

# Punjab Public Carrier Goods Agents Licensing Rules, 1979

PUNJAB

India

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### Rule

### PUNJAB-PUBLIC-CARRIER-GOODS-AGENTS-LICENSING-RULES-1979 of 1979

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Punjab Public Carrier Goods Agents Licensing Rules, 1979Published vide Punjab Government Notification No. G.S.R. 22/C.A.4/39/Section 66-A (read with) Section 68/79, dated 7th April, 1979Government of PunjabDepartment of TransportNo. G.S.R. 22/C.A.4/39/section less 66-A (read with)/section 68/79. - With reference to Punjab Government, Department of Transport, Notification No. GSR-107/CA-4/39/section 68/78, dated the 17th October, 1978 and in exercise of the powers conferred by Section 66-A read with clause (ww) of sub-section (2) of Section 68 of the Motor Vehicles Act, 1939 (Central Act No. IV of 1939), the Governor of Punjab is pleased to make the following rules, namely :-

### 1. Short title, extent and commencement.

- (i) These rules may be called the Punjab Public Carrier Goods Agents Licensing Rules, 1979.(ii)They shall extend to the whole of the State of Punjab.(iii)They shall come into force at once.

### 2. Definitions.

- In these rules unless the context otherwise requires, -(1)'Act' means the Motor Vehicles Act, 1939;(2)'Agent' means any person who engages directly or indirectly in the business of collecting or forwarding and distributing goods carried by public carriers;(3)'collecting agent' means an agent engaged in the business of collecting goods carried by public carriers;(4)'collecting, forwarding and distributing agent' means an agent engaged in the business of collecting, forwarding and distributing goods carried by public carriers;(5)'Form' means a form appended to these rules;(6)'Forwarding and distributing agent' means an agent engaged in the business of forwarding and distributing goods carried by public carriers;(7)'Licence' means a licence granted under rule

3;(8)'licensing authority' means :-(a)in relation to an agent's licence to be operative in more than one region of the State of Punjab, the State Transport Authority, Punjab; and(b)in any other case, the Regional Transport Authority of the region in which the applicant intends to carry on the business;(9)'Local authority' means the local administrative authority having jurisdiction over the area concerned; and(10)'Section' means a section of the Act.

### **3. Licensing of Agents. Section 66-A.**

(1)No person shall engage himself as an agent unless he holds a valid licence granted under these rules authorising the collecting or forwarding and distributing goods carried by any public carrier.Provided that nothing herein contained shall apply to the State Road Transport Undertakings;(2)Notwithstanding anything contained in sub-rule (1), any person acting as an agent immediately before the commencement of these rules may obtain a licence under these rules within a period of thirty days of such commencement.

### **4. Application. Section 66-A(b).**

(1)Any person desiring to obtain a licence under rule 3 or to get the same renewed may make an application to the licensing authority in Form I or Form II or Form III as the case may be.(2)The application shall be accompanied by a treasury receipt showing a deposit of fee of ten rupees under appropriate head of account.(3)In considering an application for licence made under this rule the licensing authority shall have due regard among other things to the following matters, namely:-(a)the number of goods vehicles either owned by the applicant or under this control.Explanation. - For the purpose of clause (a), a person shall be deemed to have under his control such number of goods vehicles as are covered by declaration in Form IV obtained by him from the respective owners of goods vehicles.(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 parking of goods vehicles; and(d)the financial resources of the applicant and his ability to manage the business efficiently.(4)The licensing authority shall either grant or renew the principal licence and the supplementary licence for a branch office, if any, in Form V and Form VI, respectively specifying the place or places where the business may be carried on, or refuse to grant or renew the licence.Provided that the licensing authority shall not refuse to grant or renew a licence or supplementary licence for a branch office, unless the applicant is given an opportunity or being heard and the reasons for refusal are recorded and communicated to him in writing.(5)Every licence shall indicate whether it is a Principal licence or a supplementary licence. In the Principal licence the details of supplementary licences issued for every separate establishment or branch office where business of loading, unloading or receipt or delivery of consignments is carried on shall be mentioned. The details of establishment or branch office such as municipal office, number of the nearest road, the name of the locality and other important factors in the vicinity, to enable identification of the place of licence should also be mentioned therein.

