

Government of Himachal Pradesh
Department of Transport

No.TPT-F (6) 2/2009

Dated: Shimla-2, the

01/01/2014

Notification

In order to provide various transport services to general public in the offices of Registering and Licensing Authorities in Himachal Pradesh and to make the working of Transport Department transparent and efficient the Governor, Himachal Pradesh in exercise of powers conferred by Article 162 of the Constitution of India is pleased to make the following scheme, namely;-

SCHEME

- 1 Short title, application and commencement:** - This Scheme may be called the Himachal Pradesh Transport Service Providers Scheme, 2013 and this scheme shall apply to the whole of Himachal Pradesh from the date of its publication in the official gazette of Government of HP.
- 2 Definitions :** In this Scheme, unless the subject or context otherwise requires :
 - (1) **'Act'** means the Motor Vehicles Act, 1988;
 - (2) **'Rule'** means any rule(s) made under the Act.
 - (3) **'Document'** means a document written or filled, whether physically or electronically, for presentation to a Registering and Licensing Authority as per the provisions of Act/Rule or Scheme made thereunder;
 - (4) **'Transport Service'** means a service included in the Schedule-I of this Scheme;
 - (5) **'Transport Service Provider'** or **'TSP'** means a person holding a license for providing transport services, to the members of public, under this Scheme for getting their work done in offices of transport department of Government of HP;
 - (6) **'Client'** a member of the public or a representative of a body or a person who seeks a transport service from the offices of the Transport Department.
 - (7) **'Commissioner'** means the officer appointed by the Government as the head of the department of transport in Himachal Pradesh as per section 213 of Motor Vehicles Act, 1988;
 - (8) **'License'** means a license granted under this Scheme;
 - (9) **'Licensee'** means a license holder under this Scheme;
 - (10) **'Government'** means the government of Himachal Pradesh.
 - (11) **'Department'** means the Department of Transport of the Government.
 - (12) Any other term used under this scheme shall have the same meaning or connotation as attached to it under the Act/Rule or Scheme made there under.

3 Person by whom service may be provided : After a year of the publication of this Scheme in the official gazette no person shall provide transport services except under license granted under this Scheme

4 Eligibility for License : No person shall be eligible for being licensed as a Transport Service Provider or, if licensed, to continue as a Transport Service Provider, if such person;

- (1) is less than 18 years of age;
- (2) is in the employment of Government or local authority or any autonomous body or semi Government;
- (3) is of unsound mind;
- (4) is an un-discharged insolvent;
- (5) has been dismissed from the service of Government or any local authority;
- (6) has been convicted of any offence involving moral turpitude;
- (7) is not a Bonafide resident of Himachal Pradesh;
- (8) is a tax defaulter.

5 Qualification for obtaining License : No person shall be licensed under this scheme unless :-

- (1) he is having minimum qualification of ten plus two; and
- (2) he has qualified the special examination to be held under clause 6.

6 Special examination :

- (1) The Commissioner shall by himself or through an outside governmental agency cause to be conducted a special Examination for the selection of TSPs, at such intervals of time as he may by notification decide.
- (2) The Commissioner shall notify the date, as well as the mode and expenses incidental to the examination in the official gazette. Similarly he shall also publish the said notification in two daily Hindi Newspapers and one English daily newspaper having wide publicity in the State.

7 Syllabus and other conditions for Special examination:

- (1) Each candidate appearing in the examination mentioned above shall be examined in the following objective type question papers:-

(i) Paper-I: Act & Scheme = 50 marks

- (a) Central Motor Vehicles Act, 1988;
- (b) Central Motor Vehicle Rules, 1989;
- (c) Himachal Pradesh Motor Vehicle Rules, 1999;
- (d) Himachal Pradesh Motor Vehicles Taxation Act, 1972;

(ii) Paper-II: Computing & General Mental Ability = 100 marks

Consisting of following broad areas:-

- (a) Computing = 25 marks
 - (i) Microsoft Word
 - (ii) Microsoft Excel

(iii) Microsoft Excess		
(b) Mathematics (upto Class 10 th standard)	=	25 marks
(c) English	=	25 marks
(i) Comprehension		
(ii) Composition		
(iii) Vocabulary-General & legal		
(d) General Awareness & Knowledge.	=	25 marks
(i) India and World		
(ii) History and culture of Himachal		

- (2) No candidate shall be deemed to have qualified in the special examination unless he obtains 33% marks in each paper and 50% marks in aggregate of both papers.
- (3) The result of the special examination shall be notified in the official gazette and shall also be published in one of the daily newspapers having wide publicity in the State.

