

THE BALOCHISTAN TOLLS ON ROADS AND BRIDGES ORDINANCE, 1962

(W.P. Ordinance VIII of 1962)

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'THE ?[BALOCHISTAN?] TOLLS ON ROADS AND BRIDGES
ORDINANCE, 1962

(W.P. Ordinance VIII 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 *[Balochistan].

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 ?[Balochistan];

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:—

Short title and 1. () This Ordinance may be called the [Balochistan]
extent. Tolls on Roads and Bridges Ordinance, 1962.

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

Definitions. 2. 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 '[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.

This Ord. was promulgated by the Governor of W.P. on 24" Feb., 1962; published In the W.P. Gazette (Extraordinary), dated 1
1962, pages 1561-1565; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakista
Subs. for the words "West Pakistan" by Balochistan Laws (Adaptation) Order, 1975, made by Governor of Balochistan under A
of the Constitution of Pakistan, 1974; and published in the Balochistan Gazette (Extraordinary) No. 17, dated 9 May 1975.

Spelling of the word "Baluchistan", wherever it appears in this ordinance, is corrected by insertion of letter "o" instead of "u"; as
Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

Subs. by P.O. 4 of 1975, for "the Province of [Balochistan], except the [Tribal Areas]". The words in crotchets were earlier subs
Balochistan Laws (Adaptation) Order, 1975, for "West Pakistan" and by W.P.A. Order, 1964, for "Special Areas".

Subs. *ibid*, for "Government of [Balochistan]". Words in crotchets were earlier subs., for "West Pakistan", by Balochistan Laws

(Adaptation) Order, 1975.

Government may
levy tolls.

Power of
Government to
set up toll gates
and stations.

Table of tolls to be
affixed to or
near toll gates,
etc.

Collection of tolls.

Tolls may be
leased.

Power of
Government to
cancel a lease.

© See Gazette of W.P. 1962, P.I, p. 884.

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3. Government may cause tolls to be levied[®] 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' from the payment of such tolls.

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

7. () 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.

(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. () Government may cancel the lease of the tolls on any bridge or road on the expiration of three months' notice in

See Gazette of West Pakistan, 1962, P. I, pp. 884-885.

Lessee may
surrender lease.

Tolls may be
compounded.

Liabilities of
persons
employed in
the
management of
tolls.

Lessee and his
agents deemed
to be persons
appointed to
collect tolls.

Penalty for refusal
to pay tolls,
etc.

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 Collector may award.

(3) Any party dissatisfied with the award of the
Collector given under sub-section (2), may, within thirty days
of the date of such award, appeal to the Commissioner, whose
decision shall be final.

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

10. 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. 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. 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. 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

Penalty for

unlawful levy
of tolls or
doing unlawful
acts under
colour of the
Ordinance.

Powers of toll

collector to
seize vehicles,
animals, etc.,
for non-
payment of
tolls.

Police officers to

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, 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,
imprisonment for a term not exceeding six months, or to a fine

on conviction before a magistrate, to

not exceeding five hundred rupees, or both.

15. 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. Every police officer shall be bound to assist a toll-

assist toll
collectors.

Jurisdiction of
Courts barred.

Power of
Government to
delegate its
powers.

Power to make
rules.

Repeal and savings.

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Sind Act III of 1875.

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. No proceeding 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. Government may delegate any of its powers and functions under this Ordinance to any local authority or officer subordinate to it.

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

20. qd) The Tolls on Roads and Bridges Act, 1875! herein-after 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.