

## TEXT

# THE <sup>1</sup>[BALUCHISTAN] <sup>2</sup>[N.W.F.P.] <sup>3</sup>[PUNJAB] <sup>4</sup>[SINDH] MOTOR VEHICLES RULES, 1969

[1st September, 1969]

Notification No. T-9/225-65, Dated 1st September, 1969.--- In exercise of the powers conferred by sections 22, 43, 68, 69, 70, 74, 96 and 120 of the West Pakistan Motor Vehicles Ordinance, 1965 (West [Pakistan Ordinance, XIX of 1965), and in supersession of the Punjab Motor Vehicles Rules, 1940, the North- West Frontier Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940 and Sind Motor Vehicles Rules, 1940, the Governor of West Pakistan is pleased, after taking into consideration the Draft Rules previously published with the Government of West Pakistan, Transport Department Notification No. T-9/225-65, dated the 26th July, 1968 in the Gazette of West Pakistan, Part I, dated the 6th December, 1968, to make the following rules:--

<sup>5</sup>[GENERAL AMENDMENT: In Punjab Motor Vehicles Rules, 1969, for the expression "District Magistrate" wherever occurring the expression "District Coordination Officer" is substituted.]

## CHAPTER I PRELIMINARY

### <sup>6</sup>N.W.F.P. SUSITUTION:

For the word "Corporation" and the words "Road Transport Corporation" wherever occurring, the word "Board" and the word "North-West Frontier Province Road Transport Board" shall respectively be substituted.<sup>7</sup>

**1. Short title, extent and commencement.---** (1) These rules may be called that <sup>8</sup>[Baluchistan] <sup>9</sup>[N.W.F.P.] <sup>10</sup>[Punjab] <sup>11</sup>[Sindh] Motor Vehicles Rules, 1969.

(2) They shall extend to the whole of the Province of <sup>1</sup>[Baluchistan] <sup>2</sup>[N.W.F.P.] <sup>3</sup>[Punjab] <sup>4</sup>[Sindh] except the Tribal Areas.

(3) They shall come into force at once.

### <sup>12</sup>N.W.F.P. SUSITUTION:

In rule 1, for sub-rule (2) the following sub-rule shall be substituted, namely:--

"(2) They shall apply to the whole of the North-West Frontier Province."

**2. Definitions.---** In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:--

(a) "articulated vehicle" means a motor vehicle to which a trailer is attached in such a manner that part of the trailer is superimposed on, and part of the weight of the trailer is borne by the principal vehicle;

(b) "Government" means the Government of West Pakistan;

(c) "Form" means a form set forth in the First Schedule to the Ordinance or appended to these Rules;

(d) "Forwarding Agent" means any registered firm or a company with limited liability engaged in the business of booking goods for transit from one place to another and permitted under Chapter VIII of the Rules to use a place for the loading, unloading and halting of goods vehicles;

<sup>1</sup>. Subs. for the words "West Pakistan" by Baluchistan Adaptation of Laws Order, 1975.

<sup>2</sup>. Subs. for the words "West Pakistan" by N.W.F.P. Adaptation of Laws Order, 1975.

<sup>3</sup>. Subs. for the words "West Pakistan" by Punjab Adaptation of Laws Order, 1975.

<sup>4</sup>. Subs. for the words "West Pakistan" by Sindh Adaptation of Laws Order, 1975.

<sup>5</sup>. Vide Notification No. SOTR (1)2-3/2000, dated 28.7.2006.

<sup>6</sup>. Vide Notification No. 1734-72/5505/TPT/XV-B-3, N.W.F.P. Gazette Extra., 19.4.1972

<sup>7</sup>

<sup>8</sup>. Subs. for the words "West Pakistan" by Baluchistan Adaptation of Laws Order, 1975.

<sup>9</sup>. Subs. for the words "West Pakistan" by Baluchistan Adaptation of Laws Order, 1975.

<sup>10</sup>. Subs. for the words "West Pakistan" by Baluchistan Adaptation of Laws Order, 1975.

<sup>11</sup>. Subs. for the words "West Pakistan" by Baluchistan Adaptation of Laws Order, 1975.

<sup>12</sup>. Vide Notification No. 1195/PTA N.W.F.P., Extra., 20.10.1971.

- (e) "Motor cab rickshaw" means a motor cab, with three wheels, the unladen weight of which does not exceed 900 pounds avoirdupois, constructed, adapted or used to carry not more than two passengers excluding the driver;
- (f) "Motor cycle rickshaw" means a motor vehicles with three wheels the unladen weight of which does not exceed 900 pounds avoirdupois, constructed, adapted or used for private purposes, other than for hire or reward, to carry not more than two persons excluding the driver;
- (g) "Motor Vehicles Examiner" means an officer appointed by the Chairman Punjab Provincial Transport Aut under rule 35;
- (h) "Ordinance" means the West Pakistan Motor Vehicles Ordinance, 1965 (West Pakistan Ordinance XIX of 1965);
- (i) "Passenger" for the purposes of the rules in Chapter IV means any person travelling in a public service vehicles other than the driver or the conductor or an employee of permit holder while on duty;
- (j) "Pounds" means pounds avoirdupois;
- (k) "Province" means Province of West Pakistan;
- (l) "Section" means a section of the Ordinance;
- (m) "Urban area" means the area of a municipality, small town or cantonment, or other local area which may be specially notified by Government as an urban area.

<sup>1</sup>PUNJAB ADDITION:-

In rule 2, after clause (l) the following new clause shall be added namely:-

"Tribunal" means Claims Tribunal constituted under section 67-A of the Ordinance.

**3. Payment of fees.---** The fees prescribed in these rules shall be paid in advance in accordance with the instructions and means notified by Government from time to time.

**4. Power of Government to exempt motor vehicles from the operation of the rules.----** Government, in consultation with the Provincial Transport Authority or the Chairman, Provincial Transport Authority, if authorized by that authority in this behalf, may, by order in writing exempt any motor vehicles or class of motor vehicles from the operation of all or any of these rules.

## CHAPTER II

### LICENSING OF DRIVERS OF MOTOR VEHICLES

**5. Licensing Authority.---** (1) The licensing authority shall be the Superintendent of Police of the District or the Gazette Police Officer nominated by him to act as such on his behalf.

(2) The area of jurisdiction of each licensing authority shall be the area of the district.

<sup>2</sup>PUNJAB SUBSTITUTION:

For rule 5, the following shall be substituted, namely:--

"5. Licensing Authority. The licensing authority shall be the superintendent of Police of the district or other Gazette Police Officer nominated by him to act as such on his behalf:

Provided that where an Additional Superintendent of Police, is incharge of a Division of District, he shall be the licensing Authority for such Sub-Division:

Provided further that for the purpose of renewal of a license, other than a license for driving a light or heavy transport vehicle or a license covered by the proviso to sub-section (4) of section 12 of the Ordinance, the Post Master In-charge of a Post Office shall be the Licensing Authority."

<sup>3</sup>PUNJAB RE-SUBSTITUTION:

For rule 5, the following shall be substituted:--

"5. Licensing Authority. The Licensing Authority for the grant of driving licenses of various types of Vehicles shall be as under:--

- |      |                             |  |
|------|-----------------------------|--|
| (i)  | For heave transport vehicle | Assistant Inspector-General of Police incharge of transport; and |
| (ii) | For other vehicles          | Superintendent of Police of the                                  |

<sup>1</sup>. Vide Punjab Gazette, Extra, 7.8.1971.

<sup>2</sup>. Vide Punjab Gazette, Extra.,; 7.8.1971

<sup>3</sup>. Vide Punjab Gazette, Extra.,; 21.9.1973.

District concerned or any other Gazetted Police Officer authorized by him in this behalf and where an Additional Superintendent of Police is incharge of a Sub-Division of a District, such Additional Superintendent of Police:

Provided that for the purposes of renewal of a licence, other than a licence for driving a light or heavy transport Vehicle or a licence covered by the proviso to sub-section (4) of section 12 of the Ordinance, the Post Master incharge of a Post Office shall be the Licensing Authority,

<sup>1</sup>PUNJAB SUBSTITUTION:

In rule 5, for the existing proviso, the following shall be substituted:--

"Provided that for the purposes of renewal of a licence, the Post Master incharge of a Post Office shall be the Licensing Authority."

<sup>2</sup>PUNJAB AMENDMENT

In rule 5, in clause (ii) for the words "Sub-Division of a District" the word "Tehsil" shall be substituted.

<sup>3</sup>N.W.F.P. AMENDMENT

In rule 5, for the existing proviso, the following shall be substituted:-

Provided that the licensing authority for the District of Peshawar shall be the Assistant Inspector-General of Police (Traffic) or any person nominated by him in this behalf.]

**6. Authorization to drive a public service vehicle.---** (1) No person shall drive a public service vehicle unless in his licence an authorization in Form C to the Ordinance has been granted or counter-signed by a Licensing Authority.

(2) No person shall drive a public service vehicle on any road specified in the First Schedule to these Rules unless the words "Valid also for Hilly Roads" have been added to the aforesaid authorization by the appropriate Licensing Authority.

(3) Subject to the provisions of sub-rule (4) a holder of a driving licence may at any time apply to the licensing authority in form L. P. S. A. for the grant or counter-signature of the aforesaid authorization and shall reward his driving licence with such application.

(4) No authorization to drive a motor cab, other than a motor cab rickshaw, shall be granted unless the application holds a valid licence to drive a motor car for one year or more. Similarly, no authorization to drive a public service vehicle, other than a motor cab, shall be granted unless the applicant has previous experience in driving a heavy transport vehicle at least for one year. No such restriction shall apply in the case of licence to drive a motor cab rickshaw:

Provided that Government, if satisfied that any vehicle or class of vehicles can without danger to public safety be permitted to be driven without insisting on such previous experience as aforesaid, may, by general or special order, exempt applicants for authorization to drive such vehicle or class of vehicles from the operation of this sub-rule.

(5) The Licensing authority to which application is made as aforesaid may, if it thinks fit in order to ascertain whether the applicant is a fit person, for being granted the authorization, make enquiries into his character and antecedents and by a notice in writing summon him to appear before it at such time and place as it may appoint and may in the case of the holder of a driving licence issued outside the Province or in the case of an application under sub-rule (7) require the applicant to pass the test as set forth in the Third Schedule to the Ordinance notwithstanding that the applicant shall previously have passed the test.

(6) If the licensing authority is satisfied that the applicant is in all respects fit to be authorized to drive a public service vehicle, the driving licence shall be signed or counter-pinged accordingly. The licensing authority shall then return the driving licence to the applicant thereof

<sup>1</sup> Vide Punjab Gazette, Extra.,; 11.6.1975.

<sup>2</sup> Vide Punjab Notification No. SOTR-1-5-4/2000 (P), Dated 9.3.2002.

<sup>3</sup> Vide Notification NO. S.O (P-I) HD/13-2/78, DATED 10.10.1988 Published in NWFP Gazette Extra. 24.10.1988.

and shall at the same time, if the driving licence was issued by different licensing authority send intimation in form L.P.S. to such a licensing authority. The licensing authority shall refuse to grant or counter-sign the authorization if it finds that the applicant is not a fit person to be charged with the safe carriage of passengers and property.

(7) Notwithstanding anything hereinbefore contained, no person shall be authorized to drive a motor cab or a motor rickshaw within the city of Karachi, Hyderabad, Multan, Lahore, Lyallpur, Rawalpindi, or Peshawar unless the appropriate licensing authority, is satisfied that such a person has adequate knowledge of the topographic features of that city and has granted or countersigned authorization accordingly.

(8) Where a person holding an authorization to drive a public service vehicle makes an application for its renewal, then he shall, if so required by the licensing authority, submit himself to medical examination to a registered medical practitioner and shall obtain a certificate in Form B (as set forth in the First Schedule to the ordinance and forward it to the licensing authority together with the driving licence.

(9) If the licensing authority on considering the certificate received by him under sub-rule (8) is of opinion that the applicant is suffering from a disease which makes driving of a public service vehicle by him undesirable, it may after giving the applicant an opportunity of being heard refuse to renew the authorization applied for.

(10) If a licensing authority refuses to issue or cancel or refuses to renew any licence it shall do so only after giving the applicant an opportunity of being heard.

<sup>1</sup>SINDH ADDITION:

In rule 6 after sub-rule (5) following shall be added: "(5-A) Testing of applicants referred to in clause (e) of sub-section (2) of section 22 shall, for the purpose of licence for light or heavy transport vehicle including public service vehicle, include clearance of prescribed refresher course from the Drivers Training Schools established by Government."

**7. Power to make inquiries of applicant for driving licence.**--- Upon the receipt of an application for a driving licence, the licensing authority may make such enquiries as may reasonably be necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified for holding or obtaining a driving licence.

**8. Testing Officers.**--- (1) The test of competence to drive as set forth in the Third Schedule to the Ordinance, shall be conducted:--

- (a) in the case of an application for a licence to drive transport vehicle, other than delivery van, or to drive any vehicle as a paid employee, by a Board consisting of:--
- (i) the Secretary, Regional Transport Authority of the area concerned;
  - (ii) the Motor Vehicle Examiner of the area concerned; and
  - (iii) a representative of the Road Transport Corporation.

The quorum of the meeting of the Board shall be two members, and one of the two shall be the vehicle Examiner;

- (i) In the case of licence to drive any other vehicle, by an Inspector or Sub-Inspector or Sergeant of Police authorized by the Superintendent of Police in this behalf:

Provided that in either case a second test may be conducted, if and when so required by any officer authorized in this behalf by Government in consultation with the Inspector-General of Police, West Pakistan.

(2) Subject to Sub-section (7) of section 7, the applicant shall furnish serviceable vehicle of the class to which the applicant refer and present himself for the test at such time and place as may be specified by the licensing authority or the testing officer.

(3) The fee payable by the applicant for the test of competence to drive shall be five rupees for each test and shall be paid before the test is commenced. It shall not be refunded in any circumstances:

Provided that no fee for the test of competence shall be payable by the applicant:--

<sup>1</sup> . Notification No. SO (T-I) 5-86/78 II-98, dated 14.3.1992.

- (a) if he is employed in the service of the Central or the Provincial Government for driving a motor vehicle; or
- (b) if he is ex-serviceman and produces a certificate of proficiency in driving a motor vehicle from an officer of the Armed Forces of Pakistan; or
- (c) if he has been exempted by special or general order of the Government.

<sup>1</sup>PUNJAB SUBSTITUTION--

In rule 8 in sub-rule (1) for clause (a) the following shall be substituted:--

- (a) in case of application for a licence---
  - (i) to drive a transport vehicle, other than a delivery van or agricultural tractor with or without trailer; or
  - (ii) to drive as a paid employee any vehicle other than agricultural tractor with or without trailer; by Board consisting of---
    - (i) the Secretary Regional Transport Authority of the area concerned;
    - (ii) the Motor Vehicle Examiner of the area concerned; and
    - (iii) a representative of the Road Transport Corporation.

The quorum of the meeting of the Board shall be two members one of whom shall be the Motor Vehicle Examiner.

<sup>2</sup>PUNJAB ADDITION:--

After clause (iii) of rule 8(1)(a), the following new clause shall be added, namely:--

“(iv) Deputy Superintendent of Police (headquarters) of the District”

<sup>3</sup>PUNJAB ADDITION AND SUBSTITUTION:--

1. In Rule 8. in sub-rule (1), after the existing clause (a), the following new clause shall be added:--

“(aa) in the case of an application for a licence to drive a public service vehicle, by a Board consisting of—

- (i) One representative of the Police Department to be nominated by the Assistant Inspector General of Police (Traffic);
- (ii) One representative of the West Pakistan Transport Federation; and
- (iii) One MNA or MPA of the District, to be nominated by Government.

The quorum of meeting of the Board shall be two members and one of the two shall be the representative of the Police Department.

2. In sub-rule (2) of rule 8, after the full-stop at the end, the following shall be added:--

“The candidate shall be tested for at least twenty miles on the appropriate vehicle.”

**9. Testing of trainees of the Road Transport Corporation.---** Notwithstanding the provision of rule 8, in the case of a trainee of the Road Transport Corporation Training School, recognized by the Board of Technical Education, West Pakistan, the test of competence to drive as set forth in the Third Schedule, Part I to the Ordinance; shall be conducted by a Board consisting of:--

- (i) a representative of the Board of Technical Education, West Pakistan;
- (ii) Motor Vehicles Examiner of the area concerned; and
- (iii) the principal of the Road Transport Corporation Training School or his representative.

The quorum for the meeting of the Board shall be two members.

<sup>4</sup>PUNJAB SUBSTITUTION:--

For rule 9, the following rule shall be substituted, namely:--

“9. Exemption from Part I of the test specified in the Third Schedule of the Ordinance --- The applicant for a licence in possession of a driving certificate issued by a driving institute recognized by the Board of Technical Education in consultation with the Punjab Provincial Transport Authority shall be exempted from the test of competence to drive as set forth in Part I of the Third Schedule to the Ordinance,”

<sup>5</sup>PUNJAB ADDITION:

After rule 9, the following new rules 9-A and 9-B shall be added namely:--

1. Punjab Gazette, Extra. 7.8.1971.  
 2. Punjab Gazette, Extra. 2.11.1973.  
 3. Notification No. 2706-74-S. O.T. 1/40, Punjab Gazette, Extra., 27.1.1975  
 4. Punjab Extra, Extra. 7.8.1971.  
 5. Punjab Extra, Extra. 8.6.1970.

**“9-A. Minimum experience for a driving test.---** The minimum experience of driving required for appearing in a test of competence shall be six weeks.”

**“9-B. Re-appearance for a driving test.---** A person who fails to qualify in a test of competence to drive may re-appear in the test after a period of six weeks from the date of such failure.”

**10. Appellate Authority.---** (1) The authority empowered under sub-section (3) of section 14 to hear appeals against the decisions of a licensing authority shall be the Deputy Inspector-General of Police having jurisdiction in the District.

(2) The authority empowered under sub-section (4) of section 17 to hear appeals against the decision of a Regional Transport Authority shall be <sup>1</sup>[the Chairman, Provincial Transport Authority.]

**11. Conduct and hearing of appeals.---** (1) An appeal under rule 10 shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear a Court-fee of one rupee, setting forth concisely the grounds of objection to the order of the licensing authority or the Regional Transport Authority, as the case may be and shall be accompanied by a certified copy of that order.

(2) When an appeal is lodged a notice shall issue to the authority against whose order the appeal is preferred in such form as the appellate authority may direct.

(3) The appellate authority, after giving an opportunity to the parties to be heard, and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order from which the appeal is preferred and shall make an order accordingly.

(4) Any person preferring an appeal under the provisions of the Ordinance and of this rule shall be entitled to obtain a copy of any document filed with the licensing authority in connection with any order against which he is appealing on payment of a fee at the rate of fifty paise per page.

**12. Photograph to be affixed to the medical certificate.---** (1) The photograph to be affixed to the medical certificate of fitness in Form B shall be firmly affixed to the form and the medical practitioner shall affix his signature or seal to the photograph in addition to signing the form.

(2). The licensing authority may decline to accept a medical certificate of fitness granted more than one month before the Date of application for the grant or renewal of a licence as the case may be.

**13. Requirements as to photograph.---** (1) The copies of the photograph required by sub-section (4) of section 7 shall be not more than two inches by two inches and half in size.

(2). The photograph of the licence-holder when affixed to the licence shall be sealed with the seal of the licensing authority in such a manner that part of the impression of the seal is upon the photograph and part on the margin.

(3). If at any time it appears to a licensing authority that the photograph affixed to a licence has ceased to be a clear likeness of the holder the licensing authority may require the holder to surrender the licence forthwith and to furnish two clear copies of a recent photograph of himself, and the holder shall, within such time as the licensing authority may specify, appear in person before the licensing authority and present photographs accordingly.

(4) Upon receipt of the copies of the photographs as provided in the preceding sub-rule, the licensing authority shall remove the old photograph from the licence and affix and seal thereto one copy of the new photograph and return the licence to the applicant, and shall, if he is not the licensing authority by whom the licence was issued, forward the licence along with two attested copies of the recent photograph to the authority who issued the same. These photographs shall be compared with the photograph on record with the licensing authority, and, if in order, affix one copy on the licence and after sealing photograph, return the licence to the licensing authority to whom the application was made and such authority shall return the licence to its holder. The other copy of the photograph shall be retained on the record of the issuing authority.

Provided that if that holder of the licence so desires the licensing authority shall issue a duplicate licence with the new photograph affixed thereto and shall destroy the original licence.

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<sup>1</sup> . Subs. by Notification in Gaz. W.P., Extra. 2<sup>nd</sup> June, 1970.

(5) When a new photograph is affixed to a licence, a note shall be made upon the photograph of the date of affixture.

(6) The fee for a duplicate licence issued under the proviso to sub-rule (4) shall be five rupees.

SINDH AMENDMENT:

After sub-rule (2), sub-rule (2-A) shall be inserted:--

“(2-A) The thumb impression of the applicant shall be obtained on application form and the portion thereof containing the thumb impression shall be affixed on the licence issued to him.”

**14. Licenses lost or destroyed.**--- (1) If at any time a licence is lost by the holder or is destroyed, the holder shall forthwith intimate the facts in writing in Form L.L.D., or in a letter setting out the particulars required by Form L.L.D., to the licensing authority in whose area he has his place of residence at the time.

(2) Upon the receipt of intimation as aforesaid the licensing authority shall, if he is not authority by whom the licence was issued, forward the application alongwith the two attested copies of recent photograph to the licensing authority concerned, who after making such enquiries as he thinks fit shall, if he is satisfied that a duplicate may be issued, issue, a duplicate and send it to licensing authority to whom the application was made, and it shall return the duplicate to the holder thereof.

(3) Where a photograph is required to be affixed to a duplicate licence issued under the provisions of these rules, the holder of the licence shall furnish the licensing authority with two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate licence.

(4) The fee for a duplicate licence issued under the rule shall be five rupees; provided that if the licence is lost while in the custody of a Court or an authority to which it has been submitted or surrendered in pursuance of the provisions of the Ordinance or these rules, a duplicate copy shall be issued free of charge.

(5) When a duplicate licence has been issued upon representation that a licence has been lost and the original licence is afterwards found by the holder he shall deliver it forthwith to the licensing authority who issued the duplicate.

(6) Any other person finding a driving licence shall deliver it to the nearest Police Station or nearest licensing authority. The officer-in-charge of the Police Station, on receipt of the driving licence, shall immediately forward it to the nearest licensing authority. The licensing authority shall restore the driving licence in case the duplicate driving licence has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

**15. Defaced or torn licenses.**--- (1) If at any time it appears to a licensing authority that a licence held by any person is so torn or defaced that it has ceased to be reasonably legible or that any important part of the original licence has been detached or is missing or that any unauthorized alterations have been made, the licensing authority may impound the licence and issue a duplicate.

(2) If any of the entries are illegible or are missing or it appears that they have been detached or altered without authority, the licensing authority shall, if he is not the authority by whom the licence was issued, forward the licence alongwith two attested copies of recent photographs, to licensing authority concerned, who after making such inquiries as he thinks fit, shall, if he is satisfied that a duplicate may be issued, issue, a duplicate and send it to the licensing authority, who impounded the licence and it shall be delivered to its holder. Of it is established that deliberate alteration has been made in the licence, the licensing authority shall be competent to cancel the licence after affording an opportunity of being heard to the holder of such a licence.

(3) If a licence impounded as aforesaid is required to have a photograph of the holder affixed thereto, then:--

(i) if the photograph on the impounded licence is in the opinion of the licensing authority satisfactory and conveniently transferable to the duplicate licence, the licensing authority may so transfer, affix and seal the photograph to the duplicate licence ; or

(ii) if the photograph, affixed to a licence impounded under the provision of sub-rule (8) is not in the opinion of the licensing authority such as can be transferred to the duplicate licence, the holder of the licence shall on demand by the licensing authority furnish two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate licence and sealed and the other shall be recorded by the licensing authority, by whom the licence was issued.

(4) The fee for a duplicate licence issued under this rule shall be five rupees.

<sup>1</sup>BALUCHISTAN AMENDMENT:

In sub-rule (4) of rule 15 for the words "five rupees" the words "ten rupees" shall be substituted.

**16. Issue of duplicate licenses.**--- When a duplicate licence is issued under rule 13, rule 14 or rule 15, it shall be clearly stamped "Duplicate" in red and shall be marked with the date of the issue of the duplicate and the seal of the licensing authority.

**17. Temporary authorization in lieu of a licence.**--- (1) When the holder of a licence has surrendered it to a licensing authority at other authority for renewal or for obtaining an endorsement to drive a public service vehicle, or for any other purpose under the Ordinance or these rules, and has deposited the prescribed fee, and the licence has not been suspended or canceled, the licensing authority or other authority shall furnish him with receipt for the licence in Form L-Tem or Form L-Tem (Police) and during such time as the receipt shall be specified to remain in force it may be produced in place of the licence under sub-section (1) of section 90.

(2) The granting authority in the case of a receipt in Form L-Tem, or a Magistrate of the first class in the case of a receipt in Form L-Tem (Police), may at his discretion extend the term of the receipt issued under the preceding sub-rule by order endorsed thereon, provided that a Magistrate shall not extend the term of a receipt if the holder of the licence is present before him and the licence is available in Court.

(3) No fee shall be payable in respect of a receipt given under this rule.

**18. Procedure when licence is forwarded to a Court.**--- (1) Notwithstanding the proviso to sub-section (1) of section 90, in cases where a driver driving as paid employee or the driver of a transport vehicle has forwarded his licence to a Court under sub-section (2) of section 116, it shall subject to the condition in sub rule (2) be a sufficient compliance with section 90 if the produces the licence within ten days (or in the case of any driver, if he does not receive the licence back from the Court within ten days, then within four days of its receipt) at a police station or such other place in the region as may be specified by the police officer or other authority making the demand.

(2) No driver shall be entitled to the benefit of sub-rule (1) unless he exhibits to the Police Officer or authority who has demanded the production of his licence; ---  
the summons received by him from the Court,. Being a summon requiring him to attend on a date not more than fourteen days before or after the date on which the demand is made, and  
postal receipt for the registered letter under which the licence has been forwarded to the Court.

**19. Learner's driving licence.**--- (1) Section 3 shall not apply to any person driving a motor vehicle in a public place during the course of receiving instructions or of gaining experience in driving with the object of presenting himself of or the test required by sub-section (6) of section 7 so long as:---

- (i) the driver has obtained and carries a learner's driving licence in Form L.Lr. entitling him to drive the vehicle
- (ii) there is, besides the drivers, in the vehicle as instructor a person duly licensed to drive the vehicle and sitting in such a position as to be able readily to stop the vehicle;
- (iii) there is affixed both to the front and rear of the vehicle a white plate or care seven inches square bearing the letter "L" in red four inches high and three and a half inches wide;
- (iv) No fare-paying passengers are carried in the vehicle;

Provided that clause (ii) shall not apply to a person driving a two-wheeled motor cycle with or without a side-car attached.

<sup>1</sup> . Baluchistan Notification of 1.7.1980.



(2) A separate application for a learner's driving licence for each type of a motor vehicle shall be made in L.Lr.A. to the licensing authority having jurisdiction in the area in which the applicant ordinarily resides and shall be accompanied by a fee of rupees five.,

(3) An applicant for a learner's driving licence shall, if so required by a licensing authority, present himself for a preliminary oral test in the road traffic regulations.

(4) A learner's driving licence shall be valid for a period of six months and may be renewed for a further period of six months on payment of a fee of rupees two for each renewal.

(5) A licensing authority may after giving an opportunity of a being heard refuse to issue or renew a learner's driving licence or may revoke such a licence issued by it for reasons to be recorded in writing which should be communicated to the applicant or the learner's driving licence holder, as the case may be.

(6) Any person aggrieved by an order passed under sub-rule (5) may appeal within thirty days to the Deputy Inspector-General of Police of the area, whose decision shall be final.

(7) A person driving as a learner shall produce his learner's driving licence for examination on the demand of any police officer in uniform

<sup>1</sup>BALUCHISTAN AMENDMENT:

In sub-rule (2) of rule 19 for the words "rupees five" the words "rupees ten" shall be substituted.

**20. Disqualification under sections 16 and 17.---** (1) A licensing authority taking possession of a licence under sub-section (2) of section 16 shall, if the licence was issued under the Ordinance and was granted by another licensing authority, intimate the fact to that authority.

(2) A Regional Transport Authority, before declaring a person disqualified for holding or obtaining a licence to drive a transport vehicle in the Province, shall give such a person an opportunity of being heard.

(3) When a Regional Transport Authority declares a person disqualified under sub-section (1) of section 17, it shall, if the person holds a licence, endorse the licence accordingly and shall send intimation of such declaration to the authority by whom the licence was issued.

**21. Intimation to original authority of endorsements and renewal.---** (1) The Court making or causing to be made an endorsement on a licence under section 20 shall send intimation in Form LE to the licensing authority by whom the licence was issued and to the licensing authority by whom it was last renewed.

(2) A licensing authority renewing a licence under the provisions of sub-section (5) of section 12 shall intimate the fact to the licensing authority by whom the licence was issued in Form L.R.

**22. Change of address of licence-holder.---** The holder of a licence entitling him to drive as a paid employee or to drive a public service vehicle shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three months report any change of his temporary or permanent address as notified on the licence to the licensing authority by whom the licence was issued and the licensing authority by whom it was last renewed.

**23. Schools of motoring.---** (1) No person shall engage in the business, of giving instruction in the driving of motor vehicles nor shall any person advertise or otherwise publicly undertake to give such instructions, without a licence and constituting the said person as a school of motoring.

(2) Any person desiring to obtain a licence for enabling him to engage in the business referred to in sub-rule (1) shall make an application for the purpose to the licensing authority of the area in which he has his place of business.

(3) The licensing authority may, on receipt of an application under sub-rule (2), grant a licence in Form M.S., to the applicant for engaging in the business of giving instruction in the driving of motor vehicles or for advertising or otherwise publicly undertaking to give such instructions as may be specified in the application and subject to compliance with such conditions, if any, as may be specified in the licence and constitute the applicant a school of motoring or may refuse to grant a licence. Where a licence is refused, the licensing authority shall furnish the applicant an order in writing setting forth the reasons of such refusal.

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<sup>1</sup> . Baluchistan Notification of 1.7.1980.

(4) A licence granted under sub-rule (3) shall be valid for a period of three years and may be like-wise renewed from time to time.

