



## THE TOLLS (ARMY AND AIR FORCE) ACT, 1901



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# THE TOLLS (ARMY AND AIR FORCE) ACT, 1901

## <sup>1</sup>ACT No. II of 1901

[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>[WHEREAS it is necessary to provide for the exemption from the payment of certain duties or tolls of certain officers, soldiers, airmen and other persons, and certain animals, baggage and carriages belonging or attached to the Pakistan Army, or the<sup>4</sup> \* Pakistan Air Force ;]

It is hereby enacted as follows:-

**1. Short title, extent and commencement.**—(1) This Act may be called the <sup>5</sup>\* Tolls <sup>6</sup>[(Army and Air Force)] Act, 1901.

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<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.

The Act has been declared in force in Baluchistan by Baluchistan Regulation No. II of 1913, s. 3.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

It has been extended to the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953), as amended.

It has also been extended to the Khairpur State, see G. G. O. 5 of 1953, as amended by G. G. O. 24 of 1953.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960) s. 2.

This Act has been applied to the whole of the Centrally Administered Tribal Areas by Regulation No. III of 1972.

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

<sup>3</sup>Subs. by the Indian Tolls (Army and Air Force) (Amdt.) Act, 1951 (38 of 1951), s. 2, for the original preamble as amended by Act 10 of 1927.

<sup>4</sup>The word "Royal" omitted by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956)

<sup>5</sup>The word "Indian" omitted by Act 38 of 1951, s. 3.

<sup>6</sup>Subs. by the Indian Tolls (Army) Amendment Act, 1942 (14 of 1942), s.2, for "Army".

<sup>1</sup>[(2) it extends to the whole of Pakistan.]

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

<sup>2</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 <sup>3</sup>[Forces, Corps or Guard] concerned, or are in the service of any officer, soldier or airman of such <sup>3</sup>[Forces, Corps or Guard] ;

(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 Railways Act, 1890 ([IX of 1890](#)) ;

<sup>4</sup>[(d) the expressions “the Pakistan Army” and “the <sup>5</sup>\* Pakistan Air Force” include the Reserves, respectively, of the Pakistan Army and the <sup>5</sup>\* Pakistan Air Force, when subject to military or air force law, as the case may be ;]

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

<sup>6</sup>[(f) the expression “Irregular Corps” means any force (other than the Pakistan Territorial Force or the Pakistan National Guard) raised and maintained in Pakistan under the authority of the <sup>7</sup>[Federal Government] or any other force which may be specified in this behalf by a notification published in the official Gazette ;]

<sup>8</sup>[(g) the expression “Pakistan Reserve Forces” means the forces constituted under the Pakistan (Army and Air Force) Reserves Act, 1950 ([XLVII of 1950](#));]

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<sup>1</sup>Subs. by the Indian Tolls (Army and Air Force) (Amdt.) Act, 1951 (38 of 1951), s. 3, for sub-section (2).

<sup>2</sup>Subs. by the Indian Tolls (Army) Amendment Act, 1942 (14 of 1942), s. 3, for the original section 2 as amended by the Repealing and Amending Act, 1927 (10 of 1927), 14 of 1932, 32 of 1934, and A. O., 1937.

<sup>3</sup>Subs. by Act 38 of 1951, s. 4., for “Forces or Corps”.

<sup>4</sup>Subs. *ibid.*, for clause (d).

<sup>5</sup>The word “Royal” omitted by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956)

<sup>6</sup>Subs. by Act 38 of 1951, for clause (f).

<sup>7</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

<sup>8</sup>Subs. by Act 38 of 1951, for clause (g).

(h) “landing-place” includes a pier, wharf, quay, jetty and a stage, whether fixed or floating;

<sup>1</sup>[(i) “public authority” means the <sup>2</sup>[Federal Government] or a Provincial Government, or a local authority, <sup>3</sup>\* \* \* and, so far as regards tolls levied by a railway company, under section 51 of the Railways Act, 1890 ([IX of 1890](#)), includes such a company ;]

(j) “tolls” includes duties, dues, rates, rents, fees and charges, but does not include customs duties levied under the <sup>4</sup>[Customs Act, 1969 ([IV of 1969](#)), octroi duties or town duties on the import of goods, or fares paid for the conveyance of passengers on a tramway.]

### 3. Exemptions from tolls. The following persons and property, namely :—

<sup>5</sup>[(a) all officers, soldiers and airmen of-

(i) the Pakistan Army and the <sup>6</sup>\* Pakistan Air Force,

(ii) any Irregular Corps, or

<sup>7</sup>\* \* \* \* \*

<sup>8</sup>[(b) all members of the <sup>9</sup>[Pakistan Territorial Force or of the Pakistan National Guard] when on duty or when proceeding to or returning from duty;

(c) all officers, soldiers and airmen of the <sup>10</sup>[Pakistan 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 ;

<sup>11</sup>[(d) all authorised followers of-

(i) the Pakistan Army or the <sup>6</sup>\* Pakistan Air Force ;

(ii) the Pakistan Territorial Force, or the Pakistan National guard ;

(iii) any Irregular Corps ; or

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<sup>1</sup> Subs. by the Indian Tolls (Army and Air Force) (Amdt.) Act, 1951 (38 of 1951), for clause (i)

<sup>2</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

<sup>3</sup> The words “or in an Acceding State, the Government of that State” omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch.,

<sup>4</sup> subs. *ibid.*, for “Tariff Act, 1934 (XXXII of 1937).”

