

Law
ASSAM ACT XXX OF 1954

THE ASSAM STATE ROAD TRANSPORT ACT, 1954

(Passed by the Assembly)

(Received the assent of the President on the 5th October, 1954)

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An

Act

to provide for State Road Transport Service in Assam

WHEREAS it is expedient in the interest of the general public and for the promotion of suitable and efficient road transport to provide for State Road Transport Services in Assam ;

It is hereby enacted in the Fifth Year of our Republic as follows :

1. Short title, extent and commencement.—(1) This Act may be called the Assam State Road Transport Act, 1954.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the State Government may by notification in the official Gazette, specify in this behalf.

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

(a) "appointed date" means the date immediately preceding the commencement of this Act ;

(b) "prescribed" means prescribed by rules made under this Act ;

(c) "public service vehicle" has the meaning assigned to it in the Motor Vehicles Act, 1939 (IV of 1939), and also includes a public carrier ;

(d) "route" means a road or roads, or part or parts of a road or roads over which a transport vehicle may be authorised to be used under a permit granted or which, but for this Act, would have been granted under the Motor Vehicles Act, 1939 (IV of 1939) ;

(e) "State Road Transport Service" means Transport Service by a public service vehicle owned by the State Government ;

(f) "State Government" means the Government of Assam ;

(g) "State Road Transport Board" means a Board constituted by the Government of Assam under the Act with a view to manage, control and supervise the State Road Transport Services ;

(h) "Transport Commissioner" means the Transport Commissioner of Assam appointed by the State Government and includes any other officer who may be authorized by the State Government to perform the functions of the Transport Commissioner under this Act ; and

(i) Words and expressions not defined in this Act, but defined in the Motor Vehicles Act, 1939 (IV of 1939), have the meaning assigned to them in the said Act.

3. Power of the State Government to run Road Transport Services.—Where the State Government is satisfied that it is necessary in the interest of general public and for sub-serving the common good so to direct,

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it may, by notification in the official Gazette, declare that the road transport services in general or any particular class of such service on any route or portion thereof, as may be specified, shall be run and operated by the State Government exclusively or by the State Government in conjunction with Railway, or partly by the State Government and partly by others in accordance with the provisions of this Act.

4. Scheme of State Road Transport Services.—(1) As soon as may be after the publication of the notification under Section 3, the State Government or if the State Government so directs, the Transport Commissioner shall publish, in such manner as may be specified, a scheme as to the State Road Transport Service framed in pursuance of the declaration under Section 3.

(2) The scheme under sub-section (1) shall provide for all or any of the following matters, that is to say—

- (a) the date on which the State Road Transport Service shall commence to operate ;
- (b) the route or any portion thereof on which the State Road Transport Service shall be provided ;
- (c) the State Road Transport Services which are to be provided on the route or any portion thereof and for prohibiting or restricting the provision on the route or its portion of transport services otherwise than under the scheme ;
- (d) the extent to which persons other than the State Government will be permitted to provide road transport services on the route or any portion thereof specified in clause (b) ;
- (e) the road transport services which will be provided by the State Government exclusively or by the State Government in conjunction with Railway ;
- (f) the type and carrying capacity of transport vehicles to be used in such services ;
- (g) the cancellation or the modification of the existing permits granted under Chapter IV of the Motor Vehicles Act, 1939 (IV of 1939) ;
- (h) the reduction in the number of transport vehicles plying on the route ;
- (i) the curtailment of the route covered by the existing permits or transfer of the permits to any other route or routes ; and
- (j) the convenience of the ordinary class of passengers ;
- (k) such other consequential or incidental matters as may appear necessary or expedient for the purposes of the scheme.

5. Objections to the scheme.—(1) Any person whose interests are affected may, within thirty days from the publication of the scheme, file objections to the same before the Transport Commissioner.

(2) The State Government or if the State Government so directs, the prescribed authority, as the case may be, shall after having considered the objections either confirm, modify or alter the scheme.

(3) The scheme as confirmed, modified or altered under sub-section (2) shall then be published in the Gazette, and the same shall thereupon become final and the route to which it relates shall be called a notified route.

