

**THE INDIAN TOLLS (ARMY AND AIR FORCE) ACT, 1901**

**ACT NO. II OF 1901**

(As modified up to 31st July, 1962)

[22nd February, 1901]

An Act to amend the law relating to the exemption from tolls of persons and property belonging to the Army <sup>2</sup> [or Air Force].

<sup>3</sup> \* \* \* \* \*

It is hereby enacted as follows:—

**1. SHORT TITLE, EXTENT AND COMMENCEMENT.**

(1) This Act may be called the Indian Tolls <sup>4</sup> [(Army and Air Force)] Act, 1901;

<sup>5</sup> [(2) It extends to the whole of India. <sup>6</sup> \* \* \* \* \*]

(3) It shall come into force on the first day of April 1901.

<sup>7</sup> **[2. DEFINITIONS.**

In this Act, unless there is anything repugnant in the subject or context-

(a) The expression "authorised followers" means persons other than officers, soldiers or airmen, who are employed by, or are in the service of the Forces or Corps concerned, or are in the service of any officer, soldier or airman of such Forces or Corps;

(b) "Carriage" means a vehicle for carriage or haulage other than one specially constructed for use on rails;

(c) "Ferry" includes every bridge and other thing which is a ferry within the meaning of any enactment authorising the levy of tolls on ferries, but does not include any ferry or other thing which is included in the definition of "railway" in section 3 of the Indian Railways Act, 1890 (IX of 1890);

<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1899, Pt. V, p. 175; for Report of the Select Committee, see *ibid.*, 1901, Pt. V, p. 7; for Proceedings in Council, see *ibid.*, 1900, Pt. VI, p. 236; *ibid.*, 1901 Pt. VI, pp. 11 and 16. This Act has been extended to Berar by the Berar Laws Act, 1941 (4 of 1941).

<sup>2</sup> Ins. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch. I.

<sup>3</sup> Preamble omitted by the Adaptation of Laws Order, 1950 (A.O. 1950).

<sup>4</sup> Subs. by the Indian Tolls (Army) Amendment Act, 1942 (14 of 1942), s. 2, for "(Army)".

<sup>5</sup> Subs. by the A. O. 1950 for the former sub-section.

<sup>6</sup> The words "except Part B States" were omitted by the Part B States (Laws) Act, 1951 (3 of 1951) 7 Subs. By Act 14 of 1942, s.3, for the former section 2.

<sup>1</sup> [(d) The expression "the regular forces" means "the regular Army" as defined in clause (xxi) of section 3 of the Army Act, 1950 (XLVI of 1950), and includes the "Air Force" as defined in clause (iv) of section 4 of the Air Force Act, 1950 (XLV of 1950);]

(e) "Horse" includes a mule and any beast of whatever description which is used for burden or draught or for carrying persons;

(f) The expression "Irregular Corps" means any force (other than <sup>2</sup> [the Regular Forces or] <sup>3</sup> [the Territorial Army or the National Cadet Corps] raised and maintained in India under the authority of the Central Government, <sup>4</sup> \* \* \* or any other force which may be notified in this behalf by order published in the official Gazette;

(g) The expression "Indian Reserve Forces" means the forces constituted by the Indian Reserve Forces Act, 1888 (V of 1888), and includes officers belonging to the Army in India Reserve of Officers or to the <sup>5</sup> [Regular Reserve of Officers] and members of <sup>6</sup> \* \* \* the Indian Air Force Volunteer Reserve when subject to military or air force law, as the case may be;

(h) "Landing place" includes a pier, wharf, quay, jetty and a stage, whether fixed or floating;

(i) "Public authority" means the Central Government <sup>7</sup> \* \* \* \* \* or a <sup>8</sup> [State] Government or a local authority; and, so far as regards tolls levied by a railway company under section 4 of the Indian Guaranteed Railways Act, 1879 (42 and 43 Vict., C. 41), or section 51 of the Indian Railways Act, 1890 (IX of 1890), includes such a railway company; and

(j) "Tolls" includes duties, dues, rates, rents, fees and charges, but does not include customs duties levied under the Indian Tariff Act, 1934 (XXXII of 1934), octroi duties or town duties on the import of goods, or fares paid for the conveyance of passengers on a tramway].