(5) The licensing authority shall in exercising its powers in granting or renewing or refusing a licence under this rule have regard to the following factors, that is to say, that:--

- (i) the applicant and staff are of good moral character and qualified to give instruction;
- (ii) the premises where the school is proposed to be conducted is either owned by the applicant or hired in his name and consists of at least one room commodious enough to accommodate the students under training and sufficient to provide for amenities such as water-taps and lavatories;
- (iii) the financial resources of the proposed school are sufficient to provide for its continued maintenance;
- (iv) the applicant maintains at least two motor cycles, two motor cars, two light transport vehicles and one heavy motor vehicle of each of these categories of motor vehicle for which he desires a licence:

Provided that the vehicles required to be maintained are all registered in the name of applicant, or available exclusively for training purpose, and except for motor cycles, are fitted with dual control;

(v) The applicant maintains the following apparatus and equipment, namely:--

- (a) Black-board;
- (b) Road plan board with necessary Toy Signals and charts;
- (c) Traffic sign chart;
- (d) Road signals chart;
- (e) Service Chart detail view of all components of motor vehicles;  
Engine assembly, rear axle assembly, gear box assembly; Sectionalized as to reveal the working parts. (f)  
of one of the well-known makes such as Chevrolet or; Ford V-B, Dodge Fargo, except where the applicant; desires to give instructions in riding of motor cycles only;

(g) Chasses assembly of (one of the well-known makes, such as Ford, Chevrolet, Leyland, Bed Ford, Dodge, Austin) complete steering mechanism, suspension axles and brake drum shoes, except where the applicant desires to give instructions in riding of motor cycles only;

(h) Puncture repair kit with tyre lever, wheel brack, jack, tyre-pump and tyre pressure gauge;

(i) Spanners (a set each of fixed spanners, box spanners, pliers, screw drivers, screw spanners and a hammer);

(j) Driving instructions Manual;

(k) The Pakistan Highway Code

(l) Desks for students and work benches;

(m) Complete electrical equipment on a bench to demonstrate the working of lights, self-starter dynamo cutout-battery and switches;

(vi) the applicant or any member of the paid staff employed by him for giving instructions possesses the following qualifications, namely:--

(a) at least 5 years driving experience in addition to a certificate in motor mechanics course or any other equivalent qualification from an institution recognized by Government;

- (b) a thorough knowledge of traffic signs specified in the Ninth Schedule to the Ordinance, and of the driving regulations specified in the Tenth Schedule to the Ordinance, so as to be able to impart instructions therein to the satisfaction of the licensing authority;
- (c) ability to demonstrate and explain the functions of different component parts of the vehicle in his possession, to the satisfaction of the licensing authority;
- (d) adequate knowledge of either English or Urdu or a regional language of the region in which the school is established so as to be able to impart the all the instructions in the said language;
- (e) an adult First Aid Certificate issued by the St. John Ambulance Association (Pakistan);
- (vii) the applicant maintains fully equipped first-aid sets for use in emergencies at the premises of the training school and in each of the vehicles used for training;
- (viii) the need of a school of motoring in the particular locality.

Provided that before passing an order of refusal to renew the Authority shall give to the licensee an opportunity of showing cause against the proposed order,

(6) The applicant shall maintain a record with photographs of the students attending the school from time to time, the duration of their instructions and the date on which they passed the test in driving specified in the Ordinance.

(7) The licensee shall submit to the licensing authority such information and such returns as may be called for by it.

(8) The licensee shall--

- (a) not either the place of business of the school of motoring mentioned in the licence without the prior approval of the licensing authority obtained in writing;
- (b) keep the premises of the school at reasonable times for inspection by any person deputed by the licensing authority.

(9) It shall be lawful for licensing authority by an order in writing to approve the nature and duration of courses of instruction and the number of pupils to be instructed at any one time.

(10) The fees to be charged by a licensee shall be at such rates as may be fixed by the licensing authority and the fees so fixed shall not be varied without the prior approval of such authority. Special fees may subject to the approval of the licensing authority, be charged for special courses.

(11) The licensing authority may by order in writing suspend or cancel a licence granted under sub-rule (3) if a licensee:--

- (a) fails to maintain the equipment, vehicles and other matters referred to in sub-rule (5) in accordance with the standard envisaged by that sub-rule, or fails to comply with the provisions of that sub-rule or any other provisions of this rule; or
- (b) fails to maintain the vehicles of the school in accordance with the provisions of rules; or
- (c) does not impart proper instructions as indicated by the results of driving tests or otherwise; or
- (d) for any other reason considered sufficient:

Provided that no such order shall be made unless:--

- (a) the reasons for suspension or cancellation of licence are recorded in the order and the copy of the order is furnished to the licensee; and
- (b) The licensee has been given an opportunity of showing cause against the order which the following licensing authority proposes to make.

(12) Where the Licence is cancelled or suspended under sub-rule (11), Form M.S. shall be surrendered to the licensing authority by the holder thereof.

**24. Appellate authority.---** (1) The authority to hear appeals against any of the following orders passed by the licensing authority under rule 23, shall be the Deputy Inspector-General of Police having jurisdiction in the District namely:--

- (a) order granting suspending or cancelling a licence for the establishment of a school of motoring;

- (b) order refusing a request to alter the place of business of school of motoring;
- (c) order fixing the rate of fees or refusing approval to the charging of special fees for special courses;
- (d) any order passed under sub-rule (9) of that rule.

2. Any person aggrieved by any such order passed by the licensing authority may within thirty days of the date of the receipt of such order appeal to the Deputy Inspector-General of Police.

**25. Conduct and hearing of appeals.-** (1) An appeal under rule 24 shall be preferred in duplicate in the form of a memorandum setting forth concisely the grounds of objection to the order of the licensing authority and shall be accompanied by a fee rupees two and a certified copy of such order.

(2) When an appeal is lodged a notice shall be issued to the licensing authority in such form as the appellate authority may direct.

(3) The appellate authority, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary may confirm, vary or set aside the order of the licensing authority and shall make an order accordingly:

(4) Any person preferring an appeal under rule 24 shall be entitled to obtain a copy of any document filed with the licensing authority in connection with any order against which he is preferring an appeal, on the payment of a fee of rupees two in respect of each such document.

(5) Subject to the provisions of sub-rule (4), the appellate authority or the licensing authority may, in his or its discretion, give any person interested in such appeal, copies of any documents connected with the appeal, on payment of a fee of rupees two per copy of each document.

**26. Fees for the issue and renewal of driving licenses.---** The following fees shall be payable respectively for the issue and renewal of driving licenses under sub-section (9) of section 7 and sub-section (4) of section 12:---

	Rs.
(i) Fee for the issue of driving licence;	10.00
(ii) Fee for the renewal of driving licence:--	
(a) Where the application for renewal is made within thirty days from the date of expiry of the licence.	5.00
(b) Where the application for renewal is made after thirty days of the date of expiry of the licence.	10.00

<sup>1</sup>BALUCHISTAN AMENDMENT:

In clauses (1) and (ii) of rule 26, for the figures "10.00", "5.00" and "10.00" the figures "20.00", "10.00" and "20.00" shall be substituted, respectively.

<sup>2</sup>N.W.F.P. SUBSTITUTION:

In rule 26 for sub-clause (a) of clause (ii), the following sub-clause shall be substituted, namely:--

"Where the application for renewal is made after	Rs. 20.00
thirty days of the date, of expiry of the licence.	Per annum.

<sup>3</sup>PUNJAB ADDITION:

After rule 26, the following new rule shall be added namely:--

<sup>1</sup> . Baluchistan Notification of 1.7.1980.

<sup>2</sup> . N.W.F.P. Gazette, Extra. 25.10.1975.

<sup>3</sup> . Punjab Gazette, Extra. 7.8.1971.

**“26-A. Renewal of Licence by Postal Authorities.---** Licence other than a licence for driving a transport vehicle or a licence not renewed for three years covered by the proviso to sub-section (4) of section 12 of the Ordinance shall be renewed at the Post Offices in the manner and in accordance with the procedure laid down in the Punjab Renewal of Repetitive Licences-Arms/Driving Licences and Payment of Motor Vehicle Tax through Post Office Rules, 1970.

<sup>1</sup>PUNJAB SUBSTITUTION:

For the existing rule 26-A, the following shall be substituted, namely:--

“26A. a licence shall be renewed at the Post Office in his manner and in accordance with the procedure laid down in the Punjab Renewal of Repetitive Licenses-Arms/Driving Licenses and Payment of Motor Vehicles Tax through Post Offices Rules, 1970.”

**27. Certain person to be exempted from driving licence fees.---** No fee shall be charged.—

(a) for the issue or renewal of a driving licence or a learner’s driving licence:--

(i) to a person employed in the service of the Central or the Provincial Government for driving a motor vehicle; or

(ii) To such Foreign Consular Officer Carrier or to such class of persons as Government by a general or special order specify in this behalf;

(b) for the issue or renewal of a driving licence to an ex-serviceman holding a certificate of proficiency in driving a motor vehicle from an Officer of the Armed Forces of Pakistan.

### CHAPTER III REGISTRATION OF MOTOR VEHICLES

**28. Registering authority.---** (1) The registering authority shall be the Excise and Taxation Officer of the District.

(2) The area of jurisdiction of each registering authority shall be the area of the District.

(3) The registering authority, before cancelling or suspending the certificate of registration of a motor vehicle, shall give the owner an opportunity of being heard.

<sup>2</sup>[Punjab Amendment]

In Rule 28 for sub rule (1) the following shall be substituted: ---

“(1) The registering authority shall be the District Officer/excise and Taxation Officer or Deputy District Officer/Excise and Taxation Officer, as the case may be, appointed by the Government to discharge the functions and perform the duties as such, in any specified area.”

**29. Appellate authority.---** (1) The authority to hear appeals against any appealable order passed by a registering authority under Chapter III of the Ordinance shall be the Director, Excise and Taxation having jurisdiction in the District.

(2) The authority to hear appeals against any order passed to suspend certificate of registration under section 34 read with rule 45 shall be the Director, Excise and Taxation having jurisdiction in the area.

(3) The authority to hear appeals against an order in respect of a certificate of fitness under section 39 read with rule 35 shall be the Superintendent of Police having jurisdiction in the area which the order was passed.

<sup>3</sup>[Punjab Amendment]

In Rule 29 and 30 the words and comma “Director Excise and Taxation” wherever occurring shall be substituted by the words and oblique district Officer/Director Excise and Taxation”.

**30. Conduct and hearings of appeals.---** (1) An appeal under rule 29 shall be preferred in duplicate in the form of memorandum, setting forth concisely the grounds of objection to the order of the registering authority or the Motor Vehicles Examiner, as the case may be, and shall be accompanied by a fee of rupees five and a certificate copy of that order. The Director, Excise and Taxation, or the Superintendent of Police, as the case may be, may, if the appeal succeeds, refund the fee in whole or in part, as he thinks fit.

<sup>1</sup> . Punjab Gazette, 11.6.1975.

<sup>2</sup> . Subs. By Notification No. SOAI (E&T)3-116/2000, dated 24.4.2002.

<sup>3</sup> . Subs. by Notification No. SOAI (E&I)3-116/2000, dated 24.4.2002.

(2) The appellate authority after giving an opportunity to the parties to be heard and after such further enquiry, if any may deem necessary, may confirm, vary or set aside the order of the registering authority of the Motor Vehicles Examiner or the Court, as the case may be, and shall make an order accordingly.

(3) Any person preferring an appeal under rule shall be entitled to obtain a copy of any document filed with the registering authority or the Motor Vehicles Examiner or the Court in connection with any order against which he is preferring an appeal on the payment of a fee of rupees two in respect of each such document

(4) Subject to the provisions of sub-rule (3), the Director, Excise and Taxation or the Superintendent of Police may give any person interested in such appeal copies of any document connected with the appeal, on payment of a fee of rupees two per copy of each document.

**31. Assignment registered weights.---** In assigning any weight other than the unladen weight to a transport vehicle under section 28, the registering authority may, if the owner so desires, assign a weight less than the maximum permitted by the provisions of that section as the registered laden weight or the registered axle weight of any axle.

**32. Assignment and exhibition of registration marks.---** (1) The registration marks to be assigned under sub-section (3) of section 25 are set forth in the Sixth Schedule to the Ordinance.

(2) The registration mark shall be clearly and legibly exhibited on a plane surface on a plate or part of the vehicle both at front and rear facing direct to the front or rear, as the case may be, in the manner hereinafter specified motor vehicles owned by Government Departments, except those of the Special Branch, shall carry the distinctive registration plate in the form illustrated in the Second Schedule to these rules. The name of the Department to which the vehicle belongs shall be shown in the plate. In the case of a public service vehicle, the registration mark shall also be exhibited on a plane surface inside the vehicle, above the wind screen.

(3) The registration mark shall be in English letters and numerals and: ---

(a) Save in the case of a motor cycle or a motor cab rickshaw or a motor cycle rickshaw or an invalid carriage the letters shall be not less than two and half inches high and a five-eighths of an inch thick at any part the numeral shall not be less than three and a half inches high and three quarter of an inch thick at any part, and there shall be space between any letter and any numeral, and the edge of the plane surface, of not less than half an inch and a space between any two letters and between any two numerals of not less than three eight of an inch;

(b) in the case of a motor cycle or a motor cab rickshaw or a motor cycle rickshaw or an invalid carriage, letters shall be not less than one and two-third inches high and half an inch thick at any part, and there shall be space between any, letter and any numeral, and the edge of the plane surface, of not less than a third of an inch and a space between any two numerals of not less than quarter of an inch.

(4) The plane surface aforesaid shall not be inclined from the vertical by more than thirty degrees. The letters and numerals shall be exhibited in the following manner:--

(a) in the case of a transport vehicle, other than a motor cab excluding motor cab rickshaw, both registration marks assigned to the vehicle shall exhibit the letters and numerals in two separate horizontal lines, the letters above and the numerals below;

(b) in all other cases, the registration marks may exhibit the letters and numerals either in two horizontal lines as aforesaid or in one horizontal line.

(5) Notwithstanding anything contained in sub-rule (2), the registration mark exhibited at the front of a motor cycle of an invalid carriage may be displayed on a plate in a line with the axis of the vehicle and shall in such case be displayed on both sides of roof plate.

(6) The front and rear registration mark exhibited on a public service vehicle shall be affixed at a distance of not less than eighteen inches from the ground level.

(7) If the letters and numerals are exhibited in any polished metallic surface they shall have plane and not rounded surfaces.

SINDH AMENDMENTS

<sup>1</sup>[White letters and numerals on dark blue background with "Sindh Police" inscribed underneath].

<sup>2</sup>[Sub-rule (8) to be added as follow:--

The registration plates shall be issued in respect of various classes of vehicles on payment at the following rates:--

- |       |  |  |
|-------|--|--|
| (i)   | Motor cycle Rickshaw, Scooters & Motor Cycles: | Rupees ten per single plate.                   |
| (ii)  | Trucks & Trailers:                             | Rupees Seventy-five for a set of three plates. |
| (iii) | Other Vehicle:                                 | Rupees fifty for a set of two plates.          |

(2) In clause (b) the numerals "20" × "4-1/2" shall be substituted for "16" × "5-1/2".

(3) After clause (b) the following proviso shall be made:--

"Provided that the size of registration plate for motor cycle rickshaws, scooters and motor cycles shall be "16-1/2" × "6-1/2".

(3) In clause (c), in sub-clause (i) after serial No. 4 the following shall be interested:--

(5) Black letter & numerals on yellow background.

(5) In clause (c) after sub-clause (iv) following new sub-clause shall be inserted:

(v) (a) Scooters and Motor Cycles.

Sky blue letters and numerals on white background:

(b) Motor Cycle Rickshaws.

(6) After clause (c) a new clause shall be inserted.

(d) The registration plates shall be alpha-numeric in character comprising embossed alphabets (excluding I & O), four digits, monogram of Sindh Government and the name of respective District:

Provided that the registration plate for Motor Cycle Rickshaws, Scooters and Motor Cycles shall comprise one alphabet, five digits, monogram of Sindh Government and name of respective District.

<sup>3</sup>PUNJAB AMENDMENT:

"32A. (1) If description of a vehicle mentioned in Note (ii) of Second Schedule is altered, the owner shall within fifteen days of such alteration intimate the fact to the original registering authority by whom the registration plate were made available under section 25 of the Ordinance.

<sup>1</sup>. Vide Sindh Notification No. S.O. (T-II) 8 (19)/77, dated 21.9.1978.

<sup>2</sup>. Vide Sindh Notification No. S.O. (T-II) 8-45/85/176, dated 15.10.1989.

<sup>3</sup>. Vide Punjab Notification No. S.O. (Excise) 1-29/2003 (P-III), dated 16.12.2008.

1. Registered No. of vehicle -----
2. Name and address of owner as set forth in the Certificate of Registration. -----
3. The Registration Unladen Weight in lbs, denoted by U.W. -----
4. The Registration Laden Weight in lbs, denoted by R.L.W. -----
5. Carrying capacity:-- -----
  - (a) If a stage or a contract carriage, the number of the passengers of whom accommodation is provided. -----
    - (i) Upper Class -----
    - (ii) Lower Class -----
  - (b) and (b) if a goods vehicle, in lbs. -----
6. Registered Front Axle weight in lbs. denoted F.A.W -----
7. Registered Rear Axle weight in lbs. denoted R.A.W. -----
8. Number and size of tyres: -----
  - (a) Front Axle -----
  - (b) Rear Axle -----
  - (c) Intermediate Axle, if any -----

Signature and name of the  
Motor Vehicle Examiner.

(2) The owner shall submit registration certificate and set of number plate to the said motor registering authority, who shall assign new registration mark and shall make available to the owner of vehicle a new set of plates on payment of notified price after making endorsement to this effect in the registration certificate.

(3) The Government may notify procedure of destruction of registration plates deposited under sub-rule (2) by the owner to the registering authority.

**33. Registration mark on a trailer.---** (1) The registration mark of a trailer shall be exhibited on a plane plate or surface on the left hand side of the trailer. The letters, figures, space and margin shall be of dimensions not less than those prescribed in (b) of sub-rule (3) of rule 32.

(2) The registration mark of the drawing motor vehicle required by the Ordinance to be affixed to the rear of a trailer shall be in conformity with all the provisions of these rules applicable to the registration mark affixed to the rear of a motor vehicle.

**34. Particulars to be printed on transport vehicles.---** (1) Save in the case of motor cabs, delivery vans or trailers of the nature specified in clause (h) of sub-section (3) of section 44, the particulars set forth below shall be exhibited in a fixed frame inside the vehicle in the driver's cab, in English letters and numerals:--

<sup>1</sup>[Signature of the Authorized Person -----  
Seal of the licensed Authorized Workshop -----  
Licence No. -----

<sup>1</sup> . Ins. by Notification Published in Gaz., W.P., Extra., 2nd June, 1970.



Place of issue -----

(2) The full name of the company, society, firm or person owing the vehicle as set forth in its registration certificate shall be exhibited on both sides of every transport vehicle other than motor cabs, delivery vans and trailers, in block letter measuring four inches in height and three-fourths of an inch in thickness.

Provided that with the approval of the Regional Transport Authority concerned abbreviation of names may be used.

(3) In case of a motor cab, or a motor Cab rickshaw, the word "TAXI" shall be painted in white in the middle of the wind screen as well as of the rear glass. The letters shall be not less than 2-1/2 inches high and 5/8th of an inch thick at any part. The word "Private" in block letters not less than 2-1/4 inches high and 5/8th of an inch thick at any part shall be painted in red in the middle of the wind-screen of a motor cycle rickshaw.

(4) This rule shall not apply to any vehicle registered under section 40 or 41].

<sup>1</sup>SINDH AMENDMENTS

2-A. In every motor cab rickshaw and motor cab, used as taxi, the registration mark, name and photograph of the driver and name and address of the owner of the vehicle shall be exhibited in a fixed metal frame of six square inches inside the cabin in such a manner as to be clearly visible to the passengers, traveling in such vehicles.

<sup>2</sup>[(4) The registration mark of a motor cab or a motor cab rickshaw used as taxi shall be painted in red on the upper left corner of the front wind screen in letters and digits of 5/6 inch height and 7/60 inch width.

(5) This rule shall not apply to any vehicle registered under section 40 or section 41].

#### COMMENTS

Vires and reliability to Government of Sindh adding sub-rule (2-A) in R. 34 of West Pakistan Motor Vehicles Rules, 1969. Added sub-rule requiring some particulars to be exhibited. Contention that added sub-rule not relatable to cls. (c) & (e) of sub-section (2) of section 43. It was held that on consideration of provisions contained in Ss. 43, 28 & 74, rules besides being intra vires could be framed under and by aid of S. 43 and sub-section (2), cl. (e) thereof authorizes Government to provide for manner in which prescribed particulars have to be exhibited.<sup>3</sup>

**35. Issue and renewal of certificate of fitness.---** (1) (a) The authority prescribed to issue or renew a certificate of fitness and to perform all other functions which are to be discharged by a prescribed authority under section 36, shall be:--

(i) in the case of vehicles owned and operated by the Road Transport Corporation established under section 70, the Work Manager of the Corporation or any other officer appointed by it for the purpose; and

(ii) in the case of other vehicles, the Motor Vehicles Examiner appointed by the Inspector-General Police, West Pakistan.

(b) The authority granting a certificate of fitness shall send a copy thereof to the registering authority concerned:

<sup>4</sup>[Provided that the Regional Transport Authority may authorize any licensed Automobile Workshop to perform the functions of a Motor Vehicles Examiner].

(2) An application for the issue or renewal of certificate of fitness shall be made in Form C.F.A. Form C.F.R.A., respectively, to the Motor Vehicles Examiner <sup>5</sup>[or a licensed Automobile Workshop] of the area where the owner his has principal office of Business.

(3) The Motor Vehicles Examiner [or a licensed Automobile Workshop] by whom a certificate of fitness was issued or if it has been renewed, the Examiner [or a licensed Automobile,

<sup>1</sup>. Inserted by Sindh Notification No. S.O. (T-II) 8 (39)/80, dated 8th April, 1981.

<sup>2</sup>. Subs. by Sindh Notification No. S.O. (T-II) 8-32/79, dated 5th March, 1980.

<sup>3</sup>. 1983 CLC 1508.

<sup>4</sup>. Ins. by Notification, Published in Gaz. W.P. Extra., 2nd June, 1970.

<sup>5</sup>. Ins. by Notification, Published in Gaz. W.P. Extra., 2nd June, 1970.

Workshop] by whom it was last renewed, may endorse thereon the date, appointed for the next inspection of the vehicles and the owner shall cause the vehicle to be produced accordingly.

(4) If the owner finds that the vehicle cannot be produced for the next inspection on the date endorsed on the certificate of fitness, he shall not less than fifteen days before the aforesaid date, apply to the Motor Vehicles Examiner <sup>3</sup>[or a licensed Automobile Workshop] for the change in the date of inspection stating the reasons for such a charge. When date of inspection is extended by the Examiner [or a licensed Automobile Workshop] no penalty as provided in sub-rule (9) shall be chargeable for the period for which extension is granted.

(5) If no date for the next inspection is endorsed on the certificate of fitness as provided in sub-rule (3), application for the renewal of a certificate of fitness shall be made in Form CFRA not less than fifteen days before the date of expiry of the certificate and the owner of a vehicle in respect of which such application is made shall cause the vehicle to be produced for inspection on such date as the Motor Vehicles Examiner [or a licensed Automobile Workshop] may appoint.

(6) There shall not be more than one certificate of fitness in respect of any vehicle which shall be bound in registration certificate of the vehicle.

(7) If, owing to mechanical break-down or other cause, a motor vehicle is, after expiry of the certificate, outside the area in which the Motor Vehicles Examiner [or a licensed Automobile Workshop] by whom the certificate is to be renewed has jurisdiction the Motor Vehicles Examiner [or a licensed Automobile Workshop] may without prejudice to any penalty to which the owner a drive may have become liable, if the vehicle is in his opinion fit for use, by a driver may have become liable, if the vehicle is in his opinion fit for use, by endorsement in Form C.F. Sub. and subject to such condition as he may specify, authorize its continued use for such time not exceeding one week as may be reasonably necessary for the vehicle to return to the area of the Examiner by whom the certificate should be renewed, and the vehicle may be driven to such area in accordance with such endorsement but shall not be used after return to that area until the certificate has been renewed.

(8) If a vehicle is damaged at any time so as to be unfit for ordinary use and may in the opinion of any Motor Vehicles Examiner [or a licensed Automobile Workshop] safely be driven at a reduce speed to a place of repair, and if the Examiner [or a licensed Automobile Workshop] is satisfied that it is necessary that the vehicle should be so driven any Motor Vehicles Examiner [or a licensed Automobile Workshop] may, by endorsement in Form C.F.X., specify the time within which, and the condition subject to which, the vehicle may be driven to a specified destination for the purpose of repair and the limit of speed beyond which it shall not be driven.

(9) The fee for:--

- i. the grant of a certificate of fitness shall be rupees twenty; and
- ii. for the renewal of such certificate:--

(a) in cases where the vehicle in respect of which the certificate is required, is produced for inspection within fifteen days of the expiry of the certificate, rupees ten; and

(b) in cases where the vehicle is not produced for inspection within the aforesaid period of fifteen days, rupees ten, plus a penalty not exceeding rupees twenty;

<sup>1</sup>[Provided that the fee for the grant or renewal of a certificate of fifteen days payable to a licensed Automobile Workshop shall be rupees ten.]

(10) Any Motor Vehicles Examiner or any Police Officer not below the rank of Deputy Superintendent of Police may after giving the owner an opportunity of being heard cancel the certificate of fitness of a transport vehicles under sub-section (3) of section 39 or may suspend the certificate for a period not exceeding two months if in his opinion the vehicle does not for a period not exceeding two months if in his opinion the vehicle does not comply with the provisions of Chapter VI of the Ordinance or the rules there under.

(11) The authority cancelling a certificate of fitness under sub-rule (10) shall give the owner or other person in charge of the vehicle a notice in Form C.F.C. for such cancellation and shall make a report of his action and forward the certificate to the (appropriate) Superintendent of Police.

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<sup>1</sup> . Ins. by Notification, Gaz. W.P. Extra., 2<sup>nd</sup> June,1970.

After the authority has cancelled the certificate of fitness, such authority may by endorsing in Form C.F.X., specify the time within which and the conditions subject to which the vehicle may be driven to a specified destination for the purposes of repair.

(12) Nothing in sub-rule (11) shall debar the owner or the person-in-charge of the vehicle, the certificate of fitness of which has been cancelled from applying at any time for the restoration of the certificate of fitness if the vehicle has been repaired in such a manner that the provisions of Chapter VI of the Ordinance and of the rules made there under are complied with. If such a vehicle is inspected and passed within fourteen days of the date of cancellation of the certificate of fitness but before the date of expiry specified in such certificate, the certificate shall be restored to its original date of expiry and no restoration fee shall be charged. If, however, the vehicle is brought for inspection at any other time, fresh certificate of fitness will be required.

(13) While inspecting a motor vehicle, the Motor Vehicles Examiner <sup>1</sup>[or a licensed Automobile Workshop] shall fill in Form M.V. Ins., <sup>2</sup>[or] in duplicate, and shall on completion deliver the original copy to the owner or his authorized agent or his driver.

**N.W.F.P AMENDMENT:**

<sup>3</sup>[(ii) In the case of other vehicles the Motor Vehicles Examiner appointed by the Inspector-General of Police, North-West Frontier Province, who shall examine the vehicle in the presence of the Deputy Superintendent of the Police (Headquarter) or any Deputy Superintendent of Police deputed by the Superintendent of the Police of the District concerned and grant the fitness certificate only when both are of the view that the vehicle is fit for further use.]

**PUNJAB AMENDMENT:**

- <sup>4</sup>[(i) In clause (i) for the words "Rupees Twenty" the words "Rupees Fifty" shall be substituted.
- (ii) In sub-clause (a) of clause (a) (ii) for the words "Rupees Ten" the words "Rupees Twenty-five" shall be substituted.
- (iii) In sub-clause (b) of clause (ii), for the words "Rupees ten" and "Rupees Twenty" the words "Rupees Twenty-five" and "Rupees one hundred" respectively shall be substituted, and
- (iv) In the provision for the words "Rupees Ten" the words "Rupees Twenty" shall be substituted].

<sup>5</sup>[PUNJAB AMENDMENTS]

In Rule 35 for sub-rule (9), the following shall be substituted:--

**Fee for grant of Fitness Certificate (1st Time):---**

Particulars	Rate of Fee
(i) For Transport Vehicles except delivery vans	Rs. 600/-
(ii) For Delivery Vans	Rs. 400/-
(iii) For Motorcycle Rickshaws	Rs. 400/-

**Fee for renewal of Fitness Certificate:---**

Particulars	Rate of fee
(i) For Heavy Transport Vehicles	Rs. 300/-
(ii) For Light Transport Vehicles	Rs. 300/-
(iii) For Delivery Vans	Rs. 250/-
(iv) For Motor Cab Taxi/Rickshaws/Motorcycle Rickshaws	Rs. 250/-

**COMMENTS**

<sup>1</sup> . Vide N.W.F.P. Notification No. S.O. III (Ind) 8-6/79, dated 24<sup>th</sup> Feb., 1980.  
<sup>2</sup> . Ins. by Notification CrI. W.P., Extra., 2<sup>nd</sup> June, 1970.  
<sup>3</sup> . Vide Punjab Notification No. SO TR 1/12-48/79, dated 15.12.1980.  
<sup>4</sup> . Vide Punjab Notification No. SO TR 1/12-48/79, dated 15.12.1980.  
<sup>5</sup> . Subs. by Pb. Notification No. SO (TR-I)-2-10/2000(P). dated 9.2.2002.

Motor Vehicle Examiner. Not governed by Police Rules but civil servant, within meaning of Civil Servants Act. Applicant instead of filing a departmental appeal under section 22 of Civil Servants Act against his removal from service making mercy petitions to I.G.P. Appeal against order of Service Tribunal rejecting appeal of civil servants as incompetent for not availing of proper remedy. Held, without any merit.<sup>1</sup>

Order of cancellation of Licence of Motor Vehicle Examiner conveyed by Secretary, RTA, would not violate requirement of rule 56 which prescribes a minimum quorum of two members, besides Chairman, or his nominee, and excluding Secretary.<sup>2</sup>

<sup>3</sup>[35-A. **Licensing of Automobile Workshop.**--- (1) Any automobile workshop may make an application in Form C.F.L.A. to the Regional Transport Authority of the area for the grant of a licence to issue or renew a certificate of fitness of a vehicle.

(2) On receipt of application in Form C.F.L.A. the Regional Transport Authority may, after such enquiry as it may deem necessary, either reject the application or grant a licence in Form C.F.L.A. on the conditions specified therein:

Provided that no such licence shall be granted unless the Automobile Workshop is of the standard laid down by the Provincial Transport Authority in this behalf.

(3) The fee for such licence shall be rupees one thousand per annum.

[35-B. **Suspension or cancellation of a licence for the establishment of an automobile workshop to grant and renew certificate of fitness.**--- (1) The Regional Transport Authority granting licence may at any time suspend or cancel the licence in case any condition thereof is contravened by the licensed Automobile Workshop provided that the Regional Transport Authority before passing an order for cancelling of the licence may afford the licensee an opportunity of being heard.

(2) The licence granted under rule 35-A shall, unless suspended or cancelled under sub-rule (1), be valid for a period of one year from the date of issue.

[35-C. **Appellate Authority.**--- Any person aggrieved by an order passed under sub-rule (1) of rule 35-B, may within thirty days of the order prefer an appeal to the Chairman, Provincial Transport Authority, whose order shall be final].

**36. Temporary registration of newly sold vehicles.**--- (1) When for any reason it is impracticable for the purchase of a newly sold vehicle to obtain registration certificate in the ordinary course, owing to a temporary closure of the office of the registering authority or for other similar reason, or where the purchaser of a newly sold vehicle intends to take it immediately to the district where he has his permanent residence or a place of business, a temporary certificate of registration and a temporary registration mark may be issued under this rule, and temporary certificate and registration marks shall for the time being serve all the purpose of a regular certificate and registration mark.

(2) For the purpose of issuing temporary certificates of registration and temporary registration marks any Revenue Officer of or above the rank of Assistant Collector or any Police Officer of or above the rank of Inspector or any approved firm of motor dealers or association of persons using motor vehicles may be appointed by Government to be a special registering authority. Where a firm of motor dealers or association of users of motor vehicles is so appointed, the registering authority may, from time to time, prescribe the names of the persons, being members or employees of the firm or associations, who shall be competent to sign the temporary certificate of registration, and no certificate signed on behalf of the firm or association by any other person shall be valid.

(3) A temporary certificate of registration or a temporary registration mark shall not be issued except in respect of vehicle which has not previously been registered under the Ordinance.

(4) Every application for a temporary certificate of registration shall be in writing and shall indicate the District or place where the vehicle is intended to be produced for permanent registration. It shall be supported by a certificate from the person or firm from whom the vehicle has been purchased to the effect that it has been sold to the applicant on the day when the certificate is signed.

<sup>1</sup> . 1984 SCMR 663.

<sup>2</sup> . NLR 1993 Civil Lah. 134.

