

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

Dated the 15th September, 2004

To

The Secretary (PWD), All States/Union Territories, The Chairman, National Highways Authority of India.

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

The Ministry of Defence has brought to the notice of the 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 collections 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 27th 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 all 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.

ANNEX-I

As per Section 3 of Indian Tolls (Army and Air Force) Act, 2001, the following defence persons and property are exempted from payment of users fee:

- (a) All officers, soldiers and airmen of:-
 - (i) the regular forces
 - (ii) any irregular Corps
- (b) All members of the territorial army of the National Cadet Corps when on duty or when proceeding to or returning from duty.
- (c) All officers, soliders and airmen of the Indian reserve forces when proceeding from their place or their residence on being called out for service, training or muster of when proceeding back to their place of resident after such service, training or muster.
- (d) All authorized followers of:-
 - (i) the regular forces
 - (ii) the territorial army or the National Cadet Corps
 - (iii) any irregular Corps
- (e) All members of the family of officers, soliders air men unauthorized followers of:
 - (i) the regular forces
 - (ii) or any irregular Corps when accompanying any body of troops, or any officer, soliders, airmen or authorized followers their of on duty or on the march.
- (f) All prisoner under military or air force escort.
- (g) The carriages, horse and baggage, and the persons (if any employed in driving the carriage, the baggage, of any persons exempted under any of the foregoing clauses, when such carriages, horses, baggage, or persons accompanying the persons so exempted under the circumstances mentioned in those clauses respectively.
- (h) All carriages and horses belonging to government or employed (in the Indian) military (or air force) service and all persons in charge of or accompanying the same, when conveying any such persons as herein before in this section mentioned or when conveying baggage or stores, or when returning, unladen from conveying such persona, 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 the Indian) 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.

Otherwise demandable by virtue of any Act, Ordinance, Regulation, order or direction of any legislature or other public authority in India;

Explanation- the persons or property exempted under clauses (d), (e), (g) and (i) 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 later, irrespective of the interval of space and time between the two moves.

NOTIFICATIONS

New Delhi, the 27th October, 2003

G.S.R. 843(E)- In exercise of the powers conferred by section 9, read with section 8A of the National Highways, Act, 1956 (48 of 1956), the Central Government hereby makes the following rules further to amend the National Highways (Collection of Fees by any person for the use of Section of National Highway/ permanent bridge/temporary bridge on National Highway) Rules, 1997, namely:-

1. (1) These rules may be called the National Highways (Collection of Fees by any person for the use of Section of National Highways/ permanent bridge/temporary bridge on National Highway) Amendment Rules, 2003.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the National Highways (Collection of Fees by any person for the use of Section of National Highways/ permanent bridge/temporary bridge on National Highway) Rules, 1997, in rule 5, in sub-rule (1), in the provision for clause(i), the following clause shall be substituted, namely:-
 - (I) vehicles-
 - (A) having "VIP" symbols; or officially belonging to -
 - (a) President of India ;
 - (b) Vice-President of India;
 - (c) Governor of a State or Lt. Governor of a Union Territory;
 - (d) a Foreign Dignitary on State visit to India;
 - (e) a Foreign diplomat stationed in India using cars with "CD"/"CC" number plates;
 - (f) Chairman of Rajya Sabha or Speaker of Lok Sabha or Chairman of a State Legislative Council or Speaker or a State Legislative Assembly or a Minister for the Union or State, or Leaders of Opposition in Lok Sabha or Rajya Sabha or State Legislatures having the status of Opposition in Lok Sabha or Rajya Sabha or State Legislatures having the status of Cabinet Minister, if he is sitting in the vehicle; or
 - (g) a Member of Parliament, in the entire country, or a Member of Legislative Assembly of a State or a Member of Legislative Council of a State, in the respective State, if he produces his identity card issued by the Parliament or concerned Legislature of a State, as the case may be;
 - (B) belonging to winner of Gallantry awards such as Param Vir Chakra, Ashok Chakra, Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra, if such awardee produces his photo identity card duly authenticated by the Competent Authority for such award.

Footnote: The principal notification was published in the Gazette of India vide G.S.R. No. 62(E), dated 5.2.1997 and amended vide Notification G.S.R. No. 336(E) dated 13.4.2000.