

Himachal Pradesh Motor Vehicles Rules, 1999

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Himachal Pradesh Motor Vehicles Rules, 1999

CHAPTER 1 PRELIMINARY

1. Short title and commencement :-

(1) These rules may be called the Himachal Pradesh Motor Vehicle Rules, 1999.

(2) They shall come into force from the date of their final publication in the Official Gazette.

2. Definitions :-

(1) In these rules unless there is any thing repugnant to the subject or context-

(a) "Act" means the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988);

(b) "Board of Inspection" means a Board of Inspection appointed under rule 38;

(c) "Central Rules" means the Central Motor Vehicles Rules, 1989;

(d) "Chapter" means the chapter of these rules;

(e) "Director" means the Director of Transport, Himachal Pradesh appointed as such by the Government;

(f) "Government" means the Government of the State of Himachal Pradesh;

(g) "Passenger" for the purpose of Chapter V, means any person traveling in public service vehicle other than the driver or the conductor of such vehicle or any other employee of

the permit holder while on duty;

(h) "Section means a section of the Act;

(i) "State" means the State of Himachal Pradesh;

(j) "Stand" means a place duly appointed as a stand under Chapter IX of these rules;

(k) "Transport Company" means a transport company registered as such under the companies Act, 1956(1 of 1956);

(l) "Transport Co- operative Society" means a transport cooperative society registered as such under the provisions of the Himachal Pradesh Co-operative Societies Act 1968 (3 of 1969);

(m) "Transport Firm" means a transport firm registered as such under the Indian Partnership Act 1932,

(n) "Urban Area" means the area administered by Municipal Corporation, Municipal Committee, a Notified Area Committee or Cantonment Board or any area declared by the State Government as an urban area for the purposes of the Act and these rules.

(2) All other words and expressions used in these rules but not defined herein shall have the meanings respectively assigned to them in the Act and the central rules.

CHAPTER 2 CHAPTER II

3. Licensing Of Drivers Of Motor Vehicles Licensing Authority :-

(1) Each of the Sub - Divisional Officer (Civil) shall be the Licensing authority for the area of the Sub - Division and Region of the District for which he and Regional Transport officer appointed as such, to issue licenses under Chapter - II, or as the case may be. Chapter -III of the Act and includes such other officer who is appointed in this behalf by the Government.

(2) The area of jurisdiction of each Licensing authority shall be the area of the Sub- Division of the district for which he is appointed as such or such other area as may be specified by the Government in this behalf.

4. Procedure for processing application for driving licence :-

On receipt of an application for grant of a learners licence or a driving licence, as the case may be, in terms of the provisions of section 8 or section 9, or section 9, the licensing authority shall forward the application so received to the Superintendent of Police of the District concerned , who shall make such enquiries as may be

deemed necessary to verify the particulars given in the application and the antecedents of the applicant including the address given in the application and shall also ascertain as to whether the applicant is not disqualified or liable to be disqualified for holding a learners license or a driving license or a driving licence as the case may be and send his report to the Licensing Authority and on receipt of the report of the Superintendent of Police the Licensing Authority shall process the application for the grant of a licence under the provisions of the Act.

3) No licence granted under section 9 of the Act shall improve any person to drive a public service vehicle on any road in Himachal Pradesh unless his licence has been endorsed "for driving on hill roads" by the Licensing Authority.

Explanation:-

For the purpose of this rule the expression "hill roads" shall mean all roads in the State, but shall not include the roads which may be declared by the Government by a notification in the Official Gazette as "plain roads".

5. Test for driving licence :-

(1) If the application for grant of a licence is found in order in terms of the provisions of rule 4:

(a) the test for a learners licence specified in rule 11 of the Central Motor Vehicle rules, shall be conducted by the Licensing Authority : and

(b) the test for a driving licence specified in rule 15 of the Central Motor Vehicle rules shall be conducted by the Motor Vehicles Inspector or such other officer who is appointed in this behalf by the Government :

Provided that the Licensing Authority may, for reasons to be recorded in writing, have more than one test of competence to drive.

(2) For the purpose of tests in term of sub- rule (1), the applicant shall produce himself at such time and place as may be specified by the Licensing authority and bring with him a serviceable vehicle of the class to which the application belongs for testing purposes.

6. Photograph to be signed by the Licensing Authority :-

(1) The photograph of the holder of the licence when affixed to the licence shall be sealed with the seal of the Licensing authority in such a manner that a part of the impression of the seal is upon the

photograph and part on the margin.

(2) If at any time it appears to the Licensing authority that the photograph affixed to a licence has ceased to be a clear likeness of the holder the Licensing Authority may require the holder to surrender the licence forthwith and to furnish two clear copies of a recent photograph of himself and the holder shall, within such time as the Licensing authority may specify, appear in person before the Licensing authority and present the photograph accordingly.

(3) Upon receipt of the copies of the photograph in terms of the provisions of sub-rule (2), the Licensing authority shall remove the old photograph and from the licence and affix the seal return the licence to the holder of the licence and shall, if he is not the Licensing authority by whom the licence was issued, forward the second copy of the photograph to that authority. Provided that if the holder of the licence so desires the Licensing authority shall issue a duplicate licence with the new photograph affixed thereto and shall destroy the original licence.

(4) When a new photograph is affixed to a licence, a note shall be made upon the photograph of the date of affixure.

(5) The fee for a duplicate licence issued under the provision to sub-rule (3) shall be rupee ten.

7. Appellate Authority :-

The appellate authority for the purposes of sub-section (2) of section 17 and sub-section (3) of section 19 shall be the Chairman of the State Transport Authority.

8. Conduct and hearing of appeals :-

(1) An appeal under sub-section (2) of section 17 and sub-section (3) of section 19 shall be preferred in duplicate in the form of a memorandum one copy of which shall bear a cash receipt or a treasury challan of rupees fifteen, setting forth concisely the grounds of objection to the order of Licensing authority and shall be accompanied by a certified copy of the order appealed against.

(2) When an appeal is preferred under sub-rule (1) a notice shall be issued by the Appellate authority concerned in such form as the Appellate authority may specify.

(3) The Appellate authority after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may be necessary, may confirm, vary or set aside the order against which the appeal is preferred and shall make in order accordingly.

(4) Any person preferring an appeal under sub - rule (1) may obtain any document filed with the Licensing authority in connection with the orders appealed against payment on payment of a fee at the rate of rupees two per page.

(5) Any person referring an appeal as aforesaid shall be entitled to inspect the file of the Appellate authority by making an application bearing a cash receipt or a treasury challan of,-

(a) in respect of urgent inspection , rupees ten; and

(b) in respect of ordinary inspection, rupees five,

(6) A copy of the order made by the Licensing authority in appeal may be obtained on payment of a fee at the rate of rupees two per page. Section 28 (2) (b)

9. Authority for making appointment of registered Medical practitioner :-

(1) The chairman of the State Transport Authority in consultation with the Director of Health Services Himachal Pradesh shall be the authorised person to appoint the registered medical practitioners for the purposes of subsection (3) of section 8(2) Section 28 (2) (e) The fee payable for the issue of medical certificate under subsection(3) of section 8 shall be rupees fifteen and shall be deposited under the appropriate Head of Account of Deptt. of Health & family welfare of the Government where the examination is considered by Government Doctor.

10. Licences lost or destroyed :-

(1) If at any time the licence is lost by the holder or is destroyed, the holder thereof shall forthwith intimate the facts in HP form I LLD or in a letter setting out the particulars required by the HP Form I LLD to the Licensing authority in whose area he has his place of residence.

(2) Upon the receipt of intimation under sub-rule(1) , the Licensing authority shall if he is not the Licensing authority by whom the licence was issued, apply to that Licensing authority for particulars of the licence and, after making such enquiries as he thinks fit, shall, if he is satisfied that a duplicate may properly be issued, issue a duplicate licence.

(3) Where a photograph has become obsolete, the holder of the licence shall furnish the Licensing authority with two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate licence and the second one in record.

(4) The fee for a duplicate licence issued under this rule shall be rupees twenty five.

Provided that if the licence is lost while in the custody of a court or a n authority to which it has been submitted or surrendered in pursuance of the provisions of the Act or these rules, a duplicate copy shall be issued free of charge.

(5) When duplicate licence has been issued upon representation that a licence has been lost and the original licence is afterwards found by the holder, he shall deliver the original licence forthwith to the Licensing authority but the fee so paid for the issue of duplicate licence shall not be refundable.

(6) Any other person finding a driving licence shall deliver it to the holder of the licence or to the nearest police station.

11. Mutilated licence :-

(1) If at anytime it appears to a Licensing authority that a licence held by any person is so torn or defaced that it has ceased to be reasonably legible or that any important part of the original licence has been detected or is missing or that any unauthorized alterations have been made, the Licensing authority may impound the licence and issue a duplicate licence.

(2) If any of the entries are illegible or are missing or it appears that they have been detached or altered without authority, the Licensing authority shall, if he is not the Licensing authority by whom the licence was issued, apply to that authority for particulars of the licence and after making such enquiries as he thinks fit shall, if he is satisfied that a duplicate may properly be issued, issue a duplicate licence.

(3) If a licence impounded as aforesaid is required to have a photograph of the holder affixed thereto, then,-

(a) if the photograph on the impounded licence is in the opinion of the Licensing authority satisfactory and conveniently transferable to the duplicate licence, the Licensing authority may so transfer, affix and seal the photograph to the duplicate licence; and

(b) if the photograph affixed to the licence impounded is not in the opinion of the Licensing authority such as can be transferred to the duplicate licence, the holder of the licence, shall, on the demand of the licensing authority furnish two clear copies of recent photograph of himself, one of which shall be fixed to the duplicate licence and sealed.

(4) The fee for a duplicate licence issued under this rule shall be

ten rupees.

12. Issue of duplicate licence :-

When a duplicate licence is issued, it shall be clearly stamped "DUPLICATE" in red ink and shall be marked with the date of issue of the duplicate and the seal of the Licensing authority.

13. Temporary authorization in lieu of licence :-

(1) When the holder of a licence has surrendered it to a Licensing authority for renewal or for obtaining addition to drive a vehicle under section 11 or for any other purpose under the Act or these rules and has deposited the fee as specified under rule 32 of the Central Motor Vehicle Rules for this purpose and the licence so surrendered has not been suspended or cancelled The Licensing authority of other authority to whom the licence has been surrendered shall furnish him with a receipt for the licence in HP Form II L Temp or in HP Form III L Temp (MVD) and during the period specified in the receipt so furnish it may be produced in place of the licence under section 130 and under sub-section (3) of section 206.

(2) The Licensing authority, a police officer or any other person authorized by the Government may extend the term of the receipt issued under sub-rule (1) by an order endorsed thereon.

(3) No fee shall be payable in respect of a receipt given under this rule. Section 206

14. Communication of particulars of licence :-

(1) A Licensing authority taking possession of a licence under section 19 shall, if the licence was issued under the Act and was granted by another Licensing authority, intimate that fact to the authority, by whom the licence was issued.

(2) The particulars of the person disqualified for holding or obtaining a driving licence and the particulars of person convicted under section 182 shall be published in the Official Gazette and entry to that effect shall be made in the State Register for Driving Licences maintained under section 26.

15. Intimation to original Licensing authority of endorsement and renewals :-

(1) The court or authority making or causing to be made an

endorsement on licence regarding disqualification under section 24 shall send intimation thereof in HP Form IV - LE to the Licensing authority by whom the licence was issued.

(2) A Licensing authority renewing a licence under the provisions of sub-section (6) of section 15 shall intimate in HP Form V-L.R. the fact of renewal to the Licensing authority by whom the licence so renewed was issued.

(3) A Licensing authority adding to the classes of vehicle under which a licence authorises the holder to drive vehicles under sub-section (3) of section 6 shall, if it is not the authority by whom the licence was issued, intimate the addition so made to that authority in HP Form VI LAD.

16. Change of Address :-

The holder of a licence entitling him to drive as a paid employee or to drive a public service vehicle, shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three months, report any change of his temporary or permanent address as given on the license to the Licensing authority by whom the licence was issued and to the licensing authority by whom it was last renewed.

17. Exemption from the payment of fees :-

(1) Fees specified under rule 32 of the Central Motor Vehicles Rules shall not be charged from a person, if he is or has been serving in any unit abroad or field area of the Defence Services of the Union whether employed on driving vehicles or otherwise; Provided that such a person shall also avail said exemption if he makes an application for the grant or renewal of licence within three months of his return from the service abroad or, as the case may be from the field area.

(2) Ex-Military drivers other than commissioned officers and junior commissioned officers shall be eligible for grant of a driving license without payment of any fee specified for that purpose under rule 32 of the Central Motor Vehicles Rules.

18. Drivers badge :-

"The driver of a stage carriage vehicle or a contract carriage vehicle shall display on the left side of his chest a plastic badge in the form specified in the first schedule to these rules, indicating this name

and designation as Driver alongwith the name of Registering and Licensing Authority who has issued his license and shall be got prepared by the owner of the vehicle who has employed the driver after verification of particulars of Driving License of the Driver.

19. Duties, Functions and Conduct of drivers :-

(1) The driver of a transport vehicle shall :-

(i) not allow any person to sit on the bonnet, on the roof of the vehicle or in the cabin provided for the driver:

(ii) not indulge in gossips with any other person (s) sitting near him.

(iii) having regard to duties, be responsible for the due observance of the provisions of the Act and the rules of any conditions of the permit relating to the vehicles;

(iv) park the vehicle at specific place only and shall park in a way that the vehicle does not obstruct free flow of traffic and pedestrians movement;

(v) be cleanly dressed in such manner as the Regional Transport Authority may specify:

(vi) maintain the vehicle in a clean and sanitary condition;

(vii) not, when the vehicle is in motion, distract his attention without reasonable cause or speak to any person unless it is absolutely necessary so to do;

(viii) not drive recklessly or dangerously; Explanation :- For the purpose of this clause, the driver of a transport vehicle shall not keep Mobile phone or co-related devices, in any form, in his possession or within the area easily approachable by him, and shall also not engage in any activity which is dangerous to public, while driving transport vehicle".

(ix) not drive under the influence of drinks or drugs;

(x) not a bet offence under Section -184 or 185;

(xi) not take part in un-authorized race or trail of speed of any kind;

(xii) not drive during the period of disqualification;

(xiii) not to driver when a vehicle is involved in an accident;

(xiv) not alter the licence or badge held by him and shall not use altered licence and badge;

(xv) not use a horn which gives shrilling or musical sound;

(xvi) not display any musical device when the vehicle is in motion;

(xvii) not use any extra lights or signs on the motor vehicle which distracts the attention of other drivers or pedestrians;

(xviii) stop his vehicle to allow passage to the vehicle coming up-hill; and

(xix) not smoke or allow any other person to smoke in or on a vehicle during a journey or when it has passengers on board.

(2) In addition to the duties of the drivers of transport vehicles given in sub-rule (1) the drivers of public service vehicle shall-

(i) not cause or allow any person, animal or anything to be placed or to be in the space reserved for the drivers seat in accordance with rule 144(2) or otherwise with such a way as to impede vision of the road or proper control of the vehicle;

(ii) not shout in order to attract a passenger;

(iii) subject to any rules or regulations in force prohibiting the taking up or setting down of passengers at or except at, certain specific places, bring the vehicle to rest as sufficient period of time in a safe and convenient position upon the demand or signal of the conductor or of any passenger desiring to alight from the vehicle, and unless there is no accommodation in the vehicle upon the demand or signal of any persons desiring to become a passenger;

(iv) not, when bringing his vehicle to rest for the purpose of picking-up or setting down any passenger at or near the place where another public service vehicle is at rest for the same purpose, drive the vehicle as to endanger, inconvenience or interfere with the driver or the conductor or of the other vehicle or any person mounting or preparing to mount thereon or alighting there-from, and shall bring his vehicle to rest in front or behind the other vehicle and on the left hand side of the road or place;

(v) at all times exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it or any brake, tyre or lamp thereof is in a defective condition likely to endanger any passenger or other person or when there is not sufficient fuel in the tank of the vehicle to enable him to reach the next petrol filling station on the route;

(vi) behave in a civil and orderly manner to passengers and intending passengers.

(vii) not interfere with persons mounting or preparing to mount upon any other vehicle;

(viii) not allow any person to be carried in any public service vehicle in excess of the seating capacity specified in the certificate of registration of the vehicles and any additional number permitted under the term of the permit to be carried standing in the vehicle;

(ix) not willfully deceive or refuse to inform any passenger or

intending passenger as to the designation or route of the vehicle or as to the fare for any journey;

(x) not, save for good and sufficient reason, refuse to carry any person tendering the legal fare;

(xi) where goods are carried on the vehicle in addition to passengers, take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods;

(xii) not, save for good and sufficient reasons, require any person who has paid the legal fare to alight from the vehicle before the conclusion of the journey;

(xiii) not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time table pertaining to the vehicle; or where there is no such time table, with all reasonable dispatch;

(xiv) in the event of a stage carriage being unable to proceed to its destination on account of mechanical break down or other cause beyond the control of the driver or the conductor, arrange to convey the passengers to their destination in some other similar vehicle, or, if unable to arrange within a period of one hour after the failure of the vehicle, shall on demand refund to such passenger a proper proportion of the fare relating to the completion of the journey for which the passenger had paid the fare;

(xv) not, in the case of stage carriage, cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;

(xvi) when using a stand, pay the fees fixed for such stands and comply with any relevant conditions subject to which the place is authorized as a stand;

(xvii) shall take due care for the safe carriage of luggage belonging to the passengers;

(xviii) shall take all reasonable precautions to ensure the safety of passengers in or entering or alighting from the vehicle;

(xix) take all reasonable precautions to ensure that all means provided for indicating the route, fares and destination of the vehicle are clearly and correctly displayed in or on the vehicle;

(xx) not allow any passenger or some other person such as vendor, hawker or seller to beg, sell while or offer any article for sale in or on the vehicle;

(xxi) not while driving a vehicle operate any radio, taperecorder, television, VCR and the like instrument, and

(xxii) shall not argue with passenger and must give his name,

number, etc. when asked to do so.

(3) In addition the duties of drivers under such rule(1) & (2), the drivers of contract carriage vehicles shall-

(i) in the absence of reasonable cause to the contrary proceed to the destination agreed by the hirer by shortest and quickest route;

(ii) not terminate the hiring thereof before he has been discharged by the hirer;

(iii) station his motor vehicle/cab in the stand in the order in which he arrives, the motor cab has been waiting longest being stationed in the front position and the other vehicle shall move as the vacancy occurs and

(iv) not allow his vehicle, when it is not engaged, to remain at any public place other-than the stand approved for the purpose, nor shall he loiter for the purpose of its being hired in any public place;

20. Driver not to allow to travel certain persons :-

(1) No driver shall cause or allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reason to believe to have been suffering from any infectious or contagious disease or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease.

(2) Notwithstanding the provisions of sub-rule(1), the driver may upon an application, in writing, by a registered medical practitioner, allow a person suffering from an infectious or contagious disease to be carried in a transport vehicle;

Provided if that no other person save a person or persons in attendance on the sick person, shall be carried in the transport vehicle at the same time.

(3) When a person suffering from an infectious disease or the corpse of any such person has been carried in a transport vehicle, the driver of the vehicle shall be responsible to report that fact to a Government medical officer of the area concerned and to the owner of the vehicle and neither the owner nor the driver shall cause or allow any person to use the vehicle until the driver and the vehicle have been disinfected in such manner as the medical officer may specify and a certificate to that effect has been obtained from the medical officer.

21. State Register of Driving Licenses :-

(1) The State Register of Driving Licenses shall be maintained in duplicate in the office of the Director in Form 10 appended to the

Central Rules.

(2) The Register of Driving Licenses shall also be maintained in triplicate in the office of each of the Licenses authorities in the Form referred to in sub-rule (1) and a copy of each page of it, in duplicate, shall be forwarded to the Director every month. Each entry on the said Register shall be attested by the Licensing authority or by a person so authorized to sign by the Director.

CHAPTER 3 LICENSING OF CONDUCTORS OF STAGE CARRIAGES

22. Application for grant of Conductors Licence :-

(1) An application for the grant of a conductors license shall be made in HP Form L Con. A to the Licensing authority of the district where the applicant resides or carries in business and shall be accompanied by.-

- (i) two clear copies of recent photographs of the applicant;
- (ii) a cash receipt or a treasury challan in token of payment of fee; and
- (iii) a medical certificate of fitness in HP Form IX MC Con along with a certificate showing competence to undertake first aid work in HP Form VIII F.A.B. from Chief Medical Officer incharge of a referral hospital or Sub Divisional Hospital or Rural Hospital or Civil Hospital or Civil Hospital, as the case may be, in Himachal Pradesh who are authorized by the Director on the recommendations of the Director, Health Services, Himachal Pradesh for this purpose."

(2) In the case of an application for grant of a conductors license, if the Licensing authority has reason to believe that the applicant is physically unfit to perform the duties of a conductor, it may call upon him to furnish a third copy of his clear and recent photograph in addition to the photographs already furnished under sub-rule (1) and to produce another medical certificate of fitness in HP Form IX MC Con from a Medical Officer of the District concerned for this purpose and the photograph so furnished should be firmly affixed with the application duly signed and sealed by the registered medical practitioner.

(3) No person shall be eligible to make application under sub-rule (1) for the grant of conductors licence, unless he,-

- (i) is a matriculate;
- (ii) possesses knowledge of the provisions of the Act and the rules made thereunder;
- (iii) Is conversant with the duties and functions of a conductor;
- (iv) is of a sound physique; and

(v) gives satisfactory proof of his good character.

(4) If the application for the grant of a conductors licence is found to be in order by the Licensing authority and the provisions contained in Chapter III of the Act are met with, it may grant a conductors license in HP Form X "L Con" which shall be valid for a period of three years from the date of issue and shall be effective throughout the State.

23. Counter- signatures of Conductors License :-

A conductors license issued by a Licensing authority having jurisdiction outside the State shall not be effective in the state, unless it is countersigned under the authority of a Licensing authority having jurisdiction in the State in the manner as is applicable for renewal of a conductors license.

24. Renewal of Conductors License :-

(1) An application for renewal of conductors license shall be made to the Licensing authority in HP Form XI L. Con. AR; thirty days before the expiry of the license and shall be accompanied by a cash receipt or treasury challan in token of payment of fee for renewal of the license as prescribed under rule section (5) of section 30 of the Act.

(2) If the Licensing authority finds the application for renewal of a conductors licence in order, it may renew the same by making an entry to that effect on the licence and renewal shall be valid for a period of three years from the date of the expiry of the licence :
Provided that if the authority renewing the licence is not the authority which issued the licence, the authority renewing the licence shall intimate the fact of renewal to the authority which issued the licence. Section 30 and 38 (2)

25. Liability for producing Medical Certificate :-

A person who has been authorised to act as a conductor of the stage carriages before the commencement of the Motor Vehicle Act, 1988(Central Act No. 59 of 1988) shall, within a period of three years from the date of such commencement, produce medical certificate from the authority specified under rule 22 failing which he shall be disqualified under section 31 to act as a conductor.

26. Grant of duplicate conductors license :-

If at any time a conductors licence is lost or destroyed or mutilated or the photograph affixed thereto ceases, in the opinion of the licensing authority, to be of reasonable likeness of the holder, the Licensing authority shall proceed in such case in accordance with the provisions contained in rules 10 or 11 , as the case may be.

27. Appellate authority :-

The Appellate authority for the purpose of sub-section (2) of section 33 and sub section (4) section 34 of shall be the Chairman of the State Transport Authority and the Regional Transport Authority respectively.

28. Conduct and hearing of appeals :-

(1) An appeal under sub section (2) of section 33 and sub-section (4) of section 34 shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear a cash receipt of rupees twenty setting forth concisely the grounds of objection to the order of the Licensing authority and shall be accompanied by a certified copy of the order appealed against.

(2) When an appeal is preferred, the Appellate authority shall issue a notice to the Licensing authority against whose order the appeal is preferred and cause it to send the relevant record.

(3) The Appellate authority may, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, confirm, vary or set aside the order against which the appeal is preferred and shall make an order accordingly.

(4) Any person preferring an appeal under sub-rule(1) shall be entitled to obtain a copy of any document filled with the Licensing authority in connection with the order appealed against after payment of a fee at the rate of two rupees per page.