<sup>3</sup> . Rules 35A, 35B, 35C ins. vide Notification dated 2.6.1970 in W.P. Gazette Ext.

(5) On presentation of the application with its accompanying certificate, an authority empowered under sub-rule (2) may issue a temporary certificate of registration in Form CR Tem. Foil A of this form shall be handed to the applicant. If the place in which it is intended permanently to register the vehicle is in Pakistan. Foil B shall be dispatched immediately to the registering authority of the District in which it is to be registered. In other cases Foil B shall be dealt with according to such directions as may be issued by Government from time to time. The counter-foil, together with the application and its accompanying certificate, shall be kept on record by the authority issuing the permit and shall be exhibited for inspection of the registering authority of the district at the end of every calendar month or at such other intervals as the registering authority may direct. The counter-foils, with the connected application and certificates, shall, unless they are taken by the registering authority into his own charge be preserved by the issuing authority for a period of not less than twelve months from the date of issue.

(6) In the case of vehicles included to be permanently registered in the Province, the registering authority receiving Foil B under the preceding sub-rule shall forthwith send an acknowledgment to the authority which issued it and the authority shall attach the acknowledgment to the counter-foil.

(7) The records maintained under sub-rule (4) by any firm of motor dealers or association of persons using motor vehicles approved for the purpose of issuing temporary certificates of registration and temporary registration marks shall be open to inspection at all reasonable times by any Police Officer not below the rank of Sub-Inspector.

(8) A temporary certificate of registration shall not be valid for more than ten days and shall not be capable of renewal.

(9) An authority issuing a temporary certificate of registration shall at the same time assign to the vehicle a distinguishing mark, to be displayed thereon in the manner prescribed for distinguishing marks assigned under sub-section (3) of section 25, the letters and figures composing the marks being in red on a yellow ground. Where the temporary registration mark has been issued by an approved firm of motor dealers or association of motor users, the designation and address of firm or association shall also be printed in small letters along the lower edge of each plate.

(10) To enable the authorities empowered under sub-rule (2) to fulfill the requirements of the preceding sub-rule, the registering authority of the district shall allocate to each authority a block of registration marks out of those assigned to the district in the Sixth Schedule to the Ordinance.

#### <sup>1</sup>PUNJAB AMENDMENT

In Rule 36, in sub-rule (2) for the Words any "Revenue Officer of or above the rank of Assistant Collector" the Words "Executive District Officer (Revenue)" shall be substituted.

#### **37. Loss or destruction of certificate of registration of a vehicle other than transport vehicle.---**

(1) If at any time the certificate of registration of a vehicle other than a transport vehicle is lost or destroyed, the owner shall forthwith intimate the facts in writing to the registration authority by whom the certificate was issued or by whom the registration mark of vehicle was assigned under section 30 and shall apply in Form C.R.L.D. to the said authority for the issue of a duplicate.

(2) Upon receipt of an application in Form C.R.L.D. together with a fee of rupees three the registering authority may, after making such enquiries as appear necessary, issue a duplicate certificate of registration in Form G clearly stamped "Duplicate" in red ink.

#### <sup>2</sup>BALUCHISTAN AMENDMENT:

In sub-rule (2) for the words "rupees three" the words "rupees ten for motor cycles/scooters and rupees twenty for other vehicles" shall be substituted].

#### <sup>3</sup>BALUCHISTAN-SUBSTITUTION:

<sup>1</sup> . Vide Notification No, SOTR-1-5-4/2000 (P), dated 9.3.2002.

<sup>2</sup> . Subs. by Baluchistan Notification 19-Regulation, dated 7.7.1984.

<sup>3</sup> . Subs. by Bal. Notification No. SO 234-Tax/95. Dated 10.7.1995.

(1) In sub-rule (2) of rule 37 for the words “rupees twenty” for Motor Cycle/Scooter and “Rupees forty” for other vehicles the words “rupees fifty” and “rupees one hundred”, respectively shall be substituted. This fee shall be payable in cash through Bank or Treasury Challan.

<sup>1</sup>SINDH AMENDMANT:

In sub-rule (2) for the words “rupees three” the words “mentioned in the Fifth Schedule” shall be substituted.

**38. Loss or destruction of certificate registration and certificate of fitness of a transport vehicle.---**

(1) If at any time the certificate of registration or the certificate of fitness of a transport vehicle is lost or destroyed, the owner shall forthwith intimate the facts in writing to the registering authority by whom the certificate of registration was issued for by whom the registration mark was assigned under section 30, and shall apply in Form C.R.L.D. Tran to the said authority for the issue of a duplicate certificate or registration of certificate of fitness.

(2) Upon receipt of an application in Form C.R.L.D. Tran together with a fee of rupees five the registering authority may, after making such enquiries as appear necessary and obtaining particulars of the original certificate of fitness From the Motor Vehicles Examiner <sup>2</sup>[or licensed Automobile Workshop] by whom it was issued or last or last renewed, issue a duplicate certificate of fitness in Form G And I, respectively, clearly stamped “Duplicate” in red ink.

(3) No person shall be liable to be convicted of an offence under section 90 if, at any time when the certificate is demanded, he has already reported the loss or destruction thereof in accordance with the provisions of this rule and a duplicate certificate has not been delivered to him.

<sup>3</sup>BALUCHISTAN AMENDMENT:

In sub-rule (2) for the words “rupees five” the words “rupees thirty” shall be substituted.]

<sup>4</sup>BALUCHISTAN RE-SUBSTITUTION:

In sub-rule (2) of rule 38 for the words “rupees sixty” the words “rupees one hundred” shall be substituted. This fee shall be also be payable in cash through Bank or Treasury Challan.

<sup>5</sup>SINDH AMENDMENT:

In sub-rule (2) for the words “of rupees five” the words” mentioned in the Fifth Schedule” shall be substituted.

**39. Defaced or torn certificate of registration and certificate of fitness of transport vehicles.---**

(1) If at any time the certificate of registration or the certificate of fitness of a transport vehicle is so torn or defaced that it has ceased to be legible or any important part of the certificate is missing or any unauthorized alteration has been made therein the registering authority may impound the certificate and after ascertaining the correct entries which should have appeared in the said certificate issue a duplicate certificate in Form G or Form I, as the case may be, clearly stamped “Duplicate” in red ink.

(2) The fee on a duplicate under this rule shall be rupees five.

BALUCHISTAN AMENDMENT:

In sub-rule (2) for the words “rupees five” the words “rupees thirty shall be substituted.

<sup>6</sup>SINDH AMENDMENT:

In sub-rule (2) for the words “rupees five” the words “as mentioned in the Fifth Schedule” shall be substituted.

**40. Procedure when a last certificate is subsequently founded.---** (1) When a duplicate certificate of fitness or certificate of registration has been issued upon representation that the original has been lost and the original is afterwards found by the holder; the original certificate of fitness or certificate of registration shall be delivered forthwith to the registering authority.

<sup>1</sup> . Vide Notification No. SO (T-II) 8 (19) 77, Sindh Gazette Ext., Part IV-A, dated 1.7.1980.

<sup>2</sup> . Ins. by Notification Gaz. Of W.P., Extra., 2<sup>nd</sup> June, 1970.

<sup>3</sup> . Subs. by Baluchistan Notification No. 19-Registration, dated 17.7.1984.

<sup>4</sup> . Subs. by Bal. Notification No. SO 234-TAX/95, dated 10.7.1995.

<sup>5</sup> . Ins. vide Sindh Notification No. SO (T-II)-8(19) 17, Dated 1.7.1980.

<sup>6</sup> . Vide Sindh Notification No. SO (T-II)-8(19, 77dated 1.7.1980.

(2) Any other person finding a certificate of fitness or certificate of registration shall deliver it to the holder or the nearest police station.

<sup>1</sup>PUNJAB ADDITON:

“40. Procedure when number plates are lost or destroyed or broken or defaced.

- (i) If at any time the set of two number plates of a motor vehicle or any one of them is lost or destroyed or broken or defaced, the owner shall forthwith intimate this fact in writing to the registering authority by whom the number plates were issued and shall apply along with the available number plate or plates, if any, and produce the certificate of registration to the said authority for the issuance of duplicate set of number plates.
- (ii) Upon receipt of the application together with notified price, the registering authority may after making such inquiries as appear necessary, issue a set of two number plates after retaining the available number plates, if any, and shall return the registration certificate to the owner after making endorsement to this effect.
- (iii) The lost or broken or defaced set of number plates or any one of them, if found afterwards by the owner or any other person, shall be delivered to the motor registering authority for destruction and maintaining record thereof.

**41. Temporary receipt for certificate of registration or certificate of fitness taken into possession by a competent authority.---**

(1) When the holder of a certificate of registration and certificate of fitness of a transport vehicle has submitted them to a registering authority or other authority for any purpose under the Ordinance or these Rules and neither the certificate of registration nor the certificate of fitness has been suspended or cancelled, the registering authority shall furnish him with a receipt for the certificate of registration in Form R Tem. And during such time as the receipt shall be specified to remain in force it may be produced in place of the certificate of registration or the certificate of fitness under sub-section (2) of section 90.

(2) Any authority granting a receipt under the preceding sub-rule may at his discretion extend the time thereof by order endorsed thereon.

(3) No fee shall be payable in respect of a receipt given under this rule.

**42. Registration Fees.---** (1) The fees for the registration of a motor vehicle shall be:

- |     |   |                     |
|-----|---|---------------------|
| (a) | In respect of a motor cycle and an invalid carriage or a trailer not having more than two wheels and not weighing more than one ton unladen | Fifty Rupees        |
| (b) | In respect of a heavy transport vehicle   | Five hundred rupees |
| (c) | In respect of any other vehicle   | Two hundred rupees  |
| (d) | In respect of temporary registration of any vehicle.  | Fifty rupees.       |

<sup>2</sup>PUNJAB ADDITION:

“Provided further that in case a motor vehicle is not registered within sixty days after import, sale clearance or release of vehicle from the custom authorities or local manufacturer, the fee shall be paid at following enhanced rate.

Sr. No	Description of fee	Enhanced Rate
(i)	Exceeding 60 days but not exceeding 120 days	125% of the actual fee
(ii)	Exceeding 120 days but not exceeding 240 days	150% of the actual fee
(iii)	Exceeding 240 days	200% of the actual fee

<sup>3</sup>BALUCHISTAN AMENDMENT:

Rule 42 shall be replaced by the following:-

**42. Registration fees.---**

<sup>1</sup> . Vide Punjab Notification No. SO (Excise) 1-29/2003 (P-III), dated 16.12.2008.

<sup>2</sup> . Vide Punjab Notification No. SO (Excise) (E&T) 1.22/08, dated 14.2.2009.

<sup>3</sup> . Vide Baluchistan Notification of 1.7.1980.

The fee for the registration of a motor vehicle shall be:--

- (a) In respect of a motor cycle and an invalid fifty rupees carriage or a trailer not having more than two wheels and not weighing more than one ton unladen. Fifty Rupees.
- (b) In respect of a heavy transport vehicle. Five hundred rupees.
- (c) In respect of any other vehicle. Two hundred rupees.
- (d) In respect of temporary registration of any vehicle. Fifty rupees.

<sup>1</sup>SINDH AMENDMENT:

**42. Registration fee.---** The fees for registration of various kinds of motor vehicles shall be charged at the rates given in the Fifth Schedule.

<sup>2</sup>PUNJAB AMENDMENT:

For sub-rule (2) of rule 42, the following shall be substituted:-

- (2) Notwithstanding anything provided in sub-rule (1) the fee payable by an applicant for the allotment of any of the following registration marks, shall be as shown below against each category:-
- |       |  |  |
|-------|--|--|
| (i)   | Serial number 1 of the series of Registration Marks                      | Ten thousand rupees                    |
| (ii)  | Serial number 7 or 786 in any of the series of Registration Marks        | Seven thousand and five hundred rupees |
| (iii) | Any other single digit number of any of the series of Registration Marks | Five thousand rupees                   |
| (iv)  | Any other number notified by Government                                  | As notified by Government              |

Provided that if there are more than one applications for the allotment of any specified registration mark, the registering authority may put the said registration mark to open auction and allocate the same to the highest bidder:

Provided further that additional fee shall not be payable if the above-said registration marks are allotted to a Government owned vehicle out of the series assigned specifically to the Government owned vehicles.

BALUCHISTAN AMENDMENT:

After rule 42, the following new rule shall be added:

**“42A. Fee for No-Objection Certificate.---** The following fee shall be payable for the grant of No-Objection Certificate in respect of a vehicle:---

- |     |                     |                     |
|-----|---------------------|---------------------|
| (a) | L.T.V.              | Rupees two hundred. |
| (b) | H.T.V.              | Rupees two hundred. |
| (c) | Motor Car           | Rupees two hundred. |
| (d) | Motor Cycle/Scooter | Rupees fifty.       |

(4) Fee for inspection of Motor Vehicles record. --- A fee of rupees one hundred shall be paid in advance in cash through Bank Treasury Challan for the inspection of said record of Motor Vehicles.”

<sup>1</sup> . Vide Sindh Notification No. SO (T-II)-8(19)77, dated 1.7.1980.

<sup>2</sup> . Vide Punjab Notification No. SO (Excise) 1-29/2003 (P-II), dated 16.12.2008.



**43. Exemption from payment of registration fees.** --- No fee shall be charged for the registration of a vehicle in the following cases:--

- (a) tractors or trailers and locomotives used solely for agricultural purposes;
- (b) such motor ambulances used solely for the conveyance of the dead-body or sick or injured, as may be notified by Government from time to time;
- (c) any motor vehicle belonging to Foreign Missions, Foreign Consular Officer and Staff of the United Nations including its various organs and specialized agencies in Pakistan and any other persons or vehicles exempted by Government by a special order.

<sup>1</sup>SINDH AMENDMENT:

In rule 43, in clause (d) the full-stop at the end shall be replaced by a semi-colon and thereafter the following shall be added:--

“(e) motor vehicles up to 1300CC specially designed for use by invalids.”

**44. Maintenance of records of motor vehicles by registering authority.**--- (1) The registering authority shall maintain record of all motor vehicles registered under the Ordinance and such record shall contain the name and address of the owner together with a description of the vehicles.

(2) Persons applying for copies of particulars of any vehicle entered in the said record shall pay fifty paise for each copy with a maximum of rupees three when copies of particulars of more than one vehicle are applied for, by the same person and at the same time.

(3) In addition to the fee prescribed under sub-rule (2) a copying fee at the rate of six paise for copies of particulars of three vehicles or less shall be payable.

<sup>2</sup>PUNJAB ADDITON:

“44. **Authority to maintain record and equipment.**--- Notwithstanding anything contained in these rules, the Government may prescribe the authority and procedure for the establishment of embossing and printing station, manufacturing, storage, safety of transportation, destruction and maintenance of accounts of certificates of registration, number plates, record of motor vehicles registered and changes for access to data to any other person.”

**45 Authority to suspend certificate of registration.**--- Any Police Officer not below the rank of Deputy Superintendent and any Motor Vehicles Examiner may after giving the owner an opportunity of being heard suspend the certificate of registration of a motor vehicle under section 34.

**46. Hire purchase agreements.**---

(1) When in an application for the registration of a motor vehicle the parties to an agreement of hire purchase declare, in the form of the note endorsed on Form F, that the vehicle is the subject of such an agreement, the registering authority shall complete and affix his signature to the note appended in Form G but shall not be required to satisfy as to the title of the two parties in the vehicle nor shall be endorsed on Form G in any way affect the title of any party.

(2) If, upon termination of an agreement of hire-purchase or otherwise, the registered owner and the other party desire that the not on Form G relating to such an agreement shall be cancelled, they shall apply in Form H.P. Ter., to the registering authority by whom the vehicle was registered or by whom a new registration mark has been assigned to the vehicle under section 30, and the registering authority shall thereupon cancel the note endorsed on Form G.

(3) Nothing contained in this rule shall prevent a registering authority from recording a change of the address of the registered owner on the certificate of registration as provided in section 31, nor shall the registering authority be required to inform the other party to an agreement of hire-purchase of any intimation of change of address, but the registering authority shall not record any transfer of ownership of a motor vehicle under section 32 as long as the certificate of registration contains the note of

<sup>1</sup> . Vide Notification 1982.

<sup>2</sup> . Vide Punjab Notification No. SO (Excise) 1-29/2003 (P-III), dated 16.12.2008.

an agreement of hire-purchase, unless the other party to that agreement signifies his consent to such by endorsement upon Form T.O.

- (4) If the other party to an agreement of hire-purchase satisfies the registering authority that he has taken possession of the vehicle owing to the default of the owner under the provisions of the agreement and that the owner has absconded or refuses to deliver the certificate of registration the registering authority may, after giving the owner an opportunity of being heard and notwithstanding that the certificate of registration is not produced, cancel the certificate of registration and issue duplicate of registration and deliver the same to the other party.
- (5) The owner shall be deemed to have been given an opportunity of being heard within the meaning of the preceding sub-rule if a notice has been duly served on him by registered post to the address stated in the certificate of registration and he fails to appear before the registering authority on the due date to show cause against the cancellation of the certificate.
- (6) If a note in respect of an agreement of hire-purchase is to be endorsed on a certificate of registration, there shall be payable in addition to the registration fee of further fee of rupees ten. No fee shall be payable in respect of the cancellation of the note under sub-rule (2). There shall be payable for recording transfer of ownership a further fee of rupees five when the transfer is of a vehicle which is the subject of a hire-purchase agreement.

<sup>1</sup>SINGH AMENDMENT:

In sub-rule (6) for the words “of rupees ten”, the words “mentioned in the Fifth Schedule” shall be substituted.]

**47. Transfer of ownership.---** (1) Application for transfer of ownership of a motor vehicle under sub-section (1) of section 32 shall be made in Form T.O and shall be accompanied by a fee of rupees five.

(2) Communication of transfer to the original registering authority under section 32 shall in Form C.R.T.I.

<sup>2</sup>BALUCHISTAN AMENDMENT:

For sub-rule (1) of rule 47, the following shall be substituted:---

**47. Transfer of ownership.---** Application for transfer of ownership of a motor vehicle under sub-section (1) of section 32 shall be made in Form T.O. and shall be accompanied by a fee as under:

- |     |                             |                                     |
|-----|-----------------------------|-------------------------------------|
| (a) | for heavy transport vehicle | --- Rupees one thousand             |
| (b) | for motor cycle/Scooter     | --- Rupees fifty                    |
| (c) | for other vehicles          | --- Rupees four hundred and fifty.] |

<sup>3</sup>PUNAJB AMENDMENT:

For sub-rule (1) of rule 47, the following shall be substituted:--

“(1) Application for transfer of ownership of a motor vehicle under sub-section (1) of Section 32 shall be made in Form T.O. and shall be presented by the transferee along with the owner or his representative authorized through a valid and registered power-prescribed fee and sale purchase agreement signed by the parties on a stamp paper of the value as prescribed in the Schedule 1 of the Stamp Act, 1899 (II of 1899).”

<sup>4</sup>SINDH AMENDMENT:

In sub-rule (1) for the words “of rupees five” the words “mentioned in the Fifth Schedule for the respective class of motor vehicle” shall be substituted.

**48. New registration marks.---** (1) Application for a new registration mark under section 50 shall be made in Form R.M.A. and shall be accompanied by a fee of rupees five.

(2) The registering authority assigning a new registration mark to a motor vehicle shall intimate the fact to the owner and the other party, if any, to an agreement of hire-purchase

<sup>1</sup> . Vide Notification No. SO (T-II)-8 (19)/77, dated 1.7.1980.

<sup>2</sup> . Subs. by Baluchistan Notification No. 19-Registration, dated 7.7.1984.

<sup>3</sup> . Vide Notification No. SO (Excise) E&T 1-22/08, dated 14.12.2009.

<sup>4</sup> . Vide Notification No. SO (T-II)-8 (19)/77, dated 1.8.1980.

specified in the note on the certificate of registration, and shall apply to the original registering authority for transfer of the records of the vehicle” in Form R.M.I.

<sup>1</sup>SINDH AMENDMENT:

In sub-rule (1), for the “fee of rupees” the words “such fee as mentioned in the Fifth Schedule for registration of the representative class of motor vehicle” shall be substituted.

**49. Application for charge of address and alteration in motor vehicle.---** (1)

Application for change of address under section 31, shall be made in Form C.A. and shall be accompanied by a fee of rupees five.

(2) Application for alteration in a motor vehicle under section 33 shall be made in Form A.M. and shall be accompanied by a fee rupees five.

<sup>2</sup>SINDH AMENDMENT:

In sub-rule (2), for the words “of rupees five” the words “mentioned in the Fifth Schedule” shall be substituted.

**50. Vehicles entering the Province from outside.---** (1) When any motor vehicle which is not registered in the Province has been kept therein for a period exceeding fourteen days, the owner or other person incharge of the vehicle shall send intimation to the registering authority of the district in which the motor vehicle is at the time of making the report and shall intimate.—

- (a) His name and permanent address, and his address for the time being;
- (b) The registration mark of the vehicle;
- (c) The mark and description of the vehicle; and
- (d) In the case of a transport vehicle the name of the authority within the Province by whom the permit has been issued or counter-signed:

Provided that in the case of a transport vehicle covered by a permit having validity in the Province, it shall be necessary to make a report under this sub-rule upon the occasion of first entry only.

(2) Nothing in this rule shall apply to a motor vehicle which is exempted from registration under the provisions of rule 52.

(3) Nothing in his rule shall apply to any vehicle registered under section 30 or under section 41.

**51. Hiring agreement.---** (1) When possession of a motor vehicle transferred by the registered owner to another person under a hiring agreement, the registered owner shall forthwith intimate the fact and the full name and address of the transferee to the registering authority of the area which the said owner has his residence or place of business.

(2) Nothing in the preceding sub-rule shall make it necessary to give intimation of a hiring agreement when the vehicle is to be used, there under as a stage carriage.

**52. Examination of vehicles in the possession of f manufacturer or dealer.---** (1)

Section 23 shall not apply to a motor vehicle in the possession of a manufacturer of , or dealer in, motor vehicles in the course of the business of the manufacturer or dealer so long as it is used under the authorization of a trade certificate granted by the registering authority within whose area the manufacturer or dealer has his place of business.

(2) Applications for trade certificates shall be made in Form T.C.A. and shall be accompanied by the prescribed fee.

(3) The fee for the trade certificate shall be rupees one hundred in respect of any number of certificates up to ten, and rupees fifty in respect of each additional number of five or less certificates. The fees shall be payable annually in advance.

(4) If the registering authority declines to issue a trade certificates for issue a less number of certificates that the number specified in the application, the fee or a proportion of the fee determined in accordance with sub-rule (3), as the case may be, shall be refunded to the applicant.

(5) Upon the receipt of an application for trade certificates is aforesaid the registering authority shall, if satisfied that the number of certificates applied for is reasonable in relation to the business of the applicant, issue the certificates in Form T.C. accordingly and assign to the

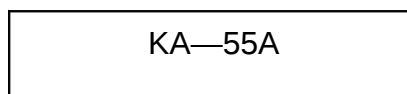
<sup>1</sup>. Vide Notification No. SO (T-II)-8 (19)/77, dated 1.8.1980.

<sup>2</sup>. Vide Notification No. SO (T-II)-8 (19)/77, dated 1.8.1980.

applicant a series of trade registration marks consisting of the two letters of the registration mark specified in the Sixth Schedule to the Ordinance followed by one letter of the alphabet in respect of each certificate.

(6) The trade certificate shall be attached to the registration mark in a weather proof holder, in the manner set out hereunder.—

Tax Token



1. Not more than one vehicle shall be used in a public place at any one time under any one trade certificate.

2. No person to whom a trade certificate is granted shall cause or allow it to be used upon any motor vehicle other than motor cycle unless the holder of the certificate or a bona fide employee of the holder is present in the vehicle or for any purpose other than one purpose set out below:--

- (a) For test during the course of or after completion of construction or repairs.
- (b) For proceeding to or returning from a weight-bridge for or after weighing, or to from any place for its registration.
- (c) For reasonable trail by or for the benefit of a prospective purchaser and for proceeding to or returning from the place where such person intends to keep it.
- (d) For proceeding for the purpose of delivery to or from the premises of the dealer and from such premises to the premises of a purchaser of another dealer.
- (e) For proceeding to or returning from a workshop with the object of fitting a body to the vehicle or of painting or for repairs.
- (f) For proceeding to or for a railway station or where for a after being transported.
- (g) For proceeding to or returning from an exhibition of motor vehicles or any place at which the vehicle is to be or has been offered for sale.

3. No vehicle carrying a trade registration mark and certificate shall be used as a transport vehicle under the authorization of any permit or otherwise.

4. (a) Every holder of a trade certificate shall keep a register in Form T.R.C. and enter or cause to be entered in duplicate in such register full and trade particulars of the purposes for which every vehicle leaves his premises under a trade, certificate of the driving-in-charge, and of the period during which the vehicle was on the road under the trade certificate.

(b) The register shall be in the form of foil and counter-foil in a bound book, the pages of which shall be numbered serially. The necessary particulars, except in regard to the time of return, shall be entered in it by the holder of the certificate or his agent before the commencement of each trip. The register shall be open to inspection on demand by any Police Officer below the rank of Sub-Inspector.

(c) The foil containing the entries made prior to the commencement of the trips shall be carried by the driver of the vehicle and counter-foil shall be retained for a period of thirty days after trip has been completed and shall be exhibited on demand by any Police Officer authorized to inspect the register.

(11) If at any time the registering authority is satisfied that the holder of a trade certificate has contravened any of provisions of this rule he may, after giving the holder an opportunity of making any representation which he may wish to make, suspend or cancel any or the entire trade certificate held by him.

(12) When a trade certificate has been lost, destroyed or mutilated through negligence of the holder or by accident or passage of time, the holder may apply to the registering authority for the issue of a duplicate certificate and the registering authority shall, if satisfied, about such loss, destruction or mutilation, issue a duplicate certificate.

(13) A duplicate certificate shall be issued with the words "DUPLICATE" in bold red letters written or stamped across it.

(14) The fee for the issue of duplicate trade certificate shall be rupees one irrespective of the fact whether the original certificate was lost, destroyed or mutilated due to negligence of the holder or accident or its replacement is occasioned by the passage of time.

<sup>1</sup>SINDH AMENDMENT:

In rule 52, for sub-rule (3), the following shall be substituted:---

"(3) The fee for trade certificate shall be as mentioned in the Fifth Schedule and shall be payable annually in advance."

**53. Exemption of road rollers, graders and delivery vans.---** (1) Nothing contained in Chapter III of the Ordinance shall apply to road rollers, graders and other road making and cleaning plant save that every tractor capable of other use shall be registered and shall require a certificate of fitness.

#### CHAPTER IV CONTROL OF TRANSPORT VEHICLES

**54. Terms of appointment of Members of the Provincial transport Authority and Regional Transport Authorities.---** Any Government Officer appointed as a member of Provincial Transport Authority or a Regional Transport Authority shall continue as such as till such time as Government may otherwise order].

<sup>2</sup>[(2) Two members shall continue a quorum:

Provided that the Secretary-Member shall not be counted for the purposes of quorum.

(1) The Chairman may, in case of an emergent meeting, dispense with the requirements of sub-rule (2) or any bye-law framed under rule 57].

**55. Meeting of the Provincial Transport Authority.---** (1) The provincial Transport Authority shall meet at such times and at such places as the Chairman may appoint:

Provided that the Authority shall meet not less than once in each of the calendar quarters January to March, April to June, July to September and October to December.ss

(2) Not less than ten days' notice shall be given of any meeting of the Provincial Transport Authority.

<sup>3</sup>[(3) Two members shall constitute a quorum: Provided that the Secretary-Member shall not be counted for the purposes of quorum].

(4) The Chairman, if unable to attend a meeting, shall nominate a member to act as Chairman at the meeting.

(5) The Chairman or the Acting Chairman nominated under the preceding sub-rule shall have a second or casting vote.

[(6) The Chairman may, in case of an emergent meeting, dispense with the requirements of sub-rule (2) or any bye-law framed under rule 57].

**56. Meeting of Regional Transport Authority.---** (1) Every Regional Transport Authority shall meet at such places as the Chairman may appoint:

Provided that the Authority shall meet not less than once in two months unless the Provincial Transport Authority otherwise directs.

(2) The Chairman if unable to attend a meeting shall nominate a member to act as Chairman at the meeting.

(3) The Chairman or the Acting Chairman nominated under the preceding sub-rule shall have a second or casting vote.

<sup>1</sup> . Vide Notification No. SO (T-II)-8 (19)/77, dated 1.8.1980.

<sup>2</sup> . Subs. by Notification published in Gazette, W.P. Extra., 2<sup>nd</sup> June, 1970.

<sup>3</sup> . Sub-rules (3) and (6) subs. vide Notification No. T-7/35-56 (Imp.), dated 8<sup>th</sup> June, 1970.

**57. Conduct of business of Transport Authority.**--- (1) Subject to the provisions of the Ordinance and these rules a Provincial or a Regional Transport Authority shall have power to make bye-laws to regulate the conduct of business and shall likewise have power to amend such bye-laws, and the business of such Authority shall be conducted accordingly under the direction of the Chairman.

Provided that the bye-laws made by the Provincial Transport Authority shall be subject to the approval of Government and the bye-laws made by a Regional Transport authority shall be subject to the approval of the Provincial Transport Authority.

(2) The Secretary shall lay before the Regional or the Provincial Transport Authority as the case may be, the agenda to be considered at any meeting.

<sup>1</sup>[(3) (4) (5)\*\*\*\*\*]

(6) The Provincial or the Regional Transport Authority, as the case may be, may summon any applicant for a permit to appear before it and may decline to grant the permit until the applicant has so appeared either in person or by an agent authorized by him in writing and until the applicant has furnished such information as may reasonably be required by the authority in connection with the application.

<sup>2</sup>[(7)\*\*\*\*\*]

(8) When a matter is decided by the voted of members present at a meeting of a Provincial or Regional Transport Authority, no person other than a member shall be entitled to be present and no record of the voting shall be kept save of the number of the vote cast on either side:

Provided that when any matter is decided by the exercise of the second or casting vote of the Chairman the fact shall be recorded.

57-A, (1) in clause (ii), for the expression "Into 'A', 'B', and 'C' categories", the following shall be substituted:

"Into 'A', 'B', 'C' and 'M' categories".

57-B (2) In Rule 57-B

(a) for sub-rule (1), the following shall be substituted:

"(1) No permit shall be granted in respect of:

- i. "A" category route if the stage carriage is more than fifteen years old.
- ii. "B" category route if the stage carriage is more than twenty years old.
- iii. "C" category route if the stage carriage is more than twenty five years old; and
- iv. "M" category route which wholly or partially lies on Motorway if the stage carriage is more than ten years old."

(b) In sub-rule (3), the words "and there shall be no age restriction on the stage carriage for the grant of permit for this category" shall be omitted;

© after sub-rule (4), the following sub-rule (5) shall be inserted:

"(5) Notwithstanding anything contained in sub-rule (1), the Government may, having regard to purpose of a motor vehicle, by notification, exempt, by a general or special order and subject to such conditions as may be specified in the notification, any class or type of motor vehicles from the operation of sub-rule (1), after the existing entry at sr. No. (iii),the following new entry shall be inserted:

<b>Fee Payable"(iv) For "M" Category routes</b>
---

<b>Rs.2000/- for each year"</b>
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Notification No.SO (TR-I) 2-10/2000 (P-III) November 28, 2012.

**58. Refusal to accept application for permit.**--- When Regional Transport Authority has in the exercise of its powers under the Ordinance imposed limit upon the number of permits of [conduct carriage] which may be granted for a specified route or a specified area and has already

<sup>1</sup> . Sub-rules (3) to (5) deleted ibid.

<sup>2</sup> . Deleted by Notification, Gazette, W.P., Extra. 2<sup>nd</sup> June, 1970.

granted such number of permits of that class the Authority may decline to consider further application for such permits in respect of any such route or area.