6. Alteration or modification of scheme.—(1) Any scheme published under sub-section (3) of Section 5 may at any time be cancelled, altered or modified by the State Government or with the sanction of the State Government by the Transport Commissioner ;

Provided that any increase or decrease merely in the number of road transport services run or operated by the State Government or by the State Government in conjunction with Railway or the transport vehicles used or their type or seating capacity or curtailment of any notified route shall not be deemed to be a modification or alteration of the scheme for purposes of this section.

(2) The procedure laid down in Sections 4 and 5 shall, so far as can be made applicable, be followed in altering or modifying a scheme as if the alteration or modification were a separate scheme.

7. Consequences of the publication of the scheme under section 5.—(1) Upon the publication of the scheme under section 5 and for so long as it remains in force the consequences as hereinafter stated shall, with effect from the date of the commencement of the scheme, have effect in respect of the notified route—

(a) The State Government may, in the case of Transport Vehicles to be used by the State Government or by the State Government in conjunction with Railway provide for dispensation from observance of the provisions of Chapter IV of the Motor Vehicles Act, 1939 (IV of 1939) as respects—

- (i) the necessity of taking out or granting or countersigning permits ;
- (ii) the duration and renewal of permits ;
- (iii) the conditions attached to permits ;
- (iv) the cancellation and suspension of permits ;
- (v) the restrictions on the number of permits, as it may notify in that behalf in the official Gazette.

(b) No person (other than the State Government either singly or in conjunction with Railway) shall except as may be provided under clause (c) be entitled to a permit under Chapter IV of the Motor Vehicles Act, 1939 (IV of 1939).

(c) The State Government may specify the number of transport vehicles, if any, for which the permits may be granted or countersigned in favour of persons other than the State Government or the State Government and the Railway conjointly.

(d) The State Government or any officer or authority empowered by it in this behalf may, in the manner prescribed, cancel any permit or direct that any permit or class of permits shall not be renewed or shall not be effective beyond such date as may be specified or reduced and curtail the number of vehicles or routes covered by any permit or alter the conditions attached to any permit or attach any new condition to any permit granted under Chapter IV of the Motor Vehicles Act, 1939 (IV of 1939).

(e) The State Government may, by notification in the official Gazette, direct that all or any of the functions, duties and powers under the Motor Vehicles Act, 1939 (IV of 1939) of the State Transport Authority, the Regional Transport Authority, the Registering Authority or the Licensing Authority shall to the extent and in the manner specified in the notification, be discharged, performed or exercised by such officer or other authority as may be specified in the notification.

(f) The State Government may for purposes of this Act issue directions, as it considers necessary, to the State Transport Authority, Regional Transport Authority or any other

authority or officer and such officer or authority shall forthwith give effect to all such orders and directions.

(2) Nothing in sub-section (2) of Section 44 of the Motor Vehicles Act, 1939 (IV of 1939), shall apply to any officer or authority specified in the notification under clause (e) of sub-section (1).

8. Transport Commissioner.—(1) The State Government may constitute a State Road Transport Board and appoint a Transport Commissioner for purposes of this Act.

(2) Until the constitution of the State Road Transport Board the body known as the Board of Control of the Assam State Transport shall perform the duties and exercise the powers of the State Road Transport Board.

(3) The State Road Transport Board and the Transport Commissioner shall perform such duties and exercise such powers as may be prescribed.

9. Delegation of powers.—The State Government may, by notification in the Gazette, delegate to an officer or authority subordinate to it, any of the powers conferred on it by this Act except those specified in section 3 and sub-section (2) of section 5 to be exercised subject to any restrictions and conditions as may be specified in the notification.

10. Repeals.—(1) Where there is any conflict or inconsistency between the provisions of this Act and the provisions of any other law, then the provisions of this Act shall prevail.

(2) Any order made or deemed to be made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or any instrument having effect by virtue of such enactment.

11. Use of public service vehicle in contravention of section 7 to be an offence.—(1) Whoever drives a public service vehicles or causes or allows a public service vehicle to be used in contravention of the provisions of clause (c) of section 7 shall be punishable with fine which may extend to one thousand rupees.

