

Himachal Pradesh City Transport and Bus Stands Management and Development Authority Act, 1999

HIMACHAL PRADESH

India

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Act 18 of 1999

- Published on 18 August 1999
- Commenced on 18 August 1999
- [This is the version of this document from 18 August 1999.]
- [Note: The original publication document is not available and this content could not be verified.]

Himachal Pradesh City Transport and Bus Stands Management and Development Authority Act, 1999(Act No. 18 of 1999)Last Updated 14th March, 2020Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 18th August, 1999, pp. 3195 and 3208.Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 16th March, 2005, pp. 4108 and 4110.Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 9th August, 2005, pp.2243 and 2248.Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 20th February, 2014, pp. 6808 and 6810.[Dated 3.11.1999]An Act to provide for the constitution of an Authority for the management and development of [City Transport and] [Inserted vide H.P. Act No. 12 of 2014.] Bus Stands and for the matters connected therewith.Be it enacted by the Legislative Assembly of Himachal Pradesh in the Fiftieth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Himachal Pradesh [City Transport and] [Inserted vide H.P. Act No. 12 of 2014.] Bus Stands Management and Development Authority Act, 1999.(2)It shall extend to the whole of the State of Himachal Pradesh.(3)It shall come into force on such date as the State Government may, by [notification] [Act came into force from 1st day of April, 2000, vide Notification No. No. TPT-C(1)/99 dated, 30th March, 2000, published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 30th March, 2000, p. 772.] in the Official Gazette, appoint.

2. Definitions.

(1) In this Act, unless the context otherwise requires, - (a) "bus stand" means a place constructed for parking/originating/ termination of contract/stage carriages; (b) "Government" means the Government of Himachal Pradesh; (c) "transport vehicle" means public service vehicle, an educational institution bus, private service vehicle or contract carriages; (d) "operator" means any person whose name is entered in the permit in respect of a transport vehicle as the holder thereof and includes any person for the time being in charge of the vehicle; (e) "prescribed" means prescribed by rules framed under this Act; (f) "Authority" means the Himachal Pradesh [City Transport and] [Inserted vide H.P. Act No. 12 of 2014.] Bus Stands Management and Development Authority constituted under section 3; (g) "Chairman" means the Chairman of the Authority nominated by the Government under sub-section (3) of section 3 of this Act; (h) "member" means member of the Authority and includes the Chairman but for the purposes of sections 4, 5, 6 and 7 does not include the ex-officio member referred to in clause (b) of sub-section (3) of section 3 of this Act; and (i) "regulations" means the regulations made under this Act.

3. Constitution and incorporation of the Authority.

(1) With effect from the commencement of this Act, the Government shall constitute an Authority to be called the Himachal Pradesh [City Transport and] [Inserted vide H.P. Act No. 12 of 2014.] Bus Stands Management and Development Authority. (2) The Authority shall be a body corporate by name aforesaid having a perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued. (3) The Authority shall consist of, - (a) Chairman to be nominated by the Government, by notification; (b) The Chief Executive Officer of the Himachal Pradesh Bus Stands Management and Development Authority; Ex-officio Member. (c) Not less than three but not more than six non official members to be nominated by the Government, by notification; (d) Not less than three but not more than six official member to be nominated by the Government, by notification; and (e) The Secretary, State Transport Authority, Himachal Pradesh Ex-officio Secretary. (4) The members referred to in clause (c) of sub-section (3) may be nominated as whole time or part time members, as the Government may think fit. (5) During the temporary absence of Chairman, the Government may nominate another member to act as the Chairman.

4. Disqualification for office of member.

- A person shall be disqualified for being nominated as a member if he - (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or (b) is an un-discharged insolvent; or (c) is of unsound mind and stands so declared by a competent court; or (d) has been removed or dismissed from the service of the Government or corporation owned or controlled by the Government; or (e) has, in the opinion of the Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.

