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Punjab Tolls On Roads And Bridges Ordinance, 1962**8 of 1962****[12 April 1962]**

An Ordinance to amend and consolidate the law relating to the levy of tolls on public roads and bridges in the province of [3][the Punjab] Preamble.- WHEREAS it is expedient to amend and consolidate the law relating to the levy of tolls on public roads and bridges in the province of [4][the Punjab]; Now, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and having received the previous instructions of the

President the Governor of West Pakistan, in exercise of all powers enabling him in that behalf, is pleased to make and promulgate the following Ordinance:-

1. Short Title And Extent :-

(1) This Ordinance may be called the [5][Punjab] Tolls on Roads and Bridges Ordinance, 1962.

(2) It extends to the whole of [6][Pakistan].

2. Definitions :-

In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "Government" means [7][in relating to national highways and strategic roads declared as such by or under a Federal Law, the Federal Government and in relation to other matters, the Provincial Government];

(b) "toll" means a charge levied under this Ordinance for the use of a road or bridge.

3. Government May Levy Tolls :-

Government may cause tolls to be levied[8] on all persons, animals, vehicles or other things using, crossing or passing over any road or bridge vesting in it or which may hereafter vest in it at such rates as it may notify in the official Gazette:

Provided that Government may declare any person or any class or classes of persons, animals, vehicles or other things to be exempted[9] from the payment of such tolls.

4. Power Of Government To Set Up Toll Gates And Stations :-

When the rates of tolls to be levied upon any bridge or road have been notified, Government may set up or cause to be set up at or near such bridge or road, toll gates or stations for the collection of tolls.

5. Table Of Tolls To Be Affixed To Or Near Toll Gates, Etc :-

A table of the tolls authorised to be taken at any toll gate or station set up under section 4, legibly written or printed, shall be affixed to

some conspicuous place in or near such toll gate or station.

6. Collection Of Tolls :-

Government may place the collection of tolls leviable under this Ordinance under the management of such person as may appear to it proper.

7. Tolls May Be Leased :-

(1) Government may, from time to time, lease out the tolls of a bridge or road, by public auction or private contract for any period not exceeding five years, on such terms and conditions, as Government may consider desirable:

[10][Provided that in the case of Build, Operate and Transfer (BOT) projects the period of lease may be such as may be determined by the Government.]

(2) When the tolls are put up to auction, the officer conducting the auction may, for reasons to be recorded in writing, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from the auction.

(3) The acceptance of any bid at an auction conducted under the provisions of sub-section (2) by the officer conducting the auction shall be subject to confirmation by Government.

(4) All arrears due from the lessee on account of the lease of the toll may be recovered from him or from his surety, if any, as if they were arrears of land revenue.

8. Power Of Government To Cancel A Lease :-

(1) Government may cancel the lease of the tolls on any bridge or road on the expiration of three months notice in writing to the lessee of its intention to do so.

(2) When any lease is cancelled under sub-section (1), Government shall pay to the lessee such compensation for the unexpired period of the lease as the [11][Superintending Engineer for Provincial Roads and District Officer (Revenue) in case of District Roads] may award.

(3) Any party dissatisfied with the award [12][* * *] given under sub-section (2), may, within thirty days of the date of such award, appeal to the [13][Chief Engineer for Provincial Roads and Executive District Officer (Revenue) in case of District Roads], whose decision shall be final.

[14][(4) Notwithstanding anything contained in this section in the case of BOT contract the lease shall be cancelled in accordance with the terms of the contract.

9. Lessee May Surrender Lease :-

The lessee of the tolls of any bridge or road may surrender his lease on the expiration of one months notice in writing to Government of his intention to do so, on payment of such compensation as Government may direct.

10. Tolls May Be Compounded :-

Any person entrusted with the management of the collection of tolls under this Ordinance may, for a period not exceeding one year, or where the tolls on any bridge or road have been let under section 7, the lessee of such tolls may, for the period of lease or any shorter period, compound for the tolls payable for passage over such bridge or road.

11. Liabilities Of Persons Employed In The Management Of Tolls :-

Every person employed in the management of tolls levied under this Ordinance shall be subject to the same responsibilities as would lie on him if employed in the collection of land revenue.

12. Lessee And His Agents Deemed To Be Persons Appointed To Collect Tolls :-

When the tolls on any bridge or road have been duly leased under section 7, 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 Ordinance, and shall exercise all powers and be subject to all responsibilities attaching to persons appointed to collect tolls under this Ordinance.

13. Penalty For Refusal To Pay Tolls, Etc :-

Whoever-

- (a) while crossing or passing over any bridge or road on which tolls are levied, refuses to pay the proper toll; or
- (b) with intent to avoid payment of such toll, fraudulently or forcibly crosses such bridge or passes over such road without

paying the toll; or

(c) obstructs any toll-collector or lessee or any of his assistants or agents in any way in the execution of their duty under this Ordinance;

shall be punished with fine which may extend to two hundred rupees.

14. Penalty For Unlawful Levy Of Tolls Or Doing Unlawful Acts Under Colour Of The Ordinance :-

Whoever-

(i) not being appointed to collect tolls under this Ordinance, levies or demands any toll on any public road or bridge ; or

(ii) unlawfully and extortionately demands or take any other or higher toll than the lawful toll; or

(iii) under colour of this Ordinance seizes or sells any property, knowing such seizure or sale to be unlawful; or

(iv) in any manner unlawfully extorts money or any valuable thing from any person under colour of this Ordinance;

shall be liable, on conviction before a magistrate, to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred rupees, or both.

15. Powers Of Toll-Collector To Seize Vehicles, Animals, Etc., For Non-Payment Of Tolls :-

Without prejudice to any other penalty that may be imposed under this Ordinance, in case of non-payment of any toll on demand, the officer appointed to collect the same may seize any of the vehicles or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll, and, if any toll, together with the cost arising from such seizure, remains undischarged for twenty-four hours, the case shall be brought before the officer appointed to superintend the collection of the tolls, who shall thereupon issue a notice that on the afternoon of the next day, exclusive of Sunday and any closed holiday, he shall sell such property by auction and at the time specified in such notice he may sell the property seized for the discharge of the toll, and all expenses occasioned by such non-payment, seizure and sale:

Provided that if at any time before the sale has actually begun, the person whose property has been seized tenders the amount of all expenses incurred, and double the toll payable by him, the property seized shall forthwith be released.

16. Police Officers To Assist Toll-Collectors :-

Every police officer shall be bound to assist a toll-collector, when required, in the discharge of his duties under this Ordinance, and for that purpose shall have the same power as he possesses in the exercise of his ordinary police duties.

17. Jurisdiction Of Courts Barred :-

No proceedings shall lie in any Court in respect of the amount of compensation payable under section 8 or 9 or the abatement of any rent or lease money payable under this Ordinance.

18. Power Of Government To Delegate Its Powers :-

Government may delegate any of its powers and functions under this Ordinance to any local authority[15][or officer subordinate to it or any other person].

19. Power To Make Rules :-

Government may after previous publication, make rules for the purpose of carrying into effect the provisions of this Ordinance.

20. Repeal And Savings :-

(1) The Tolls on Roads and Bridges Act, 1875[16] hereinafter referred to as the said Act, is hereby repealed.

(2) Notwithstanding the repeal of the said Act, everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or powers conferred, rule made, notification issued or lease granted under the provisions of the said Act shall, if not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, made, issued or granted under this Ordinance.