(2) Nothing in this section shall apply to the use of any public service vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of dead bodies or for the transport of medical supplies to relieve distress, when prior permission of the State Transport Authority or the Regional Transport Authority as the case may be for such use is not possible:

Provided that when no prior permission is obtained the person operating the vehicle shall report such use to such authority, as may be prescribed, within seven days.

12. Cognizance of offence.—No prosecution for an offence under this Act shall be instituted without the previous sanction of the Transport Commissioner.

13. Validation.—(1) (a) Every—

(i) State Road Transport Service commenced before the appointed date and operating on any route at such date, and

(ii) Order cancelling or curtailing any permit for transport vehicle, or attaching any new condition or altering the conditions already attached to any permit for such vehicle, and every order reducing or otherwise fixing the number of transport vehicles to be used on any route or changing the route relating to the permit, and every order refusing to renew any permit previously granted, made on or before the appointed date on account of the State Road Transport Service

running and operating or commencing to run and operate on the route to which the permit related, shall be and is hereby made and declared to be valid in law, any provision in the Motor Vehicles Act, 1939 (IV of 1939) or any other law notwithstanding, and

(b) The routes as specified in the Schedule or any other route on which the State Road Transport Service was operating on the appointed date and every such service shall for purposes of this Act, be deemed as the case may be to be a route specified in a notification under section 3, and the service operating under a scheme duly prepared and published under and in accordance with sections 4 and 5, provided that the State Government publishes in the official Gazette within thirty days of the commencement of this Act a scheme as to the aforesaid road transport service providing as far as may be, for all or any of the matters specified in sub-section (2) of section 4 and the scheme so published shall be and be deemed to be the scheme duly confirmed and published under sub-section (3) of section 5 and the route to which it relates shall be called a notified route and the provisions of sections 6 and 7 shall be applicable thereto.

(2) Any application for granting a permit for a transport vehicle made whether before or after the commencement of this Act in respect of a route, which is or is deemed to be a notified route, shall notwithstanding anything in the Motor Vehicles Act, 1939 (IV of 1939), or any judgment, decree or order of a Court, be decided in accordance with the provisions of this Act as if the Act had been in force at all material dates.

14. Authorisation in respect of public carrier or contract carriage owned by State Government.—Without prejudice to the provisions of Section 7, but notwithstanding anything contained in the Motor Vehicles Act, 1939 (IV of 1939), it shall be lawful for the Transport Commissioner or an officer appointed in that behalf by the Transport Commissioner to authorise a public carrier or contract carriage owned by the State Government to be used on any or all routes in Assam and the public service vehicle aforesaid may then be so used as if the authorisation had been a permit granted under and in accordance with the provisions of the Motor Vehicles Act, 1939.

15. Power to make rules —(1) The State Government may make rules for purposes of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for—

- (a) the form of the declaration under section 3 ;
- (b) the form in which the scheme shall be published under section, 4 and 5;
- (c) the authorities, officers and staff to be constituted or appointed for purposes of this Act and their constitution, powers and duties ;
- (d) the conditions of service and qualifications of the officers and the staff appointed for purposes of this Act ;
- (e) the delegation of powers conferred upon any officer or authority by or under this Act ;

- (f) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer or authority ;
- (g) imposing time limits within which things to be done under this Act must be done with or without powers to any authority therein specified to extend limits imposed ;
- (h) the procedure to be followed in application and other proceedings under this Act in cases for which no specified provisions have been made ;
- (i) the fees, if any, to be paid in respect of any application or proceedings under this Act ; and
- (j) the matters which are to be and may be prescribed.

SCHEDULE

[Section 13 (b)]

1. Pandu-Gauhati-Shillong Road.
2. Gauhati-Nowgong Road.
3. Nowgong-Jorhat Road (including Koliabor-Silghat-Jakhlabandha Sector).
4. Jorhat-Dibrugarh Road.
5. Dibrugarh-Saikhowaghat Road.
6. Gauhati-Goalpara Road.
7. Dhubri-Jogighopa Road.