5. Term of office and condition of service of members.

(1) Subject to the provisions of section 6, every member shall hold office for a period of one year from the date on which he assumes office: Provided that the Government may—(a) terminate the nomination of any whole-time member, who is not the servant of Government after giving him notice for a period of not less than three months or in lieu thereof on payment of an amount equal to his salary and allowances, if any, for a period of three months; (b) terminate the nomination of any part time member who is not a servant of the Government after giving him notice for such period as may be prescribed; and (c) terminate at any time the nomination of any member who is a servant of the Government. (2) The other conditions of service of the member shall be such as may be prescribed. (3) Any member may resign from his office by giving notice in writing, for such period as may be prescribed, to the Government and, on such resignation being notified in the Official Gazette by the Government, such member shall be deemed to have vacated his office. (4) A casual vacancy caused by the resignation of a member under sub-section (3) or otherwise may be filled by fresh nomination and the person so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

6. Vacation of office of member.

- The Government shall remove a member, if he—(a) becomes subject to any of the disqualification mentioned in section 4: Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of that section, unless he has been given reasonable opportunity of being heard in the matter; or (b) refuses to act or becomes incapable of acting; or (c) is, without obtaining leave of absence from the Authority, absent from three consecutive meetings of the Authority; or (d) in the opinion of the Government, has so abused his position as to render his continuance in office detrimental to the public interest: Provided that no member shall be removed under this clause unless he has been given a reasonable opportunity of being heard.

7. Eligibility of a Member for re-nomination.

- Any person ceasing to be a member shall unless disqualified under section 4, be eligible for re-nomination as such.

8. Meetings.

(1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations. (2) The Chairman, or, if for any reason, he is unable to attend any meeting, any other member chosen by the members present at the meeting, shall preside over the meeting. (3) All questions which come up before any meeting of the Authority shall be decided by majority of the votes of the members present and voting, and, in the event of equality of votes, the Chairman, or in his absence, the person presiding, shall have and exercise a second or casting vote.

9. Appointment of officers and other employees of the Authority.

(1) For the purpose of enabling it efficiently to discharge its functions under this Act, the Authority shall, subject to the provisions of section 10 and to such rules as may be prescribed in this behalf, appoint (whether on deputation or otherwise) such number of officers and other employees as it may consider necessary: Provided that the appointment of such category of officers as may be specified after consultation with the Chairman in such rules, shall be subject to the approval of the Government. (2) Subject to the provisions of section 10, every officer or other employees appointed by the Authority shall be subject to such conditions of service and shall be entitled to such remuneration as may be determined by regulations.

10. Transfer of assets and liabilities of the Government to the Authority.

(1) As from such date as the Government may appoint by notification in the Official Gazette in relation to any bus stand, - (a) all properties and other assets vested in the Government for the purposes of Bus Stand and administered by the Himachal Road Transport Corporation and other local authorities, immediately before such date shall vest in the Authority; (b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with, or for the Himachal Road Transport Corporation immediately before such date for or in connection with the purposes of the bus stand, shall be deemed to have been incurred, entered into and engaged to be done by, with, or for the Authority; (c) all non-recurring expenditure, incurred by the Government for or in connection with the purposes of the bus stand upto such date and declared to be capital expenditure by the Government shall, subject to such terms and conditions as may be determined by the Government, be treated as the capital provided by the Government to the Authority; (d) all sums of money due to the Himachal Road Transport Corporation in relation to the bus stands immediately before such date shall be deemed to be due to the Authority; (e) all suits and other legal proceedings instituted or which could have been instituted by or against the Himachal Road Transport Corporation immediately before such date for any matter in relation to the bus stand may be continued or instituted by or against the Authority; and (f) every employee holding any office under the Himachal Road Transport Corporation immediately before such date solely or mainly for or in connection with such affairs of the bus stands as are relevant to the functions of the Authority under this Act shall be treated as on deputation with the Authority but shall hold his office in the Authority by the same tenure and upon the same terms and conditions of service in respect of remuneration, leave, provident fund, retirement or other terminal benefits as he would have held such office, if the Authority had not been constituted and shall continue to do so until the Himachal Road Transport Corporation either on its own motion or at the request of the Authority, recalls such employees to its service or until the Authority, with the concurrence of the Himachal Road Transport Corporation duly absorbs, such employee in its regular service, whichever is earlier: Provided that during the period of deputation of any such employee with the Authority, the Authority shall pay to the Himachal Road Transport Corporation in respect of every such employee, such contribution towards leave, salary, pension and gratuity as the Government, may, by order, determine: Provided further that any such employee, who has, in respect of the proposal of the Authority to absorb him in its regular service, intimate within such time as may be specified in this behalf by the Authority his intention of not becoming a regular employee of the Authority, shall not