8. License – Grant/Renewal/Suspension/Cancellation

- (1) The Regional Transport Officer (RTO) concerned shall, as per the list of eligible candidates prepared on the basis of the Special Examination, send intimation to such candidates who are eligible to obtain license, detailing such specific or general conditions, as he may deem fit or as are notified by the Commissioner from time to time.
- (2) On receipt of an intimation under Sub-clause (1), as detailed above, the concerned candidate, upon deposition of the license fee and one time refundable security as prescribed under Schedule-II of this Scheme and upon his accepting the terms & conditions of such intimation, shall be granted a license to practice as a Transport Service Provider under this Scheme, in FORM-A, by the RTO concerned.
- (3) A duplicate of the license may be issued by the RTO to a licensee on payment of fee as prescribed under Schedule-II of this Scheme.
- (4) The RTO concerned, may for reasons to be recorded in writing, refuse to the grant or renew a license or having granted or renewed it may subsequently cancel, suspend or revoke, it, for contravening any of the provisions of this Scheme without prejudice to any other punishment to which the applicant/licensee may be liable.
- (5) Where the RTO refuses to grant or renew or cancel or suspends or revokes any license, he shall before making an order in this behalf, require the applicant or as the case may be, the licensee, to show cause within a specified time why such order should not be made. If the applicant or the Licensee does not show any cause within the specified time, or shows cause, which in the opinion of the RTO is not satisfactory, the RTO concerned shall make an order accordingly.
- (6) If any complaint is received against any licensee from any source, the facts will be enquired by the concerned officers of transport department and

the case can be recommended for cancellation/suspension of the license to the RTO who shall take a final decision in the matter but not before affording the licensee an opportunity of being heard. He may even penalize the licensee, in which case the penalty or fine shall be economic and shall not be less than Ten Thousand Rupees. No applicant or licensee shall be entitled to the refund of fee paid by him or any compensation for cancellation or suspension or revocation of his license.

- (7) An applicant or a licensee may at any time, by making an application to the RTO concerned, voluntarily withdraw from the process of allotment of license or if already allotted, surrender his license voluntarily for which he shall be entitled to a refund of security and fee deposited after deducting reasonable charges as the RTO may decide vide a speaking order in this regard. Provided that before passing any order under this sub clause the RTO shall afford the applicant or the licensee, as the case may be, an opportunity of being heard.

9. License: Validity and other issues

- (1) A license issued under this scheme shall be valid till the 31st December of the fourth year from the year in which the same was issued and shall be renewable on payment of a fee as prescribed in the Schedule-II of these Rules by making an application for the same to the RTO concerned at least 15 days before the date of expiry of the license.

Provided that the RTO may, if satisfied, that the licensee was prevented from applying for renewal due to sufficient cause, entertain an application for renewal of license made after the expiry of the prescribed period and renew the same, subject to the penalty provided in the Schedule-II.

Explanation: - For the purpose of this Rule if the license is issued in the Calendar year 2013, it shall be deemed to be expiring on 31st December, 2017.

- (2) In case the licensee fails to renew his license till the 31st December of the next year from the year when it expired, he shall have to procure a fresh license under these rules.

Explanation: - In the scenario mentioned above, in the explanation to sub rule (1) of this rule, if the licensee fails to renew his license on or before 31st December, 2018 he shall have to procure a fresh license as per this sub rule.

- (3) No licensee, the period of validity of whose license has expired, shall be entitled to carry on his business unless:
- (ii) he has applied for renewal of his license and paid the requisite fee before the expiry of the validity period of his license; or

- (iii) he has applied for the renewal of his license and deposited the renewal fee and penalty within one year after the expiry of the validity period of his license.
- (4) Every licensee shall obtain a license in respect of every place at which he carries on his business as TSP.