(5) Any person preferring an appeal shall be entitled to inspect the file of the Appellate authority by making an application bearing a cash receipt or a treasury challan of :-

(a) in respect of an urgent inspection, --ten rupees : and

(b) in respect of an ordinary inspection, -- five rupees

(c) A copy of the order made by the Appellate authority in appeal may be obtained on payment of a fee at the rate of two rupees per page.

29. Conductors badge :-

1. The conductor of a stage carriage vehicle shall display on the left side of his chest a plastic badge in the form specified in the first schedule to these rules, indicating his name and designation as Conductor alongwith the name of Registering and Licensing Authority who has issued his license and shall be got prepared by the owner of the vehicle who has employed the conductor after verification of particulars of Conductors License.

30. Badge not to be transferred :-

(1) No conductor shall lend or transfer his badge to any other person and no conductor shall wear a badge other than one issued to him by the Licensing authority.

(2) Any person finding a conductors badge shall, unless he returns the same to the holder, forthwith surrender it to the Licensing Authority by which it was issued or to a police officer.

31. Driver performing the duties of conductor :-

Any driver of a stage carriage may perform the duty of a conductor of a stage carriage temporarily for a period not exceeding ten days without getting a conductors licence when he is so authorised with the prior approval of the Regional Transport Authority, by any officer not below the rank of a Traffic Manager in the case of a State Transport company or a transport firm or a transport Co-operative Society:

Provided that such driver should be able to perform the first aid duties and should possess educational qualifications as specified in sub-rule (3) of Rule 22 for obtaining Conductors licence.

32. Duties, functions and conduct of a conductor :-

The Conductor of a stage carriage shall;

(i) charge fares specified for the journeys or stages of the journeys and shall issue tickets to all the passengers and shall ensure that no one travels without a valid ticket.

(ii) not smoke or allow any other person to smoke in or on a vehicle during a journey or when it has passengers on board;

(iii) behave in a civil and orderly manner to passengers and intending passengers;

(iv) be cleanly dressed in such manner as the State Transport authority may specify;

(v) maintain the vehicle in a clean and sanitary conditions;

- (vi) not interfere with persons mounting or preparing to mount upon any other vehicle;
- (vii) not allow any person to be carried in public service vehicle in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried standing in the vehicle;
- (viii) not willfully deceive or refuse to inform passenger or intending passenger as to the destination or route of the vehicle or as to the fare of any journey;
- (ix) not, save for good and sufficient reason, refuse to carry any person tendering the legal fare;
- (x) take all reasonable precaution to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods where goods are carried on the vehicle in addition to the passengers;
- (xi) not, save for good and sufficient reasons, require any person who has paid the legal fare to alight from the vehicle before the conclusion of the journey;
- (xii) not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time table pertaining to the vehicle or where there is no such time table, with all reasonable dispatch;
- (xiii) in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown or other cause beyond the control of the driver or the conductor, arrange to convey the passengers to their destination in some other similar vehicle, or, if unable to arrange within a period of one hour after the failure of the vehicle, shall on demand refund to each passenger a proper proportion of the fare relating to the completion of the journey for which the passenger had paid the fare;
- (xiv) not in the case of a stage carriage cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;
- (xv) pay the fees fixed under sub-rule (3) of rule 200 when using a stand and comply with any relevant condition subject to which the place is authorised as a stand;
- (xvi) take due care for the safe carriage of luggage belonging to the passengers;
- (xvii) take all reasonable precautions to ensure the safety of passengers in or on entering or alighting from the vehicle;
- (xviii) not, when the vehicle is in motion, distract his attention without reasonable cause or speak to any person unless it is

absolutely necessary so to do;

(xix) take all reasonable precautions to ensure that all means provided for indicating the route fares and destination of the vehicle are clearly and correctly displayed in or on the vehicle;

(xx) follow the signaling devices provided for starting and stopping the vehicle and in no circumstances must the vehicle be started by shouting to the drivers, stamping the feet , tapping on the partition or by other unauthorized methods of signaling.

(xxi) not argue with passengers and must give his name and badge number when asked to do so;

(xxii) not come on duty under the influence of any intoxicant;

(xxiii) assist the passengers loading and unloading their luggage on way side halts;

(xxiv) not allow any passenger or some other person such as vendor hawker or seller to beg, sell or offer any article for sale in or on the vehicle.

(xxv) not allow any person to sit on the bonnet or roof of the vehicle or in the cabin provided for the driver in the vehicle;

(xxvi) Whenever the stage carriage approaches on unguarded level crossing, cause it to be stopped and after alighting therefrom and ensuring that no train is approaching from either direction , cause the vehicle to follow him till the other side of level crossing is reached; and

(xxvii) Wherever any vehicle is fitted with any radio, tape, television or VCR or other like instrument, shall operate it, when it is permissible to be operated.

CHAPTER 4 REGISTRATION OF VEHICLES

33. Registering Authority :-

The Licensing authority as specified under Rule 3 shall be the Registering Authority the purpose of registration of the vehicles with in his jurisdiction: Provided that for the purpose of registration-

(a) of a tourist vehicle the registering authority shall be the Secretary, State Transport Authority, Himachal Pradesh, whose area of jurisdiction shall be whole of the State :

(b) of an auto-rickshaw, piled for the carriage of passengers, the registering authority shall be the Secretary, Regional Transport Authority, whose area of jurisdiction shall be the territorial limits of the region for which he is appointed.

34. Appellate Authority :-

The Director shall be the Appellate authority for the purposes of section 57. Section 57 and 65 (2) (b) & (p)

35. Conduct and hearing of appeals :-

(1) An appeal under section 57 shall be preferred in duplicate in the form of a memorandum one copy of which shall bear cash receipt or treasury challan of twenty rupees setting forth concisely the grounds of objection to the order of the registering authority or the Board of Inspection, as the case may be and shall be accompanied by a certified copy of the order appealed against.

(2) When an Appeal is preferred, a notice shall be issued to the registering authority and in the case of an appeal against the order of the Board of Inspection to the Motor Vehicle Inspector, in such form as the appellate authority may direct and cause the relevant records to be sent.

(3) The Appellate authority may, after giving an opportunity to the party to be heard and after such further enquiry, if any, as it may deem necessary, confirm, vary, or set aside the order of registering authority or the Board of Inspection, as the case may be, and shall make an order accordingly.

(4) Any person preferring an appeal under sub-rule(1) shall be entitled to obtain a copy of any document filed with the registering authority or the Board of Inspection in connection with the order appealed against and a copy of the order of the registering authority or the Board of Inspection on payment of a fee at the rate of two rupees per page.

(5) Any person preferring an appeal under sub-rule(1) shall be entitled to inspect the file of the appellate authority by making an application bearing a cash receipt or a treasury challan of :-

(a) in respect of an urgent inspection, ten rupees.

(b) in respect of an ordinary inspection, five rupees.

(6) A copy of the order made by the Appellate authority in appeal may be obtained on payment of a fee at the rate of two rupees per page.

36. Reference to expert :-

(1) In the course of an appeal against a refusal to issue a certificate of fitness under section 56, the applicant may demand at his own cost that the opinion of an expert accepted by himself and

approved by the Appellate authority may be taken.

(2) If the Appellate authority accepts the demand for reference to an expert, it shall frame issues and refer the same to him for his opinion.

(3) Where reference under sub-rule (2) is made to an expert, his opinion shall be accepted as final.

37. Manner for exhibiting the particulars of transport vehicles :-

(1) Save in the case of a motor car, the particulars set forth in HP Form XII PPTV shall be exhibited frame inside the transport vehicle in the drivers cabin, in hindi devnagri script and numerals international form of Indian numerals.

(2) The full name of the transport company, transport society, transport firm or person owing the vehicle and registration mark as set forth in its registration certificate shall be exhibited on both sides of every transport vehicle in Hindi Devnagri script in bold letters measuring 100 millimeters in height and 20 millimeters in thickness.

Provided that with the approval of the Regional Transport Authority concerned abbreviations of names may be used.

38. Board of inspection for issue or renewal of certificate of fitness :-

(1) The functions to grant or renew a certificate of fitness of a transport vehicle and all other functions which are to be discharged by a prescribed authority under section 56 shall be performed by a Board of Inspection consisting of -

(a) the registering authority concerned; and

(b) a Motor Vehicle Inspector appointed by the Government for this purpose.

(2) In the event of a difference of opinion between the members of the Board of Inspection regarding the fitness of a vehicle, the decision of the Board of inspection shall be deemed to be that the vehicle is not fit and an order shall be made in the name of the Board of Inspection refusing to grant or renew the certificate of fitness or cancelling the certificate of fitness.

39. Application for certificate of fitness :-

(1) For the grant or renewal of a certificate of fitness, a transport

vehicle shall be presented to the Board of Inspection or to an authorised testing station in whose functional area the vehicle is kept or whose functional area includes the major portion of the route or area to which the permit of the vehicle extends.

Provided that the Board of Inspection or an authorised testing station shall keep in view, in addition to other matters, the design of vehicle to be of the type approved by the State Transport Authority for grant of a certificate of fitness.

(2) If owing to mechanical break down or other cause a transport vehicle is, at the time when the certificate expires, outside the functional area of the Board of Inspection or an authorised testing station by which the certificate is to be renewed, any other Board of Inspection or an authorised testing station may, without prejudice to any penalty to which the owner may have become liable, if the vehicle is in the opinion of the Board of Inspection or an authorised testing station fit for use by endorsement in HP Form XIII C.F. and subject to such conditions as the Board of Inspection or an authorised testing station may specify, authorize its continued use for such a time as may reasonably be necessary for the vehicle to return to the area of the Board of Inspection or an authorised testing station by which the certificate should be renewed. The vehicle may thereupon be driven to such area in accordance with such endorsement, but shall not be used after return to the area until the certificate has been renewed.

40. Procedure of Board of Inspection or an authorised testing station :-

(1) A Board of Inspection or an authorised testing station before which a vehicle is produced for the issue or renewal of a certificate of fitness may,--

(a) issue a certificate of fitness or renew the same in respect of the vehicle;

(b) defer a decision regarding the issue or renewal of a certificate of fitness pending the rectification of certain defects ; or

(c) refuse to issue a certificate or to renew the certificate.

(2) Where the course described in clause (b) is followed, the Board of Inspection or an authorised testing station shall supply the owner of the vehicle or his agent with a list of the defects requiring correction in HP Form XIV C.F.X. and pending the carrying out of the repairs shall suspend and impound any certificate of fitness previously in force in respect of the vehicle. In completing HP Form

XIV C.F.X. the Board of Inspection or an authorised testing station shall note the conditions under which it shall be permissible for the vehicle to be used pending the grant of renewal of the certificate, These conditions shall in no case permit the use of the vehicle for the conveyance of passengers for hire or reward or for the carriage of goods other than goods carried in connection with the repairing of the vehicle.

(3) If a Board of Inspection or an authorised testing station defers its decision under clause (b) of sub-rule (1) in case of a renewal of a certificate of fitness and supplies the owner of the vehicle or his agent with a list of defects in HP Form XIV C.F.X. and if thereafter the vehicle is not produced for further examination within a period of two months or within such period may have been specified by the Board of Inspection or an authorised testing station in HP Form XIV C.F.X. the certificate of fitness shall be deemed to be cancelled with effect from the date on which its duration expires.

(4) Notwithstanding the provisions of the preceding sub-rule, when examination of the vehicle by the Board of functional area of the vehicle concerned will result in delay or cause unnecessary expense to the owner or user of the vehicle, the chairman of the State Transport Authority or a person nominated by him shall, for reasons to be recorded, be competent to set up an adhoc Board of Inspection to grant or renew certificates of fitness.

(5) In issuing or renewing a certificate of fitness, the Board of Inspection or an authorised testing shall endorse thereon the period for which the certificate of fitness shall remain effective in accordance with the provisions contained in rule 62 of the Central Rules.

40A. Security and Fee for authorization of agency and issue of pollution under control certificate :-

(1) The following Security and fee for authorization of issuing a pollution under control certificate under rule 115(7) of the Central Motor Vehicle Rules, 1989 shall be payable by the agency applying for such authorization, namely :-

(2)

Security refundable to be deposited with the Director of Transport.	Rs. 15000/- for centers located in urban areas and Rs 5000/- for centers located in rural areas.
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Provided that the agencies already authorized shall deposit refundable security at the time of renewal of authorization:

Provided further that a non-refundable application fee of Rs. 500/- shall be charged from the agency/applicant applying for Pollution Under Control authorization;

(b) Fee for authorization-	
(i) For petrol driven motor vehicles	Rs 2000/-
(ii) For diesel driven motor vehicles	Rs 2000/-
(iii) For both petrol and diesel driven motor vehicles	Rs 4000/-; and
(c) Renewal fee for authorization :-	
(i) For petrol driven motor vehicles	Rs 2000/-
(ii) For diesel driven motor vehicles	Rs 2000/-
(iii) For both petrol and diesel driven motor vehicles	Rs 4000/-

(3) The authorized agency shall charge the following fee for issue of a Pollution Under Control Certificate :-

(i) For petrol driven motor vehicles with photograph of vehicles	Rs 60 (for six months)
(ii) For diesel driven motor vehicles with photograph of vehicles.	Rs 60 (for three months)

Provided that the authorized agency may charge a maximum of Rs 10/- per vehicles for minor adjustment.

41. Report to be made when a certificate of fitness is cancelled or renewal :-

(1) The Board of Inspection or an authorised testing station shall intimate to the Regional Transport Authority by whom the permit of the vehicle was issued at the first instance and also to the registering authority of the area where vehicle stands registered, the fact of cancellation of a certificate of fitness or refusal to renew a certificate of fitness, as the case may be, and in both the cases referred to above, the Board of Inspection or an authorised testing station shall impound the certificate of fitness and forward it to the registering authority concerned.

42. Temporary registration of motor vehicles :-

(1) ¹[When for any reason it is impracticable for the purchaser of a new motor vehicle to obtain a registration certificate in the ordinary course owing to a temporary closure of the office of the registering authority or for other reasons, or where the purchaser of a new motor vehicle intends to export it at once beyond the limits of the State or to take it immediately to the area where he/she has his permanent residence or place of business, a temporary certificate of registration mark may be issued by the firm of vehicles, dealer or manufacturer of vehicles appointed by the Regional Transport Officer in this behalf subject to the provisions of sub rule (2) and

the temporary certificate and registration mark shall for the time being serve all the purpose of a regular certificate of registration and registration mark: Provided that the names of persons or the firm, as aforesaid, who shall be competent to sign the temporary certificate of registration, shall be specified by the Regional Transport Officer.]

(2) A temporary certificate of registration or a temporary registration mark shall not be issued except in respect of a vehicle which has not previously been registered under the Act.

(3) Every application for a temporary certificate of registration shall be writing and shall indicate the sub- division, District, and place where the vehicle is intended to be produced for permanent registration and shall be supported by certificate from the person or firm from whom the vehicle has been purchased indicating the date of purchase of the vehicle.

(4) On receipt of an application in terms of the provisions of sub-rule(3), the person or firm authorised under sub-rule (1) may issue a temporary certificate of registration in Foil A in HP Form XV CR Tem.

(5) If the place in which it is intended permanently to register the vehicle is in Indias foil B of HP Form XV CR Tem, shall be dispatched immediately to the registering authority of the area in which it is to be registered and in other cases the said foil B shall be dealt with according to such directions as may be issued by the Government from time to time. The counterfoil together with the application and its accompanying certificate shall be kept on record by the firm issuing the permit and shall be made available for the inspection of the registering authority of the area at the end of every calendar month or at such other intervals as the registering authority may direct. The counterfoils with the application and certificates, shall unless they are taken by the registering authority into his own charge, be preserved by the said firm for a period of not less than twelve months from the date of issue.

(6) In the case of vehicles intended to be permanently registered in the State, the registering authority receiving foil B under sub-rule (5) shall forthwith send an acknowledgement to the firm which issued it and that firm shall attach the acknowledgment to the counterfoil.

(7) A firm issuing temporary certificate registration shall at the same time assign to the vehicle a mark to be displayed thereon in the manner specified in rule 51 of the Central Rules, the letters and figures composing the marks being in red on a yellow ground.

(8) The fee for temporary registration under this rule shall be half the registration fee as specified in rule 81 of the Central Rules.

(9) To enable the firm empowered under sub-rule (1) to fulfill the requirements of sub-rule (7), the registering authority shall earmark a block of registration mark out of those assigned to the district for the purpose.

(10) Where a motor vehicle temporarily registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the period of one month specified in sub-section (2) of section 43, in such a case the registering authority may allow extension in temporary registration upto a period of twelve months. Provided that the extension in temporary registration shall be given on payment of fee-

(a) in the case of extension for a period not exceeding a period of three months, at the rate of half of the rate specified for temporary registration under sub-rule (8) ; and

(b) in the case of extension for a period exceeding three months but not exceeding twelvemonths, at the rate of rupees fifty for every month or part thereof.

1. Substituted vide Notification No.Tpt-A(3) 5/2013 dtd. 22.03.2014

43. Loss or destruction of certificate of registration of a vehicle other than transport vehicle :-

(1) If at any time the certificate of registration of vehicle other than a transport vehicle is lost or destroyed the owner shall forthwith intimate the facts in writing to the registering authority by whom the certificate was issued or by whom the registration marks of the vehicle was assigned under section 47 and shall apply in Form 26 of the Central Rules to the said authority for the issue of a duplicate certificate.

(2) On receipt of an application under sub-rule(1) together with fee as specified in rule 81 of the Central Rules, the registering authority may, after making such enquiries as may appear necessary, issue a duplicate certificate of registration in Form 23 of the Central Rules stamped "Duplicate in red ink.

44. Loss or destruction of certificate of registration and certificate of fitness of a transport vehicle :-

(1) If at any time the certificate of registration or the certificate of

fitness of transport vehicle is lost or destroyed, the owner shall forthwith intimate the fact in writing, to the registering authority by whom the certificate of registration was issued or by whom the registration mark was assigned under section 47 and shall apply in form 26 of the Central Rules to the said registering authority for the issue of duplicate certificate of registration and certificate of fitness.

(2) On receipt of an application under sub-rule (1) together with fee as specified in rule 81 of the Central Rules, the registering authority may, after making such enquiries as may appear necessary, issue a duplicate certificate of registration in Form 23 of the Central Rules stamped "Duplicate" in red ink.

45. Procedure when a lost certificate is subsequently found :-

(1) When a duplicate certificate or certificate of registration has been issued upon representation of the holder thereof that the original has been lost and if the original is afterwards found, the original certificate of fitness or certificate of registration shall be delivered forthwith to the registering authority.

(2) Any other person finding a certificate of fitness or certificate of registration shall deliver it to the holder or the nearest Police station.

46. Temporary receipt for certificate of registration or certificate of fitness taken into possession by a competent authority :-

(1) When the holder of certificate of registration and a certificate of fitness of a transport vehicle has submitted them to a registering authority, Board of Inspection, a court, a police officer or to any other person authorised by the Government under section 206 or for any purpose under the Act or these rules and neither the certificate of registration nor the certificate of fitness has been suspended or cancelled, the authorities or the person as aforesaid shall furnish him with a receipt for the certificate of registration in HP Form XVI R. Temp. and during such time as specified in the receipt shall remain in force, it may be produced in place of the certificate of registration or the certificate of fitness under sub-section (1) of section 130.

(2) Any authority or the person granting a receipt under sub-rule(1) may at his discretion extend the term thereof by an order

endorsed thereon.

(3) No fee shall be payable in respect of a receipt given under this rule.

47. Fee for late registration of vehicle :-

The owner of a motor vehicle shall, if he fails to make an application under sub-rule (1) of section 47 within the period specified in rule 54 of the Central Rules, be liable to pay the following amount in addition to the fee specified for registration of vehicles under rule 81 of the Central Rules if the same has not already been paid, namely:-

	For vehicles other than transport vehicle	for transport vehicle
	(in rupees)	(in rupees)
i) for delay exceeding thirty days but not exceeding three months	Ten	Twenty
ii) for delay exceeding three months but not exceeding six months	Twenty	Forty
iii) for delay exceeding six months but not exceeding twelve months	Thirty	Sixty
iv) for delay exceeding one year but not exceeding two years	Forty	Eighty
v) for delay exceeding two years	Fifty	One-hundred

47A. Late fee for submitting application for registration or renewal of vehicles after the due date :-

If the owner of a motor vehicle fails to make an application under subsections (1) or sub-section (8) of Section-41 of the Motor Vehicles Act, 1988, within the period specified in rules 47 and 52 of the Central Motor Vehicles Rules, 1989, he shall be liable to pay the following amount of late fee in addition to the fee specified for registration of vehicles or renewal of registration certificate under rule 81 of the Central Motor Vehicles Rules, 1989, namely:-

Late Fee for late Registration.

Sr.No.	Period of delay	Late fee	
		Non-Transport	Transport Vehicle
1.	For delay exceeding 30 days but not	Rs. 500/-	Rs. 1000/-

	exceeding 90 days		
2.	For delay exceeding 90 days but not exceeding 180 days	Rs. 1000/-	Rs. 2000/-
3.	For delay exceeding 180 days but not exceeding 360 days	Rs. 1500/-	Rs. 3000/-
4.	For delay exceeding 360 days but not exceeding 540 days	Rs. 3000/-	Rs. 4000/-
5.	For delay exceeding 540 days	Rs. 4000/-	Rs. 5000/-

**Late Fee for late renewal of Certificate of Registration
For motor cycle (Two wheeled motor vehicle)**

Sr.No.	Period of delay	Late fee (for nontransport vehicles).
1.	For delay exceeding 1 day but not exceeding 30 days	Rs. 20/-
2.	For delay exceeding 30 days but not exceeding 90 days	Rs. 50/-
3.	For delay exceeding 90 days but not exceeding 180 days	Rs. 100/-
4.	For delay exceeding 180 days	Rs. 500/-

For motor car (Four wheelers)

Sr.No.	Period of delay	Late fee (for nontransport vehicles).
1.	For delay exceeding 1 day but not exceeding 30 days	Rs. 100/-
2.	For delay exceeding 30 days but not exceeding 90 days	Rs. 200/-
3.	For delay exceeding 90 days but not exceeding 180 days	Rs. 500/-
4.	For delay exceeding 180 days	Rs. 2000/--

48. Intimation of transfer of ownership :-

(1) An intimation of transfer of ownership of a motor vehicle shall be made in Forms 29 and 30 of the Central Rules.

(2) A registering authority making any entry or transfer or ownership, if it is not the original registering authority, shall communicate the transfer of ownership to the original registering authority in HP Form XVII CRTI

49. Reassignment of registration marks :-

The registering authority assigning a new registration mark to a motor vehicle shall intimate the fact to the owner and the other party. If any, to an agreement of hire purchase specified in the note on the certificate of registration and shall apply in HP Form XVIII R.M. I. to the registering authority with whom the vehicle stands registered for transfer of the records of the vehicles.

50. Vehicle entering the state from outside :-

When any motor vehicle which has not been registered in the State has been kept therein for a period exceeding fourteen days, the owner or other person in charge of the vehicle shall send intimation to the registering authority of the area in which the motor vehicle is at the time of making the report and shall intimate-

(a) his name and permanent address and the address where the motor vehicle is kept for the time being:-

(b) the registration mark of the motor vehicle

(c) the make and description of the motor vehicle : and

(d) in the case of a transport vehicle the name of the authority within the state by whom the permit has been issued or countersigned :

Provided that in case of a transport vehicle covered by a permit having validity in the state, it shall be necessary to make a report under this rule upon the occasion of first entry only.

51. Delay in intimation of change in residence or place of business :-

(1) If the owner of a motor vehicle fails to comply with the provisions of subsection (1) of section 49 sub-section (2) and (3) of section 50, the registering authority may require him to pay amount mentioned below, namely:

(a) for delay exceeding thirty days but not exceeding Three months.	Ten Rupees
(b) delay exceeding three months.	Twenty Rupees
(c) for delay exceeding six months but not exceeding nine months.	Forty Rupees
(d) for delay exceeding nine month but not exceeding twelve months	Sixty Rupees
(e) for delay exceeding one but not exceeding two years.	Eighty Rupees

52. Exemption of road rollers and the like :-

-omitted

53. Intimation to the financiers :-

An intimation regarding any entry in the certificate of registration, as required under sub-sections (10) and (11) of section 51 of the Act shall be made to the financier in HP Form XIX H.P. Entry by the registering authority immediately on the date of such entry being made.