## **5. Security for compliance with conditions. Section 66-A(2)(c).**

- For ensuring compliance with the provisions of these rules and performance of the terms and conditions of the licence, the licensing authority shall, at the time of granting licence require the applicant to furnish security of a sum of three thousand rupees.

## **6. Forfeiture of security. Section 66-A(2)(c).**

(1) If a licensee contravenes any of the provisions of these rules or any of the conditions under which the licence was granted then without prejudice to any other action that may be 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 licensee has been given an opportunity of being heard. (2) The licensee shall if the amount of security, at any time falls short of the amount specified in rule 5, forthwith deposit further security to make up the amount on being required by the licensing authority to do so.

## **7. Refund of security. Section 66-A.**

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

## **8. Collecting or forwarding and distributing agent. Section 66-A.**

- The business in which a person has been authorised to engage whether that of collecting or forwarding and distributing or of both shall be clearly specified in the licence.

## **9. Period of validity and renewal. Section 66-A(2)(a).**

(1) A licence shall be valid for a period of three years from the date of its grant or renewal, as the case may be. (2) It may be renewed on an application made to the licensing authority not less than thirty days before the date of its expiry. (3) The renewal of licence shall be by an endorsement to that effect by the licensing authority on the licence.

## **10. Fee for licence.**

- Fee for the grant or renewal of the principal licence or supplementary licence shall be as follows :-

	Rs.
(a) for the grant of principal licence	.. 100
(b) for the grant of supplementary licence for each additional establishment/sub-agency	.. 10
(c) for renewal of a licence if application is made in time -	
(i) principal licence	.. 100

(ii) supplementary licence for each additional establishment	.. 10
(d) penalty for renewal of licence if application is not made intime but is made before the expiry of licence -	
(i) Principal licence -	
(a) If application is made late by seven days	.. 20
(b) If application is made late by more than seven days butnot more than fourteen days	.. 30
(c) If application is made late by more than fourteen days butnot more than twenty-one days	.. 40
(d) If the application is made late by more than twenty-onedays but not more than thirty days	.. 100
(ii) Supplementary Licence :-	
(a) If the application is made late by fifteen days	.. 5
(b) If the application is made late by more than fifteen daysbut not more than thirty days	.. 10

## 11. Conditions for licence. Section 66-A.

- (i) A licence issued under these rules shall be subject to the following conditions, namely :-(1)the licensee shall subject to the provisions of rule 14, provide places for loading and unloading of goods;(2)the licensee shall be responsible for proper arrangement for storage of goods, collected for dispatch and delivery;(3)where the licensee is authorised 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 the loss or misplacement of the same an indemnity bond covering the value of goods;(4)the licensee shall insure the goods against any loss or damage while in his control or possession;(5)the licensee shall maintain a proper record of the vehicles under his control and of the collection, despatch and delivery of goods which shall be open to inspection by the State Transport Authority, the Regional Transport Authority or by any person duly authorised in his behalf by such authority and shall furnish to the State Transport Authority within thirty days from the 30th September and 31st March every year, a return in respect of the previous six months in Form VII;(6)the licensee shall furnish the vehicle operators with correct figures of the freight to be received by them from the consignors or the consignees;(7)the licensee shall maintain proper accounts of the commission charged by him, and the licensee with gross income of Rs. 25,000 or above, per annum, shall get his account audited by qualified auditors;(8)the licensee shall ensure that the goods vehicles under his control have valid permit for routes on which the vehicles have to ply;(9)the licensee shall maintain in good condition a weighing device capable of weighing at a time not less than 226 kilograms;(10)the licensee 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 State Government in the Official Gazette shall be given priority over the other customers and shall be attended to in the order in which they approach the licensee;(11)the licensee shall assign the available traffic amongst the vehicle operators in the order in which they have approached him and shall maintain a register chronologically recording particulars of the available traffic and the waiting operators;(12)the licensee shall comply with the