<sup>1</sup>[59, 60, 61. \* \* \* \* \*]

**62. Delegation of powers of Chairman, Regional Transport Authority or Secretary, Regional Transport Authority.**--- A Regional Transport Authority may general or special resolution recorded in its proceedings and subject to the restrictions, limitations and conditions and herein specified, delegate to the Chairman, Regional Transport Authority or Secretary, Regional Transport Authority all or any of its powers,. Namely:--

- (i) Power under section 17 to disqualify a person for holding or obtaining a licence to drive a transport vehicle;
- (ii) Power under sections 44 and 52 to grant a contract carriage permit;
- (iii) Power under sections 44 and 53 to refuse a contract carriage permit, in cases where no representations are received to grant with or without modifications such an application, and attach conditions to the permits;
- (iv) Power under sections 54 to grant a private carrier's permit;
- (v) Power under section 44 and 57 to grant with or without modifications a public carrier's permit and power to attach conditions under section 58 or vary the conditions thereof;
- (vi) Power to attach to a stage carriage permit conditions under sub-section <sup>2</sup>[(20) of section 5D;]
- (vii) Power to renew private carrier's permits, public carrier's permits contract carriage permits and stage carriage permits under section 60 and to renew counter-signatures of any such permits;
- (viii) Power under sub-section (2) of section 61 to permit the replacement of one vehicle by another;
- (ix) Power under section 62 to suspend permit; or

<sup>3</sup>[(x) Power to grant stage carriage permit]

Provided that the Chairman, Regional Transport Authority, or the Secretary, Regional Transport Authority concerned, as the case may be shall—

- (i) Keep informed the Regional Transport Authority from time to time of the action taken by him in pursuance of the delegated power and
- (ii) Arrange to paste on a notice board on the premises of the office of the Regional Transport Authority a copy of every resolution of that Transport Authority delegating its power to him.

(2) Notwithstanding anything contained in this rule, Regional Transport Authority may, from time to time, issue instructions as to manner in which the powers delegate shall be exercised by the officer concerned.

SINDH SUBSTITUTIONS:

In rule 62—

(a) For the marginal heading the following marginal heading shall be substituted—

“Delegation of powers to Chairman, Secretary, Additional Secretary and Assistant Secretary of the Provincial or Regional Transport Authority.

(b) In sub-rule (1)—

- i. For the words and commas beginning with “A Regional Transport Authority” and ending with ‘namely’ and words and commas, “The Provincial Transport Authority or a Regional Transport Authority may, by general or special resolution recorded in its proceedings and subject to the restrictions, limitations and conditions herein specified, delegate to its Chairman, Secretary, Additional Secretary or Assistant Secretary all or any of its powers, namely shall be substituted;
- ii. For the proviso the following shall be substituted;

Provided that the Chairman, Secretary, Additional Secretary or Assistant Secretary concerned shall:

- (i) keep the Provincial or Regional Transport Authority, as the case may be, informed, from time to time of the action taken by him pursuance of the delegated powers; and

<sup>1</sup> . Omitted by Notification. Gazette of W.P., Extra. dated 2.6.1970.

<sup>2</sup> . Subs. by Notification Gazette W.P. Extra., 2<sup>nd</sup> June, 1970.

<sup>3</sup> . Subs. by Notification Gazette W.P. Extra., 2<sup>nd</sup> June, 1970.

- (ii) arrange to paste on a notice board on the permits of the office of the Provincial or Regional Transport Authority, as the case may be, a copy of every resolution of that Transport Authority delegating its power to him; and
- (iii) in sub-rule (2) for the words "A Regional Transport Authority" the words and commas "the Provincial or Regional Transport Authority, as the case may be" shall be substituted.

**63. Hearing of applications or objections.**--- (1) When an application for any permit is considered at meeting of a Province or a Regional Transport Authority and the applicant desires to be heard in support of his application or has been summoned to appear under the provisions or sub-rule (6) of rule 57, the applicant may either appear and conduct his case in person or may be presented by any person authorized by him in writing in this behalf.

(2) Any person or authority who has made a representation under the provisions of section 52 may appear before the Regional Transport Authority upon the date appointed for hearing the representation either in person or by a representative authorized by him or by ir, as the case may be in writing in this behalf:

Provided that nothing in this sub-rule shall deemed t o require the Regional Transport Authority to give a hearing to any representation made under the provisions of section 52 read with sub-section (6) of section 59 if the Authority is satisfied that the representation is frivolous or vexations or relates to a matter upon which the Authority has already recorded a decision after giving the parties concerned an opportunity of being heard.

**64. Form of application of permits.**--- (1) Every application for a permit in respect of a transport vehicle shall be in one of the following form that is to say—

- |     |   |     |                 |
|-----|---|-----|-----------------|
| (a) | in respect of a particular stage carriage | --- | Form P.St. P.A. |
| (b) | in respect of a service of stage carriage | --- | Form P.St. P.A. |
| (c) | in respect of a contract carriage         | --- | Form P.Co. P.A. |
| (d) | in respect of a private carrier's permit  | --- | Form P.Pr. P.A. |
| (e) | in respect of a public carrier's permit   | --- | Form P.Pu. P.A. |

<sup>1</sup>[(f) \* \* \* \* \*]

(2) The application shall be addressed to the Regional Transport Authority and accompanied by a fee of one hundred rupees for every copy of Part B of the permit applied for which shall not be refundable.

(3) In granting any permit the Regional Transport Authority shall have power to modify the terms of the application in a reasonable degree and in such a case the application shall be deemed to be an application for permit in the form granted.

<sup>2</sup>[64-A. **Bank Guarantee.**--- For the purpose of section 49, the Bank Guarantee in Form B.G.F. shall be:

- (i) of Rs. 10,000,00 in case of route permit of 'A' category.
- (ii) of Rs. 50,000,00 in case of route permit of 'B' category.
- (iii) of Rs. 10,000,00 in case of route permit of 'C' category:

Provided that no individual owner, firm or company shall be required of furnish bank guarantee for a sum exceeding Rs. 50,000,00.]

Punjab Amendment: F or the existing Rule 64-A, the following shall be substituted:--

<sup>3</sup>[64-A. **Bank Guarantee.**--- For the purpose of Section 49, the Bank Guarantee in Form B.G.F., shall beequal to the seating capacity for all categories of routes as per 13<sup>th</sup> Schedule of the Ordinance.

Notification No.SO (TR-I) 2-10/2000-II dated March 14, 2012.

<sup>4</sup>[64.B **Application for compensation.**--- (1) An application for award of compensation under section 67 shall be addressed to the Claims Tribunal of the area and shall contain the following particulars:--

<sup>1</sup> Deleted by Notification published in W.P. Gazette Extra. 2<sup>nd</sup> June, 1970.  
<sup>2</sup> Ins. by Notification published in W.P. Gazette Extra. 2<sup>nd</sup> June, 1970.  
<sup>3</sup> Notification No. SOTRI/1-18/75, dated 9<sup>th</sup> July, 1978. [PLD 1978 Pb. St. 65].  
<sup>4</sup> Ins. by Notification published in W.P. Gazette Extra., 2<sup>nd</sup> June, 1970.



- (i) Name, percentage and address of the person dead or injured;
- (ii) Date, time and place of occurrence;
- (iii) Registration number of the vehicle;
- (iv) Name of owner, firm or company of the vehicle;
- (v) Details of the injuries in case of injured persons;
- (vi) Name of the witness, if any;
- (vii) Amount of compensation claimed;
- (viii) Capacity of the persons making the application;
- (ix) Any other information connected with the occurrence and compensation].

<sup>1</sup>PUNJAB ADDITION:

After Rule 64-B, the following new rules shall be added, namely:--

**“64-C. Filing and registration of application.---** The application under rule 64-B may be filed by applicant either personally or through an authorized agent or a counsel and shall be accompanied by a fee of Rupees two in the form of Court-fee stamps.

(1) On receipt of application, under sub-rule (1), the Tribunal shall cause its particulars to be entered in a register to be kept in Form Com. T.R.

**64-D. Service of notice on respondent.---** After the registration of application, the Tribunal shall cause a notice of its final adjudication to be issued and served on the respondent.

(1) Where the Tribunal is satisfied that the respondent is purposely avoiding the service of the notice or for any other reasons he cannot be served in the ordinary way, it may direct substituted service in the manner provided in Order V, Rule 20 of the Code of Civil Procedure, 1908.

**64-E. Appearance of respondent ex parte proceedings for non-appearance, dismissal of application in default or its restoration.---** The respondent may appear before the Tribunal either in person, or through an authorized agent or a counsel and may file a reply to the application along with the list of witness, if any..

(1) If the respondent after having been duly served in accordance with rule 64-D fails to appear personally or through an authorized agent counsel before the Tribunal on the date fixed for hearing, the Tribunal may proceed to decide the application ex parte; provided that the Tribunal may on application made within thirty days of the ex parte order or decision, or within such further reasonable period as it may allow and for sufficient cause shown, set aside such order or decision, as the cause may be.

(2) If the applicant fails to appear personally or through his authorized agent or counsel before the Tribunal may on an application made to it within thirty days of the dismissal in default, or within such further reasonable period as it may allow for sufficient cause shown, restore the application dismissed in default.

**64-F. Adjournments for formulation of points for determination summoning and examination of witnesses.---** On the appearance of the respondent before the Tribunal, the hearing of the application by the Tribunal shall continue from day to day unless it is necessary to adjourn the hearing to a longer date for which the Tribunal shall record reasons.

(1) On the reply, if any, filed by respondent, the Tribunal before proceeding to record evidence, may in its discretion, formulates the points for determination.

(2) On the date fixed for hearing of the evidence, the Tribunal shall examine the witness produced by the parties in such order as it may deem fit.

(3) The parties shall be responsible for the attendance of their respective witness before the Tribunal. In case any party is not in a position to bring any witness or enforce his attendance, the Tribunal, on the application of such party may, subject to such directions including directions as to costs, as it may deem fit, summon such witness with or without any record or document, provided that the Tribunal may refuse to summon a witness if, in its opinion, the attendance of such witness cannot be procured without such delay or inconvenience as in the circumstances would be unreasonable.

<sup>1</sup> . Punjab Gazette, Extra., 7.8.1971.

(4) The Tribunal may, on the application of either party or of its own accord and on such terms as to costs as it may fit, summon any witness whose testimony it considers necessary to merit the ends of justice.

**64-G. Recording of evidence.---** The evidence or substance of the evidence of each witness shall be taken down in open Court in Urdu or English language by the Presiding Officer of the Tribunal himself or by any officer in his presence and on his dictation and under his superintendence and shall be signed by him.

**64-H. Writing of final order, drawing up the decree, deposit of amounts.---**

(1) Every final order shall be written by the Presiding Officer of the Tribunal or his dictation in Urdu or English language and shall be signed and dated by him at the time of its pronouncement. Such order shall contain points for determination, the decision thereon and brief reasons for such decision.

(2) On an application under rule 64-B, after passing of the final order thereon, the Tribunal shall draw up a decree in Form Com. T.D. which shall be signed by the Presiding Officer. The decree shall bear the seal of the Tribunal.

(3) The Tribunal shall maintain a register of decrees and orders in the forms as prescribed and orders under the Code of Civil Procedure, 1908.

(4) Whenever any money is deposited with or realized by the Tribunal under the Ordinance or these, as receipt shall be given in Form Com. T. Receipt, which shall be serially numbered and the counter-foil thereof, shall be kept in the office of the Tribunal.

(5) All moneys deposited in or realized and disbursed by the Tribunal shall be entered in register in Form Com. T.R.

**64-I Inspection of records and use of seals.---**

(1) The Tribunal shall, on the application of any party to the dispute, allow inspection of record relating to the proceedings on the payment of a fee of rupee one.

(2) On the application of any party to the proceedings certified copies of the order or decision or other proceedings or entry in any register maintain under these rules, shall be supplied on the payment of a fee calculated at the rate of 5 paise for every hundred words or part thereof subject to a minimum of Rs. 2 to be deposited in advance.

(3) There shall be kept in the office of every Tribunal a seal of the Tribunal which shall be in circular shape and shall have thereon the inscription "Claims Tribunal" and the name of the district.

(4) The seal of the Tribunal shall be used on all orders, decrees, copies and other documents issued other these rules.

**64-J Filing and hearing of appeal.---**

(1) An appeal under section 67-E shall be in writing and shall set out the grounds on which the appellant seeks to challenge the order, decision or decrees of the Tribunal. It shall also contain the names, description and addresses of the parties and shall bear the signature of the appellant, his authorized agent or his counsel.

(2) A certified copy of the final order or decrees or decision of the Tribunal shall be attached with the memorandum of appeal and a fee of Rs. 25 shall also be deposited under the heard XII—Receipt under the Motor Vehicles Acts—Co—Other-Receipts—O-3 Misc. (III) Recoveries of the P.T.A."

(3) The particulars contained in the memorandum of appeal shall be entered in the register to be kept for the purpose in Form Com. T.R. by the appellate authority.

(4) The appellate authority, after affording the parties an opportunity of being heard, shall pass such order on the appeal as it may deem fit.

(5) The appellate authority may for effecting service of notice of appeal on the respondent in the appeal follow the procedure laid down in rule 64-D.

(6) An order passed by the appellate authority shall be communicated to the Tribunal which shall amend or modify its order, decree or decision accordingly and shall cause necessary entries to be made in the appropriate column of the register of decree and orders.

**64-K. Subordination of Claims Tribunals.---** The Claims Tribunals shall be subject to inspection by the Appellate Authority and shall supply such information as may be required by the

Appellate Authority and carry out such directions as may be issued it from time to time in conformity with the provisions of the Ordinance and the rules made there under.

**65. Form of permits.---**

- (1) Every permit shall be in one of the following forms, that is to say:--
- |       |   |     |               |
|-------|---|-----|---------------|
| (i)   | in respect of a particular stage carriage | --- | Form P.St. P. |
| (ii)  | in respect of a service of stage carriage | --- | Form P.St. P. |
| (iii) | a contract carriage permit                | --- | Form P.Co.P.  |
| (iv)  | a private carrier's permit                | --- | Form P.Pr. P. |
| (v)   | a public carrier's permit                 | --- | Form P.Pu.C.  |

<sup>1</sup>[(vi) \* \* \* \* \*]

(2) Save in the case of a temporary permit every permit shall be in two parts. A and B. In the case of a permit other than a permit for a service of stage carriage, one copy only of each part shall be issued. In the case of a service of stage carriages, one copy of Part A shall be issued, together with a number of copies of Part B equal to the number, of vehicles which the holder of the permit is permitted to have in use on the road at any one time. Each such copy shall carry in addition to the number of the permit a separate serial number contained in brackets after the number of the permit, and shall be sealed and signed by the authority by which the permit is issued.

(3) The holder of a permit shall cause the relevant copy of Part B thereof on the temporary permit, as the case may be, to be carried in frame or other suitable container affixed to the inside of one of the doors used by passengers for gaining access to the vehicle and shall maintain it in a clear and legible condition.

**66. Manner of carrying certain documents on vehicles.---** The owner of a transport vehicle shall fit to the vehicle a suitable container on the inside of the driver's compartment shall keep in it the insurance Certificate. Certificate of registration and fitness of the vehicle and complaint book or log book, as the case may be.

<sup>2</sup>**67. Entry of registration marks on permits.---** No permit shall be issued unless the registration mark of the vehicle in respect of which application for grant is made, has been entered.]

<sup>3</sup>[68. \* \* \* \* \*]

**69. Special passes for contract carriages.---**

(1) In granting a contract carriage permit or stage carriage permit a Regional Transport Authority may, subject to the control of the Regional Transport Authority, attach thereto a condition enabling the vehicle to be used as a contract carriage outside the region or other area in respect of which the permit has been granted; provided that on each occasion when the holder of the permit seeks so to use the vehicle he obtains a special [permit] from the officer-in-charge of the Tehsil or Sub-Tehsil in which he has his principal place of business or other authority appointed by the Regional Transport Authority for the purpose.

(2) No condition included in a permit under the preceding sub-rule shall authorize the issue of special <sup>4</sup>[permit] valid for more than one outward and return trip or of more than one special pass at any one time, or allow the holder to enter into engagement with a fresh hirer in respect of the return journey.

(3) A [special permit] issued in conformity with any condition included in a permit under sub-rule (1) shall be in Form P.P.S., and the fee payable shall be one rupee for a period not exceeding one week plus one rupee for each subsequent week.

(4) The provisions of the Ordinance and of these rules regarding the carriage and production of permits shall apply equally to any special pass issued in conformity with a condition included in a permit in pursuance of sub-rule (1).

**N.W.F.P. AMENDMENT:**

In rule 69, in sub-rule (3) for the words "one rupee for a period not exceeding one week plus one rupee for each subsequent week" the words "at the rate of fifty paise per seat of the vehicle of a period not exceeding one week plus fifty paise per seat of the vehicle for each subsequent week" shall be substituted.]

<sup>1</sup>. Deleted by Notification Gazette W.P. Extra., 2nd June, 1970.  
<sup>2</sup>. Subs. by Notification Gazette, W.P. Extra., 2nd June, 1970.  
<sup>3</sup>. Rule 68 omitted ibid.  
<sup>4</sup>. Subs. by Notification Gazette, W.P. Extra., 2nd June, 1970.

<sup>1</sup>SINDH AMENDMENT:

In rule 69, in sub-rule (3), for the words "twenty five", the words "one hundred" shall be substituted.

**70. Extension of area of validity of permits.---**

(1) <sup>2</sup>[Subject to the provisions of the sections 55 and 57], a Regional Transport Authority may extend the effect of the permit to any other region with the Province in accordance with any general or special resolution recorded by any other Regional Transport Authority, and any permit to be issued shall be of like effect in the Region of the other Transport Authority as if it were issued by that Transport Authority.

(2) A Transport Authority outside the Province may, with the concurrence of the Provincial Transport Authority and subject to any conditions which may be mutually agreed upon by the two Province Transport Authorities concerned, extend the effect of any permit to the whole of the Province or any route or area therein.

(3) The Regional Transport Authority which issues a permit with effect in any other Region shall a copy of the permit to the Authority of the other Region.

<sup>3</sup>(4) Nothing in this rule affects the right of holder of any public or private carrier permit to apply to any Regional Transport Authority for extension in operation area of a permit.

**71. Fees for permit.---**

<sup>4</sup>(1) The following fee shall be payable for the grant and renewal of permit:

**FEEES FOR PASSENGER VEHICLES**

Description of vehicles	Fee Payable	Rs.	
(i) Stage Carriage with R.L.W. exceeding 145000 lbs.	(i) For "A" Category routes	250.00 for each year.	
	(ii) For "B" Category routes	15.00 for each year	
	(iii) For "C" Category routes	1000.00 for each year	
(ii) Heave P.S. Vs. --- Stage and contract carriage with R.L.W exceeding 13, 54000 lbs.	(i) For 1st year	40.00	
	(ii) For each subsequent year	30.00	
(iii) Light P.S.S Vs.... Stage and contract carriages with R.L.W. up to 14,5000 lbs.	(i) For 1st year	40.00	FEEES FOR
	(ii) For each subsequent year	30.00	

**GOODS VEHICLES**

(Public and private carriage permits)	Rs.
Fee for three years for the 1st Region	100.00
Fee for three years for the 2nd Region	90.00
Fee for three years for the 3rd Region	90.00
Fee for three years for the 4th Region	80.00
Fee for three years for the 5th Region	65.00
Fee for three years for the 6th Region	45.00
Fee for three years for the 7th Region	25.00
Fee for three years for the each subsequent Region after the 7th Region	25.00

<sup>1</sup>. Subs. by Notification Gazette No. SO (T-11I) 12-13/99-2000/2001/556, dated 2.8.2000.

<sup>2</sup>.

<sup>3</sup>. Added, *ibid*.

<sup>4</sup>. Subs. by Notification published in Gazette, W.P. Extra., 2nd June, 1970.

(2) Fee for the permits shall be paid in full in advance.

(3) An application in Form R.P.F.A. for the payment of permit fee or the extension in operational area of a permit, as the case may be, shall be made to the Regional Transport Authority issuing the permit, who shall prepare a receipt in Form R.P.F. for each Part B of the permit and deliver a copy thereof to the person tendering the fee.

(4) The receipt for the last fee paid shall be attached to and displayed within Part B of the permit.

(5) If a permit-holder for a transport vehicle, other than a goods vehicle, has paid in advance fees for more than one year and his permit is subsequently cancelled, he shall be entitled to a refund of the amount paid, less the full for the first year following the date of payment and for any subsequent year which may have begun to run before the cancellation is ordered. In case of the goods vehicle the refund of amount for unexpired portion per year shall be worked by dividing the total amount of fee paid for three years by 3 and rounding of a paisa 50 or a above to rupee. Fraction less than 50 paisa shall be ignored.

(6) Save as provided in the preceding sub-rule no refund of fees shall be allowed in any case where permit is cancelled.]

<sup>1</sup>PUNJAB SUBSTITUTION:

In rule 71, in sub-rule (1) for the entries under Fees for Goods vehicles, the following shall be substituted, namely:--

		Rs.
Fee for three years for the 1st Region	---	100.00
Fee for three years for the 2nd Region	---	95.00
Fee for three years for the 3rd Region	---	80.00
Fee for three years for each subsequent Region after the 3rd Region]	---	80.00

<sup>2</sup>PUNJAB AMENDMENTS:

In Rule 64(2) for the words 'six hundred' the words 'four hundred and fifty' shall be substituted.

In Rule 71(1) in clause (i), (ii) and (iv), for the figures '1000', '300' and '500' the figures '950', '200' and '400' shall respectively be substituted.

<sup>3</sup>PUNJAB AMENDMENTS:

In Rule 71, in sub-rule (1):-

Clause (ii) & (iii) are omitted and substituted:-

(i) CONTRACT CARRIAGE

(For three years)

Motor Cab Rickshaw	Ist Region	Rs. 600,00
& Motor Cab Taxi.	2 <sup>nd</sup> Region	Rs. 500,00
	3 <sup>rd</sup> Region	Rs. 400,00
	4 <sup>th</sup> Region	Rs. 300,00
	5 <sup>th</sup> Region	Rs. 200,00
	6 <sup>th</sup> Region	Rs. 100,00

and subsequent regions.

(ii) PUBLIC & PRIVATE

<sup>1</sup>. Punjab Gazette, Extra, 1.7.1971.

<sup>2</sup>. Notification No. SOTR.I/9-2/96 dated 10.10.1996.

<sup>3</sup>. Notification No. SO(TR-I) 2-10/2000 dated 12.12.2001.

## CARRIAGES PERMITS

(Goods Vehicles)

Ist Region	Rs. 400,00
2 <sup>nd</sup> Region	Rs. 300,00
3 <sup>rd</sup> Region	Rs. 100,00
and subsequent regions	

<sup>1</sup>SUNDH AMENDMENT:

In rule 71, the following shall be substituted:-

The following fee shall be payable for the grant and renewal of permits.

### FEEES FOR PASSING VEHICLES

<u>Description of Vehicles</u>	<u>Fee payable</u>
(i) Air-Conditioned Buses/Coaches	Rs. 1,400 each year
(ii) Air-Condition Vans	Rs. 1,200 -do-
(iii) Stage Carriage with r.l.w.	Rs. 900 -do-
(a) Category "A" Routes	Rs. 600 -do-
(b) Category "B" Routes	Rs. 275 -do-
(c) Category "C" Routes	Rs. 200 -do-
(iv) Heavy PSVs stage carriage and contract carriage	Rs. 200 -do-
(v) Light PSVs stage and contract carriage	Rs. 150 -do-

### PERMIT FEE FOR GOODS VEHICLES:

(Public and Private Carriage Permits)

(i) Long Vehicles Trailer for Ist Region.	Rs. 1,200 for 3 years
(ii) Trucks other than long vehicle, trailer for the Ist Region.	Rs. 700 for 3 years
(iii) Fee for 2nd Region	Rs. 700for 3 years
(iv) Fee for 3rd Region	Rs. 125 for 3 years
(v) Fee for 4th Region	Rs. 120 for 3 years
(vi) Fee for 5th Region	Rs. 110 for 3 years

<sup>2</sup>[71-A. **Refund of fee.**--- Where a permit ceases to be valid and stands cancelled under section 19 of the West Pakistan Motor Vehicles (Amendment) Ordinance, 1970 (Ordinance No. IX of 1970), the holder of such permit shall be entitled to the refund or re-adjustment of the fee paid for expired terms of the permit.]

<sup>3</sup>[72. \* \* \* \* \*]

**73. Limitation of capacity of stage carriage and contract carriage. ---**

<sup>1</sup>. Subs. by Notification Gazette No. SO (T-11) 12-13/99-2000/2001; 556, dated 2.8.2000.

<sup>2</sup>. Ins. by Notification Gazette W.P. Extra., 2nd June, 1970.

<sup>3</sup>. Deleted by Notification Gazette W.P., Extra., 2nd June, 1970.

(1) Save with the special permission of Government, no permit <sup>1</sup>[\* \*] shall authorize the conveyance of passengers in any stage carriage or contract carriage in exercise of the maximum number that can be seated in accordance with the provisions of rules 182 and 184.

(2) Stage carriage used exclusively for the operation of a local service in an urban area with an internal height of not less six feet may, in addition to the passengers carried in accordance with sub-rule (1), carry—

- (a) eight standing passengers where the registered seating capacity does not exceed 28 passengers;
- (b) ten standing passengers where the registered seating capacity is not less than twenty-nine and not more than thirty two passengers;
- (c) twenty where the registered seating capacity is more than thirty;
- (d) twelve standing passengers in the lower saloon of a double-decker vehicle.

(3) When in any stage carriage some seats have been reserved for ladies the space in the region of such seat shall be reserved for lady standing passengers and no male passenger shall stand in that portion.

<sup>2</sup>SINDH AMENDMENT:

(2-A) A stage-carriage used exclusively for operation of an intercity service in a rural area with an internal height of not less than six feet, may, in addition to the passengers stated in accordance with sub-rule (1) carry ten standing passengers in lieu of concession up to fifty per cent, in bus fare granted to the students.

<sup>3</sup>PUNJAB AMENDMENT:

For carrying students at concessional rates, stage carriages, may in addition to the passengers carried in accordance with sub-rule (1) carry 15 passengers beyond the seating capacity; provided that the vehicle is carrying at least 15 students or such number of students by which the vehicle is overloaded. The students would entitled to any vacant seat in the vehicle and they would not be asked to make place for the incoming passengers paying full fare except when the student concerned wishes to do so voluntarily.

74.

#### **Traveling of a Checker or Inspector in stage carriages.---**

(1) Notwithstanding the provisions of rule 73, a Checker or an Inspector, employed by a transport concern to check vehicles en route may travel in the vehicle for not more than six mile stretch for the purpose of checking: Provided that such employee is in possession of an identity card, in the form appended to this rule, issued by his employer and counter-signed, in the case of employees of the Road Transport Corporation by the District Manager of the Road Transport Corporation Service, and in other cases by the Motor Vehicles Examiner of the area concerned.

Provided further that on a long route in an isolated and desperately populated area for which only one service operates the Checker or the Inspector, as the case may be, may travel in the vehicle upto the next bus stop, if such a bus stop, fails at a distance of more than six miles.

(2) The Checker or the Inspector shall demand by a Magistrate or an Officer of the Police or transport department produce the identity card for inspection. In case no such identity card is produced the Checker or the Inspector shall be counted as a passenger.

(3) When the employee ceases to hold the office of a Checker or an Inspector, as the case may be, he shall return the identity card to the employer.

#### **FORM OF IDENTITY CARD**

1. Name of the transport concern (employer).
2. Full name and address of the holder.
3. Designation.
4. Signature or thumb-impression of the holder.
5. Age of the holder.
6. Height of the holder.
7. Visible identification mark.

<sup>1</sup>. Certain words omitted *ibid*.

<sup>2</sup>. Sub-rule (2) added vide Notfn. No. SO. (T-11)8-19177, Gazette of Sindh, Ext., dated 8.1.1978.

<sup>3</sup>. . Added No. Tr. (SOII) 1-J/75, Part II, Gazette of Pakistan, Extraordinary, dated 2nd November, 1976.

Signature and designation of the employer.

Attested

Signature of the Motor Vehicles Examiner/District  
Manager, Road Transport Corporation

**<sup>1</sup>Punjab Amendment**

In rule 74, in sub-rule (2) the word "Magistrate" shall be substituted by the words "Secretary District **Carriage** Regional Transport Authority".

**75. of goods in stage and contract carriages.---**

- (1) No goods shall be carried on the top deck of a double-decker stage carriage.
- (2) No goods liable to foul the interior of the vehicle or render it insanitary shall be carried at any time in any stage carriage or contract carriage.
- (3) A Regional Transport Authority may specify in any permit the goods which shall not be carried in a stage carriage or contract carriage or the conditions subject to the certain classes of goods may be carried.
- (4) Subject to the provisions of the preceding sub-rules, goods may be carried in stage carriage or contract carriage at any time in accordance with the conditions specified in the permit, if the obligation of the holder to carry passengers in accordance with the term of the permit is discharged.

Provided that this rule shall not apply to stage carriage plying on Dera Ismail Khan-Fort Sandeman and Tank-Fort Sandeman routes. On these routes the stage carriages may carry goods in lieu of passengers at the rate of 160 lbs per passenger, provided 1/3rd of the seats are kept free and unimpeded for the use of passengers, and the access to the entrance to and exit from the vehicle required under Chapter VI of these Rules shall be unobstructed.

(5) If the holder of a stage carriage permit uses a vehicle authorized by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passenger transport, the Regional Transport Authority may, after giving the holder an opportunity of being heard, declare that a breach of the conditions of the permit has occurred and may thereafter proceed under the provisions of section 62.

(6) When goods are carried in a stage carriage in addition to passengers, the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger. Such number of seats as may be specified in the permit shall be kept free and unimpeded for the use of passengers and the access to the entrance to and exits from the vehicles required under Chapter VI of these Rules shall be unobstructed.

(7) The weight in pounds of goods and personal luggage (other than the luggage and affects allowed under sub-rule (1) of rule 76 carried in stage carriage or motor cab shall not exceed (N-X) 160, the letters in the formula signify—

- N—Maximum number of passengers for which the vehicle might be registered under rules;  
X—The number of passengers carried on the vehicle, or the number of passengers for whom seats are kept free and unimpeded by goods, whichever is greater.

In applying the formula to a double-decked vehicle, account shall be taken of the number of seats in the lower deck, only.

**76. Carriage of personal luggage in stage or contract carriages.---**

- (1) (i) The luggage and personal effects of each passengers, subject to the limits given below, shall be carried free in a stage carriage:--
  - (a) Sixty pounds for each passenger occupying an upper class seat-upper class sates being those declared as such by the Motor Vehicles Examiner.
  - (b) Thirty pounds for each passenger occupying a lower class seat.
- (ii) No luggage or personal effects of any passenger shall be carried in excess of these limits, as permitted by sub-rule (7) of rule 75.

<sup>1</sup>. Subs. by Punjab Notification No. SOTR-1-5-4/2000(P), dated 12.3.2002.



(iii) Small articles, such as over-coats, handbags, shall not be weighed.

(2) Subject to any direction issued by the Provincial Transport Authority, a Regional Transport Authority may impose on the use of the contract carriage conditions in regard to the weight of luggage and goods which may be therein, generally or in any specified area:

Provided that in the case of a contract carriage other than a motor cab the weight of goods allowed shall not exceed that permitted under these rules in the case of a stage carriage.

**77. Obligation to carry a conductor.---**

(1) A Regional Transport Authority may attach to any stage carriage permit a condition that a conductor shall be carried on the vehicle at all time or at any specified times.

(2) A condition included in a permit under sub-rule (1) may direct that a conductor shall be carried when the vehicle is being used as a contract carriage.