54. Information of stolen and recovered vehicles :-

The returns regarding vehicles which have been stolen and stolen vehicles which have been recovered or which the police are aware under section 62 shall be sent every month in HP Form XS R.V.

55. State register of Motor Vehicles :-

(1) In pursuance of section 63, State Register of Motor Vehicle shall be maintained in the office of the Director in Form 39 of the Central Rules.

(2) The State Register of Motor Vehicles shall also be maintained in triplicate in the offices of each of the registering authorities in the Form referred to in sub-rule (1) and a copy of each page of it in triplicate shall be forwarded to the Director every month. Each entry on the said register shall be attested by the registering authority or by a person so authorised to sign by the Director.

CHAPTER 5 CONTROL OF TRANSPORT VEHICLES**56. Term of appointment of members of the state transport Authority and a regional transport authority :-**

(1) Any official appointed to be a member of the State Transport Authority or a Regional Transport Authority shall continue as such till such time as the Government may otherwise order. A non official member of the State Transport Authority shall hold office for a period of two years from the date of his appointment and thereafter not more than two months unless he is reappointed by Government:

Provided that the Government may at any time remove any non-official member.

Provided further that when any non-official member dies or is removed or vacates office, his successor shall hold the appointment for the remainder of the period of office of the member whose place he takes and thereafter until a successor is appointed.

(2) A non official member of the State Transport Authority or a Regional Transport Authority shall be entitled to travelling allowance and halting allowance for attendance at meeting and for any journey (s) performed by him under the orders of the chairman of the concerned authority in connection with the business of the authority at the rates admissible to Grade-1 officers of the Government of Himachal Pradesh:

Provided that-

(a) a non -official member, who has his residence at a place other than the headquarters of the authority, will draw halting allowance at full rate even for the day on which he may not have halted for full twenty -four hours at place at which the meeting of the authority is held; and

(b) where a non-official member is a member of the State Legislative Assembly, he shall be entitled to draw travelling allowance as is admissible to him under the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 and the rules framed thereunder.

57. Conductor of business by the State Transport Authority :-

(1) The State Transport Authority shall meet at such times and at such places as its chairman may appoint:

Provided that a clear ten days notice of each meeting shall be given.

(2) Three members shall constitute a quorum, at a meeting:

Provided that if a quorum is not present within half -an hour after the time fixed for the meeting, the meeting shall be adjourned to such day not earlier than ten days and at such time and place, as the Chairman or in his absence a member acting as Chairman may appoint, and even if at such a meeting a quorum is not present within half-an-hour from the time appointed for the meeting, the members present shall form a quorum.

(3) The Chairman, if unable to attend a meeting, shall nominate a member to act as Chairman at the meeting and if he fails to

nominate a member to act as Chairman, then the members present shall elect a member to act as a chairman at the meeting.

(4) The chairman or the member acting as chairman shall have a second or casting vote.

58. Conduct of business by a Regional Transport Authority

:-

(1) Every Regional transport Authority shall meet at such times and at such places as its chairman may appoint:

Provided that a clear ten days notice of each meeting shall be given.

(2) Two members shall constitute a quorum at a meeting. Provided that if a quorum is not present within half-an-hour after time fixed for the meeting, the meeting shall be adjourned to such day not earlier than ten days and at such time and place as the chairman or in his absence a member nominated by him under sub-rule (3) to act as chairman may appoint, and even if at such meeting quorum is not present within half-an-hour from the time appointed for the meeting, the members present shall form a quorum.

(3) The Chairman, if unable to attend a meeting, shall nominate a member to act as Chairman at the meeting and if he fails to nominate a member to act as Chairman, the members present shall elect member to act as a chairman at the meeting.

(4) The Chairman or the member acting as Chairman shall have second or casting vote.

59. Provision of rules 57 and 58 not to apply in certain cases :-

The provisions contained in rules 57 and 58 shall not apply in case the State Transport Authority or a Regional Transport Authority is constituted consisting of only one member.

60. Procedure for conduct of business :-

(1) Subject to the provisions of the Act and these rules, the State Transport Authority or a Regional Transport Authority shall have power to make byelaws to regulate the conduct of its business and shall likewise have powers to amend such bye -laws and the business of such authorities shall be conducted accordingly under the directions of the Chairman of the respective authority.

(2) The Secretary concerned of the authority referred to in sub-rule

(1) shall issue to each member of the State Transport Authority or a Regional Transport Authority, as the case may be, a copy of the agenda ten days before the actual date of the meeting at which it is to be considered.

(3) Save in the case of the hearing of an objection to the grant of a stage carriage permit or of a foods carriages permit or a contract carriage permit, the State Transport Authority or a Regional Transport Authority as the case may be ; may decide any matter without holding a meeting by the majority of the votes of members, recorded in writing, and sent to the Secretary concerned (hereinafter this method to be referred as "procedure by circulation).

(4) In the procedure y circulation, the secretary of the authority concerned shall send to each member such particulars of the matters as may be reasonably necessary in order to enable the member to arrive at the decision and shall specify the date by which the votes of the members to be received in the office of the concerned authority. Upon receipt of the votes of the members as aforesaid, the secretary concerned shall lay the papers before the chairman, who shall record the decision by endorsement on the application for grant of a permit according to the votes received and the vote or votes cast by him. The record of the votes cast shall be kept by the secretary and shall not be available for inspection by any person save by a member, at a regularly constituted meeting of the concerned authority. No decision shall be made upon procedure by circulation before the date by which the votes of the members are required to reach the office of the authority, or not less than one third of the members of the authority by notice in writing to the secretary, demand that the matter be referred to a meeting of the authority.

(5) The number of votes, excluding the Chairmans second or casting vote necessary for a decision to be taken upon procedure by circulation shall not be less than the number necessary to constitute a quorum.

(6) Nothing in this rule shall prevent a State Transport Authority or a Regional Transport Authority to decide upon procedure by circulation any matter which has been considered at a meeting.

(7) When a matter is decided by votes of the members present at a meeting of the State Transport Authority or a Regional Transport Authority no person other than a member shall be entitled to be present and no record of the voting shall be kept save of the number of votes cast on either side :

(8) In case the non-official members of the State Transport Authority or a Regional Transport Authority differ on any matter en-block from the official members, the matter shall be referred for decision to the Government in the case of State Transport Authority and to the State Transport Authority in the case of a Regional Transport Authority.

61. Conditions for issuing directions by the State Transport Authority :-

(1) While issuing directions under sub-section(4) of section 68 the State Transport Authority shall ensure that there is no undesirable and uneconomic competition amongst the holders of the permits and it shall also ensure compliance of the limit upon the number of permit and on the classes of permits for a specified route or area, if imposed.

(2) The State Transport Authority or any Regional Transport Authority may delegate any powers exercisable by them on any officer subject to directions and restrictions imposed by the State Government.

62. Forms of applications :-

Applications for grant of a permit of vehicles under sections 70, 73, 76, 77, 87, or 88 shall be made in the following forms mentioned against each namely:-

Description of Vehicle form

- (i) Stage carriage HP Form XXI P st. S A.
- (ii) Contract carriage HP. Form XXII P.CO.CA.
- (iii) Private Service Vehicles HP Form XXIII PSVA
- (iv) Goods Carriage HP Form XXIV P.Gd.CA
- (v) Temporary permit; and HP Form XXV Temp. A
- (vi) Special permit under section 88(8) HP Form XXVI P. Sp. A

63. Particulars of application :-

An application for grant of permit of a vehicle made under section 70, section 73, section 76, section 77 or section 87 shall be accompanied by the following documents namely :-

- (i) cash receipt or treasury challan regarding payment of application fee;
- (ii) certificate of eligibility (in case the application is made for grant of a permit against reserved percentage);

(iii) affidavit to the effect that the application held at any time any temporary or regular permit and if so the details of permits previously held along with number of vehicles in the fleet and arrangement for their housing and repair individually or as a member of a transport society, a transport company or a transport firm;

(iv) particulars of partners or members of the transport society, transport company or transport firm along-with certificate from the Registrar, Cooperative Societies, Himachal Pradesh, or the Registrar of Companies, as the case may be, along with present address and permanent address of such partners or members;

(v) clearance certificate regarding payment of taxes and no objection certificate from the financier for each vehicle; and

(vi) discharge certificate in case of being an ex-serviceman.

64. Procedure of Regional Transport Authority in considering application for permit :-

Where the number of applications is in excess of the number of permits fixed be issued under any direction of the state govt. or any other Authority, the Regional Transport Authority shall, while considering an application for a stage carriage permit or a contract carriage permit or a goods carriage permit, have regard to the following matter in addition to those specified in section 71, section 74 or section 79 namely:-

(i) inviting of objections on the applications by way of a notice containing the contents of the applications along with the period by which the objections are to be made which should be published in a newspapers of standing circulation in the State at the expense of the applicant :

(ii) fixation of aforesaid notice at the notice board outside the office of the Regional Transport Authority concerned : and

(iii) providing an opportunity of hearing to the person or persons making objections before the disposal of applications.

65. Form of permits :-

(1) A permit under section 72, section 74, section 76, section 79, section 80, 87and section 88 of the Act shall be in the following forms, namely :-

Description of Permit	Form
(i) Stage Carriage Permit	HP Form XXVIIP St.S

(ii) Contract Carriage permit	HP Form XXVIII P.Co.C.
(iii) Private Service Vehicle Permit	HP Form XXIX PPSV
(iv) Goods carriage Permit	HP Form XXXP.GD.C
(v) Temporary Permit and	HP FormXXXI P.Temp
(vi) Special Permits	HP Form XXXII S.P.
(vii) National Permit	HP Form XXXIII NP.Gd.C

(2) Save in the case of a temporary permit, every permit shall be in two parts A & B. One copy of Part A shall be issued together with a number of copies of Part-B equal to the number of vehicles which the holder of the permit is permitted to have in use on the road at any one time. Each such copy shall carry in addition to the number of permit; a separate serial number contained in brackets after the number of the permit is issued and shall be sealed and signed by authority by which the permit is issued and by the authority by which the permit is countersigned.

(3) The holder of a permit shall cause the relevant copy of Part B thereof or the temporary permit, as the case may be, to be carried in a frame or other suitable container affixed to the inside of one of the doors used by passengers for gaining access to the vehicles and shall maintain it in a clean and legible condition.

66. Extension of validity of permits :-

(1) With the concurrence of the other Regional Transport Authority concerned and subject to the control of the State Transport Authority, a Regional Transport Authority which issues a permit may extend the effect of the permit to any other region or part of a region within the State and may attach the conditions of the permit with respect to such other region and may vary the conditions of the permit in different regions, provided always that in the case of stage carriages the vehicles to which the permit refers are normally kept within the region of the Regional Transport Authority and subject to the other provisions of the rules.

(2) An authority outside the State may with the concurrence of the State Transport Authority and subject to any conditions which may be mutually agreed upon by the two State Transport Authorities concerned, extend the effect of any permit to the whole of the State or to any route or area therein.

(3) A permit granted by the State Transport Authority or a Regional Transport Authority of any of the signatory states of the agreement referred in subsection(4) of section 88 in terms of such agreement shall be valid without countersignatures in the state on all National and State Highways or other routes specified on that agreement.

(4) The State Transport Authority or a Regional Transport Authority which issues a permit under sub-rule (1) or sub-rule (2), as the case may be shall send a copy of the permit to his counter part of

the other State or region in which the permit has to take effect.

67. Application fee for countersignatures, grant or renewal of permit :-

(1) Every application for the counter signatures, grant or renewal of a permit under the Act shall be accompanied by cash receipt or a treasury challan showing the deposit of following fees, namely:-

	Temporary	Regular
(i) Light (goods) motor Vehicles	10.00	20.00
(ii) Medium/heavy goods motor vehicles	25.00	50.00
(iii) Contract carriage Cabs/autorickshaws	10.00	20.00
(iv) Contract carriage maxi-cabs	15.00	30.00
(v) Contract carriage Buses	25.00	50.00
(vi) Jeeps stage carriage(seating Capacity upto passenger excluding Driver) for each region.	10.00	20.00
(vii) Other stage carriage and Private Service Vehicles for each region	25.00	100.00
(viii) Special permit fee under Section 88(8) of the Act.	10.00	

Provided that no fee shall be payable for a permit issued to Foreign Embassies in India in respect of transport vehicles owned by them.

(2) A Regional Transport Authority receiving a fee for an application for a permit or the countersignatures of a permit shall prepare a separate receipt in Form HP XXXIV RPF which shall be delivered to the person tendering the fees.

68. Fees for permits and countersignatures :-

(1) The following fees shall be payable for the issue, renewal and for countersignature of permits under the Act namely:-

Particulars of Vehicles.	Permit fee for grant/ renewal/countersignature	
	Regular First Year	Permits Each subsequent year
(a) Goods and Contract Carriages		
(i) Light Goods Motor Vehicles	200.00	125.00
(ii) Medium /Heavy Goods Motor Vehicles	300.00	250.00
(iii) Contract Carriages Cabs Autorickshaws	200.00	125.00
(iv) Contract Carriages Maxi Cabs	250.00	150.00
(v) Contract Carriage Buses	300.00	250.00

	Permit fee for grant/ Renewal/countersignatures
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(b) A vehicle other Than Goods and Contract & Carriages			additional fee for each region for which permit is granted/renewed countersigned	
	Ist Year	Each sub-sequent Year	First year	Each sub-sequent year
	Rs	Rs	Rs	Rs
(i) Jeep stage Carriages	200.00	125.00	125.00	100.00
(ii) Other stage carriages and private service vehicles	300.00	250.00	200.00	125.00

Provided that where a temporary permit is granted pending consideration of an application for a permit under section 70, section 73, section 76 or section 77, Regional Transport Authority may, In its discretion and subject to such directions, if any, as may be issued by the State Transport Authority, at the time of granting regular permit direct that a sum equal to a part or the whole of any fee paid, for the temporary permit shall be deducted from the fee payable for the regular permit:

Provided further that in the case of service of stage carriage the permit fee shall be charged on the basis of number of vehicles to be specified in the permit and accordingly Numbers of parts B of the permit shall be issued.

(2) If the owner of the motor vehicles specified in sub-rule (1) fails to get the permit renewed or countersigned by the due date, he shall be liable to pay the following late fee in addition to the fee payable under sub-rule (1), namely :-

FOR LIGHT MOTOR VEHICLES

(1) Delay upto 15 days	Rs 10/-per day
(2) Delay from 16th days to 30 days	Rs 15/- per day
(3) Delay from 31st day onward	Rs 20/- per day

FOR HEAVY MOTOR VEHICLES

(1) Delay upto 15 days	Rs 15/- per day
(2) Delay from 16th days to 30 days	Rs 20/- per day
(3) Delay from 31st day onward	Rs 25/- per day.

Provided that the late fee so charged shall not exceed double the amount of renewal fees/countersignature fee due from such owner. In case the owner does not get the permit renewed/countersigned within a period of three months, the competent authority shall initiate necessary action under the provisions of the Motor Vehicles Act, 1988/ Central Motor Vehicles Rules, 1989 against the permit

holder.

Explanation:-

(1) The expression "regular permit" used in this rule and in rule 89 means a permit issued after consideration of an application in accordance with the provisions of the Act.

(2) Fees shall be paid in advance to the Regional Transport Authority for the period for which the permit is issued.

(3) A Regional Transport Authority receiving a fee for a permit or the countersignature of a permit shall prepare a separate receipt in Form HP XXXIV RPF for each part of the permit which shall be delivered to the person tendering the fee.

(4) The fee paid for a permit shall stand forfeited if the permit is subsequently cancelled.

69. Fees for temporary permits :-

(1) The fees in respect of temporary permit or countersignatures on a temporary permit shall be -

Particulars of vehicles.	Permit fee for grant/ counter signature	
	Temporary & Special permits upto seven days.	Each sub- sequent Week or part thereof.
(a) Goods and Contract Carriages		
(i) Light Goods Motor Vehicle	50.00	25.00
(ii) Medium/ Heavy Goods Motor Vehicles	60.00	30.00
(iii) Contract Carriages Cabs Authorickshaws	25.00	15.00
(iv) Contract Carriages Maxi Cabs.	50.00	25.00
(v) Contract Carriage Buses	75.00	30.00

(b) Vehicles other Than goods & Contract Carriages				
Permit fee for grant/ countersignatures				
	Temporary/specia Permit under Sec.88(8) of M.V. Act permitfor the region where permit is granted/countersigned.		Additional fee for each region for which the permit is granted/ countersigned	
	Rs	Rs	Rs	Rs
(i) Jeep stage carriages	50.00	25.00	25.00	20.00
(ii) Other stage carriages and	100.00	50.00	25.00	20.00

private service vehicles				
(c) For a duplicate copy of a temporary permit.				Rs 30.00

Provided that no fee shall be payable for a permit issued to Foreign Embassies in India in respect of Transport Vehicles owned by them.

(2) Fees shall be paid in advance to the Regional Transport Authority for the period of which the permit is issued.

(3) A Regional Transport Authority receiving a fee for a permit or the Countersignatures of a permit shall prepare a separate receipt in Form HPXXXIV RPF for each Part B of the permit which shall be delivered to the person tendering the fee.

(4) The fee paid for a permit shall stand forfeited if the permit is subsequently cancelled.

69A. Rule -69-A of the Himachal Pradesh Motor Vehicle Rules, 1999, the following shall be substituted namely :-

"Composite fee for All India Permits:- There shall be levied, charged and paid to the State Government, a composite fee at the following rates, in respect of tourist vehicles which are authorized to ply in the State of Himachal Pradesh under All India Permits granted by any State Transport Authority or other State Union Territory under sub-section (9) of section 88 of the Motor Vehicles Act, 1988 namely:-

(a) Having seating capacity to carry more than twelve passengers excluding driver.	Rs 10,000/- per month (30 days) for three trips and Rs. 4,000/- or any additional trip within the same month
(b) Having seating capacity to carry more than six passengers but not more than twelve passengers excluding driver	Rs 6000 per quarter or Rs 2200 per month (30 days)
(c) Having seating capacity to carry not more than six passengers excluding the driver	Rs 600/- per quarter.

Provide that where the aforesaid amount of composite fee remains unpaid, on or after 15th March, 15th July, 15th September and 15th January of the financial year in case of tourist vehicles described in clauses (A), (b) and (c), there shall be charged an additional sum of rupees one hundred per month or part thereof".

69B. Special Registration Fee for allotment of registration marks :-

There shall be charged a Special Registration Fee, in addition to the registration fee , prescribed under Rule-81 of the Central Motor Vehicles Rules, 1989, for allotment of the following registration marks to the Motor Vehicles by all Registering and Licensing

Authorities in the State of Himachal Pradesh, at the following rates:-

Sr.No	Registration Mark	Special Registration Fee.
1.	0001	Rs. 75,000/- (Seventy five thousand)
2.	0002 to 0009	Rs. 50,000/- (Fifty Thousand)
3.	0010 to 0100	Rs. 35,000/- (Thirty five thousand)
4.	0101 to 9999	Rs. 5,000/- (five Thousand)

Provided that registration marks specified against Sr. NO: 1 to 3 shall be totally paid numbers and shall be allotted on first come, first serve basis. However, where more than one application is received for a particular number, the same shall be allotted by draw of lots.

Provided further that the Registering and Licensing Authority may allot unutilized specified marks to the motor vehicles owned by the State Government without charging any special Registration Fee. Provided further that in the case of registration marks specified against Serial number 4, Special Registration Fee shall be charged only if choice is indicated by the owner of the motor vehicle for any particular registration mark out of the registration marks specified against Serial number 4, failing which these marks shall be allotted on first come first serve basis in seriatum/chronological order. For the purpose of registration marks specified against serial number 4, the seriatum/chronological order shall start from registration marks 0101 onwards.

Provided further that in case of any motor vehicles meets with an accident and is a total loss duly certified by the Insurance Company, the owner of the said motor vehicle shall not be required to pay the special registration fee prescribed for the same registration number for a new vehicles only if he purchased the new vehicle within six month from the date of issuance of total loss certificate by the Insurance Company.

Provided further that the owner may retain the registration mark of his vehicle after the sale or scrapping of old vehicle only when the sold motor vehicle is re-assigned a new registration mark by the Registering and Licensing Authority and the primary number is vacated/ surrendered subject to the condition that the owner has to get the new vehicle registered within two months from the date of surrender/ vacation of the registration number. For retaining the registration mark, no special registration fee shall be charged from the primary owner.

70. Limitation of capacity of stage carriages and contract carriages :-

Save with special permission of the Government, no permit or countersignatures on the permit shall authorize the conveyance of more than seventy two passengers excluding the driver and the conductor in a stage carriage or contract carriage.

71. Conditions for carriage of goods in stage carriage and contract carriage :-

(1) No goods liable to foul the interior of a vehicle or which makes it insanitary shall be carried at any time in any stage carriage or a contract carriage.

(2) The dangerous or hazardous goods as specified in rule 137 of the Central rules or any other goods as may be specified by the Regional Transport Authority shall not be carried in stage carriage or a contract carriage.

(3) Subject to the provisions of the proceeding sub-rule the goods may be carried in stage carriage or contract carriage at any time in accordance with the conditions specified in the permit; provided that the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged.

(4) When goods are carried in a stage carriage in addition to the passengers the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger. Such number of seats as may be specified in the permit shall be kept free and unimpeded for the use of passengers and the access to the entrance to and exist from the vehicles required under Chapter VII shall be unobstructed.

(5) The weight in kilograms of goods and personal luggage other than the luggage effects allowed under sub-rule(1) of rule 72 carried in a stage carriage or contract carriage shall not exceed the maximum number of passengers for which the vehicle stand registered minus the number of passengers carried or numbers of passengers for whom seats are kept free and unimpeded by goods, whichever is greater multiplied by one hundred and Sixty.

72. Carriage of personal luggage in stage or contract carriage :-

(1) In the case of permit for a stage carriage, it shall be a condition that the luggage and personal effects of each passenger shall be carried free of charges subject to the limits given below:-

(A) A stage carriage operating on routes other than route operating in urban areas locally-.

(a) 30 kilograms for each passenger occupying a seat in a stage carriage registered as Deluxe or Air-Conditioned;

(b) 15 kilograms for each passenger occupying a seat in a stage carriage other than referred to in clause (a) above.

(B) Stage carriages operating on routes other than those specified in clause(A), 5 kilograms for each passenger; provided the luggage is carried by the passenger in his lap or underneath his seat:

Provided that small articles such as overcoats and hand bags and the like shall not be weighed.

2. Subject to any directions issued by the state Transport Authority, a Regional Transport Authority may impose on the use of any contract carriage conditions in regard to the weight of luggage and goods which may be carried therein, general or in any specified area.

73. Conditions that may be attached to a stage carriage permit or contract carriage permit :-

A Regional Transport Authority may attach to a stage carriage permit or a contract carriage permit the following conditions in addition to those specified in subsection(2) of section 72, subsection(2) of section 74, section 84 or sub-section (11) of section 88, as the case may be namely :-

- (i) a conductor shall be carried at the back of the vehicle;
- (ii) the holder of stage carriage permit shall provide specified uniforms to the driver and the conductor;
- (iii) the holder of a stage carriage permit shall exercise supervision over the work and conduct of the employees as is necessary to ensure that the vehicle is operated in conformity with the provisions of the Act and the rules ;
- (iv) in the case of a contract carriage permit, no passenger or goods shall be taken up or set down enroute; and
- (v) in case of any alteration in the vehicle in pursuance of the provisions of section 52, the holder of a stage carriage permit or a contract carriage permit, as the case may be, shall intimate the fact to the Regional Transport Authority by which the permit was given and if the alteration does not confirm to the conditions of the permit, the Regional Transport Authority shall be at liberty to -
 - (a) vary the permit accordingly ; and
 - (b) require the permit to provide and substitute vehicle with in such period as the authority may specify and if the holder fails to comply with such requirement, it may cancel or suspended the permit and authority making a variation in the permit or cancelling or suspending the permit as aforesaid shall intimate this fact to the authority of any other region in which a permit is valid by virtue of countersignatures otherwise and
- (vi) The holder of a stage carriage or a contract carriage permit shall pay all the taxes leviable in the State on such vehicles.