be absorbed by the Authority in its regular service.(2)If any dispute or doubt arises as to which of the properties, rights or liabilities of the Government or Himachal Road Transport Corporation, as the case may be, have been transferred to the Authority or as to which of the employees serving under the Himachal Road Transport Corporation are to be treated as on deputation with the Authority, under this section, such dispute or doubt shall be decided by the Government in consultation with the Authority and the decision of the Government thereon shall be final.

11. Compulsory acquisition of land for the Authority.

- Any land required by the Authority for discharging its functions under the Act shall be deemed to be needed for a public purpose and such land may be acquired for the Authority under the provisions of the Land Acquisition Act, 1894, or of any other corresponding law for the time being in force.

12. Contracts by the Authority.

- Subject to the provisions of section 13, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

13. Mode of executing contracts on behalf of the Authority..

(1)Every contract shall, on behalf of the Authority, be made by the Chairman or such other member or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contracts or class of contracts, as may be specified in the regulations shall be sealed with the common seal of the Authority:Provided that no contract exceeding such value or amount as the Government may, from time to time, by order, fix in this behalf shall be made unless it has been previously approved by the Authority:Provided further that no contract for the acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years and no other contract exceeding such value or amount as the Government may, from time to time, by order, fix in this behalf shall be made unless it has been previously approved by the Government.(2)Subject to the provisions of sub-section (1), the form and manner in which any contract shall be made under this Act shall be such as may be prescribed by regulations.(3)No contract which is not in accordance with the provisions of this Act and the regulations shall be binding on the Authority.

14. Functions of the Authority.

(1)Subject to the rules, if any, made by the Government in this behalf, it shall be the function of the Authority to manage the Bus Stands [and transport buses procured by it] [Inserted vide H.P. Act No. 12 of 2014.] efficiently.(2)It shall be the duty of the Authority to provide at the bus stands such services and facilities as are necessary or desirable for the efficient operation of bus services there at.(3)Without prejudice to the generality of the provisions contained in sub-sections (1) and (2), the Authority may-(a)plan, develop, construct and maintain Bus Stands [and regulate, operate and

control the plying of buses procured by it] [Inserted vide H.P. Act No. 12 of 2014.];(b)construct residential buildings for its employees;(c)establish and maintain hotels, restaurants and rest rooms at or near the bus stands;(d)establish cloak rooms for storage of luggage;(e)arrange for bank, postal, bath, toilet and telephone facilities for the use of passengers and other persons at bus stands;(f)make appropriate arrangements for watch and ward of the bus stands;(g)regulate and control the plying of vehicles and the entry and exit of passengers at the bus stands;(h)establish and manage bus stands; and(i)take all steps as may be necessary or convenient for, or may be incidental to the exercise of any power or the discharge of any function conferred or imposed on it by this Act [either on its own or in joint venture or on Public Private Participation (PPP) basis;] [Inserted vide H.P. Act No. 12 of 2014.](j)[provide for establishment of quality focused multi-model public transport systems that are well integrated providing seamless travel across modes.] [New clause (j) inserted vide H.P. Act No. 12 of 2014.](4)In the discharge of its function under this section, the Authority shall have due regard to the development, of bus transport services and to the efficiency, economy and safety of such services.