10. Other powers :

- (1) The Commissioner may, from time to time issue specific or general directions to the RTOs or TSPs for operationalizing the provisions of these Scheme.
- (2) Notwithstanding the generality of sub clause (1), the Commissioner may from time to time
 - i. Issue Standard Operating Procedures (SOP) for the licensee to follow while delivering their services.
 - ii. These SOPs may, inter alia, include matrix of incentives and disincentives, whether monetary or otherwise, designed to improve the service delivery efficiency of a licensee, in public interest.
- (3) Every Licensee shall, when so required, by general or special directions by the RTO or Commissioner or the State Government, furnish truthfully and to the best of his knowledge such particulars relating to his activities as TSP or dealings thereof as may be required.
- (4) Every Licensee shall, when so required by the RTO by general or special order in writing, deposit security with him for an amount not exceeding Rs.10000/-in shape of a Fixed Deposit (FD) duly pledged to the RTO.
- (5) If any order has been issued under the provisions of sub- clause (3) the Licensee affected by it shall deposit the security in full by the date specified in the order and if security is not deposited then without prejudice to any order action that may be taken against him, his license may be cancelled or withheld or suspended.
- (6) If the licensee who has deposited security under the provisions of this scheme contravenes any of the provisions of these Scheme or conditions of his license then without prejudice to any other action which may be taken against him, the RTO may, direct by order in writing, that his security shall be confiscated in whole or in part and used to make good such losses to such parties as he may determine in the said order.

11. Power to inspect and seize

- (1) The Commissioner or RTO or any other person duly authorized by him in this behalf may, with a view to securing compliance of provisions of this scheme: –
 - (1) enter and inspect any premises on which he has reasons to believe that such provisions are being violated; and
 - (2) seize any record or material pertaining to providing of transport services, of which he has reasons to believe that contravention of this order has been or is being or is about to be committed;

- (2) Every person (including his agents and servants) in charge of a premises which is searched under the provisions of sub-rule (1) shall allow, the authority making the demand, access to such premises and shall also answer all questions put to him truthfully and to the best of his knowledge and belief.

12. Appeal and power of State Government :

- (1) Any person aggrieved by any act of omission or commission done; or any order passed by the RTO under these Scheme may, within 30 days from the date on which the act is done or order is communicated to him, appeal to the Commissioner.
- (2) Any person aggrieved by any act of omission or commission done; or any order passed by the Commissioner under these Scheme may, within 30 days from the date on which the act is done or order is issued, appeal to the State Government.
- (3) The State Government may call for and examine the record of any proceeding disposed of by the Commissioner in appeal or by RTO in general, under these Scheme for the purpose of satisfying itself as to the legality or propriety of any order made therein and may confirm, modify, suspend or restore such orders.

13. Responsibilities of the Transport Service Provider

- (1) No TSP shall charge fees for writing applications/filling document or providing any transport service in excess of those mentioned in Schedule-I of this Scheme.
- (2) The TSP shall display the charges as mentioned in schedule-I for each service and fee or penalty under Schedule-II in the manner prescribed by the Commissioner wherever he sets up his office.
- (3) No TSP shall delay the providing of transport services to the clients by more than the time period fixed for providing the same as per the Schedule-I of this scheme.
- (4) The TSP shall be responsible for all the documents about their authenticity & genuineness which he will submit to the Registering & Licensing authority.
- (5) The TSP will Suo-Moto take information from the client concerned about all the documents and shall satisfy himself about their authenticity by either examining the original document & then certifying the copy thereof, or by getting an attested copy of the document and attaching it.
- (6) The TSP will maintain a register of records and all the documents in the manner prescribed by Commissioner Transport.
- (7) The TSP will be given a unique login ID & Password for making all entries in a special portal for Vahan & Sarathi to be designed for data entry into the softwares maintained by the transport department. By doing so he will again be held accountable to the client as well as the department for any service he provides or fail to provides;

- (8) Along with digital verification of data he shall also verify each and every document submitted by him physically, by affixing his signature, stamp & seal (in the prescribed format) on them.
- (9) In due course the Commissioner Transport may cause to be developed computer based software applications for delivery of any of the above mentioned services or any other service which is thereafter included in the above mentioned list, in public interest. In that case it shall be the responsibility of the Licensee to deliver those services in the manner prescribed by the Commissioner Transport for which he shall claim no extra monetary or other benefit from Govt. of H.P. or Commissioner Transport.
- (10) Commissioner Transport may in public interest specify any other responsibility(s) for the TSPs, which the licensee shall adhere to in future too.
- (11) TSP will provide all the relevant records/papers for scrutiny on demand of Commissioner Transport or the Departmental Officers/RTOs.