¹[(vii) the holder of a stage carriage permit shall comply with any direction(s) issued by the Government regarding reservation of seats for Special Category Passenger(SCP), as may be specified in

the said direction(s);and

(viii) the holder of a stage carriage permit shall comply with any direction(s) issued by the Government regarding display of public information within and outside the bus as may be specified in the said direction(s)]

1. Inserted vide Notification No:TPT-F(4)1/2008-II dated 21st July, 2013

74. Condition that may be attached to a goods carriage permit :-

A Regional Transport Authority may attach to any goods carriage permit the following conditions in addition to those specified in sub-section(2) of section 79 and section 84, namely :-

- (a) no passenger or goods shall be taken up or set down enroute;
- (b) a condition restricting the type and the ownership of goods which may be carried
- (c) no trailer shall be attached to the vehicle; and
- (d) the holder of goods carriage shall pay all the taxes the leviable in the same on such Vehicles.

75. Cancellation or revocation of permit :-

When a permit has been granted on an application by a Regional Transport Authority in respect of a particular or service of vehicles and it appears that a permit has been granted by another Regional Transport Authority -

- (i) in respect of the same vehicles or
- (ii) in respect of a service of a vehicles requiring the use of a greater number of vehicles that the holder of permit possessed at the time of the application, the former Regional Transport Authority may in consultation with the later Regional Transport Authority, forth cancel or modify the permit in such manner as it may deem fit.

76. Temporary authorization in lieu of permit :-

(1) When the holder of a permit has submitted part A or part B, or both, of the permit to the State Transport Authority or Regional Transport Authority for renewal or countersignatures of the permit or for any other purpose, or when a police officer or any court or other person authorized by the Government under section 206 has

taken possession of a permit from the holder thereof, the aforesaid authorities or the person shall furnish to the holder a receipt for the permit and a temporary authorization in Form HPXXXV Temp P. Receipt to ply the vehicle, during such period as may be specified, in the said temporary authorization, and during the said period the production of the temporary authorization on demand, shall be deemed to be valid production of the permit:

Provided that the authority by which temporary authorization was granted shall extend the period for which the temporary authorization is to remain valid until the permit is returned but such extension shall not be beyond the period of validity of the permit.

(2) Until a permit referred to in sub-rule(1) has been returned to the holder thereof, the vehicle concerned shall not be plied beyond the period as specified in the temporary authorization referred to in sub-rule(1) or the extended period under the provision to that sub-rule.

(3) No fee shall be payable in respect of such temporary authorization.

77. Permission authorizing the replacement of a vehicle :-

(1) If the holder of a permit relating to a particular vehicle desires at any time to replace the vehicle with another, he shall forward Part A of the permit and apply in writing in HP Form XXXVI M.V. Rep. A. to the State or a Regional Transport Authority by which the permit was issued stating the reasons why the replacement is desired and shall-

(i) forward the certificate of registration, if the new vehicle is in his possession : or

(ii) state any material particular in respect of which the new vehicle will differ from the old, if the new vehicle is not in his possession

(2) Upon receipt of an application under sub-rule(1), the State or a Regional Transport Authority may in its discretion reject the application -

(i) if it has prior to the application given notice of its intention to reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies, or

(ii) if the new vehicle proposed differs in material respects from the old; or

(iii) if the holder of the permit has contravened the provisions of the permit or has been deprived of the possession of the old vehicle

under the provisions of a hire purpose agreement:

(3) if the State or a Regional Transport Authority grants an application for the replacement of a vehicle, it shall call upon the holder of the permit to produce Part B of the permit and the certificate of registration of new vehicle, if not previously delivered to it and shall correct Parts A and B of the permit and return them accordingly under its seal and signatures to the holder.

(4) A fee of rupees twenty five shall be charged for the replacement of a vehicle under this rule.

78. Permits for the replacement of vehicle forming part of a service :-

(1) If a permit relates to more than one Stage carriage or contract carriage, and the owner thereof desires at any time to replace any vehicle covered by the permit by vehicle of a different model or capacity, he shall forward part A of the permit with an application, in writing in Form XXXVI to the State or a Regional Transport Authority by which the permit was issued, stating the reasons for replacement alongwith the relevant particulars of the vehicles to be replaced and of the new vehicle.

(2) On receipt of an application under sub-rule (1) the State or a Regional Transport Authority may, in the discretion, reject the application-

(i) if it has prior to the application given notice of its intention to reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies ;

(ii) if the new vehicle differs in material respects from the old ; or

(iii) if the holder of the permit has contravened any of the provisions of the permit or has been deprived of possession of the old vehicle under the provisions of a hire purchase agreement.

(3) If the Regional Transport Authority grants an application for the replacement of a vehicle, it shall call upon the holder of the permit to produce Part B of the permit and shall correct Parts A and B of the permit accordingly under its seal and signatures and return them to the holders.

(4) A fee of twenty five rupees shall be charged for the replacement of a vehicle under this rule.

79. Treatment of any countersignatures on the permit of replaced vehicle :-

(1) The authority granting permission for the replacement of a

vehicle under rules 77 and 78 shall, unless the authority by which the permit was countersigned by general or special order has otherwise directed, endorse Parts A and B of the permit under the aforesaid rules, the words. "Valid also for", inserting the name of the authority concerned and shall intimate the particulars of the replacement to such authority.

(2) Unless the permit has been endorsed as provided in sub-rule(1) or unless the alteration has been approved by endorsement by countersigning authority, the countersignatures on a permit shall not be valid in respect of any new vehicle.

80. Surrender of permits :-

(1) The holder of a permit may, at any time, surrender it (Parts A and B of permit) to the State or Regional Transport Authority by which it was granted and the State or Regional Transport Authority shall forthwith cancel any permit so surrendered.

(2) When the State or a Regional Transport Authority suspends or cancels any permit,-

(i) The holder shall surrender parts A and B of the permit within seven days of the receipt of a demand in writing by the authority ; and

(ii) The authority suspending or cancelling the permit shall send intimation to any other authority by which the permit has been countersigned and to any authority to whose area the validity has been extended under rule 66.

(3) A holder shall deliver Parts A and B or Part B to the State or a Regional Transport Authority by which it was issued within fourteen days of the expiry of any permit by efflux of time. The State or a Regional Transport Authority receiving any such permit shall intimate the fact of surrender to the authorities by which it may have been countersigned and to any authority or authorities by which it may have been countersigned and to any authority to whose area the validity has been extended under rule 66.

81. Transfer of a permit :-

(1) When the holder of a permit desires to transfer the permit to some other person under sub-section(1) of section 82, he and the person to whom he desires to make the transfer shall make a joint application in writing in HP Form XXXVII Tr.PA accompanied by a cash receipt or treasury challan of fee specified for making application for grant of permit to the State or a Regional Transport

Authority by which the permit was issued, setting forth the reasons for the transfer and stating whether any premium, payment or other consideration arising out of the transfer is to pass or has passed between them and the nature and amount of any such premium, payment or consideration.

(2) The state or a Regional Transport Authority, as the case may be, shall summon both the parties to the application made under sub-rule(1) to appear before it and may deal with the application as if it were an application for a permit :

Provided that a permit granted out of the permits reserved by the Government under clause (b) of sub-section (3) of section 714 shall not be transferable save as provided under sub-section (2) of section 82 and if any person, who is granted or holds a permit out of the permits reserved as aforesaid does not want to make use of it, he shall surrender it to the authority which granted it.

(3) If the State or a Regional Transport Authority having permitted any transfer of a permit is subsequently satisfied that the contents of the application on which the transfer was allowed were false or incomplete in respect of the matter specified in sub-rule(1) or any other material particulars, it may after hearing the parties thereupon declare the transfer to be void and the permit shall thereupon, without prejudice to any other penalty to which the parties may be liable, cease to have validity.

(4) (i) if the state or a Regional Transport Authority allows transfer of a permit under sub- rule(2), it shall call upon the holder of the permit, in writing, to surrender Parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the sum of twenty-five rupees as transfer fee.

(ii) Upon receipt of Parts A and B of the permit and of the specified fee, the State or a Regional Transport Authority, as the case may be, shall cancel the particulars of the holders thereon and endorse particulars of the transferee and shall return the permit to the transferee.

(iii) The State or a Regional Transport Authority making a transfer of a permit as aforesaid may, unless any other State or Regional Transport Authority by which the Permit has been countersigned by general or special order has otherwise required, endorse parts A and B of the permit with the words "valid for..."inserting the name of the extra area or route for which the permit has been countersigned.

(iv) Unless Parts A and B of the permit have been endorsed as

provided in clause (iii) or unless the transfer of a permit has been approved by endorsement by the authority which countersigned the permit, the countersignature shall be of no effect after the date of transfer.

82. Regulation of Service of Contract Carriage :-

A stage carriage when used as a contract carriage or a contract carriage shall,-

- (i) proceed to the destination made by the hirer through the shortest route;
- (ii) not revoke the hiring contract without being discharged by the hirer;
- (iii) station the vehicle in the stand in the order it arrives there and shall leave the stand on its turn ; and
- (iv) not remain at any public place except when engaged.

83. Issue of duplicate permits :-

(1) When part A or Part B of any permit has been lost or destroyed, the holder shall forthwith intimate the fact to the State or a Regional Transport Authority by which the permit was issued and apply for the issue of a duplicate permit or Part of a permit, as the case may, provided that in the loss or destruction of Part B of the permit, he shall forward Part A of the permit;

(2) The State or a Regional Transport Authority shall, upon receipt of application in terms of sub- rule (1) , issue a duplicate permit or part or parts of a permit, as the case may be , and to the extent that it is able to verify the facts, may endorse thereon certified copies of any countersignatures by other authority, intimating the fact to that authority.

(3) A duplicate permit or duplicate part of a permit issued under sub-rule (2) shall be clearly stamped "Duplicate" in red ink and the certified copy of any countersignatures by any other State or Regional Transport Authority a permit or a part of a permit made under the aforesaid sub-rule(2) shall be valid in the region of that other authority as if it were countersignatures made by it.

(4) When a permit or a part of a permit has become so dirty, torn or defaced as in the opinion of the State or a Regional Transport Authority, as the case may be, to be illegible, the holder thereof shall surrender the permit or part of the permit, as the case may be, to the State or a Regional Transport Authority and apply for the issue of a duplicate permit or part of a permit.

(5) The fee for the issue of a duplicate permit or part of a permit shall be fifty rupees for a part A and twenty rupees for each copy of Part B :

Provided that no fee shall be charged in the case of a duplicate permit issued in pursuance of sub-rule (4) if the original permit was issued prior to three years.

(6) Any permit or part of a permit which is found by any person shall be delivered by that person to the nearest Police Station or the holder or to the State or a Regional Transport Authority by which it was issued and if the holder finds or receives any permit or part of a permit in respect of which a duplicate permit has been issued, he shall return the original to the concerned State or the Regional Transport Authority.

84. Production of permit in demand :-

(1) Part A of a permit shall be produced on demand made at any reasonable time by any officer under the control of the Director or any police officer no below the rank of a Sub-Inspector, if he is in uniform and such official may also mount any transport vehicle for the purpose of inspecting Part B of the permit.

85. Appeals against orders of state/Regional Transport Authority :-

(1) A person desiring to prefer an appeal against an order of the State or a Regional Transport Authority of the kind referred to in sub-section(1) of Section 89 shall, within thirty days of the receipt of the said order, prefer an appeal in the form of a memorandum, in duplicate, one copy of which shall bear a court fee stamp of twenty rupees to the State Transport Appellate Tribunal constituted under sub-section (2) of section 89(hereinafter referred to in these rules as the appellate authority) setting forth concisely the grounds of objections to the order of the State or a Regional Transport Authority, as the case may be, together with a certified copy of that order. Regional Transport Authority, as the case may be, together with a certified copy of that order.

(2) Upon receipt of an appeal in accordance with sub-rule(1), the appellate authority shall appoint a time and place for hearing of the appeal giving the parties not less than thirty days notice.

(3) An appeal shall not operate as a stay of the order appealed against nor shall the appellate authority make an ex-parte order for stay pending the hearing of the appeal. The appellate authority

shall not decide any appeal or pass any order thereon unless an opportunity of being heard has been given to the appellants and the respondents and the State or Regional Transport Authority which passed the order appealed against.

(4) The appellant or the respondent shall be entitled to obtain a copy of any document filed in connection with the order appealed against on payment of a fee at the rate of two rupees per page and to inspect the file of the appellate authority and the application for inspection shall bear a court fee stamp of, --

(a) in respect of urgent inspection ten rupees; and

(b) in respect of an ordinary inspection five rupees.

(5) A copy of the orders made by the appellate authority in appeal may be obtained on payment of a fee at the rate of two rupees per page.

86. Procedure in hearing appeals :-

On the appellate authority appointing a time and place for hearing under rule 85, the appellant shall, within fourteen days of the receipt of intimation that a hearing will take place, forward to the appellate authority a list of the documents upon which the proposes to relay, together with copies of such documents in duplicate, and may upon the appointed day and at subsequent hearings, appear either in person or through an agent or representative authorized by him, in writing, in this behalf.

87. Definition of period of rest :-

(1) Any time spent by a driver of a vehicle on work other than driving in connection with the vehicle or with the load carried or to be carried on the vehicle including any time spent on the vehicle during a journey save as a passenger in a public service vehicle shall not be deemed to be an interval of rest for the purpose of section 91.

(2) Any time spent by a driver of a vehicle on or near the vehicle when the vehicle is at rest and the driver is at liability to leave the vehicle for rest and refreshment although required to remain within sight of the vehicle, shall be deemed to be an interval of rest for the purpose of sub-section (1) of Section

88. Record of working hours to be maintained :-

The employer of any person whose work is subject to the provisions

of subsection of section 91 shall fix the hours of work of such person so as to conform with those provisions and shall record the working hours in the table specified below and this record will be open to inspection by any officer under the control of the Director on demand:-

Name of employee			
Date	Working hours in a day	Hours of rest	Total number of working hours in a week
1	2	3	4

89. Lost property :-

(1) In the case of a public service vehicle other than Government owned vehicles, the conductor, or if there is no conductor, the driver shall, at the conclusion of a journey, make search in the vehicle for anything left by any passenger and shall take into his custody anything so found by him or any other person in such vehicle as soon may be make over the same to a responsible person at any office or station of the permit holder or to an officer of a police station. The responsible person at any office or station of the holder of the permit of the vehicle receiving the aforesaid goods shall keep them safe and if the goods are not claimed by the owner or any other appearing to him to be entitled thereto, shall, if such owner of goods is known, cause a notice to be served upon requiring him to remove the goods. If such owner is not known or a notice, cannot be served upon him or he does not comply with the requisition in the notice, such property shall be deposited with the nearest police station as unclaimed property after three months of taking over charge thereof:

Provided that if the goods are of perishable nature and are not claimed within forty eight hours, they shall be disposed of by the responsible person at the station of the holder of the permit by public auction and the receipts thereof shall be handed over to the owner if claimed within a week after which they shall be deposited with the nearest police station against proper receipt.

(2) In the case of a Government owned vehicle, the conductor or if there is no conductor or the driver shall deposit the goods in the nearest office of the State Transport Undertaking and if the goods are not claimed by the owner or any other person appearing to the incharge of the office of the State Transport Undertaking to be entitled thereto, be shall, if such owner or person is known, cause a

notice to be served upon him, requiring him to remove the goods. If such owner or person is not known or a notice cannot be served upon him or he does not comply with the requisition in the notice, such incharge may, after three months of taking over charge of the goods, sell the goods by public auction and proceeds thereof shall be credited into the Government treasury:

Provided that if the goods are of perishable nature and are not claimed within forty eight hours, they shall be disposed of by the Incharge by public auction and the receipt thereof credited into the Government treasury.

(3) If the goods are claimed within the period specified, a charge of one rupee per kilogram or a part thereof subject to a minimum charge of two rupees shall be levied. The unclaimed articles shall also be liable to these charges on account of their custody and disposal.

(4) Where articles such as arms, ammunition, explosive, intoxicating liquors, opium and its preparation and hemp and drugs, etc the sale of which is prohibited by law, are left unclaimed, they shall be made over to the police or excise authorities for disposal under the laws affecting the articles.

(5) Proper accounts shall be maintained in a separate register which shall be open for inspection to the authorities.

90. Conduct of passengers in a stage carriage :-

If at any time a passenger in a stage carriage, --

- (i) behaves in a disorderly manner;
- (ii) behaves in a manner likely to cause annoyance to any female passenger;
- (iii) uses abusive language;
- (iv) molests any other passenger;
- (v) enters the vehicle under the influence of liquor or drugs;
- (vi) spits;
- (vii) obstructs the conductor or the driver or any authorized employee of the permit holder in the execution of his duties or interferes without due cause with the driving of the vehicle;
- (viii) intentionally avoids payment of the fare;
- (ix) refuse to show ticket on demand by any authorized person;
- (x) uses or attempts to use any ticket which has been altered or defaced or in the case of ticket bearing an indication that it is not transferable issued to another person ;
- (xi) is reasonably suspected to be suffering from any contagious or

infectious disease;

(xii) commits or abets any offence under the Act or the rules;

(xiii) uses or attempts to use a ticket other than the ticket valid for a particular journey;

(xiv) carries with him in vehicle luggage of a description which is likely to be obstruct, annoy or cause inconvenience or be offensive to any other passenger;

(xv) occupies accommodation for more than one seat or without lawful excuse occupies any seat exclusively reserved for ladies or other categories or passengers;

(xvi) refuses to pay a fresh fare for the journey performed by him if he has so altered or defaced his ticket as to render its contents illegible;

(xvii) is found travelling without ticket pertaining to the journey being performed by the vehicle at the time of his being so found, he shall be liable to pay ten times the ordinary fare and if refuses to do so;

(xviii) refuses to leave the vehicle, if so requested by the conductor or driver at the completion of the journey for which he has paid the fare.

(xix) knowingly enters and insists on travelling in a vehicle which is carrying the maximum number of passengers as specified for that vehicle;

(xx) hangs on to any exterior part of a vehicle or sits on the roof or bonnet of the vehicle;

(xxi) willfully damages, spoils, removes or interferes with any fittings or equipment on or of the vehicle;

(xxii) enters or alights from a vehicle except by the entrance or exit provided for the purpose;

(xxiii) Attempts to enter a vehicle without first permitting passengers who have completed their journey to alight;

(xxiv) enters or leaves a vehicle except in a queue and in an orderly manner;

(xxv) distributes printed or similar matter of any description or distributes any articles for the purpose of advertisement ; or

(xxvi) to the annoyance of other passengers users or operates any noisy instrument or makes or combines with any person to make any excessive noise by singing or otherwise;

(xxvii) Begs, sells or offers for sale any article in or on the vehicle ;

(xxviii) smokes;

(xxix) ¹[does not belong to the Special Category Passenger(SCP) as specified under rule 73 and refuses to vacate a seat reserved in

favour of the said category upon being asked by either the conductor or the driver of the bus]

the driver or the conductor or any authorized person of the service or any officer under the control of the Director may require such passenger to alight from the vehicle and may stop the vehicle and keep it standing until the passenger has alighted, or on the request of the driver or conductor may be removed from the vehicle by any police officer or any officer of the State Transport Undertaking.

(2) The Passengers referred to in sub-rule(1) shall not refuse to give his correct name and address on demand for contravention of these rules and shall not be entitled to the refund of any fare which he may have paid and also be guilty of an offence for which he shall be liable to pay the penalty under section 177.

1. Inserted vide Notification No:TPT-F(4)1/2008-II dated 21st July, 2013

91. Prohibition of use of force to collect passenger :-

No driver or conductor of a public service vehicle or agent for the sale of tickets shall, touch, annoy or use force to any person with the object of inducing that person or any other to travel in any public service vehicle or shout loudly or use any horn, bell gong, whistle, gramophone, loudspeaker, musical instrument or other device for creating loud noise with the object of attracting passengers.

92. Sales of tickets :-

No driver or conductor of a public service vehicle or agent for the sale of tickets in a public service shall sell or attempt to sell tickets or solicit customers in any place which has been notified by the District Magistrate, by public proclamation or in such other manner as he may find convenient, as a place in which such sale or soliciting is not permitted.

93. Licensing of ticket agents :-

(1) No person shall act as an agent for the sale of tickets for travel by a public service vehicle, otherwise than in the vehicle itself or in a fixed office, unless he has obtained from the licensing authority a license permitting him to do so.

Explanation - For the purposes of this rule, the Regional Transport

Authority shall be the licensing authority.

(2) For the purpose of sub-rule(1), any person soliciting or attempting to persuade another person to travel in a vehicle shall be deemed to be acting as an agent for the sale of ticket for travel.

94. Issue of ticket agents license :-

(1) Licensing under rule 93 shall consist of -

a) a permit in HP Form XXXVIII TAP ; and
b) A metal badge of the kind illustrated in the First Schedule to these rules.

(2) No license shall be issued to any agent except on the application of the person or transport society, transport firm or transport company, being a holder of a permit, for one or more public service vehicles, for whom the agent is to act. The person or transport society, transport firm or Transport Company making the application (hereinafter called in these rules the principal) shall be required to complete and authenticate the first part of the permit in HP Form XXXVIII TAP the other entries being completed by or under the orders of the licensing authority.

(3) The fee for issue of a ticket agents license shall be fifty rupees.

95. Cancellation of tickets agents license :-

(1) The licensing authority shall forthwith cancel any license issued under rule 93 upon request made to it by the principal on whose application it was granted.

(2) A principal proposing to apply for the cancellation of a license issued to an agent on his application may call upon the agent to surrender the permit and badge, and the agent shall be bound to surrender the same to the principal forthwith.

(3) Where a principal requires any agent to surrender his badge and permit under sub-rule (2), he shall forward the same with his application for cancellation of the license to the Licensing authority with the least possible delay and in all case within forty eight hours.

96. Term of ticket agents license :-

Unless a shorter term is appointed, a ticket agents license shall be valid for one year from the date of issue of renewal but may be cancelled at any time by the licensing authority if it appears to it that the conduct of the agent in his relation s with the public has

been unsatisfactory or that the agent is not a suitable person to continue as such.

97. Ticket Agents badge to be exhibited :-

(1) A ticket agent shall carry his badge and permit on his person at all times when he is engaged in his duties, the badge being displayed prominently on the left breast.

(2) The ticket agent shall be bound to produce his permit in HP Form XXXVIII TAP on demand of any police officer in uniform not below the rank of a Sub - Inspector or an officer under the control of the Director.

98. Appeal against the orders made under rules 94,95 &96 :-

(1) The authority to whom an appeal may be preferred against the order of the licensing authority refusing to grant ticket agents license under rule 94, cancellation of ticket agents license issued on the request of the Principal under rule 95 or cancellation of ticket agents license under rule 96 shall be the Director, whose decision shall be final in this behalf.

(2) The appeal under sub-rule (1) shall be preferred in the form of a memorandum which shall bear a cash receipt or a treasury challan of twenty rupees, setting forth concisely the grounds of objections to the order of the licensing authority and shall be accompanied by certified copy of the order appealed against.

(3) When an appeal is preferred, the Director shall issue a notice to the licensing authority against whose order the appeal is preferred.

(4) Any person preferring the appeal shall be entitled to obtain a copy of any document filed in connection with the order appealed against on payment of a fee at the rate of two rupees per page.

(5) Any person preferring the appeal shall be entitled to inspect the file of the Director and the application there therefore shall be accompanied by a cash receipt or treasury challan of -

(a) in respect of urgent inspection	ten rupees
(b) in respect of an ordinary inspection	five rupees

99. Conduct of ticket agent :-

The License ticket agent shall-

(i) behave in civil and orderly manner with the passengers or intending passengers;

- (ii) not behave in a manner likely to cause annoyance or embarrassment to any female passenger;
- (iii) not use abusive language towards any passenger or molest any passenger;
- (iv) not save for good and sufficient reasons refuse to issue a ticket to any intending passenger tendering the legal fare;
- (v) not make any discrimination between the passengers,
- (vi) not willfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle or as to the fare for any journey;
- (vii) properly guide the passengers to enable them to board the vehicle for which tickets have been issued to them;
- (viii) not altercate with passengers and shall give them his name and license number if asked to do so;
- (ix) not be under the influence of any intoxicant while on duty; and
- (x) be dressed in such manner as the State Transport Authority may specify and shall observe cleanliness.