<sup>5</sup> Subs. by Act 38 of 1951, s. 5, for clause (a), which was subs. by the Indian Tolls (Army) Amendment Act, 1942 (14 of 1942), s. 4, for the original clause as amended by the Repealing and Amending Act, 1927 (10 of 1927).

<sup>6</sup> The words “Royal” omitted by A.O., 1961, Art. 2 and Sch., (with effect from the 23rd March, 1956).

<sup>7</sup> Sub-clause (iii), omitted by Ordinance 27 of 1981, s. 3 and Second Sch.

<sup>8</sup> Subs. by Act 14 of 1942, s. 4, for clauses (b) to (h), as amended by Act 10 of 1927, s. 2 and Sch. I.

<sup>9</sup> Subs. by Act, 38 of 1951, s. 5, for the words and brackets “Auxiliary Force (India), or of the Indian Territorial Force”.

<sup>10</sup> Subs. *ibid.*, for “Indian”

<sup>11</sup> Subs. *ibid.*, for clause (d) which had been subs. by Act 14 of 1942, s. 4, for the original clause (d).

(e) all members of the families of officers, soldiers, airmen or authorised followers of—

(i) <sup>2</sup>[the Pakistan Army or the <sup>3</sup>\* Pakistan Air Force], or

(ii) any Irregular Corps,

when accompanying any body of troops, or 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>4</sup>[(h)] all carriages and horses belonging to <sup>5</sup>[the <sup>6</sup>[Federal Government]] or employed in] military <sup>7</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>4</sup>[(i)] all carriages and horses, when moving under the orders of military <sup>7</sup>[or air-force] authority for the purpose of being employed in <sup>8</sup>\* \* military <sup>7</sup>[or air-force] service,

<sup>4</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>Sub-clause (iv) omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Second Sch.

<sup>2</sup>Subs. by the Indian Tolls (Army and Air Force) (Amdt.) Act, 1951 (38 of 1951), s. 5, for "His Majesty's Regular Forces".

<sup>3</sup>The word "Royal" omitted by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).

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

<sup>5</sup>Subs. by Act 38 of 1951, s. 5, for "His Majesty or employed in His Majesty's".

<sup>6</sup>Subs. by F.A.O., 1975, Art. 2 and Tables, for the "Central Government"

<sup>7</sup>Ins. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch. I

<sup>8</sup>The words "His Majesty's" omitted by Act 38 of 1951, s. 5.

<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,

otherwise demandable by virtue of any Act, Ordinance, Regulation, order or direction of any legislature or other public authority in <sup>2</sup>[Pakistan]:

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>3</sup>[*Explanation.*—The persons or property exempted under clauses (d), (e), (g) and (j) shall be deemed to accompany the Forces, <sup>4</sup>[Corps, Guard,] 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 <sup>5</sup>[the <sup>6</sup>[Federal Government]] 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 <sup>7</sup>[the <sup>6</sup>[Federal Government]] or employed in] military <sup>8</sup>[or 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

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<sup>1</sup> The original cls. (i), (j), (k) and (l) were re-lettered as cls. (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 Indian Tolls (Army and Air Force) (Amdt.) Act, 1951 (38 of 1951), s. 5, for the words “the Provinces and the Capital of the Federation” which were subs. by A. O., 1949, Arts. 3(2) and 4, for “British India”.

<sup>3</sup> Explanation added by Act 14 of 1942, s. 4.

<sup>4</sup> Subs. by Act 38 of 1951, s. 5, for “troops”.

<sup>5</sup> Subs. by A. O., 1937, for “the Govt.”.

<sup>6</sup> Subs. by F.A.O., 1975, Art. 2, and Table, for “Central Government”.

<sup>7</sup> Subs. by Act 38 of 1951, s. 6, for “His Majesty or employed in His Majesty’s”.

<sup>8</sup> Ins. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch. I.

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 <sup>1</sup>[the <sup>2</sup>Federal Government]], 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 <sup>1</sup>[the <sup>2</sup>Federal Government]] 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.

**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>3</sup>[Federal Government].

(2) On receiving any such claim, the <sup>3</sup>[Federal Government] <sup>4</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>5</sup>[Federal Government] <sup>6</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>5</sup>[Federal Government] <sup>7</sup>\* \* \* may make rules<sup>8</sup> 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>9</sup>[official Gazette] <sup>10</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 Schedule II.*

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

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<sup>1</sup>Subs. by A. O., 1937, for “the Govt.”.

<sup>2</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

<sup>3</sup>Subs. *ibid.*, for “Central Government”. which had been subs. by A. O.1937, for “L. G.”

<sup>4</sup>The words “subject to the Control of the G. G. in C.” rep., by A.O., 1937.

<sup>5</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”, which had been subs. by A. O., 1937, for “G.G. in C”.

<sup>6</sup>The words “and the L. G. with the previous sanction of the G. G. in C”., rep., *ibid.*

<sup>7</sup>The words “or the L. G. with the previous sanction of the G. G. in C”., rep., *ibid.*

<sup>8</sup>For such rules, see Gaz. of P., 1957, Pt. III, pp. 125-126.

<sup>9</sup>Subs. by A. O., 1937, for “Gazette of India”.

<sup>10</sup>The words “or in the local official Gazette” rep., *ibid.*

