

THE TOLLS (ARMY AND AIR FORCE) ACT, 1901

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 or Air Force. *

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 Bangladesh Army, or the Bangladesh Air Force;

It is hereby enacted as follows:—

1. (1) This Act may be called the Tolls (Army and Air Force) Act, 1901.

Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh.

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

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions

(a) the expression “authorized followers” means persons other than officers, soldiers or airmen, who are employed by, or are in the service of, the Forces, ¹[or Corps] concerned, or are in the service of any officer, soldier or airman of such Forces, ¹[or Corps];

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

* Throughout this Act, except otherwise provided, the word “Bangladesh” and “Government” were substituted, for the words “Pakistan” and “Central Government” respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The words “or Corps” were substituted, for the comma and words “, corps or Guard” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (c) “ferry” includes every bridge and other thing which is a ferry within the meaning of any enactment authorizing 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;
- (d) the expressions “the Bangladesh Army” and “The Bangladesh Air Force” include the Reserves, respectively, of the Bangladesh Army and the Bangladesh 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;
- (f) the expression “Irregular Corps” means any force ¹[* * *] raised and maintained in Bangladesh under the authority of the Government or any other force which may be specified in this behalf by a notification published in the official Gazette;
- (g) the expression “Bangladesh Reserve Forces” means the forces constituted under the ²[Army and Air Force (Reserves) Act, 1950];
- (h) “landing-place” includes a pier, wharf, quay, jetty and a stage, whether fixed or floating;
- ³(i) “public authority” means the Government, or a local authority;]
- (j) “tolls” includes duties, dues, rates, rents, fees and charges, but does not include customs duties levied under the Tariff Act, 1934, octroi duties or town duties on the import of goods, or fares paid for the conveyance of passengers on a tramway.

¹ The brackets and words “(other than the Pakistan Territorial Force or the Pakistan National Guard)” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words, brackets, comma and figure “Army and Air Force (Reserves) Act, 1950” were substituted, for the words, brackets, comma and figure “Pakistan (Army and Air Force) Reserves Act, 1950” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Clause (i) of section 2 was substituted, for the former clause (i) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

3. The following persons and property, namely:—

Exemptions
from tolls

- (a) all officers, soldiers and airmen of—
 - (i) the Bangladesh Army and the Bangladesh Air Force,
 - (ii) any Irregular Corps, or¹[* * *]
- ²[* * *]
- (c) all officers, soldiers and airmen of the Bangladesh 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 authorized followers of—
 - (i) the Bangladesh Army or the Bangladesh Air Force;³[* * *]
 - (iii) any Irregular Corps; or⁴[* * *]
- (e) all members of the families of officers, soldiers, airmen or authorized followers of—
 - (i) the Bangladesh Army or the Bangladesh Air Force, or
 - (ii) any Irregular Corps,when accompanying anybody of troops, or any officer, soldier, airman or authorized follower thereof on duty or on the march,

¹ Sub-clause (iii) of clause (a) of section 3 was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² Clause (b) of section 3 was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Sub-clause (ii) of clause (d) of section 3 was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ Sub-clause (iv) of clause (d) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (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,
- (h) all carriages and horses belonging to the Government or employed in military 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,
- (i) all carriages and horses, when moving under the orders of military or air-force authority for the purpose of being employed in military or air-force service,
- (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
- (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—

- a. on embarking or disembarking, or on being shipped or landed, from or upon any landing place, or
- b. in passing along or over any turnpike or other road or bridge, or
- c. 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 Bangladesh:

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.

Explanation.—The persons or property exempted under clauses (d), (e), (g) and (j) shall be deemed to accompany the Forces, Corps, ¹[* * *] 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. (1) No tolls shall be leviable by any local authority in respect of –

- (a) any vessel employed by the 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 the Government or employed in military or air-force service embarking or disembarking at any port.

Tolls on vessels transporting troops and baggage, etc., of troops embarked or disembarked

(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 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 the Government in consultation with such local authority.

5. 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 ²[Taka].

Penalty

¹ The word and comma “Guard,” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word "Taka" was substituted, for the word "rupees" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Compensation

6. (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 Government.

(2) On receiving any such claim, the Government 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.

Rules

7. (1) The Government 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 Government 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 *official Gazette* and, on such publication, shall have effect as if enacted by this Act.

8. [*Repealed by the Repealing and Amending Act, 1914 (Act No. X of 1914).*]

THE SCHEDULE. – [*Repealed by the Repealing and Amending Act, 1914 (Act No. X of 1914).*]