100. Disinfection :-

(1) All public service vehicles shall be disinfected with DDT or carmaxane formulations or any other disinfectant after every two months and the owners shall furnish the Regional Transport Authority concerned a certificate to that effect duly signed by the Chief Medical Officer of Health or any other officer authorized by him in this behalf. The period of two months shall count from the date of the last certificate furnished as aforesaid :

Provided that if adequate arrangements for the disinfection of vehicles are made by any permit holder at his own premises to the satisfaction of the Chief Medical Officer of Health, a certificate of disinfection by such permit holder shall be sufficient.

(2) The owner of a public service vehicle shall maintain and on demand by the secretary or Assistant Secretary of the Regional Transport Authority, produce for inspection a current register showing the dates on which the public service vehicle was disinfected from time to time.

101. Carriage of persons in goods carriage :-

(1) Save in the case of a vehicle which is being used for the carriage of troops or Police or in the case of a stage carriage in which goods are being carried in addition to passengers no person shall be carried in a goods carriage other than its owner or hirer of

the vehicle and the persons allowed under this rule.

(2) No person shall be carried in the drivers cab of a goods vehicle beyond the number for which there is seating accommodation at the rate of 380 millimeters measured along the seat excluding the space reserved for the driver for each person and not more than six persons in all connected with the load carried in addition to the driver shall be carried in any goods carriage:

Provided that in the case of a goods carriage owned by Government, carriage of more than six persons may be allowed by the State Transport Authority; provided that such number shall not exceed the area in square meters of the floor of the vehicle divided by 0.63 metre subject to a maximum of twelve persons.

(3) No person shall be carried upon the goods or otherwise in such a manner that such person is in danger of falling from the vehicle and in no case shall any person be carried in a goods vehicle in such a manner that any part of person, when he is in sitting position, is at a height exceeding 3.048 metres from the surface upon which the vehicle rests.

(4) Notwithstanding the provisions of sub-rule(2), a Regional Transport authority may as a condition of a permit granted for any goods carriage, specify the conditions subject to which a larger number of persons may be carried in the vehicle provided that such number shall not exceed the area in square metres of the floor of the vehicle divided by 0.63 subject to a maximum of twelve.

(5) Nothing contained in this rule shall be deemed to authorize the carriage of any person for hire or reward in any vehicle unless there is in force in respect of the vehicle a permit authorizing the use of the vehicle for such purpose and save in accordance with the provisions of such permit.

102. Conditions for carriage of animals in goods carriage :-

(1) No animal shall be carried in a goods carriage in a public place unless:-

(i) the load body of the vehicle is constructed of strong wooden planks or of iron sheets with a minimum height of 1.05 metres measured from the floor of the vehicle in all sides and the back; and

(ii) the animal is properly secured by ropes tied to the side of the vehicle.

(2) While carrying animals in a goods carriage, the owner of the vehicle shall,

- (i) not carry more than forty at a time when the wheel base of such vehicle is below 3.6 metres and not more than fifty when the wheel base of such vehicle is 3.6 metres or above in the case of goats, sheep, pigs, deer, rams, ewes, kids and the like; and
- (ii) not carry more than four calves young ones or five without calves/young ones, in the case of animals other than those referred to in clause (i) when the wheel base is below 3.6 metres and not carry more than five with calves young ones or six without calves/young ones when the wheel base of such vehicles is 3.6 metres or above; and
- (iii) Carry animals on the basis of floor space in the vehicles in accordance with the scale of floor space given below against each category of animals.

Category of animals per animal	Floor space required
1. Mule or horse of gelding	2.20 square metres
2. Buffalo or buffalo bull	1.67 square metres
3. Cow or bullock or adult heifer or cow bull	1.48 square metres
4. Pony or ass or colt or filly	1.20 square metres
5. Calves of two to three years	1.11 square metres
6. Calves below two years	0.74 square metres
7. Deer and pig	0.50 square metres
8. Sheep or ram and goat	0.32 square metres

(3) in the case of goods carriage the record of daily haulage shall be maintained by the permit holder in the following table, namely:-

Name and address permit holder	Type of permit vehicle	Permanent Temporary	Registration No.of	Carrier hire or Reward Trade & of the business/Pvt.
--------------------------------	------------------------	---------------------	--------------------	---

Date No.of Trip	Seria of sender	Name & Address or Booking Agents	Name & address of Consignee(s)	Name of Commodity carried	weight Quintals/ kgs	Origin
1	2	3	4	5	6	7

Destination	Kms. i.e. Distance performed Between 7 and 8	qnintals/Kms charged Col. (6)xCol in rupees (9)	Freight in rupees	Remarks
8	9	10	11	12
Signature of Permit-holder				
(Strike out where not applicable)				

(i) If more than one commodity is carried during the same trip or booked between places enroute the debits of each commodity have to be shown separately in separate lines under all columns

(ii) Generally origin and destination of the vehicle will be origin and destination of cargo. In case they are different, origin and destination of cargos may be inserted under Cols, (7) and (8) respectively with a note in the remarks column showing origin and destination of the vehicle.

(4) No animal belonging to or intended for a circus or zoo shall be carried in a goods carriage in public place unless, in the case of wild ferocious animal, a suitable cage, either separate from integral with the load body of the vehicle, used of sufficient strength to contain the animal securely at all times is provided.

(5) No animal under sub-rule(1) or under sub-rule(4) shall be carried for more than 200 kilometres at a stretch and there shall be a break of four to six hours after eight hours of continuous journey.

(6) No goods carriage while carrying any animal shall be driven at speed in excess of twenty five kilometers per hour.

(7) No goods carriage shall, while carrying animals, carry another goods except fodder necessary to feed the animals in the way.

103. Log book and complaint book to be maintained by the drivers of transport vehicles :-

(1) The owner of a transport vehicle other than a stage carriage shall ensure that the driver of the vehicle maintains a log-book and enters particulars of every hiring consignment therein.

(2) The particulars to be entered in the log-book in the case of a contract carriage and a private service vehicle shall be as under-

(a) the name of the hirer with sufficient particulars to enable him to be identified;

(b) the approximate number of persons included in the party;

(c) the starting point and finishing point of the trip and the route to be followed;

(d) the date and time which the hiring has effect;

(e) date and time when the journey is expected to be completed ;
and

(f) the nature and weight of any goods carried and in case of goods carriage

(i) Serial No.

(ii) Name of driver

(iii) Hours of duty From-----to-----

(iv) Description and weight of goods.

(v) Place and time with date of despatch.

(vi) Destination with probable time of arrival.

(vii) Distance.

(viii) Amount of freight charged.

(ix) Name and address of the consignor.

(x) Name and address of the consignee.

(xi) Signature and designation of inspecting officer.

(xii) Remarks;

Provided that in the case of a vehicle carrying miscellaneous goods

belonging to a number of owners, the record of each consignment shall be kept in the standard way Bill Form as under:-

1. Name of the owner
2. Drivers name.
3. Vehicle No.
4. Consignor
5. Consignee
6. From
7. To
8. Nature of goods and weight
9. Distance
10. Freight
11. Remarks

(3) The particulars required by sub-rule(2) shall be entered in the log-book before the passengers or goods are taken into the vehicle and before the vehicle journey is begun.

(4) The provisions of this rule shall also apply to a stage carriage authorized for use as a contract carriage or the goods carriage.

(5) Log-book required to be maintained under this shall be signed and stamped by the secretary of the State or a Regional Transport Authority, as the case may be, and be produced by the driver at any time when the vehicle is on the road or at any time on the demand of any police officer not below the rank of a Sub-Inspector or such other officer as may be authorized by the Director.

(6) A complaint book duly authenticated by the Secretary of the State or a Regional Transport Authority shall be kept in every carriage and contract carriage and shall be maintained in a clean and tidy condition by the conductor or the driver, as the case may be, and shall be produced by him demand of any passenger, who shall be at liberty to make an entry therein.

104. Other records to be maintained :-

(1) The State or a Regional Transport Authority may, by general or special order, require the holder of a permit in respect of any transport vehicle to maintain records and submit a return in respect of the vehicle in such form as that authority may specify and such records and returns may include particulars of the daily use of the vehicle in respect of--

- (i) the name and license number of the driver and conductor and other attendant, if any ;
- (ii) the route upon which or the area within which the vehicle was

used

(iii) the number of kilometers traveled.

(iv) the time of commencement and termination of a journey and any halt of a journey when the driver obtained rests ;\

(v) the weight of goods carried between specified places and the nature of the goods ; and

(vi) in the case of goods carried in a stage carriage, the number of trips and the kilometers when goods were carried solely and when goods were carried addition to the passengers and in the later the number of the seats available for passengers,

(2) No owner shall cause or allow any driver to drive a transport vehicle unless the owner has in his possession a record in writing of the name and address of the said driver as set forth in his driving license, the number of the license and the name of authority by which it was issued.

105. Change of address of permit holder :-

(1) If the holder of a permit ceases to reside or to have his place of business, as the case may be, at the address set forth in the permit, he shall, within fourteen days, send Part A of the permit to the authority by which the permit was issued intimating the new address and shall pay a fee of ten rupee for making entry with regard to change of address.

(2) Upon receipt of intimation under sub-rule(1) the authority shall after making such enquires, as it deems fit, enter in the permit the name and address and shall intimate the particulars to the authority of any region in which the permit is valid by virtue of countersignatures or otherwise.

106. Intimation of damage to or failure of a public service vehicle :-

(1) The holder of a stage carriage or contract carriage permit shall, within seven days of the occurrence, report in writing. to the authority by which the permit of that vehicle was issued, any failure of or damage to such vehicle or to any part thereof, if the failure or damages is of such a nature as to render the vehicle unfit for use in accordance with the conditions of the permit for a period exceeding three days,

(2) The holders of any permit in respect of a service of stage carriage shall, within seven days of the occurrence, report, in writing, to the authority by which the permit was issued, any

failure of or damage to any vehicle used by him under the authority of the permit as of such a nature as to prevent the holder from complying with any of the provisions or conditions of the permit for a period exceeding three days.

(3) Upon receipt of a report under the preceding sub-rules, the authority by which the permit was issued, any subject to the provisions of rules 77 and 78---

(i) Direct the holder of the permit , within such period not exceeding two months from the date of the occurrence, as the authority may specify either to make good the damage to or set right the failure of the vehicle or to provide a substitute vehicle ; or

(ii) If the damage to or failure of the vehicle is such that in the opinion of the said authority it cannot be made good or set right within a period of two months from the date of the occurrence direct the holder of the permit to provide a substitute vehicle; and when the holder of the permit fails to comply with such a direction, may suspend, cancel or vary the permit accordingly.

(4) The authority giving a direction, or suspending, canceling or varying a permit under sub-rule (3) shall send intimation of this fact to the authority of any other region in which the permit is valid by virtue of countersignatures or otherwise.

107. Information of failure to ply the vehicle :-

(1) If the holder of a stage carriage permit is at time unable to ply his vehicle for any cause whatsoever in accordance with the time-table approved by the Regional Transport Authority, he shall forthwith send an intimation about the same to the Regional Transport Authority by which the permit was issued as well as the nearest Deputy Commissioner or the Sub-Divisional officer (Civil).

(2) On receipt of a report under sub-rule (1), the Regional Transport Authority, Deputy Commissioner or sub-Divisional Officer©, as the case may be, may make such alternate arrangements as it or the may think fit.

108. Inspection of Transport Vehicle and their contents :-

(1) Any Police Officer in uniform not below the rank of a Sub-Inspector, or Officer under the control of the Director authorized in this behalf by him may, at any time when the vehicle is in a public place, call upon the driver or goods vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the said officer to make reasonable examination of the contents of the

vehicle.

(2) Notwithstanding the provision of sub-rule (1) the officer referred to in sub-rule (1) shall not be entitled to examine the contents of any goods vehicle unless.

(i) the permit in respect of the vehicle contains a provision or conditions in respect of the goods which may or which may not be carried on the vehicle ; and

(ii) the officer has reasons to suppose that the vehicle is being used in contravention of the provisions of the Act or rules framed there under,

(3) Any police officer in uniform not below the rank of a Sub-Inspector or any officer of the Department of Excise & Taxation Sub-Inspector or any officer under the control of the Director authorized in this behalf by him, may at any time, when the vehicle is in a public place, call upon the driver of public service vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable him to make reasonable examination of the number of passengers and other contents of the vehicle so as to satisfy himself that the provisions of the Act and rules framed there under and the provisions and conditions of the permit in respect of the vehicle are being complied with.

(4) Any officer appointed to be a member of the Board of inspection shall be entitled at any reasonable time to inspect any public service vehicle in a public place.

109. Taxi Meter :-

(1) Every maxi cab shall be fitted with a taxi meter of a pattern approved by the State Transport Authority and shall be in conformity with any instruction that may be issued by the State Transport Authority.

(2) A permit holder required to fit a taxi meter shall, at the time of production of his vehicle for inspection before the Board of inspection, furnish a certificate issued by the Controller, Weights and Measures, Himachal Pradesh, or any officer authorized by him in this behalf, to the effect that the taxi meter has been tested and sealed and shall produce the taxi meter for an examination subsequently whenever the vehicle to which it is attached is inspected or whenever for any reason it has become necessary to break the seal.

110. Procedure for obtaining an Agents or Canvassers License under section 93 :-

(1) Any person desiring to obtain a license under section 93 to be made operative in one sub-division of district may make an application to the subdivisional officer (civil) concerned in HP Form XXXIX GBA-1.

Provided that if the license has to be made operative in more than one subdivision in a district, the application shall be made to the Regional Transport Authority and if the license has to be made operative in more than one region, the application shall be made to the State Transport Authority in HP Form XL GBA-2.

(2) An application in terms of sub-rule (1) shall be accompanied a cash receipt or a treasury challan showing a deposit fee of thirty rupees.

(3) In considering an application for license made under sub-rule(1), the licensing authority shall have due regard amongst other things to the following matters, namely:-

(a) the number of goods vehicle either owned by the applicant or under his control;

Explanation-For the purpose of clause (a); a person shall be deemed to have under his control such number of goods vehicle as are covered by declaration in HP Form XLI GBA-3 obtained by him from the respective owners of goods vehicle;

(b) the suitability of accommodation possessed by the applicant for the storage of goods at the operating place;

(c) the facilities, if any provided by the applicant for of goods vehicle; and

(d) the financial resources of the applicant and his ability to manage the business of collecting, forwarding or distributing goods carried by goods carriage efficiently.

(4) The licensing authority shall either grant the license to the applicant (hereinafter referred to as the license in this Chapter in HP Form XLII GBA or HP form XLIII GBA-5 as the case may be specifying the place or places where the business may be carried on or refuse to grant ; Provided that the licensing authority shall not refuse to grant a license, unless the applicant is given an opportunity of being heard and the reasons for refusal are recorded and communicated to him in writing.

111. Security for compliance with the conditions :-

(1) For ensuring compliance with the provisions of these rules and conditions of the license granted under rule110, the licensing

authority shall, at the time of granting a license required the applicant to furnish security of a sum of five thousand rupees.

Provided that whenever the licensing authority, after having stock of the quantum of the business to be transacted by the license, is of the opinion that the security of sum of five thousand rupees is inadequate, he may, for reasons to be recorded in writing, increase the amount of security, but security to be furnished in this rule shall not exceed fifty thousand rupees.

(2) If a license fee contravenes any of the provisions of these rules or any of the conditions under which the license is granted then without prejudice to any other action that may taken against him, the licensing authority may , by order, for reasons to be recorded in writing, forfeit the security in part or in whole ;

Provided that no order shall be passed under this sub-rule unless the licence has been given an opportunity of being heard ;

Provided further that the license shall if the amount of security at any time falls short of the amount specified in sub-rule(1), forthwith deposit further security to make up the amount of security.

(3) The security deposit, unless forfeited, shall be refunded to the person concerned at the expiry of the period of the license or earlier in the event of voluntary closing down of the business.

112. Period of validity and renewal :-

(1) A license under sub-rule (4) of rule 110 shall be valid for a period of three years from the date of its grant and may be renewed at a time for a period of one year.

(2) An application for renewal under sub-rule (1) shall be made to the licensing authority, as the case be, in HP XLIV GBA-6 not less than thirty days before the date of its expiry.

(3) The renewal of license shall be given an endorsement to that effect by the licensing authority on the license.

113. Fee for a license :-

Fee for the grant or renewal of license under rule 110 or rule 112 shall be as follows:-

(A) For the grant principal license	Rs.500.00
(B) for the grant of supplementary license for each additional establishment or sub-agency	Rs.100.00
(C) for renewal of a license if application is made in time	
(i) Principal license	Rs.200.00

(ii) Supplementary license for each additional establishment or sub-agency	Rs.100.00
(D) Penalty for renewal of a license if application is not made in time but is made before the expiry of license:-	
(i) Principal license;-	
(a) if application is made late by seven days	Rs.50.00
(b) If application is made late by more than seven days, but not more than fourteen days	Rs.60.00
(c) If application is made late by more than fourteen days, but not more than twenty-one days	Rs.80.00
(d) If the application is made late by more than twenty-one days, but not more than thirty days	Rs.200.00
(ii) Supplementary License	
(a) If the application is made late by fifteen days	Rs.20.00
(b) If the application is made late by more than fifteen days but not more than thirty days	Rs.30.00

Note: In this rule, the expression "Principal License" means a license for the headquarters of a person engaged in the business of collecting, forwarding or distributing goods carried by goods carriages and "supplementary License" means a license which is for a branch office.

114. Conditions of a license :-

(1) A licence issued or renewal under rules 110 and 112 shall be subject to the following conditions, namely:-

(i) the license shall, subject to the provisions rule 116, provide places for loading and unloading of goods ;

(ii) the license shall be responsible for proper arrangement for storage of goods, collected for dispatch and delivery.

(iii) Where the license is authorized to forward and distribute goods he shall-

(a) be liable to the consignee for any loss or damage to goods while in his control or possession ;

(b) be responsible for proper delivery of goods to the consignee;

(c) not issue a goods transport receipt without having actually received the goods ;

(d) not deliver the goods to the consignee without actually receiving from the consignee a goods transport receipt and in case of loss or misplacement of the same, an indemnity bond covering the value of goods ;

(iv) the licence shall insure the goods against any loss or damage while in his control or possession ;

(v) the licence shall maintain a proper record of the vehicle under his control and of the collection, dispatch and delivery of goods which shall be open to inspection by the licensing authority duly

authorized in this behalf by such authority and shall furnish to the licensing authority a return in respect of previous six months in HP Form XLV-BA-T within thirty days after the 30th September and 31st March every year.

(vi) The licence shall furnish the persons operating the vehicles with correct figures of the freight to be received by them from the consignee or the consignee ;

(vii) The license shall maintain proper accounts of the commission charged by him and the license with gross income of Rs.25,000 or above per annum shall get his account audited by the Chartered Accountants ;

(viii) The licence shall maintain in goods condition a weighing device capable of weighing, at a time, not less than 200 kilograms ;

(ix) The licence shall attend to his customers in order in which they approach him

Provided that the customers in respect of such perishable goods, as may be notified by the Government in the Official Gazette, shall be given priority over the other customers, but such customers shall be attended to in the order in which they approach the license.

(x) The licence shall assign the consignment amongst the persons operating the vehicles in the order in which they have approached him and shall maintain a register chronologically recording particulars of the available goods and the persons waiting to operate the vehicle ;

(xi) The licence shall comply with the provisions of these rules and shall observe such conditions as the licensing authority may specify in the license.

(xii) The licence shall make all contracts, in writing, containing the following particulars, namely:-

(a) name and address of the consignor and the consignee ;

(b) description and weight of the consignment ;

(c) destination and its distance in kilometers from the starting station to the destination ;

(d) freight per quintal per kilometer and for the whole truck per kilometer

(e) delivery instructions, for example. The date by which and the exact place where the goods are to be delivered to the consignee.

(f) terms of agreement for payment ; and

(g) Name of the owner, driver, the registration number of the vehicle, its authorized load and amount of the commission ;

(xiii) the licence shall administer his approved premises in an orderly manner and shall keep it in a good and clean condition ;

and

(xiv) the licence shall take all precaution to ensure that no breach of any the provisions of the Act or rules made there under or the conditions of the license is committed.

(2) The licensing authority may, after giving notice of not less one month, in writing to the license either vary any condition of his license or attach to his license any further conditions.

115. Rate of Commission :-

The licence shall not charge commission from the persons operating the vehicle exceeding those as may be notified by the Government from time keeping in view the expenses incurred by the licensee in maintaining the establishment, overhead charges and other relevant factors.

Provided that the commission will be exclusive of loading and unloading charges.

116. Premises to be used :-

(1) The Regional Transport Authority may, in consultation with the local or the police authority having jurisdiction over the area concerned, approve any premises owned by or in possession of a licensee or any applicant for the license to be used for loading or unloading of goods or for parking goods vehicle for the storage of goods in the custody of the licensee having regard to the stability of site, sanitary conditions and storage facilities provided at such premises.

(2) Where the Regional Transport Authority refuses to approve any premises under sub-rule (1), it shall record, in writing, the reasons for such refusal; Provided that before such refusal an opportunity of being heard shall be given to the licensee or the applicant, as the case may be.

117. Suspension or cancellation of license :-

(1) Without prejudice to any other action which may be taken against a licensee under the Act, the licensing authority may, by order-in writing, cancel the license or suspend it for such period as it thinks fit, if in its opinion any of the conditions of the license has been contravened : Provided that 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.

118. Issue of duplicate license :-

(1) If at any time a license is lost, destroyed or torn or otherwise defaced so as to be illegible, the licensee shall forthwith to the licensing authority for the grant of a duplicate license:

Provided that if the license is lost, the license holder shall lodge the FIR in the nearest Police station and shall enclose a copy of the same with the application for the issuance of a duplicate license.

(2) The application under sub-rule(1) shall be accompanied by cash receipt or a treasury challan of ten rupees and on receipt of such an application, the licensing Authority, shall issue a duplicate license stamped " Duplicate" in red ink.

(3) If the duplicate license is granted under sub-rule(2) on a representation that the license originally granted has been lost or destroyed, and the original license is subsequently found, it shall be surrendered to the authority concerned.

119. Display of license :-

(1) A person who has obtained a license under rule 110 for collecting the goods shall carry with him, his license while on duty and shall produce it on demand for inspection by the secretary, Regional Transport Authority or the Licensing Authority.

(2) A person who has obtained a license under rule 110 for forwarding and distributing the goods shall exhibit his licence at some conspicuous place in the approved premises and the license shall be made available for inspection by the Secretary Regional Transport Authority or the Licensing Authority.

(3) A person who has obtained a license for collecting, forwarding and distributing goods shall carry with him his license while on duty and shall produce it on demand for inspection by the secretary, Regional Transport Authority or the Licensing Authority and shall also cause a true copy of his license to be exhibited at a prominent place in the approved premises.

120. Appeal :-

(1) Any person aggrieved by an order made under rules 110, 116 and 117 may within a period of thirty days from the date of the receipt of such order appeal-

(a) to the Secretary Transport of Himachal Pradesh Government, if

the order is made by the State Transport Authority ; and

(b) to the State Transport authority, if the order is made by any other officer or authority.

(2) The memorandum of appeal shall be filed in duplicate setting forth concisely the grounds of objections and shall be accompanied by a certified copy of that order and a cash receipt or a treasury challan of twenty rupees.

121. Levy of fees for supply of copies :-

(1) The authority which passes an order to be appealed against under rule 120 shall, on an application by a person, give certified copy of the order or any other relevant documents on payment of fee of two rupees per page :

Provided that the aforesaid powers may also be delegated to the Secretary of the Regional Transport Authority in the aforesaid manner who shall exercise these powers only in the case when the chairman is away from headquarters of the authority and a reference to him will involve an amount of delay which in the circumstances is unreasonable:

Provided further that the aforesaid powers may also be delegated to the Assistant Secretary of the regional Transport Authority in the aforesaid manner who will exercise these powers only in the case when both Chairman and the Secretary are away from the headquarters of the authority and a reference to either of them will involve an amount of delay:

Provided further that any order passed by the Assistant Secretary in the capacity of delegated authority, the order so passed shall be got confirmed from the Secretary Regional Transport Authority concerned.

(2) A Regional Transport Authority may delegate, its powers of issuing a duplicate permit or parts or a permit, as the case may be, under these rules to its Secretary or Asstt. Secretary in the manner as specified in sub rule (1).