**78. Carriage of mails in a stage carriage.---** A Regional Transport Authority may attach to any stage carriage permit a condition that the holder shall, if required, carry mail at such rates as may be fixed by the Regional Transport Authority in consultation with the Postal Authorities concerned.

**79. Further condition that may be attached to a stage carriage permit.---** A Regional Transport Authority may attach to any stage permit or contract carriage permit any one or more of the following conditions, namely:--

(a) that any passengers or goods that may be taken up within the limits of a particular municipality or any other specified area shall be conveyed outside and shall not be set down within those limits or within that area.

(b) That in passing along any specified route to be (referred to as a "corridor") in any specified area no passengers or goods shall be taken up or set down within that area.

(c) That stage carriage which is permitted to ply on a particular route must complete the journey between the two termini;

<sup>1</sup>[(d) \* \* \* \* \*]

(e) That on a notification being issued by Government in the official Gazette for the formation of Transport Companies will not less than fifty vehicles, the permit holder shall in accordance with the said notification join any transport or operators so as to form a Transport Company with the requisite number of vehicles;

(f) That the permit-holders shall—

(i) Construct bus stand providing amenities to the passengers in accordance with the instructions of the Transport Department; and

(ii) When so required by the Transport Department, build garages, workshops, inspection ramps, washing and serving stations in accordance with the specification laid down by that Department and provide necessary machinery and equipment therein;

Provided that conditions (e) and (f) shall be operative only during a War Emergency declared by the Central Government;

(g) That the permit holder shall be liable to action under section 62 if the driver of the vehicle covered by the permit has been found involved in rash and negligent driving;

(h) That the permit holder shall place the vehicle covered by the permit at the disposal of the Central or the Provincial Government during any emergency declared by Government

<sup>2</sup>[(i) Every stage carriage shall carry a Notice Board at least one foot by one foot in size side the body, above the wind screen in the center, displaying the following notice in Urdu in white letters on a black background:--

**80. Regulation of arrival and departure of stage carriages.---** Where stage carriage permits issued under each section 50 in respect of stage carriage services contain regulations for the timings of arrival or departure of stage carriages in accordance with the provisions of <sup>3</sup>[sub-section (3) of section 50,] save with the permission in writing of the Regional Transport Authority issuing any such permit, not more than one stage carriage at a time in any service shall be permitted to arrive or depart from any particular place in accordance with such regulations.

**COMMENTS**

<sup>1</sup>. Omitted by Notification Gazette W.P. Extra., 2nd June, 1970.

<sup>2</sup>. Added by Notfn No. Tr. (SOII), dated 1.1.1975, Gazette in Pakistan, Part I, Ext., dated 1.11.1976.

<sup>3</sup>. Subs. by Notification published in Gazette W.P., Extra, 2nd June. 1970.

Route permit holders cannot claim u/r. 80 on basis of their seniority any particular timings for arrival or departure of their stage carriages. Order by Transport Authority showing in respect of timing favour to any route permit holder, cannot be agitated or adjudicated in writ jurisdiction. Proper remedy for aggrieved permit holder would be to agitate question of timing before higher Transport Authorities either in form of an appeal, if competent or by representation.<sup>1</sup>

**81. Restriction on the picking up of passenger by a motor cab outside the area which the vehicle is primarily intended to service.---** A Regional Transport Authority may at any time include in the permit of any motor cab a condition that no passenger shall be taken into the motor cab at any place outside the headquarters area of the motor cab unless the passenger has applied and has contracted to be carried in the motor cab the whole way from that place to some place within the headquarters area aforesaid; and in such case the Regional Transport Authority shall specify in the permit the limits of the said headquarters area.

**82. Conditions that may be attached to a permit,---** A Regional Transport Authority may attach to any stage carriage permit a condition that the holder shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated conformably with the Ordinance and the rules and with due regard for the comfort, conveyance and safety of the public and of any passengers carried.

**83. Conditions that may be attached to a public carriage permit.---** A Regional Transport Authority may attach to any public carrier's permit any or all of the following conditions:--

- (a) that in passing along any specified route (to be referred to as a "corridor") in any specified area no goods shall be taken or set down within the area, and
- (b) restricting the type and the ownership of goods which may be carried;
- (c) that the permit holder shall be liable to action under section 62, if the driver of vehicle covered by the permit has been found involved in rash and negligent driving;
- (d) that the permit holder shall place the vehicle covered with the permit at the disposal of the Central or the Provincial Government during any emergency declared by Government.

**84. Condition of redundant permits.---** When a permit has been granted on first application by one Regional Transport Authority in respect of a particular vehicle or service of vehicles and it appears that permit has also been granted by another Regional Transport Authority:--

- (a) in respect of the same vehicle, or
- (b) in respect of a service vehicles requiring the use of a greater number of vehicles than the holder of the permits possessed at the time of application, the Regional Transport Authority, by which one of the permits was issued may in consultation with the other authority after giving the permit-holder an opportunity of being heard forthwith cancel or modify the permit in such manner as it may deem fit.

**85. Renewal of permits.---**

(1) No application for the renewal of a permit shall be entered unless it is made in writing to the Regional Transport Authority by which the permit was issued not less than one month before the expiry of the permit. Every application for renewal shall be accompanied by Parts A of the permit and the application fee prescribed in sub-rule (2) of rule 64, and shall state the period for which the renewal is desired.

(2) A Regional Transport Authority may at its discretion entertain application for renewal preferred after the prescribed date, in which case a progressively increasing fee at the rate of rupees two hundred for each month or part of a month, the application is due, shall be charged. An application made after the original permit has expired will be treated on the same basis.

(3) The Regional Transport Authority renewing a permit shall call upon the holder to produce Part B thereof, as the case may be, and shall endorse Parts A and B accordingly and shall return them to the holder.

**<sup>2</sup>SINDH AMENDMENT:**

<sup>1</sup>. NLR 1988 UC 126(2).

<sup>2</sup>. Subs. by Notification No. SO(T-II) 12-13/99-2000/2001; 556, dated 2.8.2000.

In rule 85, in sub-rule (2) for the words "one hundred" the words "two hundred" shall be substituted.

<sup>1</sup>[86. **Renewal of counter-signature on permits.---** \* \* \* \* \* ]

**87. Power of authority renewing a permit to renew any countersignature therein\*\*\*]**

**88. Permit authorizing the replacement of vehicle.---**

(1) If the holder of permit relating to a particular vehicle desires at any time to replace vehicle with another, he shall forward Parts A of the permit and apply in writing to the Regional Transport Authority by which the permit was issued stating the reasons why the replacement is desired, and shall:--

- (i) if the new vehicle is in his possession, forward the certificate of registration; or
- (ii) if the new vehicle is not in his possession, state any material particulars in respect of which the new vehicle will differ from the old.

(2) Upon receipt of an application under sub-rule (1), the Regional Transport Authority may in its discretion reject the application:--

- (i) if it has prior to the application given notice of its intention to reduce the number of transport vehicles that class generally or in respect of the route or area to which the permit applies; or
- (ii) the new vehicle proposed differs in material respects from the old; or
- (iii) if the holder of the permits has contravened the provisions thereof or has been deprived of possession of the old vehicle under the provisions of a hire-purchase agreement:

Provided that in considering application for new permits within its area the Regional Transport Authority shall, other things being equal, give preference to an applicant who has been deprived of a permit by the operation of clause (i) of his sub-rule.

(3) If the Regional Transport Authority grants an application for the replacement of a vehicle under this rule, it shall call upon the holder of the permit to produce Part B of the permit and the certificate of registration of the new vehicle, if not previously delivered to it, and shall correct Parts A and B of the permit accordingly under its seal and signature and return them to the holder.

(4) No fee shall be chargeable for the replacement of a vehicle under this rule.

**89. Permit for the replacement of a vehicle forming part of a service.---**

(1) If the holder of a permit relating to a service of stage carriages or contract carriages desires at any time to replace any vehicle covered by the permit by a vehicle of a different type or capacity, he shall forward Parts A of the permit, with an application in writing to the Regional Transport Authority by which the permit was issued, stating the reason why the replacement is desired and shall intimate the relevant particulars of the vehicle to be replaced and of the new vehicle.

(2) Upon receipt of an application under sub-rule (1), the Regional Transport Authority may in its discretion reject the application:--

- (i) if it has prior to the application given notice of its intention reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies; or
- (ii) if the new vehicle differs in material receipts from the old; or
- (iv) if the holder of the permit has contravened any of its provisions.

(3) if the Regional Transport Authority grants an application for the replacement of a vehicle under this rule, it shall call upon the holder of the permit to produce the appropriate Part B of the permit and shall correct Parts A and B of the permit accordingly under its seal and signature and return them to the holder.

(4) No fee shall be chargeable for the replacement of a vehicle under this rule.

<sup>2</sup>**SINDH AMENDMENT:**

In rule 89, in sub-rule (4), for the words "One hundred" the words "two hundred" shall be substituted.

<sup>3</sup>[90. **Treatment of any counter-signatures on the permit of a replaced vehicle. \*\*\*\*]**

**91. Procedure on cancellation, suspension or expiry of permit.---** (1) The holder of a permit may at any time surrender the permit to the Regional Transport by which it was

<sup>1</sup>. Omitted by Notification published in Gazette W.P., Extra., 2nd June, 1970.

<sup>2</sup>. Subs. by Notification in Gazette of Sindh No. SO(T-11) 12-13/99/2000/2001; 556, dated 2.8.2000.

<sup>3</sup>. Deleted by notification published in Gazette W.P., Extra., 2nd June., 1970.

granted and the Regional Transport Authority shall forthwith cancel any permit so surrendered.

(2) When a Regional Transport Authority suspends or cancels any permit:--

(i) the holder shall surrender Parts A and B of the permit within seven days of receipt of a demand in writing by the Regional Transport Authority; and

<sup>1</sup>[(ii) the authority suspending or cancelling the permit shall send intimation to any other authority in whose area the validity has been extended under rule].

(3) Within fourteen days of the expiry of any permit by the efflux of time, the holder shall deliver Parts A and Part B to the Permit Issuing Authority by which it was issued. If the permit holder fails to surrender the permit within fourteen days of the expiry of permit, the permit shall be renewed after realizing the prescribed fee under rule 71 and rule 85 (2) even if the ownership of the vehicle or the alignment of the route is changed.”

### <sup>2</sup>**Punjab Amendment**

[“(4) if the permit-holder fails to surrender the permit or apply for renewal thereof, the Permit Issuing Authority shall refer the matter to the Registering Authority for suspension of Registration Certificate of the vehicle under the prescribed process.”]

## COMMENTS

*Variation of route permit.*--- Route permits having been issued in complete accord with requirement of rules, permit-holder validity acquired vested right in such route permits. Subsequent order of variations in such route permits by authority before expiry of terms of route permits and without application in writing of holders of such out permits, held, without lawful authority and ultra vires.<sup>3</sup>

### **92. Transfer of a permit.**---

(1) When the holder of a permit desires to transfer the permit to some other person under sub-section (1) of section 61, ha and the person to whom he desires to make the transfer shall make a joint application in writing to the Regional Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer and stating whether any premium, payment or other consideration arising out of the transfer is to pass or has passed between them and the nature and amount of any such premium, payment or consideration. Every such application shall be accompanied by a fee of rupees three hundred only which shall not be refundable.

(2) If a Regional Transport Authority having sanctioned any transfer of a permit is subsequently satisfied that the contents of the application on which the transfer was approved were false incomplete in respect of the matter specified in sub-rule (1) or any material particular, it may declare the transfer to be void, and the permit shall, thereupon, without prejudice to any other penalty to which the parties may be liable, cease to have validity.

(3) The Regional Transport Authority may summon both the parties to the application, to appear before it and may, if it deems fit, deal with the application as if it were an application for a permit.

(4) (i) if the Regional Transport Authority is satisfied that the transfer of a permit may properly be made, it shall call upon the holder of the permit in writing to surrender Parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the sum of rupees fifteen as transfer fee.

(ii) Upon receipt of Parts A and B of the permit and of the prescribed fee, the Regional Transport Authority shall cancel the particulars of the holder thereon and endorse particulars of the transferee and shall return the permit to the holder.

<sup>4</sup>[(iii) \* \* \* \* \*]

<sup>1</sup>[(iv) \* \* \* \* \*]

(5) The Regional Transport Authority may delegate to the Chairman powers to accept or reject application for transfer of permits without obtaining its prior approval in each case, provided that the power so delegated shall be exercised subject to the condition that any such

<sup>1</sup>. Subs. by Notification in Gazette W.P., Extra., 2nd June., 1970.

<sup>4</sup>. Subs. By Notification in Gazette dated 21-12-2001.

<sup>2</sup>. Added by Notification No. SO(TR-I)2-10/2000, dated 5.11.2003.

<sup>3</sup>. 198. CLC 2402.

<sup>4</sup>. Omitted by Notification No. T. 7/35-56, published in Gazette W.P. Extra., 2nd June, 1970.

action taken by the Chairman shall be put at the subsequent meeting of the Regional Transport Authority for confirmation.

**93. Issue of duplicate permits. ---** (1) When Part A or Part B of any permit has been lost or destroyed, the holder shall forthwith intimate the fact to the Regional Transport Authority by which the permit was issued and shall deposit prescribed fee for the issue of a duplicate, and in the case of the loss or destruction of Part B shall also forward Part A of the permit.

<sup>1</sup>[(2) Regional Transport Authority shall upon receipt of an application under sub-rule (1), issue a duplicated permit or part or parts of a permit as the case may be, and after endorsing thereon the effect of extension at operational area of other authority, may intimate the effect of such endorsement to such authority].

(3) A duplicate permit or duplicate part of a permit issued under this rule shall be clearly stamped "Duplicated" in red ink and the certified copy of any <sup>2</sup>[extension of operational area] by any other Regional Transport Authority on a permit or a part of a permit made under it shall be valid in the region of that other authority.

(4) When a permit or part of a permit has become so dirty, torn or defaced or is in the opinion of the Regional Transport Authority to be illegible the holder thereof shall surrender the permit or part of the permit, as the case may be, to the Regional Transport Authority and apply for the issuance of a duplicate permit or part of a permit in accordance with this rule.

(5) The fee for the issue of a duplicate permit or part of a permit shall be rupees five for Part A and rupees two for each copy of Part B.

(6) Any permit or part of permit which is found by any person shall be delivered by that person to the nearest station or to the holder or to the Regional Transport Authority by which it was issued and if the holder finds or receives any permit or part of permit in respect of which a duplicate has been issued, he shall return the original to the Regional Transport Authority by which it was issued.

(7) The Regional Transport Authority may delegate to the Chairman or Secretary, powers to issue duplicate permits, provided that the powers so delegated shall be exercised subject to the condition that the cases decided shall be put up at the subsequent meeting of the Regional Transport Authority for confirmation.

**<sup>3</sup>[SINDH AMENDMENT:**

In rule 93, in sub-rule (4), for the words "five hundred" the words "seven hundred" shall be substituted.

In rule 93, in sub-rule (5) for the words "fifty" and "twenty-five" the words "five hundred" and "two hundred" shall respectively be substituted.

**<sup>4</sup>[94. Variation of permits.---** On an application made in writing by the holder of a permit, the Regional Transport Authority may at any time in its discretion vary the permit or any condition thereof imposed or attached by it:

Provided that stage carriage entered in a permit for a route shall not be allowed a change for any other route during the currency of the permit:

Provided that the Regional Transport Authority cannot vary a condition requiring the permit holder to carry mail under rule 78 without concurrence of the concerned Postal authorities.

**<sup>5</sup>PUNJAB ADDITION:**

In rule 94 for the first proviso, the following shall be substituted, namely: "Provided that a stage carriage entered in permit for a particular route shall not be allowed a change for another route unless a period of three months has passed from the date on which the stage carriage was entered in the permit for such route."

## COMMENTS

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<sup>1</sup>. Subs. by Notification published in Gazette W.P., Extra., 2nd June, 1970.  
<sup>2</sup>. Subs. by Notification published in Gazette W.P., Extra., 2nd June, 1970.  
<sup>3</sup>. Subs. By Notification No. SO (T-11)12-13/99/2000/2001/556, dated 2.8.2000..  
<sup>4</sup>. Subs. by Notification published in Gazette W.P., Extra., 2nd June, 1970.  
<sup>5</sup>. Punjab Gazette, Extra., 7.8.1971.

*Variation of route permit.*--- Route permits having been issued in complete accord with requirements of rules, permit-holder validity acquired vested right in such route permits, subsequent order of variations in such route permit by authority before expiry of term of route permits and without application in writing of holders of such route permits, held, without lawful authority and ultra vires.<sup>1</sup>

**95. Production of permits.** --- (1) Part A of permit shall be produced on demand made at any reasonable time by any member of a Regional Transport Authority or any other police officer not below the rank of Sergeant or Sub-Inspector.

**2[96. Appeal against orders of Regional Transport Authority.**--- The Authority (hereinafter referred to as the Appellate Authority) to hear and decide an appeal against the orders of a Regional Transport Authority and Claims Tribunal contemplated by clauses (a), (b), (c), (e), (f) and (g) of section 66 and section 67-E shall be the Chairman, Provincial Transport Authority, West Pakistan].

**<sup>3</sup>SINDH AMENDMENT:**

For rule 96 the following shall be substituted:

The Authority to hear and decide an appeal:--

- (i) against the orders of the Provincial Transport Authority shall be the Secretary to Government of Sindh, Transport Department: Provided that order the Secretary is also that the Chairman of the Provincial Transport Authority there shall be no appeal but the aggrieved party may apply for review of the order;
- (ii) against the orders of a Regional Transport Authority shall be the Provincial Transport Authority; and
- (iii) against the orders of a Claim Tribunal under section 67-E, shall be Commissioner of the Division.

### COMMENTS

Respondent No. 2 refusing stage carriage permits on ground that Political Agent had not recommended the issuance of such permits and also there existed tribunal dispute between the petitioner/appellant and the transporters. His appeal there against also failing before respondent No.1. As same being barred by limitation.<sup>4</sup>

Lack of jurisdiction in Tribunal, mere omission to raise objection or merely remaining a passive spectator having no power to prevent illegalities is no bar so as to disentitle a person from taking up point of lack of jurisdiction on part of a domestic Tribunal at writ stage. Total absence of jurisdiction appearing on face of proceedings in inferior Tribunal. High Court bound to issue prohibition although petitioner had consented to or acquiesced in exercise of jurisdiction by inferior Tribunal. Once function of lack of jurisdiction in inferior Tribunal is brought to notice of Court, Court is bound to take notice of the matter.<sup>5</sup>

Chairman Provincial Transport Authority, not acting independently held, tantamount to refusal to exercise jurisdiction, while completely closing its mind in exercise of jurisdiction of its own as required by law. Such action of Chairman, Provincial Transport Authority was material departure from procedure which adversely affected right of petitioner, rendering action of authority to judicial review by High Court in its supervisory jurisdiction. Order of such Authority declared without lawful authority and of no legal consequence against petitioner in circumstances.<sup>6</sup>

Chairman, Provincial Transport Authority not empowered to delegate his powers to decide appeal, to Regional Transport Authority. Chairman required hearing appeal by him.<sup>7</sup>

Levy of tax by Town Committee on buses using bus stand. Bus stand not approved by Regional Transport Authority and Highway Department Grant of temporary injunction against levy of tax and recovery thereof. It was held that recovery of tax besides being apparently illegal, must

<sup>1</sup>. PLD 1969 SC 407; 1985 CLC 2402.

<sup>2</sup>. Subs. by Notification published in Gazette W.P., Extra., 2nd June, 1970.

<sup>3</sup>. Sindh Notification No. S.O. (T-II)8-32/79, dated 5.3.1980.

<sup>4</sup>. KLR 1988 CC 326.

<sup>5</sup>. PLD 1984 Quetta 106.

<sup>6</sup>. PLD 1984 Quetta 106.

<sup>7</sup>. PLD 1984 Quetta 106.

involve inconvenience including issue of distress warrants etc. entailing payee's detention. No recompense being available in money for any such eventuality balance of inconvenience to weight in favour of plaintiff in circumstance. Payee's application under O. XXXIX, Rr. 1 & 2, C.P.C. accepted in revision by High Court with result that recovery shall remain stayed till final disposal of suit.<sup>1</sup>

<sup>2</sup>**[96-A. Appeal against the orders of Provincial Transport Authority.---** The Authority to hear and decide an appeal against the orders of the Provincial Transport Authority shall be the Board of Revenue].

<sup>3</sup>**SINDH AMENDMENT:**

For section 96-A the following shall be substituted:--

"96-A. (1) An appeal or as the case may be review petition against the orders referred to in rule 96 substituted within thirty days of the order, and he in the form of a memorandum in duplicate setting forth concisely the grounds of objection to the order.

(2) The appellate or, as the case may be, reviewing Authority shall, upon receipt of an appeal or review petition, appoint the time and place for hearing of appeal or review petition giving the appellant or the petitioner not exceeding twenty-five rupees.

(3) The appellant or the petitioner shall be entitled to obtain a copy of any document filed with the Provincial Transport Authority or Claim Tribunal, in connection with the order referred to in rule 96, on payment of a fee at the rate of fifty paise per page.]

**97. Procedure in hearing appeals.---**

(1) Any person desiring to prefer an appeal against the order of the Provincial or Regional Transport Authority referred to in rule 96-A shall, within thirty days of the receipt of the orders, prefer a memorandum (in duplicate) to the appellate authority setting forth concisely the grounds of objection to the order of the Provincial or the Regional Transport Authority, as the case may be, together with a certified copy of that order.

(2) Upon receipt of an appeal in accordance with sub-rule (1), the appellate authority shall appoint time and place for hearing of the appeal giving appellant not less than thirty days notice and shall order the appellant to deposit such fee, not exceeding rupees twenty-five as the appellate authority may specify.

(3) Any person preferring an appeal under this rule shall be entitled to obtain a copy of any document filed with the Provincial or the Regional Transport Authority, as the case may be, in-connection with any order against which he is appealing, on payment of a fee at the rate of fifty paise per page.

<sup>4</sup>**PUNJAB SUBSTITUTION:**

For rule 97 the following shall be substituted:--

**97. Procedure in hearing appeals.---**

(1) An appeal against the order of Provincial or Regional Transport Authority or Claim Tribunal shall be preferred to the appellate authority prescribed under rules 96 and 96A in the form of a memorandum (in duplicate) setting forth concisely the grounds of objection to the order appealed against together, with a certified copy thereof.

(2) The appellant while filing the appeal under sub-rule (1) shall deposit a fee of Rs. 25 under the head "XII—Receipts under Motor Vehicle Acts---C---Other Receipt---C8---Miscellaneous (III) Recoveries of the Provincial Transport Authority".

(3) On receipt of an appeal under the preceding sub-rule (1) the appellate authority, shall fix time and place for hearing of the appeal and issue a notice thereof to the appellant which shall not be of less than thirty days period; provided that it may further reduce the said period of notice as considered reasonable in the circumstance of a case.

(4) Any person preferring or desiring to prefer an appeal under this rule shall be entitled to obtain a copy of any document including copy of the order appealed against on the records of the Provincial or Regional Transport Authority or Claim Tribunal as the case may be in connection with any order appealed against on payment of a fee at the rate of fifty paise for every hundred words or part thereof subject to a minimum of Rs. 2.00 to be deposited in advance.

<sup>5</sup>**[SINDH AMENDMENT:**

In rule 97, in sub-rule (2) for the words "twenty-five" the words "five hundred" shall be substituted.

<sup>1</sup>. 1984 CLC 1517.

<sup>2</sup>. Subs by Notfn. Published in Gazette of W.P., Extra., dated 2.6.1970.

<sup>3</sup>. Vide Sindh Notfn. No. S.O. (T-II) 8-32/79, dated 5.3.1980.

<sup>4</sup>. Vide Punjab Gazette, Extra., 7.8.1971.

<sup>5</sup>. Subs. by Sindh Notification No. SO (T-11) 12-13/99-2000/2001; 556, dated 2.8.2000.

### Registration Fee

1. Motor Cycle/Scooters 1% of the value of the Vehicle.
2. Motor Cars/Jeeps up to 1300 CC 1% of the value of the Vehicle.
3. Motor Cars/Jeeps of 1301 CC to 2500 C 2% of the value of the Vehicle.
4. Motor Cars/Jeeps, exceeding 1,500 CC. 4% of the value of the Vehicle.
5. Trucks/Buses/Pick-ups/Rickshaws 1% of the value of the Vehicle.

**98. Conduct and duties of drivers of public service vehicles. ---** The driver of a public service vehicle:--

- (i) shall not cause or allow any person, animal or thing to be placed or to be in the space reserved for the driver's seat in accordance with rule 186 or otherwise in such a way as to impede his vision of the road or proper control of the vehicle;
- (ii) shall not shout in order to attract a passenger;
- (iii) shall subject to any rules or regulations in force prohibiting the taking up or setting down of passengers at, or except at certain places, bring the vehicle to rest for a sufficient period of time in a safe and convenient position upon the demand or signal of the conductor or of any passenger desiring to alight from the vehicle, and, unless there is no accommodation in the vehicle, upon the demand or signal of any person desiring to become passenger;
- (iv) Shall not, when bringing his vehicle to rest for the purpose of picking up or setting down any passenger at or near the place where another public service vehicle is at rest for the same purpose, driver the vehicle so as to endanger, cause inconvenience or interfere with the driver or the conductor of the other vehicle or any person mounting or preparing to mount thereon or alighting there from, and shall bring his vehicle to rest in front of or behind the other vehicle and on the left hand side of the road or place;
- (v) Shall at all times exercise all reasonable care diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it, or any brake, tyre or lamp thereof, is in a defective condition likely to endanger any passenger or other person or when there is no sufficient petrol diesel oil in the tank of the vehicle to enable him to reach the next petrol filling station on the route; and
- (vi) Shall not, except in the case of a motor cab, fill the tanks of the vehicle with petrol or other liquid fuel so long as any passengers are seated in it; and
- (vii) Shall issue a ticket to a passenger immediately on payment of the fare or freight except where arrangement outside the vehicle for the issue of tickets in advance to the intending passengers on payment of the fare or freight exist and the passenger has in his possession, such a ticket.

#### **<sup>1</sup>PUNJAB DELETION:**

In rule 98, clause (vii) shall be deleted.

**99. Duties of drivers and conductors of public service vehicles. ---**

- (i) shall, as far as may be reasonably possible having regard to his duties, be reasonable for the due observation of the provisions of the Ordinance and of these rules and of any conditions of the permit relating to the vehicle;
- (ii) shall not smoke in or on a vehicle during a journey or when it has passengers on boards;
- (iii) shall behave in a civil and orderly manner to passengers and intending passengers;
- (iv) shall be clearly dressed in such a manner as the Regional Transport Authority may specify;
- (v) shall maintain the vehicle in a clean and sanitary condition;
- (vi) shall not interfere with persons mounting or preparing to mount upon any other vehicle;
- (vii) shall not allow any person to be carried in any public service vehicle in excess of the seating capacity specified in the certificate of registration of the vehicle, and any additional number permitted under the terms of the permit to be carried standing in the vehicle;
- (viii) shall not solicit custom save in a civil or quiet manner;

<sup>1</sup>. Vide Punjab Gazette, Extra., 14.11.1972.



- (ix) shall not willfully deceive or refuse to inform any passenger or indenting passenger as to the destination or route of the vehicle or as to the fare for any journey;
- (x) shall not, save for goods and sufficient reason, refuse to carry any person tending the legal fare;
- (xi) shall, where goods are carried on the vehicle in addition to passengers take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods;
- (xii) shall not, save for good and sufficient reasons, require any person who has paid the legal fare to alight from the vehicle before the conclusion of the journey;
- (xiii) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time-table pertaining to the vehicle or where there is no such time-table, with all reasonable dispatch;
- (xiv) shall, in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown, or other cause beyond the control of the driver or the conductor, arranger to convey the passengers to their destination in some other similar vehicle, or, if unable so to arrange within a period of half an hour after the failure of the vehicle, shall on demand refund to each passenger a proper proportion of the fare relating to the completion of the journey for which the passenger has paid the fare;
- (xv) shall not, in the case of a stage carriage, cause or allow anything placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;
- (xvi) shall when using a stand, pay the fees fixed under sub-rule (5) of rule 253 and comply with any relevant condition subject to which the place is authorized as a stand; and
- (xvii) shall take due care for the safe carriage of luggage belonging to the passengers.

#### **<sup>1</sup>PUNJAB ADDITION:**

After rule 99, the following new rule shall be added, namely:--

#### **"99-A. *Issue of tickets to the passengers traveling in public service vehicle.*---**

The driver, conductor, cleaner of a stage carriage or any employee of the owner of a stage carriage charged with the duty of issuing tickets shall issue a ticket to a passenger immediately on payment of the fare or freight by him except where the passenger has in his possession such a ticket already issued to him outside the vehicle for the intended journey:

Provide that all tickets issued in respect of stage carriage operating on district routes shall bear the registration mark of the vehicle in Form P.T. set forth in the Fifth Schedule.]

#### **COMMENTS**

Punishment of cancellation of conductor's licence not part of punishment provided in Penal Code and adopted by Criminal Procedure Code and cannot give right of appeal to convict which otherwise barred by S. 414 of Criminal Procedure Code. Special Magistrate, in summary trial awarding punishment of fine and cancellation of conductor's licence. Additional Sessions Judge dismissing appeal as not competent. Order of Special Magistrate cancelling conductor's licence, revisable under S. 11(6) of Ordinance. High Court setting aside order of dismissal of appeal and remanding case to Additional Sessions Judge for considering grievance relating to cancellation of conductor's licence after treating appeal as revision.<sup>2</sup>

**100. Lost property.**--- The conductor of a stage carriage or where there is no conductor, the driver shall at the conclusion of any journey-make search in the vehicle for anything left by any passenger and shall take into his custody anything so found, and upon the first opportunity make over the same to a responsible person at any office of station of the permit holder who shall keep or cause it to be kept for a maximum period of three days, unless it is delivered to the rightful claimant, after which period anything so found shall be handed over to an officer at the nearest police station. He shall also maintain a register in form L.P.R. entering all such articles.

**101. Conduct of passenger in stage carriage.**--- If at any time a passenger in a stage carriage:-

- (i) Behaves in a disorderly manner: or

<sup>1</sup>. Vide Punjab Gazette Notfn No. 3321-72/1753/TI, dated 14.11.1972.

<sup>2</sup>. 1983 P.Cr.L.J. 398.

- (ii) Behaves in a manner likely to cause annoyance to any female passenger: or
- (iii) Uses abusive language: or
- (iv) Molests any other passenger or
- (v) Smokes when smoking is prohibited or when the vehicle is being re-fuelled; or
- (vi) Spits; or
- (vii) Obstructs the conductor in the execution of his duties; or
- (viii) Is unable to pay the fare or
- (ix) Refuses to pay the fare or travels without a valid ticket; or
- (x) Refuses to pay the fare or travels without a valid ticket; or
- (xi) Refuses to show any ticket on demand by a authorized person, or surrender any ticket held by him in completing of the journey or which it was issued; or
- (xii) Uses or attempts to use any ticket which has been altered or defaced or (in the case of a ticket bearing an indication that it is not transferable issued to another person; or
- (xiii) Is reasonably suspected to be suffering from any contagious or infectious disease; or
- (xiv) Commits or abets any offence under the ordinance, the driver and conductor, if any may require such passenger to alight from the vehicle forthwith any may stop the vehicle and keep it standing until the passenger has alighted. Such passenger shall not be entitled to the refund of any fare which he may have paid, and nay passenger failing to comply forthwith with such a requirement may be forcibly removed by the conductor or the driver and shall be guilty of an offence.

**102. Carriage of children and infants in a public service vehicle.---** In relation to the number of persons permitted to be carried in a public service vehicle:

- (i) a child of not more than twelve years of age shall be reckoned as a half; and
- (ii) a child of not more than three years of age shall not be reckoned.