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<sup>1</sup> Subs. by the Part B States (Laws) Act, 1951 (3 of 1951) for the former clause.

<sup>2</sup> Ins. by the Adaptation of Laws Order 1950.

<sup>3</sup> Subs. by Act 3 of 1951 for "the Auxiliary Force (India) or the Indian Territorial Force"

<sup>4</sup> The words 'or of the Crown Representative' rep. by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948 (A. O. 1948).

<sup>5</sup> Subs. by Act 3 of 1951 for 'Indian Regular Reserve of Officers'.

<sup>6</sup> The words "the Royal Air Force Volunteer Reserve and" were rep. by the A.O. 1950.

<sup>7</sup> The words 'or the Federal Railway Authority' were rep. by the A.O. 1948.

<sup>8</sup> Subs. By the A.O. 1950 for "Provincial".

**3. Exemptions from tolls.** The following persons and property, namely:-

- <sup>1</sup> [(a) All officers, soldiers and airmen of—  
(i) <sup>2</sup> [The Regular Forces,]  
(ii) Any Irregular Corps. <sup>3</sup>\*\*\*.

<sup>3</sup> \* \* \*

**Note:** Vide Gol Ltr. No. NH-11065/12/2003-P&M Dt. 15 Sep 04, the Min of Shipping, Road Transport & Highways, Department of Road Transport & Highways (P&M Section) has issued a clarification that defence personnel are exempted from paying tolls on national highways also. Copy of the *ibid* letter is attached as Appendix.

(b) All members of <sup>4</sup> [the Territorial Army or of the National Cadet Corps,] when on duty or when proceeding to or returning from duty.

(c) All officers, soldiers and airmen of the Indian Reserve Forces when proceeding from their place of residence on being called out for service, training, or muster or when proceeding back to their place of residence after such service, training or muster,

(d) All authorised followers of

- (i) <sup>2</sup> [the Regular forces.]  
(ii) <sup>5</sup> [the Territorial Army or the National Cadet Corps.]  
(iii) Any Irregular Corps. <sup>3</sup>\*\*\*.

<sup>3</sup>\* \* \*

(e) All members of the familiar of officers, soldiers, airmen or authorised followers of

- (i) <sup>2</sup> [the Regular Forces,] or

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<sup>1</sup> Cls. (a) to (g) subs. by the Indian Tolls (Army) Amendment Act, 1942 (14 of 1942), s.4 for the former cls. (a) to (h).

<sup>2</sup> Subs. by the A.O. 1950 for "His Majesty's Regular Forces".

<sup>3</sup> Omitted by A.O. (No.2), 1956.

<sup>4</sup> Subs. by the Part B States (Laws) Act, 1951 (3 of 1951) for "the Auxiliary Force (India) or of the Indian Territorial Force".

<sup>5</sup> Subs., *ibid.* for the former sub-clause ii).

(ii) Any Irregular Corps,

when accompanying any body of troops, of any officer, soldier, airman or authorised follower thereof on duty or on the march,

(f) All prisoners under military or air force escort,

(g) The carriages, horses and baggage, and the persons (if any) employed in driving the carriages or in carrying the baggage, of any persons exempted under any of the foregoing clauses, when such carriages, horses, baggage, or persons accompany the persons so exempted under the circumstances mentioned in those clauses respectively.]