provisions of these rules and shall observe such conditions as the licensing authority may specify in the licence; and (13) the licensing authority may, after giving notice of not less than one month in writing to the licensee either vary any condition of his licence or attach to his licence any further condition.

## **12. Particulars to be mentioned in contract of Agency. Section 66- A(2)(f).**

- All contracts entered into by the licensee for the purpose of collecting, forwarding and distributing goods as the case may be, shall be in writing and shall contain the following particulars :-(1) Name and address of the consignor and the consignee; (2) description and weight of the consignment; (3) destination and its distance in kilometres from the starting station to the destination; (4) freight per quintal per kilometre and for the whole truck per kilometre; (5) delivery instructions (e.g. the date by which and the exact place where the goods are to be delivered to the consignee); (6) terms of agreement for payment; and (7) name of the owner, driver, the registration number of the vehicle, its authorised load and amount of the commission.

## **13. Rate of commission. Section 66-A(2)(f).**

- The licensee shall charge such commission from the vehicle operators as may be notified by State Government, from time to time. The commission will be exclusive of loading and unloading charges.

## **14. Premises to be used. Section 66-A(2)(f).**

(1) The Regional Transport Authority may, in consultation with the local authority or the police authority having jurisdiction over the areas concerned, approve any premises owned by or in the possession of a licensee or an applicant for the licence to be used for loading or unloading of goods or for parking goods vehicles or for the storage of goods in the custody of the licensee having regard to the suitability of the site, sanitary conditions and storage facilities provided at such premises. (2) Any approval under sub-rule (1) shall be subject to the following conditions, namely :-(i) the premises shall be administered in an orderly manner; (ii) the premises shall at all times be kept in clean condition and good state of repairs; and (iii) the licensee shall take all precautions to ensure that no breach of any of the provisions of the Motor Vehicles Act, 1939 or of the rules made thereunder is committed in respect of any vehicles entering or leaving or parking at such premises and shall report in writing any such breach to the nearest police station. (3) Where the Regional Transport Authority refuses to approve any premises under sub-rule (1) it shall record in writing the reasons for such refusal.

## **15. Suspension or Cancellation of Licence. Section 66-A(2)(e).**

(1) Without prejudice to any other action which may be taken against a licensee, the licensing authority may by order in writing cancel the vehicle or suspend it for such period as it thinks fit if in its opinion any of the conditions under which the licence was granted, or any premises were approved under rule 14 has been contravened. (2) 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.

## **16. Issue of duplicate licence. Section 66-A(2).**

(1) If at any time a licence is lost, destroyed or torn or otherwise defaced so as to be illegible the licensee shall forthwith apply to the licensing authority for the grant of a duplicate licence. (2) The application shall be accompanied by a treasury receipt having a deposit of fee of ten rupees under the appropriate head of account. On receipt of such an application the licensing authority shall issue a duplicate licence stamped "Duplicate". (3) If the duplicate licence is granted on a representation that the licence originally granted has been lost or destroyed and the original licence is subsequently found the original licence shall be surrendered to the licensing authority.

## **17. Display of licence. Section 66-A(2)(f).**

(1) A collecting agent shall carry with him his licence while on duty and shall produce it on demand to any inspecting officer of the department of transport not below the rank of Secretary, Regional Transport Authority or District Transport Officer. (2) A forwarding and distributing agent shall exhibit his licence at some conspicuous place in the premises approved under rule 14 and the licence shall be made available for inspection by any inspecting officer of the Department of Transport not below the rank of Secretary, Regional Transport Authority, or District Transport Officer. (3) A collecting, forwarding and distributing agent shall carry with him his licence while on duty and shall produce it on demand to any inspecting officer of the Department of Transport, not below the rank of Secretary, Regional Transport Authority or the District Transport Officer and shall also cause a true copy of his licence to be exhibited at a prominent place in the premises approved under rule 14.