**103. Licensing of conductors.---** (1) No person shall work as a conductor of a stage carriage and no employer shall employ any person on any route or in any area specified by a Regional Transport Authority, unless such person holds a conductor's licence in Form L. Con, granted by a licensing authority.

(2) A conductor's licence shall be valid for a period of not less than one year and not more than three years from the date of issue or renewal and shall be effective throughout the Province.

(3) Application for the grant of a conductor's licence shall be made in writing to the licensing authority of the district where the applicant resides or normally works, in Form L. Con. A, and shall be accompanied by two clear copies of a recent photograph of the applicant and the prescribed fee.

(4) In the case of an applicant for the grant of licence, if the licensing authority has reason to suppose that the applicant is physically unfit to perform the duties of a conductor the authority may, call upon him to produce a medical certificate of fitness in Form M.C. counter-signed by a registered medical practitioner, and in such a case, the applicant shall furnish a third copy of the photograph prescribed in sub-rule (3) which shall be firmly affixed to the medical certificate of fitness and shall be signed or sealed by the registered medical practitioner.

(5) No person under the age of eighteen years shall hold a conductor's licence.

(6) The fee for a conductor's licence for the renewal of conductor's licence shall be rupee one for each period of one year for which the licence is granted or renewed.

(7) Application for the renewal of conductor's licence shall be made by letter enclosing the licence, accompanied by the prescribed fee, addressed to the licensing authority by which the conductor's licence was issued.

(8) If at any time a conductor's licence is lost or destroyed or becomes illegible or the photograph attached thereon ceases in the opinion of the authority by which the licence was granted to be of a reasonable likeness of the holder, that authority shall proceed as if the conductor's licence were a driving licence.

(9) A licensing authority may decline to issue a conductor's licence if he is satisfied:-

- (i) that the applicant's knowledge of the provisions of the Ordinance and of these rules and of the duties and powers of a conductor there under is inadequate to enable him to perform the duties of a conductor; or
- (ii) that the applicant, was at any time the holder of a conductor's or a driving licence which has been cancelled for misconduct; or
- (iii) that the character or physique of the applicant is such as to render him an unsuitable person to hold a conductor's licence; and may likewise decline to renew a conductor's licence.

(10) A licensing authority may, for reasons to be recorded in writing, suspend or cancel a conductor's licence issued by itself or any other licensing authority. Where a licensing authority suspends or cancels a licence granted by another authority, it shall communicate the particulars to that authority.

(11) Any Court by whom a conductor is convicted of any offence in connection with his duty as conductor may cancel the conductor's licence.

(12) A conductor of a stage carriage shall on demand by any police officer in uniform produce his conductor's licence for inspection; provided that if at the time this licence is demanded he is displaying the badge prescribed in rule 105 it shall be sufficient compliance with this sub-rule if he produces the licence within forty-eight hours at any hours at any police station which he specified to the police officer making the demand.

(13) No person shall hold more than one conductor's licence effective in the same region.

(14) The licensing authority may; by notification in the official Gazette, declare that such of these rules as are applicable to drives or to driver's licence as may be specified in the said notification shall apply to conductors or to conductor's licence, as the case may be.

(15) In all matters relating to the grant, suspension and cancellation of conductor's licence, the licensing authority shall act under the control of the Deputy Inspector-General of Police of the area.

## COMMENTS

Cancellation of conductor's licence on conviction of conductor of an offence in connection with his duties as a conductor unlawful.<sup>1</sup>

### **104. Driver's badge.---**

(1) the driver of a public service vehicle shall display on his left breast or left arm a metal badge in the form illustrated in the Third Schedule to these rules issued by and inscribed with the name of the authority by which an authorization to drive a public service vehicle has been granted and the word "Driver" together with an identification number.

(2) A driver of a public service vehicle shall not hold more than one such badge issued by an authority in the Province.

(3) The fee for issue of a badge as aforesaid shall be rupees one. If the badge is lost or destroyed duplicate badge shall be issued by the authority by which it was issued on payment of rupees two. Upon the return to the issuing authority of a badge or of a duplicate badge the driver shall be entitled to a refund of rupee one.

(4) If at any time the authorization on a driver's licence entitling him to drive a public service vehicle is suspended or revoked by any authority or within seven days surrender the badge to the authority by which it was issued.

**105. Conductor's badge.---** (1) The conductor of a stage carriage shall display on his left breast or left arm metal badge in the form illustrated in the Third Schedule to these rules issued by and inscribed with the name of the authority by which the conductor's licence is granted and the word "Conductor" together with an identification number.

(2) A conductor shall not hold more than one badge issued by an authority in the province.

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<sup>1</sup>. NLR 1978 Criminal 923.

(3) The fee for the issue of conductor's badge as aforesaid shall be rupee one. If the badge is lost or destroyed a duplicate badge shall be issued, by the authority which issued it, on payment of rupees two. Upon return to the issuing authority of a badge or a duplicate badge, the conductor shall be entitled to a refund of rupee one.

(4) If at any time a conductor's licence is suspended or cancelled by competent authority or by any court of it ceases to be valid by the efflux of time, the conductor shall within seven days surrender the badge to the authority by which it was issued.

**106. Badge not is transferred.---** (1) No driver and no conductor shall lend or transfer the badge prescribed, in these rules, to any other person, and no driver or conductor shall wear a badge other than one issued to him by the authority referred in sub-rule (1) of rule 104 or sub-rule (1) of rule 105.

(2) Any person finding a driver's or a conductor's badge shall, unless he returns the same to the holder, forthwith surrender it to the authority by which it was issued or to a police officer.

**107. Prohibition on use of force to collect passengers.---** No driver or conductor of a public service vehicle or agent for the sale of tickets shall touch any one or use force to any person with the object of including that person or any other travel in any public service, or shout loudly or use any horn, bell going whistle, gramophone, loud-speaker, musical instrument or other device for creating a loud noise with the object to attracting passengers.

**108. Sale of tickets.---** In any district or other area to which this rule may be applied by Government no driver or conductor of a public service vehicle or agent for the sale of tickets in a public service shall sell or attempt to sell tickets or solicit custom in any place which has been notified by the district Magistrate by public proclamation in such other manner as he may find convenient, as a place in which such sale soliciting is not permitted.

#### **PUNJAB AMENDMENT**

In Rule 108 for the words "District Magistrate" the words "secretary District Regional Transport Authority" Shall be substituted.<sup>1</sup>

**109. Licensing to ticket agents in certain areas. ---**

(1) In any district or other area to which this rule may be applied by government no person shall act as an agent for the sale of tickets for travel by a public service vehicle otherwise than the vehicle itself or in affixed office, unless he has obtained from, the licensing authority a licence permitting him to do so.

(2) For the purpose of the preceding sub-rule, any person soliciting or attempting to persuade another person to travel in a vehicle, shall be deemed to be acting as an agent for the sale of tickets for travel thereby.

**110. Issue of ticket agent's licence.---**

(1) Licence under the preceding rule shall consist of: --

(a) a permit in Form T.A.P and

(b) a metal badge of the kind illustrated in the Third Schedule to these rules.

(2) No licence shall be issued to any agent except on the application, of the person or company; being the holder of a permit for one or more public making the application (hereinafter ceiled the "principal") shall be required to other entries being completed by or under the orders of the licensing authority.

(3) The fee for the issue of a ticket agents badge as aforesaid shall be such as fixed by the Provincial Transport Authority from time to time. If a badge is lost or destroyed, a duplicate badge shall be issued by the authority, which issued it, on payment of such amount as may be fixed from time to time.

**111. Cancellation of ticket agent's licence.---** (1) The licensing authority shall forthwith cancel any licence issued under rule 109 upon request made to him by the principal on whose application it was granted.

(2) A principal proposing to apply for the cancellation of a licence issued to an agent on his application may call on the agent to surrender the permit and badge, and the agent shall be bound forthwith to surrender the same to the principal.

<sup>1</sup>. Subs. by Notification No. SOTR-1-5-4/2000(P), dated 9.3.2002.

(3) Where a principal requires any agent to surrender his badge and permit under the preceding sub-rule he shall forward the same, with his application of the cancellation of the licence to licensing authority with the least possible delay and in any case within forty-eight hours.

**112. Term of ticket agent's licence.**--- Unless a shorter term is appointed, an agent's licence shall be valid for one year from the date of issue or renewal but may be cancelled at any time by the licensing authority if it appears to him that the conduct of the agent in his relations with the public has been unsatisfactory or that the agent is not a suitable person to continue as such.

Provided that before cancelling the licence the authority shall give to the agent an opportunity of showing cause against the proposed action.

**113. Badge to be exhibited.**--- (1) An agent licensed under rule 109 shall carry his badge and permit on his person at all times when he is engaged in his duties, the badge being displayed prominently on the left breast.

(2) The agent shall be bound to exhibit his permit on the demand of any person whose custom he has sought to secure or of any police officer in uniform of or above the rank of head-constable.

(3) If any person, not having been appointed an agent under rule 109 or whose licence to act as an agent has been cancelled or has otherwise ceased to be valid exhibits a badge or permit of the kind prescribed in sub-rule (1) of rule 110 or any colorable imitation of such badge or permit shall be punishable for a contravention of these rules.

**114. Appeals.**--- (1) Any orders, made by a licensing authority under rule 110,111 or 112 shall be appealable to the Deputy Inspector-General of Police of the area whose decision shall be final.

(2) The deputy Inspector-General shall, before passing an order under sub-rule (1), give an opportunity to the appellant of being heard.

**115. Prohibition on the carriage in public service vehicles of persons suffering from infections or contagious diseases.**--- (1) No driver and no conductor of a public service vehicle shall cause or allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease.

(2) Notwithstanding the provisions of sub-rule (1), the driver and the conductor may upon application in writing by a registered medical practitioner allow a person suffering from an infectious or contagious disease to be carried in a public service vehicle; provided that no other person, save a person or persons in attendance on the sick person, shall be carried in the vehicle at the same time.

(3) When a person suffering from an infectious or contagious disease or the corpse of any such person has been arrived in a public service vehicle, driver and the conductor of the vehicle shall be responsible that the fact is reported to a medical officer of health and to the owner of the vehicle, and neither the owner nor the driver nor the conductor, and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

**116. Carriage of person in goods vehicles.**--- (1) Save in the case of vehicle which is being used for the carriage of troops or police or in the case of a stage-carriage in which goods are being carried in addition to passengers, no person shall be carried in a goods vehicle other than a bona fide employee of the owner or the hirer of the vehicle may also travel in it for a purpose connected with bona fide business of the vehicle.

(2) No person shall be carried in the cab of a goods vehicle beyond the number for which there is seating accommodation at the rate of fifteen inches measured along the seat excluding the space reserved for the driver for each person and not more than six persons in all in addition to the driver shall be carried in any vehicle.

(3) No person shall be carried upon the goods otherwise in such a manner that such person is in danger of falling from the vehicle, and in no case shall any person be carried in a goods vehicle in such a manner that any part of his person, when he is in sitting position, is at a height exceeding ten foot from the surface upon which the vehicle rests.

(4) Notwithstanding the provisions of sub-rule (2), a Regional Transport Authority may, as a condition of a permit granted for any goods vehicle, specify the conditions subject to which large number of persons may be carried in the vehicle, provided that such number shall not exceed the area in square feet of the floor or the vehicle divided by person.

(5) Nothing contained in this rule shall be deemed to authorize the carriage of any person for hire or reward authorizing the use of the vehicle for such purpose, and save in accordance with the provisions of such permit.

(6) The driver of every goods vehicle other than a delivery van shall at all times carry an attendant at the rear of the vehicle. The attendant shall sit towards the rear of the vehicle and shall communicate with the driver by pressing the bell button or by other means about a vehicle approaching from the rear and desirous of overtaking or going ahead.

(7) The provisions of this rule shall not apply to motor vehicles registered under section 40 or 41.

**117. Log books and complaint books to be maintained by the drivers of certain transport vehicles.---**

(1) The driver of every contract carriage other than a motor cab and of every goods vehicle for which a public carrier's permit has been granted shall maintain a log book and shall entered particulars of every hiring therein.

2. The particular to be entered in the log book shall be;--
  - (i) in the case of a contract carriage:--
    - (a) the name of the hirer, with sufficient particulars to enable him to be indentified;
    - (b) the approximate number of persons included in the party;
    - (c) the starting point and finishing point of the trip and the route to be followed ;
    - (d) the date and time from which the hiring has effect;
    - (e) the date the time when the journey is expected to be completed; and
    - (f) the nature and weight of any goods carried;
  - (ii) in the case of goods vehicle:-
    - (a) Serial number
    - (b) Description and weight of goods;
    - (c) Place and time with date of dispatch;
    - (d) Destination with probable time of arrival;
    - (e) Distance;
    - (f) Amount of freight charged;
    - (g) Name and address of the consignor;
    - (h) Name and address of the consignee;
    - (i) Signature and designation of inspecting officer; and
    - (j) Remarks:

Provided that in the case of vehicle carrying miscellaneous goods belonging to a number of owners the record of each consignment shall be kept in the standard way-bill form in the following from:

Name of the company -----  
 Driver's Name -----

VEHICLE No.							
Consignor		Consignee		Form To		Nature of Goods and	
Distance		Freight		Remarks		Weight	
1	2	3	4	5	6	7	8

(3) The particulars required by the preceding sub-rule shall be entered in the log book before the passengers or goods are taken into the vehicle and before the journey is begun.

(4) The provisions of this rule shall apply also to any stag carriage authorized for use a contract vehicle or for the carriage of goods, insofar as the vehicle is used for either of purposes.

(5) The log books required to be maintained under this rule shall be produced by the driver at any time when the vehicle is on the road or at any reasonable time on the demand of any police officer not below the rank of head constable.

(6) The entries in the log books required by this rule shall be made in English or vernacular script.

(7) (i) A complaint book in the form sub-joining this sub-rule shall be kept at the expense of the permit-holders in every public service vehicle in a clean and tidy condition by the person immediately in charge of the vehicle and shall be produced by him on demand to any passenger, who shall be at liberty to enter any complaint therein.

(ii) The complaint book shall contain fifty sheets of half foolscap size with pages serially numbered and properly bound.

(iii) The permit-holder or his agent shall not temper with any complaint recorded in the complaint book nor shall remove any sheet there from.

(iv) The permit-holder shall check up the complain book at least once a week for taking appropriate action on the complaints recorded therein authority concerned the action taken thereon.

(v) The complaint book shall be called for by the secretary, Regional Transport Authority at suitable intervals to satisfy himself that appropriate action has been taken by the permit-holder on the complaints recorded therein in case the secretary, Regional Transport Authority is dissatisfied with any action on a certain complain, he shall proceed to take such disciplinary or penal action as deemed fit.

(vi) The secretary, Regional Transport Authority shall initial and due date on the last entry in the complaint book at the time of its inspection.

(vii) When finished, the complaint book shall be surrendered to the Regional Transport Authority concerned.

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Form of Complaint Book for a Public Service Vehicle.

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Date of Complaint	Name and Address of the Complaint	Details of Report	Action taken by permit holder	Signature of the officer who inspected the Complaint book
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**PUNJAB AMENDMENT:**

in rule 117, for the existing sub-rule (7), the following shall be substituted:--

“(7) (i) A complaint book in the form sub-joining this sub-rule shall be kept in every public service vehicle at the expense of the permit-holder in a clean and tidy condition and displayed in a manner so as to be visible to every passenger, by the person immediately incharge of the vehicle. A separate wooden box with words complaint Book printed in English and Urdu in bold letters thereon shall be provided where the complain, or to any authorized officer/official/non-official who wishes to inspect action taken.

(ii) The complaint book shall contain fifty pages of half foolscap size properly bound and serially numbered in print.

(iii) The permit-holder or his agent shall not tamper with any complaint recorded in the complaint book nor shall be remove any sheet there from.

(iv) The permit-holder shall check up the complaint book once a week for taking appropriate action on the complaints recorded therein and intimate to the complainants and the secretary, Regional Transport authority concerned of the action taken thereon.

(v) The complaint book shall be called for by the Secretary, Regional Transport Authority, at suitable intervals to satisfy him that appropriate action has been taken by permit holder on the complaints recorded therein. In case the Secretary, Regional Transport Authority, is dissatisfied with any action taken by the permit holder, he shall proceed to take such action as he may deem fit.

(vi)

(vii) When the complaint book is finished, it shall be surrendered to the secretary, regional Transport authority concerned.

(viii) A new complaint book shall be issued by the secretary, regional transport authority concerned on deposit of the old one after the last complaint and action taken and sentence passed, if any, thereon has been transcribed on the new complaint book.

(ix) If the complaint book is lost, torn, or spoiled, an intimation to that effect shall be given to the superintendent of Police of the District where the vehicle is registered and a copy thereof endorsed to the Secretary, Regional Transport Authority. A new book shall then be issued against of Police concerned whether the loss was international or otherwise, and the result thereto communicated to the Secretary, Regional Transport Authority.

(x) if the loss of the complaint book is held to be intentional, the secretary, Regional Transport Authority, shall take suitable action against the permit-holder and cancel the permit for a period of one month.

#### **FORM OF COMPLAINT BOOK FOR A PUBLIC SERVICE VEHICLE**

Date time and place of complaint  
Name and address of complainant  
Details of complaint/violation  
Action taken by permit-holder  
Action taken by secretary, regional  
Transport authority  
Action taken by authorized officer.

**118. Other records to be maintained.---** (1) A regional transport authority may, by general or special order, require the holder of a permit in respect of any transport vehicle to maintain records and submit returns in respect of the vehicle in such form as the authority may specify, and such records and returns may include particulars of the fully use of the vehicle in respect of:-

- (i) The name and licensee number of the driver and conductor and other attendant, if any;
- (ii) The route upon which or the area within which the vehicle was used;
- (iii) The number of miles travelled;
- (iv) The time of commencement and termination of a journey and of any halts on a journey when the driver obtained rest;
- (v) The weight of goods carried between specified places and the nature of the goods;
- (vi) In the case of goods carried in the stage carriage, the number of trips and the mileage when goods were solely and when goods were carried in addition to passengers, and in the latter case, the number of the seats available for passengers.

(2) No owner or other person shall cause or allow any person to drive a transport vehicle unless the owner or other person has in his possession a record in writing of the name and address of the driver as set forth in his driving licensee, the number of the licensee and the name of the authority by which it was issued.

**119. Change of address of permit-holder.---** (1) If the holder of a permit ceases to reside or to have his place of business, as the case may be at the address set forth in the permit, he shall within fourteen days send Part A of the permit to the Transport authority by which the permit was issued intimating the new address.

(2) Upon receipt of intimation under sub-rule (1) the regional Transport Authority shall, after making such enquiries as it deems fit, enter in the permit the new address and shall intimate the particulars to the authority of any region in which the permit is valid by virtue of <sup>1</sup>[extension n the operational area] or otherwise.

**120. Intimation of Damage To or Failure of A Public Service Vehicle.---** The holder of any stage carriage or contract carriage permit shall, within seven days of the occurrence, report in writing to the Transport Authority by which the permit was issued any failure of, or damage to, such vehicle or to any part thereof, if the failure or damage is of such nature as to render the vehicle unfit for sue in accordance with the conditions of the permit for a period exceeding three days.

(3) Upon receipt of a report under the preceding sub-rules, the Transport Authority by which the permit was issued may, subject to the provisions of rules 88 and 89.

- (i) direct the holder of the permit within such period, not exceeding two months, from the date of the occurrence, as the authority may specify either to make good the damage to or failure of, the vehicle or to provide substitute vehicle; or
- (ii) if the damage to or failure of the vehicle is such that in the opinion of the said authority it cannot be made good within period of two months from the date of the

<sup>1</sup>. Subs. by Notification published in Gazette W.P. Extra., 2nd June, 1970.



occurrence, the authority may direct the holder of the permit to provide a substitute vehicle; and

(4) The transport authority giving a direction, or suspending, cancelling or varying a permit under sub-rule 3 shall send intimation of the fact to the transport authority of any other region in which the permit is valid by virtue of [extension of operational area] or otherwise.

**121. Alteration to motor vehicle.---** (1) The owner of a transport vehicle or if the owner is not the holder of the permit; the holder of the permit shall, at the time when the report required by section 33 is made to the registering authority forward copy thereof to the regional transport case of a permit relating to a service of carriages, to the regional transport authority by which the permit was granted under which the vehicle is being used.

(2) Upon receipt of report under sub-rule (1), the regional Transport authority by which the permit was issued may if the alteration is such as to contravene any of the provisions or conditions of the permit.

(i) Vary the permit accordingly; or

(ii) Require the permit-holder to provide a substitute vehicle within period as the authority may specify, and if the holder fails to comply with such requirement, cancel or suspend the permit.

(3) A regional Transport Authority varying, suspending or cancelling permit or causing another vehicle to be substituted for a vehicle covered by a permit, shall intimate particulars to the regional Transport counter signature or otherwise.

**122. Provision as to Trailer.---** (1) No trailer other than the trailing half of an articulated vehicle shall be attached to a public service vehicle:

Provided that a Regional Transport Authority granting 1] a stage or contract carriage permit may subject to the provisions of rule 236, allow the where proper facilities for the carriage of good do not exist.

(2) Save in the case of a trailer being used for the carriage of troops or police, no person other than the attendant or attendants required by rule 237 shall be carried on a trailer.

(3) Subject to the provisions of sub-rule (4), all the provisions of these rules relating to a private carrier permit or to a public carrier's permit shall apply to any trailer used for the purposes of a private carrier or a public carrier as the case may be <sup>1</sup>[extending the operational area of].

(4) A regional Transport authority granting [extending the operational area of] private carrier's permit [extension] may require, as a condition of the permit or of the extension as the case may be that no trailer or that not more than one trailer or that trailer of a specified description shall be attached to any transport vehicle covered by the permit.

**123. Inspection of transport vehicle and their contents.---** (1) Any police officer, in uniform not below the rank of [sub-inspector] may at any time when the vehicle is in public place call upon the driver of goods vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer to make a reasonable examination of the contents of the vehicle.

2. Notwithstanding the provisions of sub-rule (2) the police officer shall not be entitled to examine the contents of any goods vehicle unless:-

(i) The permit in respect of the vehicle contains a provision of condition in respect of the goods which may or which may not be carried on the vehicle;

(ii) The police officer has reason to suppose that the vehicle is being used in contravention of the provisions of the ordinance or these rules.

(3) any police officer in uniform not below the rank of [sub-inspector] may at any time when the vehicle is in a public place call upon the driver of a public service vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer to make reasonable examination of the number of passengers and other contents of the vehicle so as the provisions and conditions of the permit in respect of the vehicles are being complied with.

**124. Taxi-meters.---** (1) Where a regional Transport authority requires that a motor cab or a motor cab rickshaw shall be fitted with a taxi-meter, the taxi-meter shall be for a pattern approved by the provincial transport authority and shall be fitted in conformity with any instructions that may be issued by the provincial transport authority in this regard.

(2) A permit-holder required to fit a taxi-meters, shall produce the taxi-meter fitted to vehicle before the Motor vehicles examiner, so that it may be tested and sealed, and shall produce the taxi-meter for examination subsequently whenever the vehicle to which it is attached is inspected or whenever for any reason it has become necessary to break a seal.

(3) No person shall drive or cause or permit to be driven any vehicle in respect of which an order has been made under [sub-clause vii of clause (c) of sub section (1) of section 53, if the

<sup>1</sup>. Subs. by Notification published in Gazette W.P. Extra., 2nd June, 1970.

taxi-meter is not attached to the vehicle and sealed or if he knows or has reason to believe that it is not accurate or in proper working order.

**125. Power of officers to inspect taxi-meters.**--- any police officer or any Motor vehicles Examiner, or any secretary, Regional Transport, if he has reason to believe that a motor cab or a motor cab rickshaw fitted with a taxi-meter has been or is being plied with a meter which is defective or has been tampered with, stop such motor cab rickshaw and, in order to test such taxi-meter direct the driver or the person in charge of such motor cab or a motor cab rickshaw to proceed to the office of a motor vehicles examiner or other place and take or cause to be taken such other steps as he may consider proper for purpose.

## **CHAPTER V ROAD TRANSPORT CORPORATION**

**126. Definitions.**--- For the purpose of this chapter unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

- a. Ancillary service means any subsidiary service which provides amenities or facilities to persons making use of any road transport service;
- b. Chairman means the Chairman of the corporation;
- c. Finance wing means that part of the corporation and its officers which deal with work and establishment relating to financial advice accounts audit and regulations;
- d. Member means a member of the corporation; and
- e. Road Transport service means a service carrying passengers or goods or both by road in motor vehicles for hire reward.

<sup>1</sup>**127. Member Finance.**--- one of the members, to be specified by Government in this behalf, shall be in-charge of the finance wing and shall be designated as member, finance.

**128.** The chairman and the members other than the members finance shall be in-charge of such activities, other than those relating to finance wing, as may be assigned to them by the corporation from time to time.

### **<sup>2</sup>N.W.F.P. SUBSTITUTION:**

4. For the existing rule 128 the following rule shall be substituted namely:-

**128. Assignment of Activities.**--- The Chairman and the members shall be in charge of such activities as may be assigned to them by the Board from time to time."

**129. Duties of the chairman and members.**--- The chairman and the members shall.—

- a) Attend every meeting of the corporation unless prevented by illness or other reasonable cause;
- b) Exercise supervision and control all officers and servants of the corporation to the extent authorized by the corporation.

**130. Suit by or against corporation.**--- the chairman and the members in respect of matters pertaining to the activities assigned to them and to the extent of power vesting in or delegated to them, and where such action is necessary may:-

- a) Institute, defend or withdraw any proceedings of compound any offence;
- b) Admit, compromise or withdraw any claim.
- c) Obtain legal advice.

**131. Submissions to Government copies of agenda, minutes etc., of corporation's meetings and other information.**--- The chairman shall furnish to Government a copy of the agenda, the explanatory note and minute of every meetings of the corporation and shall also furnish any returns or other information which Government may call for from the corporation.

**132. Meeting of Corporation.**--- (1) The Corporation shall meet as frequently as possible but not less than once in a fortnight at such time and place as the chairman may decide.

(2) Notice of not less than seven days shall be issued by the secretary of the corporation for every meeting of the corporation.

(3) The Chairman may, in the case of the particular meeting (to be called an urgent meeting), dispose with requirements of sub-rule (2).

(4) A summary containing all relevant facts and in cases affecting the finances of the Corporation, the financial advice recorded by the Member, Finance shall be circulated along with the notice of the meeting.

### **<sup>3</sup>N.W.F.P AMENDMENT:**

- (5) In rule 132—

<sup>1</sup> . NWFP Amendment Rule 127 is omitted under NWFP Gazette Notfn, No. 1734/72/5505/TPT/XV-B-3, dated 19.4.1972.

<sup>2</sup> . N.W.F.P. Gazette, 19.4.1972.

<sup>3</sup> . N.W.F.P. Gazette, Extra. 19.4.1972.

- (a) In sub-rule (1), for the words “a fortnight” the words “three month” shall be substituted;
- (b) For the existing sub-rule (4), the following sub-rule shall be substituted, namely:-
  - [(4) A summary containing all relevant facts shall be circulated along with the notice of the meeting the notice of the meeting].

**133. Chairman to preside a meeting.---** (1) The Chairman shall preside at all the meetings of the Corporation and shall be responsible for the orderly conduct of business thereat.

(2) All questions at a meeting shall be decided by a majority of voted of the Members voting, the Chairman having a second or casting vote in cases where votes are equal.

(3) Minutes of the meeting shall be kept by the Secretary of the Corporation in a book to be provided for this purpose and shall be signed as soon as practicable by the Chairman. Draft minutes shall be circulated among the Chairman and Members and if no amendments are received by the Secretary within two days from the time of their receipt the minutes shall be deemed to have been approved and confirmed. If an amendment is proposed, the minutes shall be deemed to have been confirmed on points regarding which no amendments have been proposed. The proposed amendment shall be discussed and the minutes on that point shall be finally recorded at the next meeting of the Corporation.

**134. Quorum.---** (1) The Chairman and one Member shall from the quorum meeting of the Corporation.

(2) In case of an emergency where an urgent meeting cannot be arranged due to any reasonable cause, the Chairman or a Member shall, whenever possible, consult the other Member or Chairman, as the case may be, and take further necessary action to meet the emergency. In such case summary giving the facts which constituted the emergency, the opinions of the CHAIRMAN OR Member consulted, the reasons for the inability to consult the Chairman or a Member, further action taken and the reasons thereof shall be recorded by the Chairman or the Member who took the action, and copies thereof shall be sent to the Chairman or other Member or Members and the Secretary. The summary will be presented at the next meeting of the Corporation for necessary action.

**<sup>1</sup>N.W.F.P. SUBSTITUTION:**

6. In Rule 134, for the existing sub-rule (2), the following sub-rule shall be substituted, namely:

“(2) In the case of an emergency where an urgent meeting cannot be arranged due to any reasonable cause, the Chairman, or a Member shall, wherever possible; consult the other Member or Members or Chairman, as the case may be, and take further necessary action to meet the emergency. In such a case summary giving the facts which constituted the emergency, opinions of the Chairman or Member or Members consulted, the reasons for the inability to consult the Chairman or other Member or Members further action taken and the reason thereof shall be recorded by the Chairman, or the Member or, the Members who took the action and copies thereof, shall be sent to the Chairman or other Member or other Members and the Secretary. The summary shall be presented at the next meeting of the Board for necessary action.”

**135. Officers of the Corporation.---**

(1) The Corporation may appoint such officers and servants as it may consider necessary for the efficient performance of its functions; provided that appointment to the posts of Director Accounts, Director Stores and Purchases, Director Technical, Director Anti-Corruption Cell, Traffic Manager, Headquarters and any other post enjoining, a status above that of the Regional Manager shall be made by Government in consultation with the Corporation.

*Explanation.---* The determination of the status of a post for the purpose of this sub-rule with Government.

(2) The conditions of appointment and service and the scales of pay of officers and servants of the Corporations shall:-

- (a) as respects the officers mentioned in the proviso to sub-rule (1), be such as may be prescribed by Government, and

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<sup>1</sup>. Subs. *ibid.*

(b) as respects all other officers and staff, shall be such as may be prescribed by the Corporation.

(3) The officers and servants of the Corporation specified in the proviso to sub-rule (1), shall hold office at the discretion of Government, and all other officers and servants of the Corporation shall hold office at the discretion of the Corporation.

(4) Subject to the provisions of sub-rules (1) and (2), the power of appointing, promoting, suspending, finding, reducing, removing or dismissing for misconduct or dismissing for misconduct or granting leave or passing other orders in respect of officers and servants of the Corporation shall be exercised by the Corporation or officers of the Corporation to whom powers are delegated by the Corporation in this behalf.

(5) In respect of any order passed under this rule an appeal shall lie to:--

(a) Government, if the original order is passed by the Corporation;

(b) the Corporation, if the original order is passed by the Chairman or any Member;

(c) the Chairman or a Member, if the original order is passed by the Director Technical, Director Accounts, Directors Stores and Purchases or Traffic Manager, Headquarters; and

(d) such other authority as may be prescribed by the Corporation, if the original order is passed by an officer other than an officer mentioned in clauses (b) and (c).

**<sup>1</sup>N.W.F.P. SUBSTITUTION:**

7. In Rule 135—

(a) for the existing sub-rule (1), the following sub-rule shall be substituted namely:--

(1) The Board may appoint such officers and servants and assign to them such duties and functions as it may consider necessary for the efficient performance of its functions; provided that appointments to the post of General Manager and any other post enjoining a status above that of the Traffic Manager shall be by Government in consultation with the Board.

*Explanation.*—The determination of the status of a post for the purposes of this sub-rule shall rest with Government”.