14. Power to amend Schedules:

The Commissioner Transport may by notification to be published in the gazette:-

- (1) Revise the rates mentioned for each service in Schedule-I and fee or penalty under Schedule-II.
- (2) Add or delete any service or fee or penalty mentioned in the Schedule-I & II respectively.

Provided that, he shall obtain the concurrence of the Government before issuing a notification under this scheme.

15. Power to remove difficulties:

If any difficulty arises in giving effect to the provisions of these Scheme the Commissioner Transport may by notification to be published in the Gazette, make such provisions, not inconsistent with the provisions of this Scheme as appear to be necessary or expedient for removing the difficulty;

Provided that he shall obtain the concurrence of the Government before issuing a notification under this scheme.

-By order-

(K SANJAY MURTHY)
Pr. Secretary (Transport) to the
Government of Himachal Pradesh

Endst No :TPT-F¼6)-2/2009

Dated : Shimla

01/01/2014.

Copy to:-

1. Pr. P.S. to Principal Secretary to the Hon'ble Chief Minister Govt. of HP for information.
2. Sr. Private Secretary to the Hon'ble Transport Minister Govt. of HP for information.
3. Sr. P.S. to Chief Secretary Government of Himachal Pradesh for information please.
4. Director General of Police Himachal Pradesh Shimla-171002.
5. All Deputy Commissioner Himachal Pradesh.
6. Director Transport Himachal Pradesh Shimla-171004 w.r.f. to his letter No.C.T.4-8/2007/Service Provider/2013-1022526 dated 26-08-2013 and e-mail dated 21-11-2013 for information and necessary action.
7. Additional Commissioner Transport Parivahan Bhawan Shimla-171004 HP
8. All Sub Divisional Officers (Civil) –cum-Registering and Licensing Authorities Himachal Pradesh.
9. All RTO's of Himachal Pradesh.

(Parkasha Nand)

Under Secretary (Transport) to the
Government of Himachal Pradesh.

		Alteration of vehicle 1. No motor vehicle shall be altered without the prior permission of registering authority.	1 day	₹ 100/-
3.	Submission of paper regarding Driving License/ Conductor License grant as well as renewal	Learner license 1. Application in Form No. 2 2. Medical certificate in Form No.1(govt. hospital/dispensary) 3. Age proof 4. Residence proof 5. Police report regarding verification of antecedent 6. Certified copy of valid driving license of LMV category for at least one year in case of license for transport vehicle 7. No learner's license shall be issued to any applicant unless he passes the prescribed test to satisfaction of the licensing authority. 8. No person under the age of eighteen years shall drive a motor vehicle in any public place.	1 day	₹ 100/-
		Driving license 1. Application in Form no. 4 2. Valid learner license at least for 30 days. 3. Medical certificate in Form no.1 (govt. hospital/ dispensary) 4. Police report 5. Residence proof	3 days	₹ 150/-
		Addition in driving license 1. Application in form no 8 2. Form no 1 3. Valid learner license 4. Certificate in form no 5 from driving school	3 days	₹ 200/-
		Duplicate copy 1. L.L.D. form 2. F.I.R. 3. Affidavit	1 day	₹ 100/-
		Renewal of driving license 1. Application in form No 9. 2. Medical in form No 1 3. Driving license in original.	1 day	₹ 100/-
		Conductor license 1. Application in hp form vii l.con.a. 2. Medical certificate in hp form no ix 3. Certificate issued by the st. John's ambulance or any of its units in the state in hp. 4. Attested photocopy of matriculation certificate. 5. Police report.	3 days	₹ 100/-