## **18. Appeal. Section 66-A(2)(f).**

(1) Any person aggrieved by an order made under these rules may within a period of thirty days from the date of the receipt of such order appeal - (a) to the Secretary to Government of Punjab, Department of Transport if the order is made by the State Transport Authority; and (b) the State Transport Authority if the order is made by the Regional Transport 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: Provided that a memorandum of appeal shall not relate to more than one or be signed by more than one party.

## **19. Levy of fees for supply of copies. Section 66-A(2)(f).**

- The authority which passes an order to be appealed against shall, on an application by a person give a certified copy of the order or any other relevant documents on payment of a fee of two rupees. Such payments shall be made by treasury receipt showing deposit of fee under the appropriate head of account.

## **20. Holding in abeyance application of provisions of rules. Section 66- A(2)(f).**

- The State Government shall have the power to hold in abeyance application of any of the provisions of these rules for such time as may be specified by it. Form I [See rule 4(1)] Application for Principal/Supplementary Licence to work as collecting agent and forwarding and distributing agent under rule 4(1) of the Punjab Public Carrier Goods Agents Licensing Rules, 1979. To The Secretary, State Transport Authority, Regional Transport Authority \_\_\_\_\_

**1. Full name in block letters.**

**2. Name of father or husband in case of individuals.**

**3. Address.**

**4. Educational qualifications or experience in the management of transport business.**

**5. (a) Place where the applicant proposes to engage as an agent.**

(b) Place where he proposes to establish his sub-agencies or offices.

**6. Nature and extent of financial resources of the applicant.**

**7. Particulars of goods vehicles either owned by the applicant or under his control-**

(a) Total number : (b) Make (c) Model or year of manufacture (d) Registration laden weight (e) Registration marks

**8. Particulars of the site and its location.**

**9. Description of the premises, nature of building, extent of the site etc.**

**10. Facilities provided by the applicants for parking the goods vehicles.**

**11. Facilities provided by the applicant for loading and unloading goods and storage of goods.**

**12. The particulars of weighing device provided at the above-mentioned places.**

Note - This application if made to the State Transport Authority shall be accompanied by certificate of the Regional Transport Authority concerned approving the facilities provided by the applicant for parking the vehicles, loading and unloading of goods and storage of goods.

**13. I am/We are fully conversant with the conditions of Public Carrier Permit and the provisions of the Motor Vehicles Act, 1939 and the rules made thereunder so far as they relate to the restrictions regarding the routes, weights, loading and unloading of goods and the duties and functions of agents.**

**14. I/We declare that to the best of my/our knowledge and belief the particulars given above are true and correct.**

Date and Place :Signature of applicant(s)Form II[See rule 4(1)]Application for Supplementary Licence to work as collecting, forwarding and distributing agent under rule 4(1) of the Punjab Public Carrier Goods Agents Licensing Rules, 1979.ToThe Secretary,State Transport Authority,Regional Transport Authority,\_\_\_\_\_

**1. Full name in block letters.**

**2. Name of father or husband in case of individuals.**

**3. Address.**

**4. Educational qualifications or experience in the management of transport business.**

**5. Principal licence No.**

**6. Nature and extent of financial resources of the applicant.**

**7. Particulars of goods vehicles either owned by the applicant or under his control-**

(a)Total number(b)Make(c)Model or year of manufacture(d)Registration marks



**8. Particulars of the site and its location.**

**9. Description of the premises, nature of building, extent of the site etc.**

**10. Facilities provided by the applicant, for parking the goods vehicles.**

**11. Facilities provided by the applicant for loading and unloading goods and storage of goods.**

**12. The particulars of weighing device provided at the above-mentioned places.**

Note - This application if made to the State Transport Authority shall be accompanied by certificate of the Regional Transport Authority concerned approving the facilities provided by the applicant for parking the goods vehicles, loading and unloading of goods and storage of goods.

