated 30th March, 2005, published in R.H.P. Extra, dated 31.3.2005
- 7 Added by notification No. EXN-F(6)1/2003-PF-I dated 14th September 2007 published in R.H.P. Extra, dated 18.9.2007.
- 8 Item No.8 inserted vide notification No. EXN-F(10)-1/2008 dated 30th March, 2009.
- 9 Item No.9 inserted vide notification No. EXN-F(1)-1/2012(i) dated 21.3.2012.