122. Delegation of Powers of the state transport Authority :-

The State Transport Authority may , for the prompt and convenient dispatch of its business, by general or special resolution, delegate-

i. to its secretary

All or any of the powers vested in it provided that no delegation

shall be made in respect of the following namely:-

- a. Powers under clause (a) of sub-section (3) of section 68 of the Act, to co-ordinate and regulate the activity of the Regional Transport Authorities.
 - b. Powers under clause (c) of sub-section (3) of section 68 of the Act, to settle disputes of difference of opinion between the regional Transport Authorities ;
 - c. Powers under Sub-section (4) of section 68 of the act, to issued directions to the Regional Transport Authorities;
 - d. Powers under sections 71 and 72 of the Act, refuse stage carriage permits ;
 - e. Powers under sections 73 and 74 of the Act to refuse contract carriage permits ;
 - f. Powers under section 86 of the Act to cancel a permit ; and
- (ii) to its chairman all the powers that may be delegated to the secretary under clause 1:

Provided that in cases where the chairman and the secretary have both been delegated with the same powers of the State Transport Authority, the Secretary shall exercise the powers only when the chairman is away from the headquarters of the authority and reference to him will involve an amount of delay:

Provided further that where the chairman and the secretary have both been delegated with the same powers, order passed by the Secretary of delegated authority the order so passed shall be got confirmed from the Chairman of the State transport Authority.

123. Delegation of powers by Regional Transport Authority :-

Regional Transport Authority may, by general or special resolution recorded in its proceedings and subject to such conditions as may be specified in the resolution, delegate

- (a) the power of granting temporary permits under section 87 of the Act to the Chairman and its secretary ; provided that the secretary does not exercise this unless the Chairman is away from the headquarters of the authority and reference to him will involve an amount of delay which is in the circumstances unreasonable ; and provided further that this power may also be delegated to the Assistant Secretary who will not exercise it unless both the Chairman or the Secretary are away from the headquarters and a reference to either of them will involve an amount of delay which is in the circumstances unreasonable ;

(b) the power of granting countersignature of permits under section 88 of the Act to the Secretary and the Assistant Secretary, who will not exercise it unless the Secretary is away from the headquarters and a reference to him will involve an amount of delay which is in the circumstances unreasonable.

(c) The power of granting replacement of vehicles covered by permits under section 852 of the Act to the Secretary and in his absence from the headquarters to the Assistant Secretary;

(d) The power of permitting the transfer of permit under section 82 of the Act from one person to another, to the Secretary; provided that this power is exercised by him only in such cases in which after full enquiry he is satisfied that the contents of the application are complete and correct and that no premium, payment or consideration to pass or has passed between parties in lieu of the permit.

(e) The power of issuing a duplicate permit or part of permit as the case may be to the Secretary and in his absence from the headquarters to the Assistant Secretary ; and

(f) The powers of granting special permits under sub-section(B) of section 88 of the Act to a registering authority ; provided that the registering authority who grants any special permit under the capacity of delegated authority shall intimate the detail/particulars

CHAPTER 6 SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

124. Particulars and publication of the Scheme :-

(1) The proposal of a scheme or modification of approved scheme to be prepared by the State Government under the provisions of section 99 or section 62 shall be in HP Form XLCVI S.S. Tu. containing all the particulars specified in the said form.

(2) The proposal regarding a Scheme shall be published in HP Form XLVI S.S. Tu in the official Gazette as well as in one newspaper in Hindi language having circulation in the area of route covered by the scheme and in a news paper in the English language with sufficient circulation in the State of Himachal Pradesh for the general information of the public and for inviting objections as required under section 100.

125. Manner of fitting objection :-

The objection in terms of sub-section (1) of section 100 shall be

filed through a communication addressed to the Secretary (Transport) to the Govt. of Himachal Pradesh with a copy to the State Transport Authority and the State Transport Undertaking under registered post within a period of thirty days as specified in the said sub-section (1).

126. Manner of consideration and disposal of objections :-

(1) The State Transport Undertaking concerned shall forward its comments with regard to the objections received under rule 125 to the State Transport Authority. As well as the Secretary (transport) to the Govt. of Himachal Pradesh within Fifteen days after the expiry of the last date fixed for the receipt of such objections.

(2) The State Transport Authority shall consider the comments of the State Transport Undertaking received under sub-rule (1) and shall give its views thereon to the Secretary (Transport) to the Government of Himachal Pradesh, within a period of thirty days from receipt of comments of the State Transport Undertaking.

(3) On receipt of the view of the State Transport Authority, in terms of Subrule(2), the Government shall consider and dispose of the objections after giving an opportunity of being heard in the matter to the objector or his representative(s) and the representative of the State Transport Undertaking and it may either approve or modify the scheme

127. Publication of the scheme :-

The approved or modified scheme as the case may be, under sub-rule(3) of rule126 shall be published in HP Form XLVII ASSTU in the Official Gazette and also in a newspaper in Hindi language having circulation in the area or route covered by the scheme.

128. Application for grant of permit to State Transport Undertaking :-

(1) For securing a stage carriage permit or a goods carriage permit or a contract carriage permit, in respect of a notified area or notified route in pursuance of an approved scheme, a State Transport Undertaking may make an application to the Regional Transport Authority concerned in the relevant form specified in rule 62:

Provided that in case the notified area or route falls within the

jurisdiction of more than one Regional Transport Authority, the application shall be made to the Regional Transport Authority in whose jurisdiction the major portion of the area or route lies and that Regional Transport Authority shall transmit the same to the State Transport Authority for consideration with its comments there on.

(2) The fees payable in respect of the applications in terms of sub-rule(1) shall be as specified in rule 67 in respect of application for grant or renewal of permits.

(3) The fees for grant of permits under this rule shall be as specified in rules 68 or 69 as the case may be.

129. Manner of service of orders :-

The orders of the State Transport Authority, or as the case may be, Regional Transport Authority concerned under sub-section (2) of section 103 shall be served under registered post or through a notice in a newspaper in Hindi language having circulation in the area covered by the scheme.

CHAPTER 7 CONSTRUCTION, EQUIPMENT AND MAINTANANCE OF MOTOR VEHICLES

130. General :-

(1) No person shall use and no person shall cause or allow to be used or to be in any public place, any motor vehicle which does not comply with the rules made under this Chapter and the provisions contained in Chapter V of the Central Rules or with any order here under made by the State Transport Authority.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident while at the place of the accident or to a vehicles so damaged or otherwise defective while being removed to the nearest reasonable place of repair or disposal

Provided that where a motor vehicle can no longer remain under the effective control of the person driving, the same shall not be used in any public place, except by towing.

131. Rear View Mirror :-

Every motor vehicles other than a road roller and other vehicles specially constructed or adapted for the construction or maintenance of road, shall be fitted either internally or externally, with a mirror so placed as to enable the driver to be or become,

aware of the presence, in the rear of any other vehicle the driver of which is desirous of passing such motor vehicles.

132. Dangerous Projections :-

(1) No mascot or other similar fitting or device shall be carried on any motor vehicle other than a road roller or other vehicles specially constructed or adapted for the construction or maintenance of roads registered in India in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle, hub or hub cap does not project laterally beyond the body or wings of the vehicle and is provided with an adequate guard.

133. Wind Screen wiper :-

An efficient automatic wind screen wiper shall be fitted to every motor vehicle which is so constructed that the driver cannot by opening the wind screen or otherwise obtain an adequate view to the front of the vehicle without looking through the windscreen.

134. Springing :-

Every motor vehicle and every trailer drawn there by other than a road roller or other vehicles specially constructed or adopted for the construction or maintenance of roads shall be equipped with suitable and sufficient means of springing adequately maintained in good and sound condition between the road wheels and frame of the vehicle :

Provided that rule shall not apply to -

(a) any tractor not exceeding 4,500 Kilograms in weight unladen if all the unsprung wheels of the tractor are fitted with pneumatic tyres ;

(b) any land locomotive, land tractor, land implement, agricultural trailer or any trailer used solely for the haulage of felled trees ; and

(c) vehicle designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another or to works or premises within a distance of four kilometers.

135. Vehicles fitted with left hand steering control :-

A motor vehicle fitted with left hand steering control shall exhibit the words Left Hand Drive at a conspicuous place on its rear on a plain plate or a plain surface of the vehicle in red colour on white background, each letter being not less than thirty five millimeters in height and of uniform thickness of thirteen millimeters.

136. Wings :-

(1) Every motor vehicle except a locomotive, tractor, trailer or a road roller or other vehicles especially construction or adopted for construction or maintenance of roads shall, unless adequate protection is afforded by the body of the motor vehicle, be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

(2) The rear wheels of every trailer except a trailer drawn by locomotive shall be provided with wings as aforesaid.

137. Side car wheel :-

Every side car attached to a motor cycle shall be so attached at the left hand side of motor cycle that the wheel thereof is not wholly outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projecting points in front and in the rear of the motor cycle.

138. Communication with driver :-

(1) Every transport vehicle, whether for the use of passengers or goods in which the drivers seat is separated from the passengers or the goods compartment by a fixed partition, which is not capable of being readily opened, shall be furnished with efficient means to enable the passengers, conductor or the cleaner, in such compartment to signal the driver to stop the vehicle, provided that cleaner or a conductor in a goods vehicles shall be seated at the back to gives signal to the driver when the former notices a faster vehicle approaching the one in which he is traveling.

(2) Sub-rule(1) shall not apply to:-

(i) petrol tank lorries;

(ii) the vehicle fitted with tanks on the entire chassis ;

(iii) the motor vehicles used by the local authorities for the carriage of refuse.

(3) Every goods carriage or tractor trailer combination shall be

furnished with efficient means of communication to enable the cleaner or conductor to signal the driver to stop the vehicle or to caution to allow passage for faster moving vehicles. The connection of the communication bell shall be of adapter and socket type so that the communication bell could be connected and disconnected while coupling and decoupling the trailer

139. Restriction on painting :-

(1) The Motor vehicle shall be painted in such colour and in the manner approved by the State Transport Authority from time to time. Provided that in Prescribing the colour and the manner in which the motor vehicles are to be painted, the State Transport Authority shall not prescribe the same colour or the manner, which has already been prescribed by the Central Govt. under rule 121 or sub rule (ii) of rule 128 of the central rules or in pursuance of any other provisions contained in the Act or the rules framed there under.

(2) The motor vehicle belonging to an Education Institution:-

i) shall be painted in light blue or sky blue colour with a 254mm. wide strip of dark blue paint going all around the body 178mm. below the windows.

ii) The crest of the institution shall be painted below the dark blue strip in white colour on both sides of the vehicle between the rear and the front wheel ;

iii) The name of the institution shall be written on the front side either above or below the wind screen according to the space available

140. Special marks to be exhibited on a stage carriage when it is used as a contract carriage :-

(1) No stage carriage or vehicle forming part of a service of stage carriage shall be used as a contract carriage unless a board is affixed on each side of the vehicle showing that it is for the time being in use as such and not as a stage carriage.

(2) The board required by sub-rule (1) shall exhibit the words ON CONTRACT in red letters on a white ground, the letters being of a size not less than that specified for a numeral of a registration mark and shall be affixed in a prominent and unobscured position at or near roof level.

(3) The board required by sub-rule (1) shall be affixed before the commencement of any trip for which the vehicle is being used as a contract carriage and shall be kept affixed throughout whole of the

trip and the boards or marks indicating the route or route on which the vehicle is operated and at other times shall be removed or covered up throughout the trip.

141. Special Requirements for public service vehicle :-

(1) Every public service vehicle and all parts thereof including paint-work or varnish shall be maintained in a clean and sound condition and the engine mechanism and all working parts in reliable working order.

(2) Every public service vehicle shall carry a first-aid box with glazed front of dimensions suitable to accommodate the following article:-

- (i) leaflet containing first aid instructions ;
- (ii) set of ordinary splints (consisting of six splints with four iron sockets) ;
- (iii) four triangular bandages ;
- (iv) packet surgeons lint ;
- (v) sterilized cotton wool two in number, of twenty five grammas packets ;
- (vi) sterilized figures dressing twenty four in number ;
- (vii) sterilized hand or foot dressing twelve in number ;
- (viii) sterlised body dressing three in number ;
- (ix) sterlised bum dressing
 - i. Two in numbers of small size ;
 - ii. Two in numbers of large size ;
- (x) two eye pads ;
- (xi) one card safety pains ;
- (xii) one pair scissors ;
- (xiii) one spool plaster twenty five millimeters
- (xiv) one medicine tumbler
- (xv) antiseptic cream containing 0.5 percent of centrimide BP in non greasy base ;
- (xvi) one bottle spirit surgical ;
- (xvii) four bottle sale Volatile
- (xviii) four small tourniquet
- (xix) empty bottle fitted with cork and camel hair brush for eye drop ;
- (xx) one pad splinter forceps ; and
- (xxi) Medicine glass of 75 CCs.

142. Measures of stability of vehicle :-

(1) The stability of double decked public service vehicle shall be such that when loaded with weights of 59 kilogrammes per person placed in correct relative position to represent the driver and conductor. If carried and a full complement of passengers of the upper deck only in the surface on which the vehicle stands were tilted to either side to an angle of twenty-eight degrees from the horizontal, the point at which overturning occurs would not be reached.

(2) The stability of a single decked public service vehicle other than motor cab shall be such that under any conditions of load, at allowance of 73 kilogrammes for every passenger for which the is registered, if the surface on which the vehicle stands were tilted to either to an angle of thirty-five degrees from the horizontal the point at which overturning occurs would not be reached.

(3) For the purpose of conducting tests of stability the height of any stock used to prevent a wheel of the vehicle from slipping sideways shall not be greater than two -thirds of the distance between the surface upon which the vehicle stands before it is tilted, and that part of the rim of that wheel which is then nearest to such surface when the wheel is loaded in accordance with the requirements of this rule.

143. Seating Space :-

(1) In every public service vehicle other than a motor cab there shall be provided for each passenger a reasonably comfortable seating space of not less than 375 millimeters square in the case of an ordinary vehicle, 400 millimeters squares in a semi-deluxe vehicle and 450 millimeters squares in the case of a deluxe vehicle, the seats measured on straight lines along and at right angles and at right angles to the front each seat and.

(a) When the seats are placed along the vehicle, the backs of the seats on the side shall be least 1.37 metres distant from the backs of the seats on the other side ;

(b) when the seats are placed across the vehicles and are facing in the same direction there shall be everywhere a clear space of not less than 66.5 centimeter between the backs of the seats ;

(c) when seats are placed across the vehicle and are facing each other there shall be everywhere a clear space of not less than 1.25 meters between the backs of facing seats.

(d) where seats are placed in such a manner that one row is alongwise the vehicle and the other rows of seats across the

vehicle, the clear space between the front and of the longitudinal seats and the nearest part of the transverse seats shall not be less than 450 millimeters ; and

(e) minimum leg space shall not be less than 254 millimeters in the case of an ordinary vehicle 330 mm in a semi deluxe vehicle and 380 millimeters in the case of a deluxe vehicle : Provided that for a deluxe vehicle, the following additional specifications shall also apply, namely:-

(i) the seats and back rests will be well sprung ;

(ii) separate push back system seat for each passenger with head rest, arm rest and thigh rest shall be provided.

(iii) the back of all seats shall be closed to a height of 700 millimetres above seat level ;

(iv) separate cabin shall be provided for the crew : Provided further that a semi deluxe bus shall be provided-

(i) with seats having head rest, thigh rest and arm rest ;

(ii) the seats and seat backs shall be well sprung ;

(iii) separate doors shall be provided for entrance and exit ;

(iv) the backs of seats shall be closed to a height of 700 millimeters above seat level.

(2) The back of all seats shall be closed to a height of 400 millimeters above seat level

(3) In all public service vehicles, all the seats shall face to the front: Provided that in the case of a single decked vehicle the State Transport Authority may specify the measurements within the above limits to which public service vehicles or a particular type of public service vehicle, shall conform in specific area or on hill roads: Provided further that if the Government is satisfied that a particular vehicles or class of vehicles, having the internal height or head room measured along the centre of the vehicle, from the top of the floor boards or battens to the underside of the roof supports in excess of the height specified in this rule, is suitable for carrying out any work in furtherance of a public purpose, the Government may, by notification in the Official Gazette, exempt such vehicles or class of vehicles from the provision of this rule either generally or in such area as or on such routes subject to such conditions, as may be specified in the notification.

144. Drivers seat :-

(1) No public service vehicle shall be driven otherwise than from the right hand side of the vehicle.

- (2) On every public service vehicle space shall be reserved for the drivers seat such as to allow him to exercise full and unimpeded control of the vehicle, and in particular-
- (a) the part of the seat against which the drivers back rests shall not be less than 280 millimeters from the nearest point on the steering wheel and that the seat shall be so constructed as to be adjustable in such a way that the distance is increased 350 millimeters, the drivers seats shall be constructed as to permit an up and down adjustment in addition to the fore and after adjustments mentioned therein;
 - (b) the width across the vehicles shall not be less than 680 millimeters and shall extend to the left of the centre of the steering column, in no case less than 250 millimeters and so that a line drawn parallel to the axis of the vehicle through the centre of may gear lever brake lever, or other device to which the driver has frequent access, lies not less than 50 millimeters inside the width reserved for the drivers seat; and
 - (c) in the case of a public service vehicle other than a motor cab, the space reserved in accordance with clause (b) shall be at the left hand and be enclosed with a rigid wooden or other suitable partition to a height not less than 300 millimeters above the seat and continued forward of the seat at an adequate height above the floor of the vehicle.
 - (d) in the case of a public service vehicle other than a motor cab, the space reserved in accordance with clause (b) shall be at the left hand and be enclosed with a rigid wooden or other suitable partition to a height not less than 300 millimeters above the seat and continued forward of the seat at an adequate height above the floor of the vehicle.
- (3) No public service vehicle shall be so constructed that any person may sit or any luggage may be carried on the right hand side of the driver.
- (4) Every public service vehicle shall be so constructed that save for the front pillar of the body, the driver shall have a clear vision both to the front and through an angle of ninety degrees to his right hand side. The front pillar of the body shall be so constructed as to obstruct the vision of the driver to the least possible extent.
- (5) The State Transport Authority, may be order, in writing, direct that until such time as the vehicles have been taken off the road after having lived their lives, nothing in this rule in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to a public service

vehicle or a specified class of public service vehicle fitted with left hand steering control and obtained through the Disposal Organization of the Central Government.

(6) Where registering authority registers a public service vehicle in respect of which, or belonging to a class in respect of which an order under sub-rule (5) has been made, it shall note in the certificate of registration the fact that nothing in this rule in regard to and consequent upon the provision requiring that the vehicles shall be driven from the right hand side shall apply to the vehicle.

145. Gangway :-

(1) In every public service vehicle, the entrance to which is from the front or the rear there shall be a gangway along the vehicle and,

(a) Where seats are place along the sides of the vehicle there shall be as gangway a clear space of not less than 60 centimeters measured between fronts of the seats ; and

(b) where seats placed across the vehicle there shall be as gangway a clear space of not less than 300 millimetres upto a height of 760 millimetres and not less than 380 millimetres above 760 millimetres from the floor level and where standing passengers are allowed there shall be as gangway, a clear space of not less than 500 millimetres in width upto a height of 760 millimetres from the floor level.

(2) Where the vehicle has seats across the full width of the body with separate doors to each seat, a gangway from front to rear of the vehicle shall not be required.

146. Limit of seating capacity :-

(1). Notwithstanding anything contained in these rules, no public service vehicle other than a motor cab, shall be registered for a number of passengers in excess of the number obtained by subtracting 118 kilogrammes from the difference in kilogrammes between the registered laden weight of the vehicle and dividing the resulting figures by 160 in the case of a single decked vehicle and 130 in the case of a doubled decked vehicle or for such number of passengers that when the vehicle is loaded in normal manner the axle weight of any axle will not exceed the registered axle weight for that axle.

(2) In addition to the number of persons permitted to be carried in a public service vehicle--

- (i) a child of not more than twelve years of age shall be reckoned as a hand ;
- (ii) a child of not more than three years of age shall not be reckoned

147. Head Room :-

Every public service vehicle other than a motor cab shall have the following internal height or head room measured along the centre of the vehicle from the top of the floor boards or battens to the underside of the roof supports,--

- (a) in case of a single decked vehicle with a permanent top not less than 1.4 metres and not more than 2 metres ;
- (b) in the case of a single decked vehicle with a movable hood not less than 1.4 metres ;
- (c) in the case of a double decked vehicle such measurement as the Government may determine in each particular case :

Provided that in the case of a single decked vehicle the State Transport Authority may specify the measurement within the above limits to which public service vehicles shall conform in specific or on hill roads.

148. Width of doors :-

(1) Every entrance and exit of a public service vehicle other than a motor shall be atleast 530 millimetres in width and of sufficient height.

(2) Every entrance and exit door shall be capable of being opened outwards by one operation of the locking mechanism.

(3) Door handles or levers to door catches shall be so designed and fitted that they are not liable to be dislodged or to be operated accidentally.

(4) All doors shall be so designed as to be readily opened in case of need from inside and outside of the public service vehicle.

(5) Every public service vehicle shall have an emergency exit separate from the entrance door.

(6) All emergency exit shall,--

- (i) be clearly marked EMERGENCY EXIT in bold letters on the inside ;
- (ii) be fitted with doors to open outwards ;
- (iii) be so designed as to be opened from inside and the outside of the vehicle ;
- (iv) be equipped with a fastening device which can be quickly

released but so designed as to offer protection against accidental release ;

(v) be easily accessible to persons of normal height standing on the ground outside the vehicle ;

(vi) be easily accessible to the passengers ;

(vii) be such that no seat or other object placed in the vehicle will restrict the passage to the emergency door ;

(viii) be located either at the back or on the right hand side of the vehicle ; and

(ix) have no step leading to it.

(7) In the public service vehicle other than the deluxe buses being plied on long routes shall be provided with different opening for entrance and exit in addition to the emergency and drivers exit.

(8) There shall be unobstructed accessibility from every seat to at least one exit : Provided that this rule not apply to any seat alongwith the driver if there is access to such seat by an entrance other than the driver entrance ; and

(9) There shall be direct access to the drivers seat either from off side of the vehicle or by means of a passage, which shall be smaller in dimensions than the one specified from the gangway.

149. Grab rail :-

In a public service vehicle other than a motor cab there shall be fitted to every entrance or exit, except an emergency exit, a grab rail to assist passengers in boarding or alighting from the vehicle.

150. Step :-

(1) In every public service vehicle other than a motor cab, the top of the tread of the lowest step for any entrance or exit, other than emergency exit, shall not be more than 500 millimetres or less than 425 millimetres above the ground when vehicle is empty, Fixed steps shall not be less than 225 millimetres wide and shall in no case project laterally beyond the body of the vehicle unless they are so protected by the front wings or otherwise that they are not liable to injure pedestrians. The shortest distance between any step well and a vertical plain passing throughout the front edge of a seat shall not be less than 225 millimetres.

(2) In case of double decked vehicle, --

(a) the risers of all steps leading from the lower to the upper to the upper deck shall be closed and no unguarded aperture shall be left at the top landing board;

- (b) all steps leading from the lower to upper deck shall be fitted with nonslip treads;
- (c) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat apposite to the top tread of the staircase excluding any grab rail which does not project more than 75 millimetres from the back of the seat, shall not be less than 660 millimetres; and
- (d) the outer stringer of an outside staircase shall be so constructed or a band shall be so placed, as to act as a screen to persons sending or descending and the height of the outer guard rail shall not be less than one metre above the front of the tread of each step.

151. Cushions :-

Where the seats of public service vehicle are provided with fixed or movable cushion, the cushion shall be covered with the leather cloth of good quality or other material of such a kind that they are capable of being kept in a clean and sanitary condition

152. Body dimension and guard rails :-

(1) Every service vehicle other than a motor cab, shall be so constructed that :-

(a) in the case of single decked vehicle with an enclosed body,--

(i) the height of the body sides from the floor or the sills of the windows, as the case may be, shall not be less than 710 millimetres ; and

(ii) if the height of the sides of the body or the sills of the windows, as the case may be, above the height part of any seats is less than 450 millimetres provisions be made by means of guard rails or otherwise to prevent the arms of seated passengers being thrust through and being injured by passing vehicles or the extent to which the side windows or Venetians can be lowered in such a way that when lowered their top edge is not less than 450 millimetres above the highest part of any seat.