**13. I am/We are fully conversant with the conditions of Public Carrier Permits and the provisions of the Motor Vehicles Act, 1939 and the rules made thereunder so far as they relate to the restrictions regarding the routes, weights, loading and unloading of goods and the duties and functions of agents.**

**14. I/We declare that to the best of my/our knowledge and belief the particulars given above are true and correct.**

Date and Place :Signature of applicant(s)Form III[See rule 4(1)]Application for renewal of licence under rule 4(1) of the Punjab Public Carrier Goods Agents Licensing Rules, 1979.ToThe Secretary,State Transport Authority,Regional Transport Authority,-----I/We hereby apply for the renewal of my/our licence which is attached and particulars of which are as follows :-(a)Licence No.(d)Date of Issue(c)Nature of the licence, i.e., collecting agent or forwarding and distributing agent or collecting, forwarding and distributing agent.(d)Name of Licence (in block letters)(e)Address.If the application for renewal is not made thirty days before the date of expiry of the licence reasons for the delay.The prescribed fee of one hundred rupees in the case of principal licence and ten rupees in the case of supplementary licence along with the penalty amount to Rs.----- is hereby tendered by means of treasury receipt showing the deposit under the head of account.I/We declare that there is no such change in the circumstances in which the licence was issued to me/us which disqualifies me/us from continuing to hold this licence.Date and Place :Signature of applicant(s)Form IV[See rule 4(3)(a)]Form of declaration by owner of goods vehicles under rule 4(3)(a) of the Punjab Public Carrier Goods Agents Licensing Rules, 1979.I/We\_\_\_\_\_ of\_\_\_\_\_ being owner of vehicle No. \_\_\_\_\_ and covered by public carrier permit No. \_\_\_\_\_ do hereby solemnly declare that my aforesaid vehicle will be operated under the

administrative control of \_\_\_\_\_ for collecting, forwarding and distributing goods under the Punjab Public Carrier Goods Agents Licensing Rules, 1979 and shall be available to the agent for loading and transportation of goods all the times. Date Deponent Form V [See Rule 4(4)] Principal licence granted under rule 4 of the Punjab Public Carrier Goods Agents Licensing Rules, 1979. Principal Licence No. \_\_\_\_\_ Date \_\_\_\_\_ Full Name (in block letters) Name of father or husband (in case of an individual) Address is licensed to engage as collecting, forwarding and distributing agents or collecting or forwarding and distributing agent and maintain sub-agencies office for the purpose at (1)(2) The licence is valid from \_\_\_\_\_ to \_\_\_\_\_ Dated So long as this licence is valid and renewed from time to time, the holder is authorised to use the premises the particulars of which are given below in connection with his business subject to the provisions of rule 14(7) and subject to the following conditions; [Particulars of premises.] [Specify the place or places where the agents office or offices will be located.] [Conditions.] [Specify the conditions.] Dated Secretary, State/Regional Transport Authority Renewal The licence is hereby renewed upto Dated Secretary, State/Regional Transport Authority, Form VI [See Rule 4(4)] Supplementary licence granted under rule 4 of the Punjab Public Carrier Goods Agents Licensing Rules, 1979. Supplementary licence No. \_\_\_\_\_ Dated \_\_\_\_\_ Full Name (in block letters) Name of father or husband (in case of an individual) Principal licence No. Address is licensed to engage as collecting, forwarding and distributing agent as collecting or forwarding and distributing agent for sub-agencies at This licence is valid From \_\_\_\_\_ To \_\_\_\_\_ Dated So long as this licence is valid and renewed from time to time, the holder is authorised to use the premises, the particulars of which are given below in connection with his business subject to the provisions of rule 14(2) and subject to the following conditions : [Particulars of premises.] [Specify the place or places where the agents office or offices will be located.] [Conditions.] [Specify the conditions.] Date Secretary, State/Regional Transport Authority Renewal The licence is hereby renewed upto Dated Secretary, State/Regional Transport Authority The licence is hereby renewed upto Dated Secretary, State/Regional Transport Authority, Form VII [See Rule 11(5)] Half-yearly return for the period ending 31st March/30th September, 19\_\_\_\_ submitting under rule 11(5) of the Punjab Public Carrier Goods Agents Licensing Rules, 1979. To The Secretary, State Transport Authority,

