

**THE HIMACHAL PRADESH PREVENTION OF TICKETLESS
TRAVEL IN ROAD TRANSPORT SERVICE ACT, 1976**

ARRANGEMENT OF SECTIONS

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**THE HIMACHAL PRADESH PREVENTION OF TICKETLESS
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(ACT NO. 22 OF 1976)¹

(Received the assent of the President on the 20th May, 1976, and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 2nd June, 1976, pp. 1271-1274).

An Act to provide for prevention of ticketless travel in the Motor Vehicles operated by the Himachal Road Transport Corporation and for other matters connected therewith.

BE it enacted by the Legislative Assembly of the State of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:-

1. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 21st February, 1976, p. 623.

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Prevention of Ticketless Travel in Road Transport Service Act, 1976.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come in to force on such date¹ as the State Government may, by notification in Official Gazette, appoint in this behalf.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) "fare" means the total amount of all charges of whatever nature payable by a person or group of persons in respect of his or their carriage;
- (b) "High Court" means the High Court of Himachal Pradesh;
- (c) "Road Transport Service" means a service of motor vehicles carrying persons or goods or both by road for hire or reward;
- (d) "State Transport Undertaking" means any undertaking providing road transport service, where such undertaking is carried on by-
 - (i) the Central Government or the State Government;
 - (ii) the Himachal Road Transport Corporation established under the Road Transport Act, 1950 (64 of 1950);
- (e) "ticket" includes a duty, privilege or courtesy pass issued under the authority of the State Transport Undertaking; and
- (f) other words and expressions under herein but not defined in this Act, shall have the meanings assigned to them in the Motor Vehicles Act, 1939 (4 of 1939).

3. Supply of tickets on payment of fares.- Every person desirous of travelling by a road transport service carried on by the State Transport Undertaking, shall upon payment of his fare, be supplied with a ticket by a servant of the State Transport Undertaking authorised in this behalf or an agent duly appointed by the State Transport Undertaking for the Purpose, specifying the amount of fare, the motor vehicle, the place from and the place for which the fare has been paid.

4. Prohibition against travelling without ticket.- No person shall enter or remain in any motor vehicle comprised in road transport service carried by the State Transport Undertaking for the purpose of travelling therein unless he has with him a proper ticket.

5. Presentation of tickets.- Whoever travels in any motor vehicle comprised in road transport service carried on by the State Transport

1. Act came into force from 29th September, 1976 vide Notification No. Tpt. 6-20/76, dated 25th September, 1976, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 29th September, 1976, p. 1764.

Undertaking shall, on a requisition of any servant of the State Transport Undertaking authorised by the Undertaking in this behalf, present his ticket to such servant for examination at or before the end of the journey for which the ticket was issued.

6. Punishment for travelling without ticket or with in-sufficient ticket or beyond authorised distance.- (1) If any person travels by a motor vehicle, comprised in road transport service carried on by the State Transport Undertaking, without having a proper ticket with him or, having entered in or having alighted from the motor vehicle, fails or refuses to present for examination his ticket immediately on requisition being made therefor under section 5, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees, or with both and shall also be liable to pay the excess charge hereinafter in this section mentioned in addition to the ordinary single fare; for the distance which he has travelled, or where there is any doubt as to the stage from which he started, the fare from the stage from which the motor vehicle originally started or place where the tickets were last examined.

(2) The excess charge referred in to sub-section (1) shall be a sum equivalent to the ordinary single fare referred to in that sub-section or five rupees whichever is greater.

7. Punishment for breach of duty by the servant etc.- If a servant of the State Transport Undertaking or an agent referred in section 3, whose duty is to supply tickets to persons travelling or intending to travel in a motor vehicle comprised in road transport service carried on by the State Transport Undertaking on payment of fare, negligently or wilfully omits to supply a ticket or supplies an invalid ticket, he shall be punishable with imprisonment which may extent to one month or with fine which may extend to two hundred and fifty rupees or with both.

8. Power to remove persons from motor vehicle.- Any person, who travels or attempts to travel in motor vehicle comprised in road transport service carried on by the State Transport Undertaking without having proper ticket with him or beyond the place authorised by him ticket or who being in a motor vehicle fails or refuses to present for examination his ticket immediately on requisition being made therefor under section 5, without prejudice to any action under section 6, may be removed from the motor vehicle by any servant of the State Transport Undertaking authorised in writing by the Undertaking in this behalf or by any other person whom such servant may call to his aid unless he then and there pays the fare :

Provided that no person shall be removed from the motor vehicle between the hours 6 p.m. to 6 a.m. except either at the stage at which he first entered the vehicle or at the stage at the Headquarters of a district or Tehsil.

9. Punishment for obstructing servant of the State Transport Undertaking in his duty.- If a person wilfully obstructs or impedes any servant of the State Transport Undertaking in the discharge of his duty, he

shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

10. Cognizance of offences.- (1) All offences under this Act shall be triable by Magistrates having jurisdiction in the area and especially empowered by the High Court under section 260 of the Criminal Procedure Code, 1973 (2 of 1974) to try such offences in a summary way.

(2) No prosecution under this Act shall be instituted except on the complaint in writing by such officer as may be authorised in this behalf by the State Government.

11. Excess charge and single fare to be paid to the State Transport Undertaking.- (1) Out of the amount recovered for an offence under section 6, the excess charge and single fare referred to in that section shall be paid to the State Transport Undertaking before any portion of that amount is credited as fine to the State Government.

(2) Out of the amount received under sub-section (1), the State Transport Undertaking shall be liable to pay the Passenger Tax levied under the Himachal Pradesh Passengers and Goods Taxation Act, 1955 (15 of 1955) or any other taxes liable and payable under the provisions of any other law for the time being in force.

12. Overriding effect of the Act.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

13. Power to make rules.- (1) The State Government may by notification in the Official Gazette, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the legislative Assembly when 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 sessions aforesaid, the Assembly makes any modification in the rules or decides that the rules should not be made, the rules 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 anything previously done under that rule.

14. Repeal and savings.- (1) The Himachal Pradesh Prevention of Ticketless Travel in Road Transport Service Ordinance, 1976 (1 of 1976) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the aforesaid Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the day when the repealed Ordinance came into force.