(b) in sub-rule (5), for the existing clause (c), the following clause shall be substituted, namely:--

“(c) the Chairman, or a Member, if the original order is passed by the General Manager or any officer of the status above that of the Traffic Manager”; and

(d) after sub-rule (5), the following new sub-rule shall be substituted, namely:--

(6) Any person aggrieved by an order passed in appeal by the General Manger may prefer a revision petition to the Board within 30 days of the passing of such order by the General Manager.

**136. Secretary may be required to attend meetings.---** The Secretary of the Corporation shall, when so required by the Chairman, attend meetings of the Corporation and take part in the discussions, but he shall not have the right to vote.

**<sup>2</sup>N.W.F.P. SUBSTITUTION:**

For the existing Rule 136, the following rule shall be substituted, namely:--

136. Secretary may required to attend the meetings.-- The General Manager shall be *ex officio* Secretary of the Board, who shall, when so required by the Chairman, attend meeting of the Board and take part in the discussions, but he shall not have the right to vote.

**137. Powers and duties of the Corporation.---** (1) Subject to the provisions of the Ordinance and any other law for the time being in force, the Corporation shall have the following powers and duties in addition to powers and duties conferred by or imposed under any other law.—

(a) to provide an efficient adequate, economical and properly coordinated system of road transport service in the Province and in any extended area;

(b) to operate road transport service in the Province in co-ordination with any acceding State or the Railways;

(c) to provide for any ancillary services;

<sup>1</sup>. Vide N.W.F.P. Gazette, Extra., 19.4.1972.

<sup>2</sup>. Vide N.W.F.P. Gazette, Extra., 19.4.1972.

- (d) to provide bus stands and such amenities and facilities for passengers and other persons making use of the service as may appear to it requisite or expedient;
- (e) to store goods meant for transport by road;
- (f) to provide, manufacture, purchase, maintain and repair rolling stock, vehicles, appliance, plants equipment or any other thing required for the purpose of any of the activities of the Corporation;
- (g) to provide facilities for training education and research for the purpose of advancing the skill of its employees;
- (h) to buy land or buildings, or take and buildings on lease or under any form of tenancy;
- (i) to provide for its employees living accommodation, places for rest and recreation and other amenities to the extent the Corporation finds it feasible and expedient;
- (j) to acquire and hold such property, both moveable and immovable as the Corporation may deem necessary for the purpose of any of the said activities, and lease, sell or otherwise transfer any property held by it;
- (k) to purchase and sell vehicles, tyres, oils and other stores and pay compensation for property acquired;
- (l) to enter in to and perform all such contracts as may be necessary for the performance of its duties;
- (m) to acquire by agreement or otherwise whether absolutely or for any period. (*sic*) the whole or any part of an undertaking having any one or more of the activities specified in clauses (a) to (d);
- (n) to do all other acts which in the opinion of the Corporation are necessary to facilitate the proper carrying on and furtherance of the functions of the Corporation; and
- (o) to undertake any other business which may be permitted or authorized by Government.

(2) In discharging its functions, the Corporation shall act on commercial lines and shall on questions of policy be guided by national interest.

**<sup>1</sup>N.W.F.P. ADDITION:**

In rule 137, in sub-rule (1), after clause (m), the following new clause shall be inserted, namely:-

“(mm) to raise funds as it may deem expedient by borrowing from the open market, or by floating debentures, or obtaining bank overdrafts, or cash advance from banks at reasonable rate or interest, with prior approval of Government, under Government guarantee, or by pledging its moveable or immovable properties or both.

**138. Appointment of sub-committees and consultative committees.**--- (1) The Corporation shall have power to appoint sub-committees for such purposes as it may from time to time consider necessary and to assign duties to such sub-committees.

(2) The Corporation may, in order to invite constructive criticism and suggestions for the improvement of its services and ancillary functions, set up consultative committees at such places as it may deem necessary or expedient. Such committees may include local representatives of the official commercial, agricultural and industrial interest.

**139. Corporation to frame Regulations.**--- Subject to the provisions of rules made under the Ordinance, the Corporation may frame regulations:--

- (a) for determining the qualification required for the recruitment of officers and the servants of the Corporation and prescribing the terms and conditions of their employees;
- (b) for determining the conditions under which bonus, gratuities, and compensation may be paid to such officers and servants;
- (c) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Funds which may be established by the Corporation for the benefit of its officers and servants or which, with the Corporation's approval, may be established.

<sup>1</sup>. Vide N.W.F.P. Gazette, Extra., 25.10.1975.

- (d) For determining the accounting procedure for various activities of the Corporation;
- (e) For the audit of expenditure and the receipt of the Corporation;
- (f) For the purchases and store of materials; and
- (g) Generally for other activities of the Corporation.

**140. Delegation of powers.**--- The Corporation may, subject to such conditions and limitations as it may specify, delegate to its Chairman, Members, sub-committees, officers and servants such of its powers and duties, other than the power to appoint District Managers, or officers of equivalent status, as may deem necessary for the efficient carrying on of its day to day administration.

**<sup>1</sup>N.W.F.P. SUBSTITUTION:**

In Rule 140, for the words "District Manager", the words "Traffic Manager" shall be substituted.

**141. Consultation with the Member, Finance.**--- (1) Except in cases where powers have been delegated under rule 140, the Corporation, the Chairman, or a Member shall consult the Member, Finance, in writing, in respect of all matters which directly or indirectly affect the finances of the Corporation and shall not act against the advice of the Member, Finance till such advice has been considered and for reasons to be recorded in writing has been rejected by the Corporation.

(2) Except in cases where powers have been delegated under rule 140, the Member, Finance and other officers in the Finance Wing shall in respect of all matters relating to themselves of the Finance Wing, which directly or indirectly affect the finances of the Corporation consult the Chairman or any other officer nominated by the Corporation, and shall not act against the advice given by the Chairman or such other officer unless it has been considered and for reasons to be recorded in writing rejected by the Corporation.

**<sup>2</sup>N.W.F.P. DELETION:**

Rule-141 shall be deleted.

**142. Extension of services.**--- If the corporation consider it to be expedient in the public interest the operation of any of its road transport service to any area situated within any acceding States, it may approach Government to negotiate with the Government of such State for the extension of its service to such area.

**143. Validation of acts and proceedings.**--- No act done or proceedings taken in pursuance of these rules shall be questioned on the ground merely of any vacancy or any defect in the constitution of the Corporation or of any subcommittees set up by it.

**144. Rail-cum-Road Tickets.**--- The Corporation may after consultation and with the approval of the Railway Authorities authorize the issue of Rail-cum-Road Tickets.

**145. Directions by Government.**--- Government may issue directions to the Corporation with regard to broad principles of policy and the Corporation shall carry out such directions.

**146. Government may carry out neglected to work.**--- If the Corporation allows any work acquired or constructed by it fall into disrepair or does not complete any work commenced by it or duly estimated for an sanctioned. Government may cause such work to be restored, completed or constructed and the cost thereof shall be borne and paid by the Corporation:

Provided that a notice of not less than one moth shall be given to the Corporation to restore, complete or construct such work before any action is taken by Government.

**147. Directives by Government.**--- The Corporation shall comply with the directives issued by Government under the Public Investment (Financial Safeguards) Ordinance, 1960 (XLVI of 1960).

**148. Government may order survey.**--- Government may at any time order a survey and examination of any work or of the site thereof to be undertaken by the Corporation and in case of failure or unsatisfactory survey and examination be the Corporation, Government may cause the survey and examination to be undertaken and the cost of such survey and examination shall be borne and paid by the Corporation.

Provided that a notice of less than one month shall be given to the Corporation to undertake the survey and examination of the work before any action is taken by Government.

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<sup>1</sup>. Vide N.W.F.P. Gazette, Extra., 19.4.1972.

<sup>2</sup>. Vide N.W.F.P. Gazette, Extra., 19.4.1972.

**149. Power as to inquiries.**--- (1) Government may appoint any officer to make inquiries into any activities of the Corporation and to report the result thereof to Government.

(2) The Corporation shall give to the officer appointed under sub-rule (1) all facilities thereof to Government:

<sup>1</sup>**[149-A. Member for calculating the market value of property acquired under section 72.**---

(1) The corporation shall form a Committee consisting of three officers, one of whom shall be the Directors (Technical), for assessing the market value of any property acquired under section 72.

(2) The Committee shall, as soon as may be, after any property has been acquired by the Corporation, give to every person having an interest in the compensation to be payable for property, a notice to appear personally or by an authorized agent, before it on a date and time mentioned therein and to state the nature of his interest in the property and the amount and particulars of his claim to compensation for such interest.

(3) The committee shall after considering the claims made to it under sub-rule (2) determine the market value of the property acquired on the following basis:--

(i) In case of land without any superstructure thereon, on the basis of genuine mutations of land or registrations of sale of land similarly situated and in similar use during period of 12 months preceding the date of acquisitions.

(ii) In case of land with superstructures thereon, the price of land shall be determine as (i) above and the value of superstructure shall be classified and its value assessed in accordance with the P.W.D. Manual (Provincial) minus the depreciation calculated at 2 percent; 5 percent and 7 percent annually for 1st, 2nd and 3rd class construction, respectively, from of its completion.

(iii) In case of movable property, including machinery, tools and plants, etc. its market value shall be calculated at the actual cost of the property minus annual depreciation as provided under the Income Tax Act for that category of property.

(4) Where the Members of the Committee are divided in their opinion as to the amount of compensation or the person to whom it is payable, the decision of the majority of members of the Committee shall prevail.

**149-B.** Where a dispute arises as to the amount of compensation payable under rule 149-A by the Corporation for any property acquired by it. Government shall request the Chief Justice of the High Court of West Pakistan to nominate a Judge of the High Court to act as an Arbitrator, under sub-section (4) of section 72].

## CHAPTER VI

### CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

**150. General.**--- (1) No person shall use and no person shall cause or allow to be used or to be [sic] in any public place any motor vehicles which does not comply with the rules contained in this Chapter, or with any order there under made by competent authority.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident while at the place of the accident or to a vehicle so damaged or otherwise defective while being removed to the nearest reasonable place of repair or disposal:

Provided that where a motor vehicle can no longer remain under the effective control of the person driving the same it shall not be moved except by towing.

**151. Lamps.**--- (1) Save as hereinafter provided, every motor vehicle while in a public place during the period between half an hour after sun set and half an hour before sun rise and at any other time when there is no sufficient light to render clearly discernible persons and vehicles, on the road at a distance of five hundred feet ahead, shall carry the following lamps (hereinafter referred to as "obligatory front lamps"):-

<sup>1</sup>. Rules149A and 149B ins. by notification published in Gazette of W.P., 7th May, 1970.

- (i) save in the cases of a motor cycle, motor cab rickshaw, motor cycle rickshaw and an invalid carriage, two lamps showing to the front a white light visible from a distance of five hundred feet;
- (b) in the case of a motor cycle, motor cab rickshaw, motor cycle rickshaw and an invalid carriage, one lamp showing to the front light visible from a distance of five hundred feet and, where the registration mark exhibited at the front of the vehicle is exhibited on both sides of plate in the manner prescribed in sub-rule (5) of rule 32, so fixed as to illuminate both sides of the plate;
- (c) in the case of the side car attached to motor cycle:--
  - (i) a lamp affixed to the extreme left hand side of the side-car showing to the front a white light visible from a distance of five hundred feet, in addition to the lamp required by clause (b) to be carried on the motor cycle;
  - (ii) one lamp showing to the front a white light fixed on the central line of the vehicle so that it illuminates the front registration plate in both sides, and is forwarded of and attached to the steering mechanism in such manner as to be visible from a distance of five hundred feet and movable at all times in conjunction with any steering movement;
  - (iii) one obligatory white front lamp fixed to each side at a height not exceeding three feet six inches and not less than two feet measured from the surface on which the vehicle rests so that each line:
    - (a) with the overall width of the vehicle and, as far as possible, to the extreme outer edge of the body; and
    - (b) along a line perpendicular to the longitudinal, axis which passes through centre of the rear axle;

And shall in every case also carry:--

- (i) one lamp (hereinafter referred to as the "rear lamp") showing to the rear a red light visible from a distance of five hundred feet; and
- (ii) a lamp, which may be the rear lamp or some other device illuminating with a white light, the whole of the registration mark exhibited on the rear of vehicle, so as to render it legible from a distance of fifty feet to the rear; and shall in the case of a motor cab rickshaw, or a motor cycle rickshaw also carry two red rear lights to be fixed within the overall width not more than four inches each from the extreme outside edge of the body at a height not exceeding two feet six inches and not less than one foot six inches measured from the surface on which the vehicle rests:

Provided that when a motor vehicle is drawing another vehicle or vehicles and the distance between such vehicles does not exceed five feet, it shall not, subject to any other provisions of these rules, be necessary for the drawn vehicle to carry obligatory front lamps or for any save the last drawn vehicle to carry a rear lamp or a lamp illuminating the rear registration mark.

(2) Every lamp required under sub-rule (1) to be carried shall during the aforesaid period be kept properly lighted and in an efficient condition.

(3) Obligatory front lamps shall be as nearly as possible of the same power and at the same height from ground.

(4) No lamp showing a light to the front shall be so fixed that the centre of the lamp is more than five feet from the ground; provided that this provision shall not apply to the internal lighting of any motor vehicle or to any light necessary to illuminate the route board of a public service vehicle.

(5) The rear lamp shall be fixed either on the centre line of the vehicle or to the right hand side and, save in the case of a transport vehicle. At a height of not more than three feet six inches from the ground. In the case of a transport vehicle the rear light may be fixed at such a level as may be necessary to illuminate the registration mark.

(6) Where a trailer is being drawn by a motor vehicle, other than the drawn part of an articulated vehicle, a lamp of as nearly as possible the same size and power as the rear lamp and showing red light to the rear shall be affixed to the trailer vertically above or below the rear lamp at a distance of not less than two feet or more than three feet from the rear-lamp.



(7) No motor vehicle shall show a red light to the front or other than red light to the rear, provided that this provision shall not apply to the internal lighting of the vehicle or to an amber light if displaced by any direction indicator.

(8) No lamp showing a light to the front shall be used on any vehicle unless such lamp is so constructed, fitted and maintained that the beam light limited there from—

- (a) is permanently deflected downwards to such an extent that it is at all times incapable of dazzling any person standing on the same horizontal plane as the vehicle at a greater distance than twenty five feet from the lamp. And whose eye-level is not less than three feet six inches above that plane; or
- (b) can be deflected downwards and to the left by the driver in such manner as to render it capable of dazzling any such person in the circumstance aforesaid; or
- (c) can be extinguished by the operations of a device which at the same time cause a beam of light to be limited from the lamp which complies with clause (a); or
- (d) can be extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or brings into or leaves in operation a lamp or lamps which complies or comply [sic] with clause (a).

(9) Sub-rule (8) shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed seven watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

(10) Nothing in this rule shall apply to any vehicle when actually in use by or on behalf of Military, Police, or Civil Defence Department in connection with Military maneuvers or, exercise or quelling of riots, calamities or civil disturbances.

**<sup>1</sup>PUNJAB ADDITION:**

After rule 151, the following new rule shall be added:--

151-A. All motor vehicles except motor cycles, shall be fitted with two amber reflectors in the front and two red reflectors in the rear (of at least two inches in diameter) in line with the rear and front lights about half an inch towards the outer side, and all motor cycles shall be fitted with one amber, reflector in the front and one red reflector at the rear (or two inches in diameter), half an inch above the front and the rear lights respectively.

**2. The operational vehicles under use (1987)**

**<sup>2</sup>SINDH AMENDMENT:**

“(9-A) All types of operational vehicles used for the following purposes shall, within three months of the coming into force of this sub-rule be fitted on top of the front portion of the vehicle with revolving lights of the colour shown against each:

- |  |        |
|--|--------|
| (a) Fire Brigade Vehicle   | Red    |
| (b) Ambulance Cars (of whatever description or name).  | Yellow |
| (c) Rescue Vehicle (used for rescue purposes and for services like towing street and street light claiming). | Green  |
| (d) Pilot/Police Vehicle”  | Blue   |

**152. Brakes.---** (1) Every motor vehicle shall be fitted with brakes of sufficient strength capable of stopping the vehicle within the distance specified in sub-rule (10) and of holding it at rest in all conditions, and all the brakes with which the motor vehicle is fitted shall at all times be properly connected and shall be maintained in good and efficient condition.

(2) Every motor vehicle, other than an invalid carriage, trailer, a road roller or a locomotive, shall be equipped with an efficient braking system or systems sufficient to supply two means of operation so designed and constructed that notwithstanding the failure of any part (other than a fixed member or a brake shoe anchor pin) through or by means of which the force necessary to apply the brakes is transmitted, there shall still be available for the driver to apply, to

<sup>1</sup>. Vide Punjab Gazette, Extra., 14.11.1972.

<sup>2</sup>. Gazette of Sindh, Ext., Part. IV-A, Dated 15.9.1988.

not less than half the number of the wheels of the vehicle, brakes sufficient under the most adverse condition to bring the vehicle to rest within reasonable distance:

Provided that save in the case of a tractor or a heavy motor vehicle, in the event of such failure as aforesaid it shall not be necessary for brakes to be available for application by the driver:--

1. In the case of a motor vehicle registered in any district, or State now forming part of Pakistan before the first day of April, 1940, to more than two wheels; and
2. In the case of a motor vehicle having less than four wheels to more than one wheel.
- (3) The application of one means of operation shall not affect or operate the pedal or hand lever of the other means of operation.

(4) in the case of vehicle registered in any district or State now forming part of Pakistan on or after the first day of April, 1940, no braking system shall be dependent upon the rotation of the engine:

Provided that this sub-rule shall not apply in the case of a vehicle referred to in clause (b) of sub-rule (8) or, to the braking system of any trailer or of the trailing half of any articulated vehicle.

(5) The brakes of a motor vehicle which are operated by one of the means of operation shall be capable or being applied by direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(6) In the case of a motor vehicle with more than wheels three wheels, other than an invalid carriage, a road roller or a locomotive, where any brake shoe is capable of being applied by more than one means of operations, all the wheels shall be fitted with brakes, all of which are operated by one of the means of operations:

Provided that except in the case of a tractor—

- (a) Where a motor vehicle has more than six wheels at least four of which are steering wheels, it shall be sufficient compliance with this sub-rule if brakes are fitted to all the wheels other than two steering wheels which are situated on opposite side of the vehicle, and all such brakes are operated by one of the means of operation;
- (b) Where a motor vehicle has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without the interpretation of a different driving gear or similar mechanism between the axles carrying the driving wheels, it shall be deemed to be a sufficient compliance with this sub-rule if one of the means of operation operates the brakes on two driving, wheels situated on opposite side of the vehicles and the other means of operation operated brakes on all the other wheels required to be fitted with brakes by this sub-rule:

Provided further that where means of operation are provided in addition to those prescribed by this rule, such additional means of operation may be disregarded for the purposes of this sub-rule.

(7) One at least of the means of operation shall be capable of causing brakes to be applied directly and not enough the transmission gear to all the wheels of the vehicles: provided that in the case of a motor vehicle registered in any district or State now forming part of Pakistan before the first day of April, 1940, it shall be deemed to be a sufficient compliance with this sub-rule if one of the means of operation applies brakes directly and nor through the transmission gear to not less than two of the wheels of the vehicle:

Provided further that where a motor vehicle has more than four wheels and the drive is transmitted to all wheels other than the steering wheels without the interposition of a differential driving gear or similar mechanism between the axles carrying the driving wheels, it shall be deemed to be a sufficient compliance with this sub-rule if the brakes applied by one means of operation act directly on two driving wheels on opposite sides of the vehicle and the brakes applied by the other means of operation act directly on all other driving wheels.

(8) For the purpose of this rule--

- (a) in the case of a motor vehicle other than an invalid carriage, a road roller or a locomotive—

- (i) except in the case of a motor vehicle the unladen weight of which does not exceed 2,240 pounds or which is a passengers vehicle constructed or adapted to carry more than ten passengers exclusive of the driver, not more than one front wheel shall be taken into account in deciding whether the condition in sub-rule (2) is fulfilled, that brakes must be available which can be applied to half the number of wheels of the vehicle; and
  - (ii) every moving shaft to which any part of a braking system or any means of operation thereof is connected or by which it is supported shall be deemed to be part of that system;
  - (b) in the case of a motor vehicle propelled by steam and not used as a public service vehicle, the engine shall be deemed to be an efficient braking system with one means of operation if the engine is capable of being reversed and is incapable of being disconnected from any of the driving wheels of the vehicle except by the sustained action of the driver.
- (9) Every locomotive shall have an efficient system, the brakes of which act upon all the wheels of the locomotive other than the steering wheels; provided that this provision shall not apply to a locomotive registered in any direct or State (now forming of Pakistan) before the first day of April, 1940, if the locomotive is propelled by steam and the engine thereof is capable of being reversed.
- (10) The braking system operated by one of the means of operation shall, according to whether the vehicle is laden or unladen the capable of [sic] bringing it to rest when traveling at the speed specified when, at the time of the application of the brakes, the vehicle is traveling over a hard dry level road in good condition with top gear and clutch engaged or when in the same conditions the efficiency of the brakes as determined by a brakes-testing meter approved by Government is not less than thirty percent when the vehicle is laden and not less than forty per cent when the vehicle is unladen:

SPEED	DISTANCE IN FEET TO STOP FROM APPLICATION OF BRAKES	
	Vehicles laden	Vehicles unladen
Miles per hour		
20	45	33.5
15	25	19

5. For the purpose of the preceding sub-rule a vehicle shall be held to be laden when it carries not less than fifty per cent of the full load for which it is constructed.

**153. Reversing.**--- Every motor vehicle other than a motor cycle shall be capable of moving forwards and backwards under its own power.

**154. Horns.**--- (1) Every motor vehicle shall be fitted with a horn or other approved device available for immediate use by the driver of the vehicle and capable of giving an audible and sufficient warning of the approach or position of the vehicle.

(2) No motor vehicle shall be fitted with a multi-toned horn giving a succession of different note or with any other sound producing device giving an unduly harsh, shrill, loud or alarming noise.

(3) Nothing in sub-rule (1) shall prevent the use on vehicle used as ambulances or for fire-fighting or salvage purpose, or on vehicle used by police officers in the course of their duties, or on other similar vehicles of such sound signals as may be approved by Government.

(4) Every transport vehicle shall be fitted with a bulb horn.

**<sup>1</sup>N.W.F.P. ADDITION:**

In rule 154, after sub-rule (4), the following new sub-rule shall be added, namely:--

“(5) No transport vehicle shall be fitted with an instrument for the purpose of playing music to passengers

<sup>1</sup>. Vide N.W.F.P. Gazette, Extra., 19.10.1973.

**155. Silencers.**--- (1) Every motor vehicle, shall be fitted with a device (hereinafter referred to as a silencer) which by means of an expansion chamber or otherwise reduces as far as may be reasonable and practicable the noise that would otherwise be made by the escape of exhaust gases from the engine.

(2) Every motor vehicle shall be so constructed or equipped that the exhaust gases from the engine are not discharged downwards so as to impinge on the road surface.

**<sup>1</sup>PUNJAB AMENDMENT:**

[(3) Every Motor Cab Rickshaw shall be equipped with a detachable double Baffle Plated Silencer once the genuine silencer is rendered unserviceable. The detachable double Baffle Plates Silencer shall be of the specifications given in the Sixth Schedule to these Rules.]

**156. Mirror.**--- Every transport vehicle, other than a motor cab, shall be fitted externally, and every other motor vehicle except a motor-cycle having not more than two wheels and to which a side-car is not attached, shall be fitted either internally or externally, with a mirror so placed as to enable the driver to be or become aware of the presence, in the rear any other vehicle the driver of which is desirous of passing such motor vehicle.

**<sup>2</sup>N.W.F.P. ADDITION:**

In rule 156, following proviso shall be added, namely:  
“Provided that no public service vehicle shall be fitted with a mirror in front of the driver’s seat”.

**N.W.F.P. AMENDMENT:**

In rule 156, the semi-colon and the word, “provided that no public service vehicle shall be fitted internally with mirror in front of driver’s seat” appearing the end shall be deleted.

**157. Dangerous projections.**--- (1) No mascot or other similar fitting or device shall be carried on any motor vehicle registered to any district or State now forming part of Pakistan after the first day of April, 1940, in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle hub cap projects more than four inches beyond the rim of the wheel to which it is attached, unless the hub or hub cap does not project laterally beyond the body or wings if the vehicle is provided with an adequate guard.

**158. Noise.**--- Every motor vehicle shall be so constructed and maintained as not to cause undue noise when in motion.

**159. Safety glass.**--- (1) The glass of wind screen and the covered portions besides the wind screen or windows facing to the front on the outside of every motor vehicle except glass fitted to the upper deck of a double-decked vehicle shall be safety glass.

(2) For the purpose of the rule—

(a) “safety glass” means glass so constructed or treated that if fractured it does not fly into fragments capable of causing severe cuts;

(b) any wind screen or window at the front of the vehicle the inner surface of which is at angle exceeding thirty degree to the longitudinal axis of the vehicle shall be deemed to face to the front.

(3) This rule shall not apply to a motor vehicle registered in any district or State now forming part of Pakistan before the first day of April, 1940.

**160. Arrangement and maintenance of glass.**--- The glass of the front wind-screen, side and rear window of every motor vehicle shall be such and shall be maintained in such condition as to be clearly transparent and allow driver a clear vision to the front and of the sides and through the prescribed mirror to the rear of the vehicle.

**161. Wind screen wiper.**--- (1) An efficient automatic wind-screen wiper shall be fitted to every motor vehicle which is so constructed that the driver cannot be opening the wind-screen or otherwise obtain an adequate view to the front of the vehicle without looking through the wind-screen.

<sup>1</sup>. Sub-rule (3) added vide Notfn.. No. SOTRI/2-1/75 published in Punjab Gazette, Extra., 13.5.1979.

<sup>2</sup>. Vide N.W.F.P. Gazette, Extra., 19.10.1973.

(2) This rule shall not apply to a motor vehicle registered in any District or State now forming part of Pakistan before the first day of April, 1940.

**162. Tyres.**--- (1) The pneumatic tyres of every motor vehicle shall be kept properly inflated and in good and sound condition.

(2) A tyre shall be deemed to be not in good and sound condition if:--

- (a) any of the fabric of the casing or breaker-strip is exposed by wear of the tread or by any un-vulcanized out or abrasion of any part; or
- (b) the tyre shows signs of incident failure by local deformation or swelling; or
- (c) the tyre has been patched or repaired by an outside gaiter or patch other than properly vulcanized repair:

Provided that clause (c) shall not apply to a temporary repair effected to enable that vehicle to be moved to the nearest reasonable place where the tyre can be repaired or replaced.

(3) No motor vehicle other than a track lying shall be driven at the speed in excess of six miles per hour unless it is fitted with pneumatic tyres on all wheels.

**163. Emission of smoke vapor of grease.**--- (1) Every motor vehicle shall be so constructed, shall be maintained in such condition, and shall be so driven, and used that there not be emitted there from any smoke visible vapor, grit, spark, ashes, cinders, or oily substance the emission of which could be prevented or avoided by the taking of reasonable steps or the exercise of reasonable care or the omission of which might cause damage or annoyance to other persons or property or endanger the safety of any other users of the road.

(2) Every motor vehicle using solid fuel shall be fitted with an efficient appliance for the purpose of preventing the emission of sparks or grit and also with tray or shield to prevent ashes and cinders from falling on the road.

**164. Speedometer.**--- (1) Every motor vehicle, other than an invalid carriage or vehicle which may not, under the provisions of the Eighth Schedule to the Ordinance, at any time be driven at a rate of speed in excess of six miles per hour, shall be fitted with an instrument (hereinafter referred to as a "speedometer") so constructed and in such a position as at all times readily to indicate to the driver the speed at which the vehicle is traveling.

(2) A speedometer shall be deemed to satisfy the requirements of this rule if upon test it is found to be accurate within ten per cent above or below the speed specified for the vehicle in the Eighth, Schedule to the Ordinance or, if no speed is so specified, then above or below a speed of thirty miles an hour.

**<sup>1</sup>PUNJAB ADDITION:**

After rule 164, the following new rule 164-A shall be added, namely:--

*"164-A Speed Governor.*

(1) Every stage-carriage plying on the route or routes specified by the Punjab Provincial Transport Authority in this behalf be equipped with a speed governor, and R.M.P. so fixed that the vehicle does not run at a speed exceeding 50 miles per hour, and sealed in conformity with the manner and instructions issued, by the said Authority in this behalf.

(2) A permit-holder required to fit a speed governor in his stage-carriage under sub-rule (1) shall produce it before the Motor Vehicles Examiner of the area or Agency of Garage authorized by the Provincial Transport Authority so that it may be tested and shall produce it again before the said Motor Vehicles Examiner of the area or Agency of Garage, for examination whenever the vehicle to which it becomes necessary to break the seal of the speed governor.

(3) No person shall drive or cause or permit to be driven any stage-carriage if the speed governor duly sealed is not fitted therein, or such person knows or has reason to believe that its R.P.M. is not fixed in accordance with the manner specified and according to instructions issued by the Provincial Transport Authority.

(4) Any Police Officer below the rank of an Assistant Sub-Inspector of Police or any Motor Vehicles Examiner, or any officer of the Provincial or Regional Transport Authority, if he has reason to believe that a stage-carriage fitted with speed governor has been or is being plied with a speed governor which is defective or has been tampered with, may stop such stage-carriage and, in order to test such speed governor direct the driver or person in charge of the stage-carriage to

<sup>1</sup>. Vide N.W.F.P. Gazette, Extra., 6.8.1973

produce it at the office of a Motor Vehicle Examiner or at any other place and take or cause to be taken such other steps as he may consider appropriate for the purpose.

(5) Whoever, contravenes the provisions of this rule shall be punishable with a fine which shall not be less than Ts. 500

## COMMENTS

Imposition of fine by Magistrate Jurisdiction. Accused were apprehended at spot while violating provision of law of Motor Vehicle Ordinance challenging jurisdiction of Magistrate to try accused confessed their crime and were fined by Magistrate. Accused had not raised objection before trying Magistrate that he was not competent to try them, jurisdiction and only pleaded that fine was excessive which has reduced by that Court. Nothing flowing from relevant Notification to show that Magistrate was not competent to try and convict accused. No legal infirmity, much less jurisdiction defect, pointed out by defence impugned order of trying Magistrate as well as Appellate Court.<sup>1</sup>

**165. Springing.**--- Every motor-vehicle and every trailer drawn thereby shall be equipped with suitable and sufficient means of springing adequately maintained in good and sound condition between the road wheels and the frame of the vehicle:

Provided that this rule shall not apply to:-

- a. any motor vehicle registered in any District or State forming part of Pakistan before the first day of April, 1940, if any means of springing with which it is fitted are adequately maintained in good and sound condition;
- b. any motor exceeding ten thousand pounds in weight unladen if all the un-springing wheels of the tractor are fitted with pneumatic tyre;
- c. any land locomotive, land tractor, land implement, agricultural trailer, or any trailer used solely for the haulage of the felled trees;
- d. motor cycle;
- e. vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another or to work or premises within a distance of two miles.

**166. Steering.**--- The steering mechanism of every motor vehicle shall be adequately maintained in good and sound condition, free from backlash exceeding forty-five degrees on the steering wheel. All rods and arms shall be adequately protected by bumpers or otherwise from damage and where the connections are secured with bolts or pins, the bolts or pins shall be effectively locked. All connections made with pins shall be such that when they are in any position other than horizontal the head of the pin shall be uppermost.