## **1. Licence No.**

## **2. Date of its grant or last renewal**

## **3. Total number of goods vehicles owned by the Agent**

## **4. Total number of goods vehicles under control of the agent.**

## **5. Number of goods vehicles out of those mentioned in Nos. (3) and (4) above which are actually used during the half year.**

(a)for more than three months during the period;(b)for more than four months during the period;(c)for more than five months during the period;

## **6. Tonnage of goods collected and delivered to the forwarding and distributing agents.**

Name and address of the forwarding and distributing agents	Tonnage of Goods delivered to the forwarding and distributing agent.
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Note. - In case of the space given above under item No. 6 not sufficient attach separate sheet.

## **7. Total tonnes of the goods collected, forwarded and delivered by the agent himself.**

## **8. Maximum and minimum distance for which the goods were forward from the forwarding point to the delivering point.**

Distance	Total Tonnes
(a) Distance not exceeding	80 Kilometres;
(b) Distance exceeding 80 Kilometres but not exceeding	160 Kilometres.
(c) Distance exceeding 160 Kilometres but not exceeding	240 Kilometres.
Name and address of the forwarding and distributing agents	Tonnage of Goods delivered to the forwarding and distributing agent.
Distance	Total Tonnes.
(d) Distance not exceeding 240 Kilometres but not exceeding	320 K.Ms.
(e) Distance exceeding 320 Kilometres but not exceeding	400 Kilometres.
(f) Distance exceeding 400 Kilometres but not exceeding	480 Kilometres.
(g) Distance exceeding	480 Kilometres.

## **9. In respect of the entry made in item No. (8)(g) above specify the nature of goods (e.g.) fruits, glass, households effect, corn, coal, etc.**

## **10. Total length of journey performed by the goods vehicles mentioned in item No. 3 and item No. 4 in Kilometres.**

## **11. Maximum time taken in delivering consignment from the date of its booking by the forwarding and distributing agents :-**

| - Time Tonnes of the Consignment Distance from the forwarding point to the delivering point.

## **12. Claims received and settled :-**

(1)No. of claims pending from previous half year.(2)No. of claims received during the period of report.(3)Compensation claimed during the period of report.(4)No. of claims settled during the period of report.(5)Compensation paid during the period of report.(6)No. of claims pending at the ending of the period of report.

## **13. Freight and commission :-**

Total freight in respect of the vehicles mentioned in item No. (3) above.Total freight released in respect of vehicles mentioned in item No. (4) above.Total freight released and paid to other operators.Total amount of commission realised.

## **14. Total amount of the premium paid to insurance companies for issuance of the goods.**

Time, Tonnes of the Consignment, Distance from the forwarding point to the delivering point.

## **15. Total amount realised from the insurance companies in respect of claims for loss or damage of goods.**

## **16. Maximum time for which a consignment was held by the collecting agent before delivering it to the forwarding and distributing agent.**

## **17. Maximum time for which a consignment was held by the forwarding and distributing agent in his godown before despatch.**

## **18. Maximum time for which a consignment was held by the forwarding and distributing agent in his godown at the distributing point before delivery to the consignee.**

Dated.Signature of the agent