15. Powers of the Authority to charge fee, rent etc.

- The Authority may-(i)with the previous approval of the Government charge fee or rent-(a)for the parking of the buses/ taxis and other vehicles or for the facilities offered in this regard ;(b)for the amenities given to the passengers at bus stand; and(c)for the use and enjoyment by persons, of facilities and other services provided by the Authority at bus stand.(ii)with due regard to the instructions that the Government may , give to the Authority, from time to time, charge fee or rent from persons who are given by the Authority any facility for carrying on any trade or business at bus stand.

16. Additional Capital and Grants to the Authority by the Government.

- The Government may, after due appropriation made by Legislature by law in this behalf,-(a)provide any capital, over and above the capital provided under clause (c) of sub-section (1) of section 10, that may be required by the Authority for the discharge of its functions under this Act or for any purpose connected therewith on such terms and conditions as the Government may determine; and(b)pay to the Authority, on such terms and conditions as the Government may determine, by way of loans or grants such sums of money as that Government may consider necessary for the efficient discharge by the Authority of its functions under this Act.

17. Funds of the Authority.

(1)The Authority shall have its own fund and all receipts of the Authority shall be credited thereto and all payments of the Authority shall be made therefrom.(2)The Authority shall have power, subject to the provisions of this Act to spend such sums as it thinks fit to cover all administrative expenses of the Authority and on objects or for purposes authorised by this Act and such sums shall be treated as expenditure out of the fund of the Authority.(3)All money standing at the credit of the Authority which cannot immediately be applied as provided in sub-section (2) shall be deposited in the State Bank of India or in such Scheduled Bank or Banks and subject to such conditions as may

from time to time be specified by the Government. Explanation: In this sub-section "Scheduled Bank" has the same meaning as assigned to it in clause (e) of section 2 of the Reserve Bank of India Act, 1934.

18. Submission of programme of activities and financial estimates.

(1)The Authority shall before the commencement of each financial year, prepare a statement of programme of its activities during the forth-coming financial year as well as financial estimate in respect thereof.(2)The statement prepared under sub-section (1) shall , not less than three months before the commencement of each financial year, be submitted for approval to the Government.(3)The statement and financial estimates of the Authority may, with the approval of the Government be revised by the Authority.

19. Investment of funds.

- The Authority may invest its funds in the securities of the Government or in such other manner as may be prescribed.

20. Borrowing power of the Authority.

(1)The Authority may, with the consent of the Government or in accordance with the terms of any general or special authority given to it by the Government, borrow money from any source by issue of the bonds, debentures or such other instruments as it may deem fit for discharging all or any of its functions under this Act.(2)The Government may guarantee in such manner as it thinks fit the repayment of the principal and the payment of interest thereon with respect to the loans borrowed by the Authority under sub-section (1).(3)Subject to such limits as the Government may, from time to time, lay down, the Authority may borrow temporarily by way of over draft or otherwise such amounts as it may require for discharging its functions under this Act.

21. Accounts and audit.

(1)The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profits and loss account and the balance-sheet in such form as may be prescribed by the Government in consultation with the Accountant General of Himachal Pradesh.(2)The accounts of the Authority shall be audited annually by Accountant General, Himachal Pradesh and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Accountant General, Himachal Pradesh.(3)The Accountant General of Himachal Pradesh and any person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as Accountant General of Himachal Pradesh has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and inspect any of the offices of the Authority.(4)The accounts of the Authority as certified by the Accountant General or any other person appointed by

him in this behalf together with the audit report thereon shall be forwarded annually to the Government and that Government shall cause the same to be laid before the Legislative Assembly.

22. Submission of annual reports to Legislative Assembly.

(1)The Authority shall, as soon as may be, after the end of each financial year, prepare and submit to the Government in such form as may be prescribed a report giving an account of its activities during that financial year and the report shall also give an account of the activities which are likely to be undertaken by the Authority during the next financial year.(2)The Government shall cause such report to be laid before the Legislative Assembly as soon as may be, after it is submitted.

