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**THE PUNJAB TOLLS ON ROADS AND BRIDGES  
ORDINANCE, 1962  
(VIII of 1962)**

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## TEXT

### **<sup>1</sup>THE <sup>2</sup>[PUNJAB] TOLLS ON ROADS AND BRIDGES ORDINANCE, 1962 (VIII of 1962)**

[12<sup>th</sup> 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 <sup>3</sup>[the Punjab].*

**Preamble.— WHEARAS** it is expedient to amend and consolidate the law relating to the levy of tolls on public roads and bridges in the province of <sup>4</sup>[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 <sup>5</sup>[Punjab] Tolls on Roads and Bridges Ordinance, 1962.

(2) It extends to the whole of the Province of <sup>6</sup>[the Punjab].

**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 <sup>7</sup>[in relation 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.

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<sup>1</sup>This Ordinance was promulgated by the Governor of W. P. on 24<sup>th</sup> Feb., 1962; published in the W. P. Gazette (Extraordinary), dated 12<sup>th</sup> April, 1962, pages, 1561-1565; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

<sup>2</sup>Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

<sup>3</sup>Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

<sup>4</sup>Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

<sup>5</sup>Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974), w.e.f. 14.8.1973, Article 2 and the Schedule; and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP.

<sup>6</sup>Substituted for the words “the Province of West Pakistan except the Tribal Areas” by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), w.e.f.1.8.1975, Article 2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 435-467. Which were earlier substituted for the words “the Special Areas” by the West Pakistan Laws (Adaptation) Order, 1964, w.e.f. 8.6.1962, s. 2 and Schedule; and published in the Gazette of West Pakistan (Extraordinary), dated 3.6.1964, pages 1805-1849.

<sup>7</sup>Substituted for the words “the Government of West Pakistan” by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), w.e.f.1.8.1975, Article 2 and the Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 435-467.

**3. Government may levy tolls.**— Government may cause tolls to be levied<sup>8</sup> 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 exempt<sup>9</sup> from the payment of such tolls.

**4. Power to 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 authorized 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. Toll 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<sup>10</sup> [:]

<sup>11</sup>[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 to Government to cancel a lease.**— (1) Government may cancel the lease of the tolls on any bridge or road on the expiration of the three months' notice in writing to the lessee of its intention to do so.

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<sup>8</sup>See Gazette of West Pakistan 1962, P.I, p.884.

<sup>9</sup>See Gazette of West Pakistan, 1962, P.I, pp. 884-885.

<sup>10</sup>Not replaced for the "full-stop" in the Gazette.

<sup>11</sup>Added by the Punjab Tolls on Roads and Bridges (Amendment) Ordinance, 2001 (I of 2001), w.e.f.23.2.2001, s.2; and published in the Punjab Gazette (Extraordinary), pages 107-108, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

(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 <sup>12</sup>[Superintending Engineer for Provincial Roads and District Officer (Revenue) in case of District Roads] may award.

(3) Any party dissatisfied with the award <sup>13</sup>[\* \* \*] given under sub-section (2) may, within thirty days of the date of such award, appeal to the <sup>14</sup>[Chief Engineer for Provincial Roads and Executive District Officer (Revenue) in case of District Roads], whose decision shall be final.

<sup>15</sup>[(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. <sup>16</sup>[Lessee] may surrender lease.**— 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. 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

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<sup>12</sup>Substituted for the word "Collector" by the Punjab Tolls on Roads and Bridges (Amendment) Ordinance, 2002 (XXX of 2002), w.e.f.17.6.2002,s.2; and published in the Gazette of Punjab (Extraordinary), page 1971- 1972, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>13</sup>Omitted the words "of the Collector" by the Punjab Tolls on Roads and Bridges (Amendment) Ordinance, 2002 (XXX of 2002), w.e.f.17.6.2002,s.2; and published in the Gazette of Punjab (Extraordinary), pages 1971- 1972.

<sup>14</sup>Substituted for the word "Commissioner" by the Punjab Tolls on Roads and Bridges (Amendment) Ordinance, 2002 (XXX of 2002), w.e.f.17.6.2002,s.2; and published in the Gazette of Punjab (Extraordinary), pages 1971-1972.

<sup>15</sup>Added by the Punjab Tolls on Roads and Bridges (Amendment) Ordinance, 2001 (I of 2001), w.e.f.23.2.2001, s.3; and published in the Punjab Gazette (Extraordinary), pages 107-108, which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>16</sup>The word "Lease" as in original Gazette was corrected by the corrigendum.

- (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 takes 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. Power to 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 vehicle 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 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 powers as he possesses in the exercise of his ordinary police duties.

**17. Jurisdiction of Courts barred.–** 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. Power of Government to delegate its powers.**— Government may delegate any of its powers and functions under this Ordinance to any local authority <sup>17</sup>[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<sup>18</sup>, 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 authorized, 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, authorized, conferred, made, issued or granted under this Ordinance.

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<sup>17</sup>Substituted for the words “or officer subordinate to it” by the Punjab Tolls on Roads and Bridges (Amendment) Ordinance, 2001 (I of 2001), w.e.f.23.2.2001, s.4; and published in the Punjab Gazette (Extraordinary), pages 107-108., which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>18</sup>Sind III of 1875.