<sup>1</sup> [(h)] All carriages and horses belonging to <sup>2</sup> [Government] or employed <sup>3</sup> [in the Indian] military <sup>4</sup> [or air force] service and all persons in charge of or accompanying the same, when conveying any such persons as hereinbefore in this section mentioned, or when conveying baggage or stores, or when returning unladen from conveying such persons, baggage or stores,

<sup>1</sup> [(i)] all carriages and horses, when moving under the orders of military <sup>4</sup> [or air force] authority for the purpose of being employed <sup>3</sup> [in the Indian] military <sup>4</sup> [or air force] service,

<sup>1</sup> [(j)] All animals accompanying any body of troops which are intended to be slaughtered for food or kept for any purpose connected with the provisioning of such troops, and

<sup>1</sup> [(k)] All persons in charge of any carriage, horse or animal exempted under any of the foregoing clauses when accompanying the same under the circumstances mentioned in those clauses respectively,

shall be exempted from payment of any tolls—

(i) On embarking or disembarking, or on being shipped or landed, from or upon any landing place, or

(ii) In passing along or over any turnpike or other road or bridge, or

(iii) On being carried by means of any ferry,

<sup>1</sup> The original cls. (i), (j), (k) and (l) were relettered (h), (i), (j) and (k) respectively by the Indian Tolls (Army) Amendment Act, 1942 (14 of 1942), s. 4.

<sup>2</sup> Subs. by the A.O. 1950 for "His Majesty".

<sup>3</sup> Subs., *ibid.*, for "in His Majesty's".

<sup>4</sup> Ins. by the Repealing and Amending Act, 1927, (10 of 1927), s. 2 and Sch. I.

otherwise demandable by virtue of any Act,<sup>1</sup> Ordinance, Regulation, order or direction of any legislature or other public authority in [India] :

Provided that nothing in this section shall exempt any boats, barges or other vessels employed in conveying the said persons or property along any canal from payment of tolls in like manner as other boats, barges and vessels.

<sup>2</sup>[*Explanation* – The persons or property exempted under clauses (d), (e), (g) and (j) shall be deemed to accompany the Forces, troops, persons or property concerned, when the move of the former is the direct result of, or is connected with the move of the latter, irrespective of the interval of space and time between the two moves.]

**4. Tolls on vessels transporting troops and baggage, etc., of troops embarked or disembarked.** (1) No tolls shall be leviable by any local authority in respect of—

(a) Any vessel employed by [the Central Government]<sup>3</sup> solely for the transport of troops, or

(b) The horses, baggage or other effects of any troops embarking or disembarking at any port, or

(c) Carriages belonging to [Government]<sup>4</sup> or employed [in the Indian],<sup>5</sup> military<sup>6</sup> [air-force] service embarking or disembarking at any port.

(2) In respect of all such vessels or troops, their families, their horses, baggage, and their effects, or any such carriages as aforesaid, the local authority concerned shall, in addition to its duties in the embarking and disembarking of the same, perform and supply all such reasonable services and accommodation as may, from time to time, be required by [the Central Government]<sup>7</sup>, and shall receive payment for all such services and accommodation on such terms and for such periods as may, from time to time, be determined by [the Central Government]<sup>7</sup> in consultation with such local authority.

**5. Penalty.** Any person who demands and receives any toll in contravention of the provisions of section 3 or section 4 shall be punishable with fine which may extend to fifty rupees.

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<sup>1</sup> Subs. by the Part B States (Laws) Act, 1951 (3 of 1951) for "a Part A State or a Part C State".  
<sup>2</sup> Ins. by the Indian Tolls (Army) Amendment Act, 1942 (14 of 1942).  
<sup>3</sup> Subs by the Government of India (Adaptation of Indian Laws) Order, 1937 (A.O. 1937) for "the Government".  
<sup>4</sup> Subs. by the A.O. 1950 for "His Majesty".  
<sup>5</sup> Subs., *ibid.*, for "in His Majesty's".  
<sup>6</sup> Ins. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch. 1.  
<sup>7</sup> Subs. by the A.O. 1937 for "the Govt."

**6. COMPENSATION.** (1) If any owner or lessee, or any Company, railway administration or local authority claims compensation for any loss alleged to have been incurred owing to the operation of this Act, the claim shall be submitted to the <sup>1</sup> [Central Government].

