

## **TRIPURA MOTOR VEHICLES (LICENSING OF COLLECTING AND FORWARDING AGENTS) RULES, 1974**

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### **1. Short title and commencement :-**

(1) These rules may be called the Tripura Motor Vehicles (Licensing of Collecting and Forwarding Agents) Rules, 1974.

(2) They shall come into force at once.

### **2. Definitions :-**

In these rules, unless the context otherwise requires

(2) "agent's licence" means a licence granted under rule R. 45

(3) "collecting agent" means a person licensed to do the business of collecting goods carried by any public carrier ;

(4) "collecting and forwarding agent" means a person licensed to do the business of collecting, forwarding and distributing goods

carried by any public carrier ;

(5) "forwarding agent" means a person licensed to do the business of forwarding and distributing goods carried by any public carrier ;

(6) "form" means a form appended to these rules ; and

(7) "licensing authority" means Assistant Transport Commissioner, Tripura.

### **3. Licensing of agents :-**

No person shall act as an agent unless he holds a valid licence in Form HI granted by the licensing authority authorising the carrying on of such business.

### **4. Application :-**

(1) Any person desiring to obtain a licence for carrying on the business referred to in Cl. (1) of R. 2 or for renewing such licence may make an application to the licensing authority in Form 1 or Form II, as the case may be

(2) The application shall be accompanied by a fee of one hundred rupees.

### **5. Security for compliance with conditions :-**

Where it appears necessary so to do for ensuring proper compliance with the condition referred to in R. 8 the licensing authority may, at the time of granting or renewing a licence or at any time during the validity of a licence, order, for reasons to be recorded in writing, the licensee, to furnish a reasonable security on such scale as may be notified by the State Government in the official Gazette, and where the licensee has furnished earlier any security in pursuance of an order passed under the provisions of this rule, such additional security as may be reasonable.

### **6. Forwarding and collecting agents :-**

(1) Any agent's licence shall, where the holder thereof is licensed to act only as a forwarding agent or as a collecting agent, specify that fact clearly.

(2) An agent's licence shall be non-transferable.

(3) No agent's licence shall authorise a person to act as such agent unless he has adequate facilities to load and unload goods at the premises approved by the Assistant Transport Commissioner,

Tripura under these rules.

**7. Period of validity and renewal :-**

(1) An agent's licence shall be valid for a period of five years from the date of its grant or renewal.

(2) It may be renewed on an application made to the licensing authority not less than thirty days before the date of its expiry.

(3) The renewal of licence shall be by endorsement of the renewal thereof by the licensing authority on the original licence.

**8. Conditions for agents licence :-**

An agent's licence shall be subject to the following conditions, namely:

(a) that the licensee shall, subject to the provisions of R. 11, provide places for loading of goods ;

(b) that the licensee shall be responsible for proper arrangements for storage of goods collected for despatch and delivery ;

(d) that the licensee shall ensure the goods against any or loss damage while in his control or possession ;

(e) that the licensee shall maintain a proper record of the vehicles under his control and of the collection, despatch and delivery of goods which shall be open to inspection by the Assistant Transport Commissioner, Tripura, or by any person duly authorised by him in this behalf and shall furnish to the State Transport Authority by the 31st March every year a return in respect of the previous calendar year in Form IV ;

(f) that the licensee shall not charge any commission exceeding that prescribed by the Assistant Transport Commissioner, Tripura under R. 10 ;

(g) that the licensee shall furnish the operators with correct figures of the freight receivable by them from the consignors or the consignees ;

(h) that the licensee shall maintain proper accounts of the commission charged by him and have the same audited by qualified auditors annually ;

(i) that the licensee shall ensure that the goods vehicles under his control have valid permits for routes on which the vehicles have to

ply :

(j) that the licensee shall maintain in good condition a weighing device capable of weighing at a time not less than 226 Kilograms ;

(l) that the licensee shall assign the available traffic amongst the operators in the order in which they have approached him and shall maintain a register chronologically recording particulars of the available traffic and the waiting operators ;

(m) that the licensee shall comply with the provisions of these rules and shall observe such other conditions as the licensing authority may specify in the licence ;

(n) that the licensing authority may, at discretion, order forfeiture, in whole or part, of the security or the additional security furnished by the licensee under R. 5 for contravention of any of these rules or for breach of any of the aforesaid conditions by the licensee ;

(o) that the licensing authority may, after giving notice of not less than one month in writing, either vary the conditions of the licence or attach to the licence further conditions.