(c) In the case of a double-decked vehicle with an uncovered top deck and the top deck shall be provided with the side and end rails the top of which shall be atleast one metre above the highest part of any seat and the top of the front and back rails shall be atleast one metre above the deck boards or batten and shall follow the chamber of the deck

(2) For the purpose of this rule, seat-back shall not be deemed to

be part of the seat.

153. Protection of passengers from weather :-

(1) Every public service vehicle other than a double decked vehicle shall be either constructed with fixed and watertight roof or equipped with a watertight hood that may be raised or lowered as required.

(2) Save in the case of uncovered top deck of a double-decked vehicle every public service vehicle shall have suitable windows, Venetians or screen capable at all times of protecting the passengers from the weather without preventing adequate ventilation of the vehicle when the screens are made of fabric, the whole of them shall at all times be fastened securely to the vehicle.

(3) Where glass windows or Venetians are used, they must be provided with effective means to prevent their ratting.

(4) There shall be adequate ventilation for both passengers and the drivers without the necessity for opening any main window or wind screen.

154. Prohibition on the fitting of mirrors :-

No mirror or glass -covered pictures shall be fitted inside or outside the body of any public service vehicle : Provided that nothing shall prohibit the fitting of any mirror which may be necessary to enable the driver to obtain a view of the road in the rear of the vehicle or a view of interior of the vehicle.

155. Lighting :-

Every public service vehicle shall be furnished with electric lights adequate to give reasonable illumination through the vehicle but such power or so screen as not to impair the forward vision of the driver.

156. Body construction :-

The body and body layout of public service vehicle shall be so constructed and so fastened to the frame of the vehicle as to comply with such directions may be issued by the State Transport authority from time to time.

157. Fuel tanks :-

(1) No fuel tank shall be placed in any public service vehicle under any part of any gangway which is within 60 millimetres of any entrance or exit of a single decked vehicle or the lower deck of double decked vehicle.

(2) The fuel tank of every public service shall be so placed that no overflow there from shall fall upon any wood work or accumulate where it can be readily ignited. The filling points of all fuel tanks shall be outside the body of the vehicle and the filler caps shall be so designed and constructed that they can be securely fixed in position

158. Electric Wires :-

All electric wires or loads shall be adequately insulated.

159. Fire extinguishers :-

Every public service vehicle shall be equipped with a fire extinguisher of a type specified by the State Transport Authority and it may be inspected at such periods and by such persons as the State Transport Authority may specify.

160. Water Proof Canvas :-

Every public service vehicle shall be equipped with water-proof canvas for safeguarding luggage belonging to the passengers and carried on the roof of the vehicle.

161. Locking of Nuts :-

All moving parts of every public vehicle and all parts subject to service vibration connected by bolts or studs and nuts shall be fastened by lock nuts washers or by castellated nuts and spit pins or by some other efficient device so as to prevent them working loose.

162. Exhibition of Starting and Destination Stations :-

The owner of a public service vehicle other than motor cab shall exhibit a board in the manner illustrated in the Second Schedule to these rules above the drivers seat on the front of the vehicle indicating the starting point and the terminus of the route for which he holds permit. The boards shall cover the whole width of the vehicle. The letters of the words indicating the starting point and

the terminus shall be in black on a white ground and shall each be not less than 100 millimetres height and twenty millimetres thick at any part. In the case of the public service vehicle which ply on inter-station routes the words shall be English and in all other cases in Hindi in Devnagri script.

The owner of the public service vehicle other than a taxi cab shall exhibit on a black strip, divided into two parts, one showing the trip number and other showing the approved departure time written in white chalk the approved departure time written in white chalk in Arabic figures below the boards specified in sub-rule(1).

163. Floor Boards :-

(1) The floor boards of every public service shall be strong and so closely fitted or so covered with a suitable material as to exclude as far possible draughts and dust.

(2) The floor boards may be pierced for the purpose of drainage but for no other purpose

164. Spare Wheel and Tools :-

(1) Save as otherwise specified by the Regional Transport Authority in respect of the public vehicle being exclusively plied in the urban areas, every public service vehicle shall at all times be equipped with not less than one spare wheel or rim fitted with a pneumatic tyre in good and sound condition readily inflated and mounted in such a way that it can be readily dismounted and fitted to the vehicle in the place of any one of the road wheels: Provided that it shall not be necessary to have a second spare wheel during the completion of any journey which the spare wheel has been used.

(2) Every public service vehicle shall at all times be furnished with an efficient jack and other tools necessary to change a wheel or rim and tyre and with the equipment necessary to repair a puncture, including the following, namely:-

(ii) Spanners to fit every nut on the vehicle.

(iii) One screw driver;

(iii) One pair pliers :

(iv) One hammer;

(v) Two tyre levers;

(vi) Tyre repair outfit;

(vii) Tyre pump;

(viii) Wheel jack;

(ix) One spare headlight bulb and one spare rear lamp bulb ; and

(x) A supply of spare fuses

(3) Every transport vehicle other than a motor cab shall be furnished with suitably fashioned block attached by chain to the vehicle to be used as check when the vehicle is halted on a slope.

165. Advertisements and other Marking on Public Service Vehicle :-

(1) No advertisement device, figure or writing shall be exhibited on any public service vehicle save as may be permitted by the State Transport authority by general or specific order.

(2) A public service vehicles, when regularly used for carrying Government mail by or under a contract with the Indian posts and Telegraphs Department shall exhibit in a conspicuous place upon a plate or a plane surface of the vehicle the words MAIL in red on the white ground, each letter being not less than 100 millimetres in height and of a uniform thickness of 20 millimetres.

(3) Save as aforesaid, no motor vehicle shall display any sign or inscription which includes the words MAIL

166. Body and Loading Platform of Goods Carriage :-

(1) The body of every goods carriage including a trailer shall be so fastened to the frame of the vehicle and so constructed as to comply with such directions as may be issued by the State Transport authority from time to time. The vehicle shall be capable of carrying the load for which it is used without danger or inconvenience to other road users so that the load can be securely packed within the body or platform.

(2) Every carriage with a trailer and tractor-trailer combination shall be fitted with an electric device so as to cause an alarm by working of a buzzer in the drivers cabin on account of failure of the towing mechanism and decoupling of the trailer.

167. Drivers Seat of Goods Carriage :-

(1) The provisions of rule 144 shall apply to every goods carriage in so far as the seat of driver is concerned.

168. Requirements for Auto Rickshaw and Tractor Tractors :-

(1) Every Auto-Rickshaw shall, :-

(i) Have body either of a station wagon or a box type or hackney

carriage type as approved by the State Transport Authority soundly constructed to the satisfaction of the registering authority and shall be securely fastened to the frame of the vehicle and there shall be adequate arrangements for protection of passengers from sun, wind and rain ;

(ii) Have the roof constructed as to provide protection for passengers from sun and rain and shall be either of metal sheeting or canvas or some other suitable material ;

(iii) Have road clearance not more than 225 millimetres and not less than 150 millimetres ;

(iv) Have floor board not more than 550 millimetres above the surface on which the auto-rickshaw stand ;

(v) Have the driver's seat at least 100 millimetres of clearance from the front panel of the body and a wind screen shall be provided for the driver;

(vi) Be provided at least 275 millimetres leg space in the case of an autorickshaw having seating capacity for four passengers and at least 375 millimetres leg space in the case of an auto-rickshaw having seating capacity for two passengers ;

(vii) Be provided with meter approved by the Bureau of Indian Standards ;

(viii) Be fitted with a bulb horn in addition to electric horn ; and

(ix) Be fitted a rear view mirror mounted at a suitable place to give a clear unobstructed view of the rear to the driver ;

Provided that in case of an auto-rickshaw having seating capacity for four passengers the entrance to which is from the front or rear and the seats are placed across the auto-rickshaw there shall be a gangway of not less than 300 millimetres.

Subject to the provisions contained in Chapter-V of Central Rules, in so far as these relate to tractor trailer combination and overall dimensions specified for trailer under the said chapter.

The trailers, to be attached with tractors for the carriage of goods including trailers attached to tractors for use of agriculture produce, shall,

(i) have provision of tail light, stop-light, side indicator, front and rear parking lights ;

(ii) have parking brakes of adequate capacity for parking the unhitched trailer with maximum weight at minimum gradient of 10% ;

(iii) have adequate provision of suspension system and shall have overrun brakes which are equated at the hitch combination when tractor brakes are applied ;

(iv) have its loaded height not exceeding the height of centre of the steering wheel of tractor ; and

(v) have its width not more than that of the tractor.

The tractors with which trailer is to be attached shall,--

(i) Be fitted with a rear view mirror so that driver of the tractor could have rear view of the road:

(ii) have self-locking and spring loaded swivel type. Hook the line of the pull of tractor trolley combination shall be horizontal and its hooks shall be of heavy duty forged steel:

(iii) be fitted with engine having-

(a) 35 horse power where load does not exceeds 1000 kilograms;

(b) more than 35 horse power where payload exceeds 1000 kilograms but does not exceed 2000 kilograms.

169. Use of flag :-

Omitted

170. Use of red light :-

Omitted

CHAPTER 8 CONTROL OF TRAFFIC

171. Use of weighing device :-

(1) No weighing device shall be used for the purposes of section 114, unless it is tested not less than once in very six calendar months by an officer appointed by the Chairman of the State Transport Authority, in consultation with the Controller, Weights and Measures, Himachal Pradesh.

(2) No weighing device shall be installed without the approval of the State Transport Authority.

(3) The State Transport Authority while giving approval for the installation of weighing device in terms of sub-rule (2) shall have regarded to the following matters, namely.

(a) the interests of the public generally and the efficient functioning of the weighing device;

(b) the suitability of site for installation from the point of view of traffic control ;

(c) the evidence of annoyance to persons living or having property in the locally;

(d) the suitability of the site of installation in relation to other existing weighing devices in the same area ;

(e) any other consideration that may appear to be relevant. Section 138(2)(f).

172. Restriction on driving with gear disengaged :-

On any hill marked by traffic sign No.10 part A of the Schedule to the Act, no person shall drive a motor vehicle with the clutch pedal/depressed or with any free wheel or other device in operation which frees the engine from the driving wheels and prevents the engine from acting as a brake when the vehicle is traveling down an engine.

173. Prohibition of amounting or taking hold of vehicle in motion :-

(1) No person shall mount or attempt to mount on or dismount from any motor vehicle when the motor vehicle is in motion.

(2) No person shall take hold of and no driver of a motor vehicle shall cause or allow any person to take hold of any motor vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

174. Towing :-

(1) No vehicle other than a mechanically disabled or incompletely assembled motor vehicle or a registered trailer shall be drawn or towed by any motor vehicle.

(2) No motor vehicle other than a registered trailer shall be drawn or towed by any other motor vehicle unless there is in the drivers seat of the motor vehicle being drawn or towed a person holding a license authorizing him to drive that type of vehicle or unless the steering wheels of the motor vehicle being towed firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(3) When a motor vehicle is being towed by another motor vehicle, the clear distance between the rear of the front vehicle and the front of the rear vehicle shall at no time exceed 4.6 metre. Steps shall be taken to render the tow rope or chain easily distinguishable by other users of the road and there shall be clearly displayed on the rear of the vehicle being towed in back letters not less than 75 millimetres high and on white ground the words " ON TOW". Provided that no person shall be liable to be convicted for contravention of this sub-rule for failure to display the words "ON

TOW" if the motor vehicle which is towing to other is not a motor vehicle adapted and ordinarily used for the purpose and so long as vehicle is being towed between the place of the break down and the nearest place on the route at which the necessary materials can be obtained.

(4) No motor vehicle when towing another vehicle other than a trailer or side can shall be driven at a speed exceeding twenty-five kilometers per hour.

175. Traffic aggregation :-

Where any road or street is provided with foot paths, or tracks reserved for cycles or specified classes of other traffic, no person shall, save with the sanction of a police officer uniform, driver any motor vehicle or cause or allow any motor vehicle to be driven on any such foot path or track.

176. Projection of loads :-

(1) Nothing be placed or carried upon the outside of the roof of a double-decked public service vehicle.

(2) No person shall drive and no person shall cause or allow to be driven in any public place any motor vehicle which is loaded in a manner likely to cause danger or injury to any person or in such a manner that the load or any part thereof or anything extends:

(a) laterally beyond the side of the body or beyond a vertical plain in prolongation of the side of the body ;

(b) to the front beyond the foremost part of the vehicle ;

(c) to the rear to a distance exceeding 1.2 metres beyond the rear most part of the vehicle excluding luggage carrier ; and

(d) in height by a distance which exceeds 40 metres from the surface upon the motor vehicle rests.

(3) The provisions of clause (C) of Sub-rule (2) shall not apply to goods carriage when loaded with any pole or other projecting things so long as :

(a) the projecting load falls within the limits of the body of a trailer being drawn by the goods carriage ; or

(b) the distance by which the pole or other thing projects beyond the rearmost point of the motor vehicle does not exceed 1.8 metres ; and

(c) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of less than 375 millimetres in diameter and at night a

lamp in addition to the specified lamps on the vehicle so arranged as to show a red light to the rear.

(4) A Regional transport authority or its office if so authorized by it may, by an order in writing, in emergent cases, exempt any motor vehicle for such period and subject to such conditions as any be specified, from any or all the provisions of this rule.

177. Carriage of dangerous substances :-

(1) Except for the fuel and lubricants necessary for the use of the vehicle, the carriage of goods of dangerous and hazardous nature to human life, highly inflammable or otherwise dangerous substance shall not be carried on any vehicle, unless it is so packed or the body has been so fabricated as approved by the controller of Explosives, Government of India or by an officer authorized by him in this behalf that even the case of an accident to the vehicle it is unlikely to cause damage or injury to the vehicle or persons carried thereon or to any public property.

(2) If in the opinion of an office authorized by the Director, any vehicle is at any time loaded in contravention of sub-rule(1), he may order the driver or other person incharge of the motor vehicle to remove or repack the carriage of goods of dangerous or hazardous nature to human life as may be specified by the Department of Science and Technology, Government of Himachal Pradesh otherwise the vehicle or goods shall be liable to be impounded by the officer so authorized with the help of police authorities of the area.

178. Sound signals :-

(1) No driver of a motor vehicle shall sound the horn or other device for giving audible warning with which the motor vehicle is equipped or shall cause or allow any other person to do so continuously or to an extent beyond what is necessary to ensure safety.

(2) The District Magistrate may, by notification published in the Official Gazette or in one or more newspapers in circulation in the area and by erection in suitably placed traffic sign No.7 as set forth in part A of the Schedule to the Act, prohibit the use by drivers of motor vehicle of any horn, gong other device for giving audible warning in any area during such hours as may be specified by him in the notification

Provided that when the District Magistrate prohibits the use of any

horning or other device for giving audible warning during certain specified hours he shall cause a suitable notice, in English and Hindi Languages to be affixed below the traffic sign setting forth the hours within which such use is prohibited.

179. Cut-outs :-

No driver of motor vehicle shall in any public place make use of any cut-outs any other device by means of which the exhaust gases of the engine are released save through the silencer.

180. Restriction on traveling backwards :-

No driver of a motor vehicle shall cause the vehicle to travel backward without first satisfying himself that he will not thereby cause danger of a road roller for any greater distance or period of time which may be reasonably necessary in order to turn the vehicle round.

181. Use of lamps when a vehicle is at rest :-

(1) If within the limit of an urban area a motor vehicle is at rest within the hours during which lights are required, at the left hands side of any road or street or else where in any duly appointed parking place it shall not be necessary for the motor vehicle to exhibit any light save as may be required generally or specified by the District Magistrate.

(2) Outside the limits of an urban area, if motor vehicle is rest within the hours during which lights are required in such a position as not cause danger or undue inconvenience to other users of the road, it shall not be necessary for the motor vehicle to display any lights.

182. Dazzling lights :-

(1) The driver of a motor vehicle shall at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any person by dazzle.

(2) The District Magistrate may, by notification in the official gazette and Hindi Language within such areas or in such places as may be specified in the notification, prohibit the use of lamps giving a powerful or intense light.

183. Visibility of lamps and registration marks :-

(1) No load or other things shall be placed on any motor vehicle so as at any time to mark or otherwise interrupt vision of any lamp registration mark or other mark required to be carried by exhibited on any motor vehicle by or under the provisions of the Act, unless a duplicate of the lamp or mark so marked or otherwise obscured exhibited in the manner required by or under the Act for the exhibition of the marked or obscured lamp or mark.

(2) All registration and other mark required to be exhibited on a motor vehicle by or under the provisions of the Act Shall at all times be maintained as far as may be reasonable possible in a clear and legible condition.

184. Stop on road surface :-

(1) When any line painted on or inland into the surface of any road at the approach to a road junctions or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that at any time when a signal to stop is being given by a police officer or by means of traffic control lights or by the temporary display of sign no.3 the Schedule to the Act.

(2) A line for the purpose of this rule shall not be less than 50 millimetres in the width at any part and shall be either in white or yellow colour.

185. Special provisions on hill roads :-

On all hill roads all drivers shall observe the following special rule namely:-

(a) no motor vehicle shall overtake another, except at a place where the whole road is clearly visible for at least 180 metres ahead;

(b) when two motor vehicles approach each other in apposite directions at a point where they cannot meet without danger of collusion, the vehicle proceeding down hill shall give way to the vehicle proceeding uphill and when such a meeting takes places in a dip or on a level stretch of road, the vehicle on the inside of the road, that, the side from which the hill side slopes upwards, shall give way ;

(c) the driver while taking turn on every bend and curve shall give horn; provided that it shall not be necessary to give a horn t a bend or curve near a hospital if an indication for not giving a horn has been put at that bend or curve ;

(d) the driver shall not drive a public service vehicle on any hill road, unless his license has been enclosed " for driving on hill roads" by the Registering authority ;

Explanation :- For the process of this rule, the expression " Hill Road" shall mean all roads in the State except these roads which may be declared by the Government by a notification in the official Gazette as plain roads.

186. Trailers prohibited with motor cycles :-

(1) A motor cycle with not more than two wheels with or without a side car shall not draw a trailer.

(2) No motor vehicle shall draw trailer exceeding 227 kilogram in weight unladen or 1.5 metres in overall width except with permission of the State Transport Authority.

187. Prohibition of attachment of trailer to certain vehicle :-

No motor vehicle which exceeds 9.1 metres in length shall draw a trailer: Section 138(2)(i).

188. Attendants on trailer :-

(1) When a trailer is or trailers are being drawn by a motor vehicle there shall be carried in the trailer or trailer or on drawing motor vehicle, as the case may be, the following persons, not being less than eighteen years of age and competent to discharge their duties that is to day :-

(a) If the brakes of the trailer or trailer cannot be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle:-

(i) One person on every trailer competent to apply the brakes; and
(ii) One person placed at or near the rear of the last trailer in train in such a position as to be able to have a clear view of the road in rear of the trailer to signal to the drivers of overtaking vehicles and to communicate with the driver of the drawing motor vehicle.

(b) If the brakes of the trailer can be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle, such other person in addition to the driver shall be carried on their vehicle and one person on the last trailer in the train in accordance with the provisions of sub-clause (ii) of clause (a).

(c) if the trailer is or trailer are being drawn by a locomotive,

notwithstanding that the brakes of the trailer or some other person on the locomotive, not less than one person on each trailer and not less than two persons on the last trailer in train, one of whom shall be the person required by the provisions of sub-clause (ii) of clause (a).

(2) This rule shall not apply:-

(a) to any trailer having not more than two wheels and not exceeding 771 kilograms in weight laden when used singly and not in a train with other trailers ;

(b) to the trailing half of an articulated vehicle ;

(c) to any trailer used solely for carrying water for the purpose of the drawing vehicle when used singly and not in a train with other trailer ;

(d) to any agricultural or road-making or road repairing or road clearing implement drawn by a motor vehicle; or

(e) to any trailer specially constructed or adopted for any purposes upon which an attendant cannot safely be carried ; or

(f) to any close trailer specially constructed for any purpose and specifically exempted from any or all of the provision of this rule by an order, in writing made by the registering authority to the extent so exempted.

189. Distinguishing mark for trailers :-

(1) No person shall drive or offer or cause to be driven in any public place any motor vehicle to which a trailer is or trailers are attached unless there is exhibited on the back of the trailer or of the last trailer in trail, as the case may be, a distinguishing mark in the form set out in the diagram contained in the Third Schedule to the rules in white color on black ground.

(2) The mark shall be kept clear and unobscured and shall be so fixed to the trailer that

(a) the letter on the mark is vertical and easily distinguishable from the rear of the trailer;

(b) the mark is either on the centre or to the right hand side of the back of the trailer; and

(c) no part thereof is at a height exceeding 1.2 metres from the ground.

(3) This rule shall not apply to the cases referred to in clauses (a), (b), (c), (d) and (e) of sub-rule 188.

190. Use of trailers :-

(1) No trailer other than the trailing half of an articulated vehicle shall be attached to a public service vehicle.

(2) Save in the case of a trailer being used for the carriage of troops of the police or in the case of a tractor trailer used for agricultural purposes and carrying not more than six persons including the attendant, no person other than the attendant or attendants as required by rule 188 shall be carried on a trailer.

191. Crossing around Railway level crossing :-

On the approach of any Railway crossing guarded or unguarded, the driver of every motor vehicle shall stop the vehicle and shall not enter the Railway crossing until he has made himself sure that the Railway track on both sides is clear.

192. Duty to comply with traffic control signals :-

(1) Every driver of a motor vehicle shall, when driving the vehicle in a public place comply with any traffic control signal given to him by any police officer in uniform, for the time being engaged in the regulation of traffic in such public place.

Explanation :- For the purpose of this rule "Traffic Control Signal" means a traffic control signal as illustrated in the Fourth schedule to these rules.

193. Use of protective head gear :-

Every person driving or riding a motor cycle of any class or description shall wear a protective headgear approved by the Bureau of India Standards from time to time.

CHAPTER 9 Halting of Motor Vehicle in public places

194. Halting of stage carriage :-

(1) No stage carriage shall be halted in an urban area on a notified bus stop for more than five minutes consecutively for the taking up or setting of passengers or at anytime during the course of a run except at a bus stand.

(2) The District Magistrate may direct that in an urban area, in any street or any road notified by him in this behalf (the notification made through the public proclamation or in such other manner as the District Magistrate may deem fit) no stage carriage shall take up or set down passengers except at a place appointed by him as a

bus stop or at a bus stand.

(3) No stage carriage shall be halted at a bus stop for longer than it is necessary to take up such passengers as are waiting when the vehicle arrives and to set down such passengers as wish to alight.

(4) If the run of any stage carriage starts or finishes in an urban area, it shall unless the District Magistrate specially exempts the vehicle from the provisions of this rule, be begun from or be ended at a bus stand.

(5) Where a stage carriage is exempted from the provisions of the preceding sub-rule, it shall be condition of the exemption that no passenger shall be taken up or set down, as the case may be, at any point within a distance of 183 metres or such other distance as may be named in the order of exemption from the place where the stage carriage is granted or parked at the start or finish of the run.

(6) In exempting a stage carriage from the provisions of sub-rule (4), the District Magistrate may make it a condition that the passengers shall be set down first and thereafter passengers be taken up at a particular bus stop fixed for the purpose in the order of exemption.

(7) An order of exemption made under sub-rule(4) shall remain in force for one year or such lesser period as the District Magistrate may direct and may be cancelled or modified by him at his discretion at any time.

(8) A Regional Transport Authority may attach to a stage carriage permit, a condition that when the vehicle is not in use, it shall not be halted in any public place except at a bus stand or at a parking place appointed under rule 196.

Provided that the aforesaid provisions shall not apply to a stage carriage when it is being used as a contract carriage or as a vehicle for the carriage of goods without passengers; provided that a board has been affixed to the vehicle bearing the inscription "ON CONTRACT or" CARRYING GOODS ONLY", as the case may be ; provided further that the particulars of the hiring have been entered in the log book of the vehicle.

195. Halting of contract carriages :-

A Regional Transport Authority may impose on the use of any contract carriage or any stage carriage where the same is being used as a contract carriage a condition that the vehicle shall not be halted for more than ten consecutive minutes in any public place in an urban area save at parking place or in the case of a motor

cab at a taxi stand duly appointed under rule 196.