23. Delegation.

- The Authority, may, by general or special order in writing, delegate to the Chairman or any other member or to any officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act, except the powers under section 28 as it may deem necessary.

24. Officers and employees of the Authority to be public servants.

- All officers and employees of the Authority shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

25. Protection of action taken under the Act.

- No suit, prosecution or other legal proceeding shall lie against the Authority or any member or any officer or other employee of the Authority for any thing which is done or intended to be done in good faith under this Act.

26. Custody and disposal of lost property.

- Subject to such regulations as the Authority may make in this behalf the Authority shall provide for securing the safe custody and restoration of any property which, while not in proper custody, is found on any premises belonging to the Authority or under its overall control or in any transport vehicles on any such premises.

27. Power of the Government to make rules.

(1)The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers, such rules may provide for:-(a)the condition of service of the members under section 5 including the salaries, payable to the members who are required to render whole time service and the fees and

allowances payable to the members who are required to render part time service;(b)the period of notice required to terminate the nomination of any member, who is required to render part time service and who is not a servant of the Government under section 5, and the period of notice that may be given to the Government by a member before he resigns his office, under that section;(c)the conditions and limitations subject to which the Authority may appoint officers and other employees under sub-section (1) of section 9;(d)the terms and conditions subject to which the non-recurring expenditure incurred by the Government for or in connection with the purposes of any bus stand shall be treated as the capital provided by the Government to the Authority under clause (c) of sub-section (1) of section 10;(e)the manner in which the Authority may invest its funds under section 19;(f)the form in which the Authority shall prepare the annual statement of accounts including the profit and loss account and the balance sheet under section 21; and(g)any other matter which is to be or may be prescribed.(3)Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly make any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

28. Power of the Authority to make regulations.

(1)The Authority may make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.(2)Without prejudice to the generality of the foregoing power, such regulation may provide for-(a)the time and places of the meetings of the Authority and the procedure to be followed for the transaction of business at such meetings under sub-section (1) of section 8;(b)the conditions of service and the remuneration of officers and other employees appointed by the Authority;(c)the procedure for storage of goods in any cloak room established by the Authority under clause (d) of sub-section (3) of section 14 and charging of fees for such storage of goods;(d)the custody and restoration of lost property and terms and conditions under which lost property may be restored to the person entitled thereto under section 26;(e)the disposal of any lost property in cases where such property is not restored under section 26;(f)preventing obstruction within the bus stands for its normal functioning;(g)prohibiting the parking or waiting of any transport vehicle within the bus stands except at places specified by the Authority;(h)regulating or restricting advertising within the bus stands;(i)preserving order within the bus stand and preventing damage to the property therein; and(j)the efficient and proper management of the bus stand [and regulation of transport buses procured by it] [Inserted vide H.P. Act No. 12 of 2014.].

28A. [Power to exempt. [Section 28-A inserted vide H.P. Act No. 25 of 2005, effective from 1st April, 2000.]

(1)The Authority with the previous approval of the Government, if satisfied that it is necessary or expedient so to do in the public interest, for the reasons to be recorded in writing, may, by order,

exempt either wholly or to such extent only as may be specified in the said order any person or class of persons, operators or any class of vehicles from the payment of fees or rent chargeable for the parking of such vehicles or for use and enjoyment by such persons, of facilities and other services provided by the Authority at Bus Stand.(2)Every order issued under sub-section (1) shall, as soon as may be after it is issued, be laid before the State Legislature.] [Sub-section (3) substituted vide H.P. Act No. 19 of 2005.]

29. Penalty for breach of certain regulations.

- Any regulation made under any of the clauses (f) to (i) of sub-section (2) of section 28, may provide that a contravention thereof shall be punishable with fine which may extend to three thousand rupees and in the case of continuing contravention with an additional fine which may extend to two hundred rupees for every day during which such contravention continues after conviction for the first such contravention.