(2) On receiving any such claim, the <sup>1</sup> [Central Government] <sup>2</sup> \* \* \* shall pass such order thereon as justice requires, and shall give all necessary directions for the purpose of ascertaining the facts of the case and of assessing the compensation, if any, to be paid.

**7. RULES.** (1) The <sup>1</sup> [Central Government] <sup>3</sup> \* \* \* may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the <sup>1</sup> [Central Government] <sup>4</sup> \* \* \* may make rules providing for the form of passes to be given to persons or bodies of persons or in respect of property entitled to exemption from the payment of tolls under this Act.

(3) The power to make rules under this section is subject to the, condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the <sup>5</sup> [Official Gazette] <sup>6</sup> \* \* \* and on such publication, shall have effect as if enacted by this Act.

**8. [Repeals] Rep. by the Repealing and Amending Act, 1914 (X of 1914), s. 3 and Sch. II.**

**(THE SCHEDULE) Rep. by the Repealing and Amending Act, 1914 (X of 1914), s. 3 and Sch. II**

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<sup>1</sup> Subs. by the A. O. 1937 for "Local Government".

<sup>2</sup> The words "subject to the control of the Governor General in Council" rep. by the A.O. 1937.

<sup>3</sup> The words "or the Local Government, with the previous sanction of the Governor General in Council" rep. by the A.O. 1937.

<sup>4</sup> The words "and the Local Government with the previous sanction of the Governor General in Council" rep. by the A. O.1937.

<sup>5</sup> Subs. by the A.O. 1937 for 'Gazette of India.'

<sup>6</sup> The words "or in the local official Gazette" rep., *ibid* 120

Government of India  
Ministry of Shipping, Road Transport & Highways  
Department of Road Transport & Highways  
(P&M Section)

Transport Bhawan, No.I,  
Parliament Street, New Delhi  
110001.

NO.NH- 11065/12/2003 -P&M

Dated: 15.9.2004

To

1. The Secretary (PWD),  
All States/ Union Territories.

2. The Chairman,  
National Highway Authority of  
India, G 5&6, Sector 10, Dwarka,  
New Delhi- 110045.

Sub: - Exemption of Defence vehicles from payment of user's fee for use of section of  
National Highway/permanent bridge/ temporary bridge on National Highways.

Sir,

1. The Ministry of Defence has brought to the notice of this Ministry that Defence personnel, their personal vehicles and Civil Hire Transport employed in the service of defence forces are facing difficulties "at Toll Collection Centre on National Highways as they are not being allowed exemptions of fees permissible under the Indian Tolls (Army and Air Force) - Act, 1901 in different parts of the country. The matter has been examined in consultation with the Ministry of Law and Justice (Deptt of Legal Affairs) and it has been clarified by that Ministry that the provisions of the Indian Tolls (Army and Air Force) are applicable to collection of tolls on National Highways.

2. Extracts from the Indian Tolls (Army and Air Force) Act, 1901 are enclosed (Annex-I). This Ministry has notified National Highways (collection of Fee by any person for use of section on National Highways, permanent bridge/temporary bridge on National Highways) amendment rules 2003 vide GSR No.834 (E) dated 27<sup>th</sup> October, 2003. According to these rules certain categories vehicles, including defence vehicles, are exempted from payment of users fee given in the notification. The details of all such defence vehicles/persons exempted from payment of users fees are enclosed (Annex-II). These exemptions have also been made applicable for public funded projects.

3. It is requested that necessary instructions may be issued to ail concerned who are responsible for fees collection, that in addition to the exemptions allowed by the Ministry under various notifications the exemption as permissible under Indian Tolls (Army and Air Force) Act, 1901 are also applicable on National Highways.

Yours faithfully,  
(K.R. Gatti)  
Under Secretary to the. Govt. of India  
Tel: 23710450