196. Parking Place :-

Subject to the provisions of rule 201, a District Magistrate, may, subject to the control of the Regional Transport Authority concerned and after consultation with the Superintendent of Police and the local authority having jurisdiction in the area concerned, make orders appointing parking places and the local authority having jurisdiction in the area concerned, make orders appointing parking places and stands for motor vehicles under section 117; Provided that no place which is privately owned shall be appointed as a parking place or a stand except on application by or with the written consent of the owner.

197. Taxi Stands :-

(1) At every taxi stand appointed under rule 196:-

- (a) the driver shall station their motor cabs in the stand in the order in which they arrive, the motor cab which has been waiting longest being stationed in the front position and the motor cabs being moved up as vacancies occur;
- (b) the drivers of the first two motor cabs shall stay by their vehicles ready to be hired by any person ;
- (c) no motor cab shall be kept in taxi stand unless the driver is willing to accept any intermediate hiring that may be offered ; and
- (d) no disabled motor cab shall be kept in taxi stand unless the disablement can be and is intended to be remedied forthwith.

(2) The District Magistrate may in the case of any taxi stand relax any or all the provisions contained in sub-rule (1).

(3) Nothing in sub-rule (1) shall render it obligatory on a person wishing to hire a motor cab from taxi stand to take the first cab or restrict his freedom to choose whichever vehicle he prefers.

198. Involuntary halts :-

No person shall be liable to be punished for halting a vehicle in contravention of any of the rules contained in this chapter, if the stopping of vehicle was occasioned by a mechanical defect or by any other cause beyond the control of the driver or person incharge.

Provided that the driver or other person in-charge shall continue to be liable for contravening section 122, unless all practicable steps

have been taken to dispose of the vehicle in such a way that it shall not cause danger, obstruction or inconvenience to other users of the road.

199. Prohibition on the use of horn :-

Except to avoid an imminent accident, no person shall sound the horn or other audible warning device of any motor vehicle within the limits of a bus stand, parking place or taxi stand.

200. Classification of Bus stands :-

(1) Bus stands shall be classed as follows :-

- A. Bus stands, being General Bus Stands administered directly by the State Transport Authority;
- B. Bus Stands being General Bus Stands entrusted for management, under arrangements made by the District Magistrate, to a private person or Company;
- C. Bus Stands, being General Stands administered by a Municipal Committee or other local authority either directly or through the agency of a contractor;
- D. Other Bus Stands, or Company Bus Stands.

(2) Every order made by the District Magistrate under rule 196 shall show clearly the class of stand which is allowed to be established and shall be in the respectively Form that is HP Form XLVIII Stand A HP Form XLIX Stand B, HP Form Stand C or HP Form LI Stand D and shall be notified by publication in one or more newspapers in circulation in the District or by such other means as the District Magistrate may consider appropriate.

(3) The District Magistrate shall from time to time fix the fees or the maximum fees payable at every stand.

201. Consideration governing the location of stands :-

In deciding whether to grant permission for the use of any place as a stand, the District Magistrate shall have regard to the following matters, namely:-

- (a) The interests of the public generally and the efficient organization of transport system;
- (b) The suitability of the site from the point of traffic control;
- (c) The avoidance of annoyance to persons living or having property in the locality;
- (d) The suitability of the site in relation to other stands in the same

town; and

(e) Any other consideration that may appear to be relevant. Section 96 (2) (xxii) and 138 (2) (e).

202. Conditions applicable to all stands :-

(1) Every order permitting place to be used as a stand under rule 196 shall be subject to the following conditions, namely :-

(a) that the land and building of the stand shall at the times be kept clean and in a good state of repair;

(b) that the stand shall be administered in a seemly and orderly manner ;

(c) that the person, transport company, transport firm, transport society or authority permitted by the District Magistrate to use the place as a stand shall take all possible precautions to ensure that no breach of the Act or of the rules is committed in respect of any vehicle entering or leaving halting at the stand;

(d) that a board shall be set up in a conspicuous position at the stand showing the fees payable and that the full amount of fees due from the owners and drivers of vehicles shall be charged neither more nor less;

(e) that weighing machine shall be maintained at the stand for determining the weight of the goods to be carried by passengers in public vehicles or in the goods carriages ; and

(f) that local authority or person authorized to administer the stand shall :-

(i) maintain such records as the District Magistrate may from time to time direct;

(ii) employ such staff at the stand as may be specified in the order made by the District Magistrate ;

(iii) provide waiting room for the largest number of passengers that may reasonably be expected to use the stand at any one time including separate accommodation for women ;

(iv) provide suitable lavatories for both- sexes ;

(v) provides rest rooms for the drivers and conductors of the vehicles regularly kept at the stand ;

(vi) provide rest rooms for the drivers and conductors of the vehicles regularly kept at the stand ;

(vii) provide covered accommodation or other form of shelter for all the vehicles regularly kept at the stand or for such percentage of those vehicles as the District Magistrate may specify ;

(viii) provide for the illumination of the stand at night ;

(ix) provide in a separate portion of the stand facilities for washing and cleaning vehicles and for executing ordinary repairs ;
(x) provide toilet and refreshment facilities in keeping with the appropriate requirements of privacy and hygiene ; and
(xi) provide cloak- room containing wash basins, water taps for women passengers.

(2) With the approval of the State Transport Authority or the Regional Transport Authority, the District Magistrate may attach to the order any other condition that may seem to him to be necessary to secure the efficient administration of the stand or otherwise to be in the public interest.

203. Stands of Class-B :-

(1) When an order has been made permitting a place to be used for the establishment of a stand of Class-B, the District Magistrate may enter into an agreement with any person, firm or Company (hereinafter referred to as the manager) to undertake the maintenance and management of the stand and to be responsible for the fulfillment of the conditions attached to the order of sanction and of all the provisions of the Act and the rules.

(2) It shall be a condition of every agreement made under the proceeding subrule that the manager shall maintain accounts containing such particulars as the District Magistrate may require and such accounts shall be open at all reasonable times for inspection by the District Magistrate or any official or auditor appointed by him.

(3) Every such agreement shall further state whether the manager shall be entitled to retain the whole of the fees collected at the stand or whether some portion thereof or a consolidated sum in lieu, shall be payable to the Government of Himachal Pradesh.

(4) An agreement under sub-rule (1) may be so made as to require the manager within a certain time to erect specified buildings or carry out specified works on the site of the stand, or to fulfill the conditions specified in rule 202.

(5) Save with the approval of the Regional Transport Authority, no agreement shall be made under sub-rule (1) with any person who has financial interest, direct or indirect, in any of the vehicles likely to be kept at the stand and unless the person with whom the agreement is to be made agrees that he will not employ in the working of the stand any person having such interest.

204. Stands of Class-C :-

(1) A local authority administering a stand of class-C shall maintain separate accounts of the income received and expenditure incurred in respect of it and those accounts together with the accounts of any manager or contractor employed by the local authority in connection with the stand shall be subject to audit under arrangements made by the Government of Himachal Pradesh and shall be open to inspection at all reasonable times by the District Magistrate and any official appointed by him for this purpose.

(2) It shall be a condition of every order permitting a place to be used as a site for a stand of class-C that the whole of the profits derived from the administration of the stand, after deducting such expenditure for the management, lighting and maintenance of the stand as may be incurred with the approval of the Magistrate together with the deductions specified in the sub-rule(3), shall be devoted by the local authority to defraying the cost new buildings and improvements at the stand or providing amenities for the drivers of the vehicles or waiting passengers.

(3) In determining the amount to be explained by the local authority under subrule (2) on new buildings, improvements and amenities, a deduction shall made equal to :-

(a) the interest which the local authority may actually be paying on any sum borrowed by it during the preceding twenty years for the purpose requiring land or buildings fro the sand or if the local authority has during the preceding twenty years expended capital of its own in acquiring land and buildings, a sum representing interest on that capital at the current bank rate

(b) any rent which may be due from the local authority to any person on account of the land and buildings included in the stand ; and

(c) such additional sum not exceeding three percent of the gross receipts from fees as may be agreed between the District Magistrate and the local authority.

(4) Save with the approval of the Regional Transport Authority, the local authority administering as stand of class-C shall not entrust the management of the stand to, or permit to be employed in the working of the stand, any person who has a financial interest direct or indirect in any of the vehicles likely to be kept thereof.

205. Stands of Class-D :-

(1) Order permitting a place to be used as a stand of class D shall

specify clearly the area which may be so used.

(2) Save with the special permission of the Regional Transport Authority no order in terms of sub-rule (1) shall be made unless the person, transport company, transport firm or transport society applying to use the place as a stand holds permits being permit in the name of the person, transport company, transport firm or transport society making the application for not less than live transport vehicles.

(3) Before giving permission for the establishment of any stand of class D, the District Magistrate shall satisfy himself that he proposed site is not in such location as would give the user an undue advantage over the owners of stage carriage operating in competition with him from the stand.

(4) No vehicle shall be admitted to any stand of class -D other than a vehicle in respect of which a permit is held by the person, a transport company, transport firm or transport society in whose name the stand has been sanctioned together with any vehicles which may vehicles which may have been specially mentioned in the District Magistrates order as entitled to use the stand.

206. Boundaries of stands to be demarcated :-

The local authority or person entrusted with the administration of a stand shall erect and maintain to the satisfaction of the District Magistrate pillars or other marks of a permanent character clearly indicating the boundaries of the land including in the stand.

207. Prohibition on use of land sounding devices at stand :-

No horn, gong, bell, whistle, gramophone, loud- speaker, musical instrument or other device of creating a loud noise shall be use to attract passengers to any stand.

208. Disposal of moneys accruing to Government :-

Moneys accruing to the Government of Himachal Pradesh from the administration of stand shall be devoted, subject to the vote of the legislature to :-

- (a) the carrying out of improvements and the provisions of amenities at stands ;
- (b) the acquisition of sites for stands ; or
- (c) any other object which in the opinion of the Government conduces to the efficient functioning of the stand.

209. Stands to be open to all transport vehicles :-

No transport vehicle, the driver person in-charge of which offers to pay the fees, shall be refused admittance to a stand of class A,B, or C unless the sanctioned accommodation the stand is already fully occupied,. Provided that where the owner of any vehicle has been granted a license for a stand Class D or has been given permission to make use of a stand of Class D his vehicle shall have no right to any Class A,B, or C stand situated within four kilometers of that area.

210. Cancellation of order for the establishment of stands :-

(1) District Magistrate may, at any time, revoke any order made by him or any of his predecessors permitting the establishment of any stand if in his opinion any of the conditions on which the stand was permitted to be established, have been contravened or the stand was not been satisfactorily managed or its continuance is not longer in the public interest.

(2) Before revoking any order under the preceding sub-rule, the District magistrate shall give the person authorized to administer the stand, an opportunity of being heard and shall record his reasons in writing.

(3) An order permitting the establishment of a stand, unless revoked under subrule (1), shall remain in force for a period of three years or such lesser period as may be specified in the order and such order to be renewed from time to time by the District Magistrate for a further period or not more than three years.

211. Control over District Magistrate :-

(1) Any person aggrieved by an order of the District Magistrate sanctioning the establishment of a stand or revoking an order permitting the establishment of a stand may, within thirty days of the receipt of the order, appeal to the Commissioner of the Division, whose order thereon shall be final and conclusive.

(2) Saving always the powers of the Commissioner of the Division as the authority appointed to hear appeals under sub-rule (1), the District Magistrate shall in all matters relating to the establishment of stands and the appointing of bus stops be subject to the control of the State Transport Authority and shall comply with any particular or general instructions that may be issued by that authority.³

212. Control of officers over the stands :-

Any officer authorized by the Director in this behalf shall ensure that provisions or the rules contained in this Chapter are complied with by the manager maintaining stands.

CHAPTER 10 INSURANCE OF MOTORVEHICLES AGAINST THIRD PARTY RISKS

213. Presentation of certificate of insurance :-

The owner of a motor vehicle applying for registration or renewal of registration, grant or renewal of permits, issue or certificate of fitness, transfer of ownership, payment of tax or for any other authority to use a vehicle in a public place by himself or any other person on his order or with his permission shall produce with his application certificate of insurance complying with the requirements of Chapter XI of the Act and valid on the date when such authority comes into operation: Provided that the owner of a motor vehicle exempted under sub-section (2) of section 147 of the Act, shall produce in the place of a certificate of insurance the certificate prescribed in rule 148 of the Central Vehicle Rules, 1989.

214. Motor Vehicles Reserve Fund :-

A Motor Vehicle Reserve Fund shall be established and the contribution thereto shall be made at the rate of not less than Rs 500 per annum per vehicle by any of the authorities specified in sub-section (3) of section 146:

Provided that the contribution may cease when the maximum limit of Rs 2500 per vehicle is reached but it shall again be continued at the aforesaid rate when the accumulation in the Motor Vehicles Reserve Fund falls below the maximum as a result of withdrawals from that Fund.

CHAPTER 11 MOTOR ACCIDENTS CLAIMS TRIBUNAL

215. Application for claims for compensation :-

Every application for claims of compensation to be made under section 166 shall be in HP Form LII-MACT-A.

216. Examination of application on oath :-

On receipt of an application for claims of compensation, the claims,

Tribunal may examine the application on oath and the substance of such examination, if any, shall be reduced to writing, when the application is time barred as per provisions of sub-section (3) of section 166, the Claim Tribunal may ask the applicant to give reasons for condonation of delay, in writing, and if there is no sufficient cause, it may be dismissed without calling upon the applicant to appear.

217. Summary dismissal of application :-

The claims Tribunal may, after considering the application and the statement, if any, of the applicant recorded under rule 216, dismiss the application summarily, if for reasons to be recorded, it is of the opinion that there are no sufficient grounds for proceeding therewith.

218. Notice to parties involved :-

If the application is not dismissed under rule 217, the Claims Tribunal shall send to the owner of the motor vehicle involved in the accident and the insurer a copy of the application together with a notice of the date on which it will hear the application and may call upon the parties to produce on the date any evidence which they may wish to tender.

219. Appearance and examination of the parties :-

(1) The owner of the motor vehicle and the insurer, may, and if so required by the Claims Tribunal shall, at or before the first hearing or within such further time as the claims Tribunal may allow, file a written statement dealing with the claims raised in the application, and any such written statement shall form part of the record.

(2) If the owner or the insurer contests the claims, the Claims Tribunal may, and if no written statement has been filed it shall, proceed to examine the owner and the insurer upon the claim and shall reduce the substance of the examination to writing.

220. Summoning of witnesses :-

If any application is presented by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall on payment of the expenses involved, if any, issue summons for the appearance of such witness, unless, it considers that the appearance is not necessary for a just decision of the case:

221. Appearance of legal practitioner :-

The Claims Tribunal may, in its discretion, allow any party to appear before it through a legal practitioner.

222. Local Inspection :-

(1) The Claims Tribunal may, at any time during the course of any proceedings before it visit the site at which the accident occurred for the purpose of making local inspection or examination of any person likely to be able to give information relevant to the enquiry.

(2) Any party to a proceeding or the representative of any such party may accompany the Claims Tribunal for a local inspection.

(3) The Claims Tribunal, after making a local inspection shall note briefly in a memorandum the facts observed, and such memorandum shall form part of the record of the proceedings.

(4) The memorandum referred to in sub-rule (3) may be shown to any party to the proceedings who desires to see and a copy thereof may, on application, be supplied to any such party, at the rate of two rupees per page.

223. Inspection of Vehicles :-

The Claims Tribunal may, if it thinks fit, require the motor vehicle involved in the accident to be produced by the owner for inspection at a particular time and place to be mentioned by it, if necessary, in consultation with the owner.

224. Power of summary examination :-

(1) The Claims Tribunal may during a local inspection or at any other time save at a formal hearing of a case pending before it, reexamine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person to be examined under sub-rule (1).

225. Method of recording evidence :-

The Claims Tribunal shall, as examination of witnesses proceeds, make a brief memorandum of the substance of the evidence of

each witness and such memorandum shall be written and signed by the members of the Claim Tribunal and shall form part of the record:

Provided that the evidence of any medical witness shall be taken down as nearly as may be, word for word.

226. Adjournment of hearing :-

If the Claims Tribunal that an application cannot be disposed of at one hearing, it shall record the reasons which necessitate the adjournment and also inform the parties present on the date of adjournment of hearing.

227. Co-opting of persons during inquiry :-

(1) The Claims Tribunal may, if it thinks, fit, co-opt one or more persons possessing special knowledge with respect to any matter relevant to the enquiry.

(2) The remuneration, if any, to be paid to the person co-opted shall in every case be determined by the Claims Tribunal.

228. Framing of issues :-

After considering any written statement, the evidence of the witnesses examined and the result of any local inspection, the Claims Tribunal shall proceed to frame and record the issues upon which the right decision of the case appears to it to depend.

229. Determination of issues :-

After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

230. Diary :-

The Claims Tribunal shall maintain a diary of the proceedings on an application.

231. Judgment and award of compensation :-

(1) The Claims Tribunal in passing order, shall record concisely in a judgment the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurer and also the person to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons the Claims Tribunal shall also specify the amount payable to each of them.

(3) When the Claims Tribunal pronounces the judgment and makes the award; it should read the operative part of the award in the regional language which is understood by the claimants and it shall also be explained to them that they are entitled to a full amount of compensation which has been awarded to them and they are not liable to pay any percentage amount of compensation to lawyers but have only to pay fee determined by the Tribunal.

232. The Code of Civil Procedure to apply in certain cases :-

The following provisions of the First Schedule to the Code of Civil Procedure, 1908 shall so far as may be, apply to proceedings before the Claims Tribunal, namely, Order V, Rules 9 to 13 and 15 to 30 ; Order IX ; Order XIII ; Rule 3 to 10 ; Order XVI, Rules 2 to 21 ; Order XVII ; Order XXI and Order XXIII, Rules 1 to 3.

233. Form and manner of appeals against the award of Claims Tribunal :-

(1) Every appeal under sub-section 173 of the Act against the award of a Claims Tribunal shall be preferred in the form of a memorandum stating concisely the grounds on which the appeal is preferred, and shall be accompanied by a copy of the judgment and the award appealed against.

(2) The provisions of Order 41, Rules 22 and 33 of the code of Civil Procedure, 1908, shall, so far as may be, apply to the appeals filed under the Act.

234. Fees :-

(1) No court fee stamps shall be livable on an application under section 166 for payment of compensation.

(2) The amount of the court fee to be charged for inspecting the files shall be two rupees for first hour and one rupee for every subsequent hour for each case.

(3) The carbon copies of the evidence shall be given to the parties concerned, if asked for on payment of court fee stamps of two rupees per page and application for obtaining such copies shall bear court fee stamp of five rupees.

(4) An amount of two rupees per page shall be charged in the form

of court fee stamps for obtaining an attested copy of the award on final order or an intermediate order or any documents filed with the Claims Tribunal.

235. Powers of Claims Tribunal :-

In endorsing the orders, the Claims Tribunal shall have all the powers in regard to attempts, resistance and the like which a Civil Court may exercise in the execution of a

CHAPTER 12 Motor Vehicle Department

236. Construction and extent of application :-

The rules in this Chapter shall apply to all the Officers appointed under section 213 who shall be under the control of the Director (hereinafter referred to as the officers of the Motor Vehicles Department),

237. Classification of officers :-

The officers specified in rule 236 shall be classified as class-I, class-II, Class III, and Class IV officers as enumerated in rule 238.

238. Powers of officers of Motor Vehicles Department :-

The officers of the Motors Vehicles Department included in each class under rule 237 shall exercise the powers of the police as noted below against each in respect of the offenses under the Act :-

CLASS I	
(a) Director	Powers exercisable by a Superintendent of Police.
(b) Secretary, State Transport Authority	Powers exercisable by a Superintendent of Police.
(c) Secretary, Regional Transport Authority,	Deputy Superintendent of Police.
CLASS II	
(a) Assistant Commissioner Transport (Technical),	Powers exercisable by a Deputy Superintendent of Police.
(b) Supdtt. Grade-I	-do-
CLASS III	
(a) Supdtt. Grade I	Powers exerciseable by an inspector of Police.
(b) Motor Vehicles	Powers exerciseable by an

Inspector (Sr. & Jr) Inspector of Police.	
CLASS IV	
Peons/orderly while on checking duty.	Powers exerciseable by a Constable of Police

239. Duties, powers and functions of the Officers of the Motor Vehicles Department :-

(1) All officers of the Motor Vehicles Department shall be responsible to administer and enforce the provisions of the Act, rules, regulations or Notifications made or issued thereunder and carry out such duties as have been assigned to them under these rules or such other duties as may be assigned to them.

(2) The officers of the Motor Vehicle Department shall be responsible for the regulation of and proper control of traffic and transport within their respective charge and inspection of stands, collecting, forwarding and/or distributing agents, Drivers Training Schools , Authorised Testing Stations with a view to ensuring provisions of amenities for the public in general.

(3) Traffic control in districts shall continue to be performed by the District Police and the checking by the officers of the Motor Vehicles Department shall in no way interfere with the normal working of the Police in the matter of traffic control.

240. Identity Card :-

Every Officer of the Motor Vehicle Department shall carry with him in identity card giving brief description of his name, designation, date of birth and special mark of identification with a passport size photograph duly attested by the Director or the Secretary, State Transport Authority.

241. Uniforms :-

(1) The uniform for the officers of the Motor Vehicles Department will be so designed that it does not get mistaken for or confused with uniforms used by the regular police force.³

(2) Every officer of Class III an Class IV of the Motor Vehicle Department shall, while on duty, wear the uniform and insignia specified as under :-

Uniform for the officers of the Motor Vehicles Department.

For Summer :-

1. Trousers Chocolate Brown.

2. Shirt Khakhi.
3. Turban Chocolate Brown.
4. Whistle with Khakhi Cord.
5. Leather Belt Brown.

For Winter:-

1. Trousers Chocolate Brown
2. Shirt Khakhi Serge.
3. Woolen Jersey Chocolate.
4. Turban Chocolate Brown.
5. Whistle with Khakhi Card.
6. Leather Belt Brown.

Insignia 10 CM 3 CM

Transport Department Himachal Pradesh

State Government

Designation

(3) The uniform shall not be worn by the officers of the Motor Vehicles Department at fancy dress balls, in dramatic performance, or other entertainments and it shall not be lent for use to any other person.

(4) No officer, other than Class I and Class II, of the Motor Vehicle Department shall cause a vehicle to stop, keep it stationary, enter, travel, inspect or carry out any duty imposed by or under the Act or the rules, unless he is wearing the uniform and insignia and is carrying the identity card.

CHAPTER 13 MISCELLANEOUS

242. Refund of fees :-

Except when otherwise provided in the Central Motor Vehicles Rules, 1989, subject to the provisions of rules 243 and 244 the Secretary of the State Transport Authority or the Secretary of Regional Transport Authority, concerned, may on application either adjust against fees payable for the same purpose in future or sanction the refund of :-

- (a) the excess, where the amount paid is in excess of the proper fee ;
- (b) the full fee paid, where the fee was paid by mistake ; and
- (c) the full fee paid, where the remittance of the fee is not followed by an application for the purpose for which the fee was paid.

243. No refund after inspection :-

No refund of fee for a certificate of fitness shall be made when the inspection of the vehicle in respect of which the certificate was applied for, has been carried out.

244. Time for application for refund :-

(1) No refund of fee paid in excess shall be made if the application for such refund is not made within three months from the date of such excess payment.

(2) No refund of fee paid by mistake shall be made if the application for such refund is not made within one year from the date of the credit of the fee to Government.

(3) No refund of the fee, where the remittance of the fee is not followed by an application for the purpose for which the fee was paid, shall be made if the application for such refund is not made within one year from the date on which the fee was credited to Government.

245. Repeal and savings :-

The Punjab Motor Vehicles Rules, 1940 and the Punjab Motor Accidents Claims Tribunal Rules, 1964 as in force in the area added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966); and the Himachal Pradesh Motor Accidents Claims Tribunal Rules, 1960, Himachal Pradesh Tourist Vehicles Rules, 1964 and the Punjab Motor Vehicles Rule, 1940, as in force in and applied to the area as comprised in Himachal Pradesh immediately before 1st November, 1966 are hereby repeated :

Provided that order issued or any action taken under the rules shall in so far as it is not inconsistent with the provisions of these rules be deemed to have been issued or taken under the corresponding provisions of these rules.