4.	Submission of paper regarding grant of international Driving License	International Driving License 1. Application form 2. Medical in form No 1 3. Two Passport size photographs 4. Copy of valid Passport 5. Copy of valid driving license.	1 day	₹ 100/-
5.	Submission of document and vehicle for fitness certificate of vehicles	Fitness Certificate of vehicles 1. FORM XIV C.F.X. 2. Copy of valid Insurance. 3. Tax clearance certificate from concerned RTO/ETO	3 days	₹ 100/-
6.	Applying for Pollution Check Centre, authorization grant and renewal.	Pollution Check Centre, authorization grant and renewal 1. Application Form as devised by the Transport Department 2. Application Fee ₹ 500/-	15 days	₹ 500/-
7.	Approval of new models.	Approval of new models. 1. Application on plain paper along with certificate from ARAI. 2. Service Charge as notified by Govt. of H.P.	15 days	₹ 500/
8.	Driving Training School grant/ renewal	Driving Training School grant 1. Application form No. 12 of CMVR 1989. 2. Prescribed fee i.e. ₹ 2500/- plus ₹ 200 service charges. Driving Training School renewal 1. Application form No. 13 of CMVR 1989. 2. Prescribed fee i.e. ₹ 2500/- plus ₹ 200/- service charge	15 days 7 days	₹ 500/ ₹ 300/-
9.	Trade Certificate Grant/ renewal	Trade Certificate Grant 1. Application Form No. 16 of CMVR, 1989 2. Prescribed fee i.e. ₹ 200/- plus ₹ 200/- service charge. Trade Certificate Renewal 1. Application Form No. 16 of CMVR, 1989 2. Prescribed fee i.e. ₹ 200/- plus ₹ 200/- service charge.	5 days 5 days	₹ 300/- ₹ 300/-
10.	i) Transfer of vehicle ii) entering and deleting hypothecation charges	Transfer of ownership 1. Form No. 30 2. Affidavit from transferor and transferee 3. Original registration certificate 4. NOC from RTO/ETO in case of transport vehicle 5. Form No. 31 and legal heir's certificate 6. Valid insurance 7. Residence proof	3 days	₹ 350/
11.	NOC in respect of vehicles being sold and transferred	Issuance of N.O.C. 1. Form No. 28 2. Original registration certificate 3. Valid insurance 4. N.C.R.B. report 5. NOC from RTO/ETO In case of transport vehicle.	2 days	₹ 400/

12.	Renewal of National permit	National permit 1. Application Form No. 2. Valid Fitness Certificate of vehicles. 3. Valid Insurance 4. Tax clearance from the concerned RTO/ETO. 5. Permits with validity.	4 days	₹ 300/
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Note:

- (i) In the above services, it shall be the responsibility of the service provider to submit the application duly signed by the owner after filling all the columns in the prescribed Forms;
- (ii) The service Provider will affix his seal mentioning name of service provider license no, validity & No. of documents enclosed and the Sr. No. of the application entered in his register;
- (iii) He will ensure that all the Government fees are deposited before providing the application in the office;
- (iv) The service provider shall verify the contents of the application and ensure its completion in all respects as mandated by various Acts/ Scheme/provisions in this regard; and
- (v) The fee shall be inclusive of all charges relating to preparation of ancillary documents attached with the application as mentioned in column-3 above e.g. affidavits, undertakings, photocopies of original documents & their attestation, etc.

Schedule-II

S.No.	Name of Fee/penalty	Periodicity	Amount		To be deposited in
			For General Category	For SC/ST	
1.	License fee for issuance of fresh license under Rule-8.	Once during the tenure of license	₹10,000/-	₹5,000/-	e-governance society account of Director Transport.
2.	Refundable security for license.	Once during the tenure of the license	₹20,000/-	₹15,000/-	Govt. Treasury.
2.	Fee for renewal of license	Once in Five Years	₹10,000/-	₹5,000/-	e-governance society account of Director Transport.
3.	Fee for issuance of duplicate license	As & when required.	₹200/-	₹100/-	e-governance society account of Director Transport.
4.	Penalty for late application for renewal (To be charged on a monthly basis for delay of every month or part thereof, from the date of renewal)	Every month or part thereof	₹100/-per month or part thereof	₹50/- per month or part thereof	e-governance society account of Director Transport.

FORM-'A'

License for a Transport Service Provider

In the office of the RTO.....

License No.....

Certified that Shri Son of Shri,
resident of has this day been licensed as a Transport
Service Provider, and is hereby permitted to practice as such, in the office of Registering &
Licensing Authorities in Himachal Pradesh subject to the provisions of the Himachal
Pradesh Transport Service Providers Scheme, 2013 till the 31st Day of December, 20

Given under my hand and seal of this office, this day of
....., 20..... at

Regional Transport Officer

(Seal)

Conditions of License

The holder's of the license shall: –

1. Abide by all the provisions of Himachal Pradesh Transport Service Providers Scheme, 2013 and any orders made therein.
2. Display the license in conspicuous place on the premises in which he carries on his business.
3. Maintain any register or record or supply information that the Commissioner Transport or RTO may be general or special order require him to supply.
4. Permit the Commissioner Transport or RTO or any other persons authorized by him
 - a. to inspect the premises in which transport services are being provided
 - b. to inspect any records which the holder is required by the conditions of his license to keep.