**9. Particulars to be mentioned in contract of agency :-**

All contracts entered into by the licensee for the purpose of collecting, forwarding and distributing goods, or collecting goods, or forwarding and distributing goods, as the case may be, shall be in writing and shall contain the following particulars

(i) names and addresses of the consignor and the consignee ;

(ii) description and weight of the consignment ;

(iii) destination and its distance in kilometres from the starting station ;

(iv) freight for tonne per quintal per kilometre and for the whole consignment ;

(v) delivery instructions (e. g. the date by which and the exact place where the goods are to be delivered to the consignee) ;

(vi) terms of payment agreement ;

(vii) name of the owner, driver, the registration number of the vehicle and its authorised load, and the rate and amount of the commission.

**10. Rate of commission :-**

The State Government may, by notification in the official Gazette, prescribe the maximum rates at which commission may be charged by licensees under these rules and Assistant Transport Commissioner, Tripura may prescribe such rates of commission not exceeding the rates prescribed by the State Government in regard to licensees transacting business in Tripura.

**11. Premises to be used :-**

(1) The Assistant Transport Commissioner, Tripura, may, in consultation with the local authority or the police authority having jurisdiction over the area concerned, approve any premises owned by or in the possession of licensee or an applicant for an agent's licence to be used for loading or unloading of goods or for parking goods vehicles or for the storage of goods in the custody of the agent, having regard to the suitability of the site, sanitary conditions and storage facilities provided at such premises.

(3) Where the Assistant Transport Commissioner, Tripura refuses to approve any premises under sub-R. (1), he shall record in writing his reasons for such refusal.

**12. Suspension or cancellation of licences :-**

(1) Without prejudice to any other action which may be taken against a licensee, the licensing authority may, by order in writing, cancel the agent's licence or suspend it for such period as it thinks fit, if in

its opinion any of the conditions under which the licensee has contravened.

(2) The licensing authority may by order in writing cancel the agent's licence or suspend it for such period as it thinks fit, if in its opinion any of the conditions under which any premises have been approved under R. 11, has been contravened.

(3) Before making any order of suspension or cancellation under this rule, the licensing authority shall give the licensee an opportunity of being heard and shall record reasons in writing for such cancellation or suspension.

**13. Issue of duplicate licences :-**

If at any time an agent's licence is lost, destroyed or torn or otherwise defaced so as to be illegible, the agent shall forthwith

apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by a fee of rupees ten. Upon receipt of such an application that authority shall issue a duplicate agent's licence, clearly stamped "Duplicate". If a duplicate agent's licence is granted on a representation that the licence originally granted has been lost or destroyed and the licence is subsequently found, the original licence shall be surrendered to the licensing authority.

#### **14. Display of agents licence :-**

(1) A collecting agent shall carry with him his agent's licence while on duty and shall produce it on demand to any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head constable.

(2) A forwarding agent shall exhibit his agent's licence at a prominent place in the premises approved under R. 11 and the licence shall be made available for inspection by any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head constable.

(3) A collecting and forwarding agent shall carry with him his agent's licence while on duty and shall produce it on demand to any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head constable, and shall also cause a true copy of agent's licence to be exhibited at a prominent place in the premises approved under R. 11.

#### **15. Appeals :-**

(1) Any person aggrieved by an order made under sub-R. (3) of R. 4, R. 5, CI. (m), (n) or (o) of R. 8, R. 10, sub-R. (I) of R. 11, sub-R. (1) of sub-R. (2) of R. 12 or R. 13 may appeal to the State Transport Authority within thirty days from the date of receipt of such order.

#### **16. Levy of fees for supply of copies by Transport Authority :-**

The authority which passed an order to be appealed against shall on an application by a party give a certified copy of the order or of any other relevant document on payment of a fee of two rupees such payment being made by means of treasury challan.