**167. Overall width.**--- The overall width of every motor vehicle measured at right angle to the axis of the motor vehicle between perpendicular planes enclosing the extreme points shall not exceed:--

- (a) in the case of a motor vehicle, other than a transport vehicle <sup>2</sup>[but including a motor cab], seven feet and two inches;
- (b) in the case of a transport vehicle, other than motor cab, eight feet:

Provided that the Chairman, Provincial Transport Authority, may, after taking into consideration, the local conditions restrict the use of a vehicle with a maximum overall width of eight feet or less on a specified route or routes or in a specified area within the Province:

Provided further that no vehicle with overall width exceeding eight feet, registered in the Province before 2nd/1st July, 1965, shall be restricted under the provisions of this rule;

- (c) in the case of a motor cab rickshaw, four feet eight inches.

**168. Overall length.**--- (1) The overall length of every motor vehicle other than a trailer shall not exceed:--

<sup>1</sup>. 1988 P.Cr.L.J. 2102.

<sup>2</sup>. Subs. by W.P. Ntif., dated 2.6.1970.

- (a) in the case of a motor vehicle having not more than two axles, thirty feet;
- (b) in the case of a rigid framed vehicle more than two axles thirty feet;
- (c) in the case of an articulated vehicle having more than two axles thirty three feet (including the rear part of trailer):
- (d) in the case of motor cab rickshaw or a motor cycle rickshaw, nine feet six inches.

(2) This rule shall not apply in the case of an articulated vehicle constructed and normally used for the conveyance of indivisible loads, of exceptional length:--

- (a) if all the wheels of the vehicle are fitted with pneumatic tyres, or
  - (b) if all the wheels of the vehicle are not fitted with pneumatic tyres, so long as the vehicle is not driven at a speed exceeding twelve miles per hour.
- (3) In this rule "overall length" means the length of the vehicle measured between parallel planes passing through the extreme projecting points of the vehicle exclusive of:--
- (a) any starting handle;
  - (b) any hood when down;
  - (c) any ladder forming part of a turn-table fire escape fixed to the vehicle;
  - (d) any-post office box the length of which measured parallel to the axis of the vehicle does not exceed twelve inches:
  - (e) any steps giving to the interior of the vehicle in the case of a single decked vehicle,;
  - (f) any light ladder giving access to the roof of the vehicle.

**169. Overall height.---** (1) The overall height of a motor vehicle (other than a double decked motor vehicle), a motor cab rickshaw, and a motor cycle rickshaw measured from the surface on which the motor vehicle rests shall not exceed eleven feet.

(2) The overall height of double-decked motor vehicle shall not exceed fifteen feet six inches.

(3) The overall height of a motor cab rickshaw or a motor cycle rickshaw measured from the surface whereon the vehicle rests to its highest point inclusive of any hood when in raised position, shall not exceed six feet.

(4) This rule shall not apply to fire escape tower-wagons and other special purpose vehicles exempted by the general or special order of the District Magistrate.

**170. Overhang.---** (1) The overhang of a tractor or locomotive shall not exceed six feet.

(2) The overhang of motor cab rickshaw shall not exceed two feet unless the chassis has a luggage carrier attached to it. The side overhang of motor cab rickshaw shall not exceed four inches. For the purposes of the sub-rule "side overhang" means for any one side—the distance measured laterally between the extreme outer side of the tyre of the wheel constituting that end of the traverse base, and the perpendicular plane enclosing the extreme points of that side from which the overall width is measured. In the case of dual wheels, reference shall be made to the tyre of the outer wheel.

(3) The overhang of a motor vehicle other than a tractor or locomotive or motor cab rickshaw, shall not exceed fifty and forty-five per cent for plain road and hill roads in Schedule I, respectively, of the distance between the plane perpendicular to the axis of the motor vehicle which passes through the centre or centers of the front wheel or wheels and the foremost vertical plane from which the overhang is to be measured as defined in sub-rule (4).

(4) For the purposes of this rule "over-hang" means the distance measured horizontal and parallel to the longitudinal axis of the vehicle between two-vertical planes at right angles to such axis passing through the two points specified in paragraphs I and II of the definition respectively:--

- I. The rear most point of the vehicle exclusive of:--
  - (a) any hood when down;
  - (b) any post office letter box, the length of which measured parallel to the longitudinal axis of the vehicle does not exceed twelve inches;
  - (c) any ladder forming part of a turn-table fire escape fixed to a vehicle;
  - (d) any steps giving access to the interior of the vehicle in the case of single decked vehicle;

- (e) any light ladder giving access to the interior of the vehicle in the case of single decked vehicle;
  - (f) any luggage carrier fitted to a motor vehicle constructed solely for the carriage of passengers and their effects and adopted to carry not more than seven passengers exclusive of the driver.
- II. (a) In the case of a motor vehicle having only two axles, the front axle along being a steering axle, the centre point of the rear axle; or
- (b) in the case of a motor vehicle having only three axles where the front axle is the only steering axle, a point four inches in rear of the centre of a straight line joining the centre points of the rear and middle axles; or
- (c) in any other case a point situated on the longitudinal axis of the vehicle and such that a line drawn from it at right angles to that axis will pass through the centre of the minimum turning circle of the vehicle.

(5) In the case of any vehicle registered in any District or State now forming part of Pakistan before the first day of April, 1940, it shall suffice if the overhang does not exceed fifty five per cent of the wheel bases of the vehicle.

**171. Turning circle.**--- A motor cab rickshaw or a motor cycle rickshaw shall be so constructed as to be capable of turning in either direction in a circle not exceeding sixteen feet in diameter, provided that in no case shall a motor cab rickshaw be capable of turning in the foresaid manner in a circle less than twelve feet in diameter. For the purposes of this rule the diameter of circle shall be determined by reference to the extreme outer wheel track.

**172. Direction indicators and stop lights.**--- (1) For the purpose of the proviso to section 83, the signal of an intention to turn to the right or left may be given by a mechanical or electrical direction indicator and during the period between half an hour after sunset and half an hour before sunrise, the signal of an intention to stop may be given by an electrical stop-light as hereinafter specified.

(2) Every direction indicator shall, when in operation, be in either of the two forms prescribed below:--

- (a) An illuminated sign of amber colour with a minimum illuminated length of six inches and a maximum illuminated breadth not exceeding one-fourth of the illuminated length, the illuminated surface being visible, both from front and rear of the vehicles, or during the period between half an hour before sunrise and half an hour after sunset, in the form of an arrow not less than six inches in length, presenting a white surface visible both from the front and rear of the vehicle.
- (b) Blinking or flasher light unit consisting of right and left hand front and rear signal lamps the front lamps colored amber or white and the rear lamps colored red. This unit when operated shall flash neither slow than 60 or faster than 120 times a minutes under average operating conditions.

(3) A direction indicator, in form 9a) described in sub-rule (2), intended to indicate a right-hand turn shall be fitted on the right side, and a direction indicator intended to indicate a left hand turn, shall be fitted on the left side of the vehicle, and except as provided in sub-rule (6) every direction indicator shall be so designed and fitted that:--

- (a) it is not more than four feet towards the rear from the base of the wind-screen;
- (b) it is not more than six inches above the level of the ground;
- (c) when in operation to indicate a turn:--
  - (i) it assumes a horizontal position projecting transversely from the body of the vehicle;
  - (ii) the distance between its outermost point and the vertical cross section passing through the central longitudinal axis of the vehicle shall be more than the distance between the outermost point on the latter part of the vehicle and the said cross section by at least six inches; and
  - (iii) it remain steady;
  - (d) the driver of the vehicle when in driving seat may be readily aware that it is operating correctly;



Provided that clause (a) shall not apply in the case of a pillar less saloon motor car if the direction indicator is not situated behind the widest part of the body.

(4) For the purpose of this rule 'pillar less saloon motor car' means a motor vehicle which is constructed solely for the carriage of passengers and their effects and is adapted to carry not more than ten persons exclusive of the driver and which has:--

- (a) an enclosed body with four doors, and
- (b) no vertical dividing pillar between the doors on either side of the vehicle.

(5) A direction indicator in form (b) described in sub-rule (2), shall be so designed and fitted that:--

(a) the flashing signal lamps are mounted as high on the vehicle as practicable and the common axis of the front and rear signal lamps on either side are substantially parallel to the longitudinal axis of the vehicle;

(b) the signals in the front and the rear are so mounted as to be visible from directly in front or rear to 45 degrees to the left for the left lamps and 45 degrees to the right for the right lamps (right or left as viewed from the driver's seat);

(c) within the horizontal angles specified in 9b) above, all signals are visible from 10 degrees above to 10 degrees below the horizontal;

(d) the front and the rear flasher units are placed as far apart laterally as practicable, but in no case is the spacing less than three feet for commercial vehicles and two feet for non-commercial vehicles;

(e) the location of front signal lamps is such as to make them clearly indicative from a distance of at least 100 feet under normal sunlight and darkness and when the head lamps are lighted on the lower beam.

(6) Additional direction indicators in form 9a0 described in sub-rule (2), may be fitted at the rear of any vehicle, provided that:--

(a) they are only used co-incidentally with those fitted in accordance with the provisions of sub-rule (3); and

(b) they are visible at reasonable distance from any point in the rear of vehicle.

(7) Every direction indicator shall be so fitted that when not in operation will not be likely to mislead the driver of any other vehicle or any controlling traffic.

(8) Every stop light shall be fitted at the rear of the vehicle, and not to the left of the centre thereof and when in operation shall show a red or amber light:

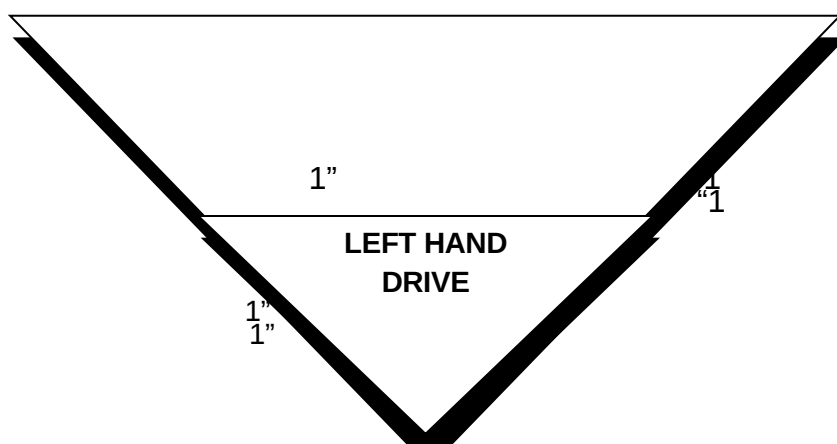
Provided that nothing in this rule shall prevent the fitting of an additional stop light on the left side of the vehicle which comes into operation at the same time at the stop light fitted at the centre or on the right side of vehicle.

(9) Every light shown by a direction indicator or stop-light shall be diffused by means of frosted glass or other adequate means and in case a direction indicator in form (a) described in sub-rule (2) and a stop-light, shall be steady light.

(10) Every direction indicator and every stop-light shall be such as to be readily operated by the driver of the motor vehicle at all times when sitting in a normal driving position.

(11) In the case of a motor vehicle fitted with right hand steering control, nothing in this rule shall be taken to require that a direction indicator or a stop light shall be fitted. In the case of a motor vehicle with left hand steering control a direction indicator as specified in this rule is compulsory.

(12) No left hand drive control vehicle shall be registered or used or permitted or cause to be used without exhibiting a distinctive triangular plate exhibiting the words "Left Hand Drive" on the extreme right hand side of the rear of a vehicle at a level at least three inches higher than the registration number plate of the vehicle in a conspicuous manner in the form illustrated in the following diagram:--



10¼  
10¼

10 ¼

- (1) Each side of the triangular plate shall be 10¼ inches.
- (2) The surface of the plate shall be white with a red border of 1 inch on each side.
- (3) The letters of the words "Left Hand Drive" shall be 1 inch high and 1/8 inch thick at any part.
- (4) The words "Left HAND Drive" shall be depicted in block letters in two lines as shown in the diagram.

**173. Wings.---** (1) Every motor vehicle except a locomotive, a tractor or a trailer shall, unless adequate protection is afforded by the body of the motor vehicle, be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

(2) The rear wheels of every trailer except a trailer drawn by a locomotive shall be provided with wings as aforesaid.

**174. Side-car-wheel.---** Every side-car attached to a motor cycle shall be so attached, at the left hand side of the motor cycle that the wheel thereof is not wholly outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projecting points in front and in the rear of the motor cycle.

**175. Communication with driver.---** Every motor vehicle for the use of passengers in which the driver's seat separated from any passengers' compartment by a fixed partition which is not capable of being readily opened, shall be furnished with efficient means to enable the passengers in such compartment and the conductor, if any, to signal to the driver to stop the vehicle.

**176. Marks to be exhibited on vehicles being driven to a place of registration.---** (1) When on the authority of sub-section (2) of section 212, a motor vehicle, is driven to or from a place of registration without a registration mark, the following particulars shall be exhibited thereon, namely:--

- (a) the name as the owner;
- (b) the designation of the firm from which the vehicle has been purchased, if it has been newly acquired by the owner;
- (c) the date and time (to be ascertained by a previous inquiry from the registering authority) when the registration is to be, carried out.

(2) The particulars required by the preceding sub-rule shall be exhibited on boards in front and rear of the vehicle in the letters and figures not less than two inches high.

**177. Special marks to be exhibited on a stage carriage when in use as a contract carriage.---** (1) No stage carriage or vehicle forming part of a service of stage carriage shall be used as a contract carriage, unless a board is affixed on each side of the vehicle showing that it is for the time being in use as such and not as a stage-carriage.

(2) The boards required by the preceding sub-rule shall exhibit the words "ON CONTRACT" in red letters on a white ground, the letters being of size not less than that prescribed for the numerals of a registration mark, and shall be affixed in a prominent and unobscured position at or near roof level.

(3) The boards required by sub-rule (1) shall be affixed before the commencement of any trip for which the vehicle is being used as a contract carriage and shall be kept affixed throughout the whole of the trip, and any boards of marks indicating the route or routes on which the vehicle is operated at other times shall be removed or covered up throughout the trip.

#### **SPECIAL RULES APPLICABLE TO ALL PUBLIC SERVICE VEHICLES**

**178. General.---** Every public service vehicle, and all parts thereof including part work or varnish, shall be maintained in a clean and sound condition, and the engine, mechanism and all working parties in reliable working order.

#### **<sup>1</sup>N.W.F.P. AMENDMENT:**

<sup>1</sup>. Added by NWFP Notfn. 49 PTA, dated 26.3.1971.

**178. Strip around the body of buses. ---** (1) The buses plying on the route lying exclusively within the Settled Districts shall, as a mark of identification, have a strip round the body just below the window:--

- (i) for 'A' route buses, white strip;
- (ii) for 'B' route buses, yellow strip;
- (iii) for 'C' route buses, green strip; and
- (iv) for 'C-I' route buses, red strip.

(2) The buses plying on the route lying within the Settled District as well as Tribal Areas shall, as a mark of identification have a strip around the body below the window:--

- (i) for 'A' route buses, white-blue strip;
- (ii) for 'B' route buses, yellow-blue strip;
- (iii) for 'C' route buses, green-blue strip; and
- (iv) for 'C-I' route buses, red-blue strip.]

**179. Painting of public service vehicles.---** (1) A company or a co-operative society which operates a fleet of transport vehicles shall paint such vehicles according to such pattern and colour scheme as is approved and registered before hand by Secretary Provincial Transport Authority and particulars of the colour scheme shall be entered in the permits.

(2) No other company or co-operative society shall be entitled to paint vehicles according to the colour scheme adopted by any entity, authority or body of the Government, another company or society.

(3) Before granting approval of the proposed colour scheme, Secretary Provincial Transport Authority shall publish the colour scheme in a national daily newspaper at the expense of the applicant giving details of the colour scheme and shall invite objections and dispose of the objections after hearing the parties.

(4) Any person aggrieved by the decision under sub-rule (3) may within thirty days of the communication of the decision, file an appeal before Chairman, Provincial Transport Authority."

**180. Stability.---** (1) The stability of a double-decked public service vehicle shall be such that loaded with weights of 130 pounds per person placed in the correct relative positions to represent the driver and conductor or (if carried) and a full complement of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of twenty-eight degree from the horizontal the point at which over-turning occurs would not be reached.

(2) The stability of a single-decked public service vehicle, other than a motor cab, shall be such that under any conditions of load, at an allowance of 160 pounds for every passenger for which the vehicle is registered, if the surface on which the vehicle stands were tilted to either side to an angle of thirty-five degree from the horizontal the point at which over turning occurs would not be reached.

(3) For the purpose of conducting tests of stability, the height of any stop used to prevent a wheel of the vehicle from slipping side-ways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted, and that part of the rim of that wheel which is then nearest to such surface when the wheel is loaded in accordance with the requirements of this rule.

**181. Side overhang.---** In the case of a vehicle used as a stage carriage, no part of the vehicle other than a direction indicator, when in operation, or a driving mirror shall project laterally more than fourteen inches beyond the center line of the rear wheels in the case of single rear wheels or more than six inches beyond the extreme outer edge of the outer tyre in the case of dual rear wheels.

**182. Seating room.---** (1) In every public service vehicle, other than a motor cab, there shall be provided for each passenger a reasonably comfortable seating space of not less than fifteen inches square measured on straight lines along and at right angles to the front of each seat, and

- (a) when the seats are placed along with vehicle, the backs of the seats on one side shall be at least fifty-four inches distant from the back of the seats on the other side;
- (b) when the seats are placed across the vehicles and facing in the same direction there shall be everywhere a clear space of not less than twenty-five inches between the front of the seat back and the backs of the seat in front of it, measured horizontally at seat level;
- (c) when seats are placed across the vehicle and are facing each other there shall be everywhere a clear space of not less than fifty inches between the backs on facing seats; and
- (d) when seat is facing a partition bulk-head or other obstruction there shall be a clear space of not less than thirty-one inches between the front of the seat back and the face of the partition and if the partition bulk-head or obstruction is recessed at the bottom in such a manner as to allow a full width foot space not less than six inches deep, the clear space aforesaid shall not be less than twenty-five inches and the distance between the front edge of the seat and the partition bulk-head or other obstruction not less than ten inches.

(2) The backs of all seats shall be closed to height of sixteen inches above seat level.

(3) Sub-rules (1) and (2) of this rule shall not apply to, any vehicle registered in any District or State now forming part of Pakistan before the first day of April, 194; provided that the number of passengers for which the vehicle was licensed initially is not exceeded.

(4) (a) In a motor cab rickshaw there shall be provided for each passenger a reasonable comfortable seating space, of not less than fifteen inches square measured in straight lines along and at right angles to the front of each seat and so constructed that:--

- (i) the overall height of each seat measured from the passengers platform shall not be less than twelve inches; and
  - (ii) there shall be a clear space not less than fifteen inches wide in front of and at right angles to the perpendicular plane passing through the front of each seat.
- (b) The back of the passenger's seat shall be fitted with a back rest which shall be:--
- (i) enclosed up to a height fifteen inches above seat level; and
  - (ii) inclined to the rear making an angle of 5 degrees or more but not exceeding 10 degrees with the vertical plane passing through the back line of the seat.

(c) The passenger's seat and back rest shall be provided with fixed cushions covered with leather cloth of good quality or other suitable material capable of being kept in a clean and sanitary condition.

(d) (i) The side of the passenger's seat shall be closed with a rigid side guard constructed of wood or, other, suitable materials, to a height of ten inches above overall seat level:

Provided that where one seat is in continuation of the other it shall be sufficient compliance with this rule, if side guard is fitted only to the outer most side of each seat; and

- (ii) the inner side of each side guard shall be so added and covered with leather cloth of good quality or other suitable materials that it is not liable to injure any passenger.

(e) The passenger's seat and back rests as aforesaid shall be so fixed as to lie across the vehicle and shall face forward.

**183. Gangway.**--- (1) In every compartment of every public service vehicle the entrance to which compartment is from the front or rear there shall be a gangway along the vehicle; and

- (a) where seats are placed along the sides of the vehicle there shall be a gangway a clear space of not less than twenty-four inches measured between the fronts of the seats; and
- (b) where seats are placed across the vehicle there shall be a gangway, a clear space of not less than eleven inches between any part of adjoining seats or their supports.

(2) Where the vehicle has seats across the full width of the body with separate doors to each seat, a gangway from front to rear of the vehicle shall not be required.

**184. Limit of seating capacity.**--- Notwithstanding anything contained in these rules, no public service vehicle, other than a motor cab, shall be registered for a number of passengers in excess

of the number obtained by subtracting two hundred and sixty pounds from the difference in pounds between the registered laden and unladen weight of the vehicle and dividing the resulting figure by 160 in the case of a single decked vehicle and by 130 in the case of a double decked vehicle or for each number of passengers that when the vehicle is loaded in a normal manner, the axle weight of any axle will exceed the registered axle weight for that axle.

**185. Head-room.**--- Except insofar as this rule may be modified by Government in any particular case, every public service vehicle, other than a motor cab, shall have the following internal height or head-room measured along the center of the vehicle from the top of the floor boards or battens to the underside of the roof supports:--

- (a) the case of a single decked vehicle with permanent top; not less than four feet and six inches and not more than six-feet;
- (b) in the case of a vehicle single-decked with a movable hood, not less than four feet and six inches;
- (c) in the case of a double-decked vehicle such measurement as Government may determine in each particular case;
- (d) in the case of a vehicle allowed to carry standing passengers and plying exclusively within an urban, not less than six feet.

**186. Driver's seat.**--- (1) No public service vehicle shall be driven otherwise than from the right hand side of the vehicle.

(2) On every public service vehicle space shall be reserved for the driver's seat such as to allow him to exercise full and unimpeded control of the vehicle and in particular—

- (a) the part of the seat against which the driver's back rests shall not be less than eleven inches from the nearest point on the steering wheel;
- (b) the width across the vehicle shall be not less than twenty-seven inches and shall extend to the left of the center the steering column in no case less than ten inches and so that a line drawn parallel to the axis of the vehicle through the center of any gear level, brake level or other device to which the driver has to have frequent access lies not less than two inches inside the width reserved for the driver's seat; and
- (c) in the case of public service vehicle other than a motor cab, the space reserved in accordance with clause (b) above shall at the left hand end be enclosed with a rigid wooden or other suitable partition to a height not less than twelve inches above the seat, and continued forward of the seat at an adequate height above floor of the vehicle.

(3) No public service vehicle shall be so constructed that any person may sit or any luggage may be carried on the right hand side of the driver.

(4) Every public vehicle shall be so constructed that save for the front pillar of the body, the driver shall have a clear vision both to the front and through an angle of ninety degrees to his right hand side. The front pillar of the body shall be so constructed as to obstruct the vision of the driver to the least possible extent.

- (5) (a) No motor cab rickshaw or a motor cycle rickshaw shall be driven otherwise than from a fixed driver's seat positioned forward of the passenger's seats and so constructed as to allow the driver to have full and unimpeded control of the vehicle.
- (b) No driver's seat shall be so constructed that any person may sit or any luggage may be carried by the side of or forward of the driver.

**187. Driver's seat in a motor cab rickshaw, or a cycle rickshaw.**--- A motor cab rickshaw or a motor cycle rickshaw shall be provided with a closed partition of wood or other suitable material, so fitted forward to the passenger's seat and behind the driver's seat as to be capable of preventing the passengers from being thrown forward in the event of a sudden emergent stop. The partition shall be placed across the vehicle and perpendicular to the longitudinal axis. Its height, measured from the passenger's platform, shall not be less than the total length of the passenger's seats. In order to provide at all times, a hold for the passengers when entering or leaving the vehicle, on the partition shall be fitted a hand rail equal in length to the passenger's

seats and in no case less than three inches from the top of the partition or three inches from its surface towards the passenger's seat.

**188. Width of doors.**--- (1) Except in the case of a vehicle registered before the first day of April, 1940 every entrance and exit of a public service vehicle other than a motor cab shall be at least twenty-one inches in width and of sufficient height.

(2) The entrance and exit of a motor-cab rickshaw shall be so constructed that:--

- (i) the height measured from the lowest level of such entrance shall not be less than two feet, six inches; and
- (ii) the width at any level shall not be less than twelve inches.

**189. Grab rail.**--- (1) A grab rail shall be fitted to every entrance or exit, other than emergency exit, of a public service vehicle, other than a motor cab, to assist passengers in boarding or alighting for the vehicle.

(2) This rule shall not apply to a vehicle registered in any district or State now forming part of Pakistan before the first day of April, 1940.

**190. Steps.**--- (1) In every public service vehicle, other than a motor cab, the top of the tread of the lowest step for any entrance or exit other than an emergency exit, shall not be more than seventeen inches or less than twelve inches above the ground when the vehicle is empty. Fixed steps shall not be less than nine inches wide and shall in no case project laterally beyond the body of the vehicle unless they are so protected by the front wings or otherwise that they are not liable to injure pedestrians.

(2) In the case of a double-decked vehicle:

- (a) the risers of all steps leading from the lower to the upper deck shall be closed, and no unguarded aperture shall be left at the top landing board;
- (b) all steps leading from the lower to the upper deck shall be fitted with non-slip treads
- (c) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase excluding any grab-rail which does not project more than three inches from the back of the seat, shall not be less than twenty-six inches;

(3) (a) In every motor cab rickshaw the top of the tread of any step for entrance or exit, or where no step is provided, the lowest level of such entrance or exit, shall not, when the vehicle is empty, be more than eighteen inches or less than twelve inches above the ground;

(b) Where a step is provided shall not be less than eight inches long and six inches deep and shall in no case project laterally beyond the overall width of the body of the vehicle.

(c) The steps or if no steps are provided, the entrance platform shall be fitted with non-slip treads.

(4) This rule shall not apply to a vehicle registered in any District or State now forming part of Pakistan before the first day of April, 1940.

**191. Cushions.**--- Where seats of a public service vehicle are provided with the fixed or more able cushions shall be covered with leather cloth of good quality or other material of such a kind that they are capable of being kept in a clean and sanitary condition.

**192. Body dimensions and guard rails.**--- (1) Every public service vehicle, other than a motor cab, shall be so constructed that:--

(a) in the case of a single-decked vehicle with an enclosed body:--

(i) the height of the body sides from the floor or the high to the stills of the windows, as the case may be, shall not be less than two feet four inches;

(ii) if the height of the sides of the body or the stills of the windows as the case may be, above the highest part of any seat is less than eighteen inches, provision is made by means of guard rail or otherwise to prevent the arms of seated passenger, being thrust through and being injured by passing vehicles, or the extent to which the side windows or venetian can be lowered is such that when lowered their top edge is not less than eighteen inches above the highest part of the seat;

- (b) in the case of a single-decked vehicle with open sides, guard raise shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side;
  - (c) in case of a double decked vehicle with an uncovered top deck, the top deck shall be provided with side and end rails the top of which shall be at least three feet above the deck boards or battens at the sides and eighteen inches above the highest part of any seat, and the top of the front and the back rails shall be at least three feet three inches above the deck boards or battens and shall follow the camber of the deck.
- (2) For the purpose of this rule seat back shall not be deemed to be part of the seat.

**193. Protection of passengers from weather.**--- (1) Every public service vehicle other than a double-decked vehicle shall be either constructed with a fixed and water-tight roof or equipped with a water-tight hood that may be raised or lowered as required.

(2) Save in the case of the uncovered top deck of double-decked vehicle, every public service vehicle shall have suitable windows, venetians or screens capable at all times of proceeding the passengers from the weather without preventing adequate ventilation of the vehicle. When the screens are made of fabric, the whole of them shall at all times be fastened securely to the vehicle.

(3) Where glass windows or Venetian used, they must be provided with effective means to prevent their rattling.

- (4) (a) In the case of a motor cab rickshaw the water-tight roof or hood shall be so constructed as to completely cover, when raised, the area enclosed by the partition, back rests and side guards of the passenger's body and shall be extended at the rear to meet the rear panel.
- (b) The water-tight roof or hood shall be provided with a water-proof flap-screen of good quality so fixed to the leading edge thereof or hood as to be capable of being lowered when required and be secured to the partition referred to in rule 187. The length of every flap screen shall in no case be less than the total length of the passenger's seats.
- (c) The internal height of the roof or hood measured from overall seat level to any point vertically above each seat shall not be less than two feet ten inches.

**194. Protection of luggage.**--- (1) The driver of every public service vehicle, other than a double deck vehicle, carry a suitable water-proof tarpaulin and during rain, cover or cause to be covered the luggage of passengers carried on the roof of the vehicle with the aforesaid tarpaulin.

**195. Prohibition on the fitting of mirrors.**--- No mirror or frame, covered with breakable glass, displaying advertisements or other writing shall be fitted inside or outside the body of any public service vehicle.

Provided that nothing herein shall prohibit the fitting of any mirror which may be necessary to enable the driver to obtain a view of the road in the rear of vehicle or a view of the interior of the vehicle.

**196. Internal lighting.**--- Every public service vehicle, other than a motor cab, having a permanent roof, shall be furnished with one or more electric lights adequate give to reasonable illumination throughout the passenger's compartment or compartments but of such power or so screened as not to impair the forward vision of the driver.

**197. Body constructions.**--- (1) The body of every public service and goods vehicle including trailer shall be so constructed and so fastened to the frame of the vehicle as to comply with such direction as may be issued by the Provincial Transport Authority from time to time.

(2) No body shall be fastened to a public service or goods vehicle which has not been constructed by a person holding a motor vehicle body-builder's licence from the Provincial Transport Authority in Form B.B.L.

(3) Applications for a motor vehicle body-builder's licence shall be made in Form B.B.L.A. and shall be addressed to the Provincial Transport Authority at its office.

(4) On receipt of an application in Form B.B.L.A. the Provincial Transport Authority, after such enquiry as it may in any case deem necessary, either reject the application or grant a licence in Form B.B.L. on the conditions specified therein.

(5) A licence granted under the preceding sub-rule may be cancelled by the Provincial Transport Authority at any time for any breach of its conditions.

(6) The Provincial Transport Authority may, by an order in writing, authorize the Chairmen of Provincial Transport Authority or the Chairman of any Regional Transport Authority to grant and renew the body-builder a licence under this rule.

#### **<sup>1</sup>PUNJAB AMENDMENT**

In Rule 197.--

In sub-rule (7), for the figures '200.00' , '500.00' , '1000.00' and '2000.00' , the figures '**400.00**' , '**1000.00**' , '**2000.00**' and '**4000.00**' shall respectively be substituted.

**198. Lighting to by electricity.---** No light other than an electric light shall be fitted to any public service vehicle.

**199. Fuel tanks. ---** (1) No fuel tanks shall be placed in any public service vehicle under any part of gangway which is within two feet of any entrance or exit of a single-decked vehicle or the lower deck of a double-decked vehicle.

(2) The fuel tanks of all goods vehicles shall either be mounted on the rear side or off side chassis frame side-members or on the frame overhang to the rear of the back axle, and in any case shall be underneath the body of the vehicle.

(3) The fuel tank every public service vehicle shall be so placed that no over-flow there from shall fall upon any woodwork or accumulate where it can be readily ignited. The filling points of all fuel tanks shall be outside body of the vehicle and the filler caps shall be so designed and constructed that they can be securely registered before the first day of April, 1940.

**200. Carburetors.---** In every public service vehicle any carburetor and apparatus associated therewith shall be so placed and shielded that no fuel leaking shall fall upon any part or fitting that is capable of igniting it or into any receptacle where it might accumulate.

**201. Exhaust pipe.---** The exhaust pipe of every public service vehicle shall be so fitted or shielded that no inflammable material can be thrown upon it from any other part of the vehicle and that is not like to cause a fire through proximity to any inflammable material on the vehicle;; outlet thereof shall be placed far enough to rear to prevent, so far as practicable, fumes from entering the vehicle and in the case of a vehicle registered after the first day of April, 1940, on the right hand side of the vehicle.

**202. Electric-wires.---** All electric-wires or leads shall be adequately insulated.

**203. Fire Extinguishers.---** Subject to any directions that may be issued by the Provincial Transport Authority, a Regional Transport Authority may as condition of the grant of a permit, require any public service vehicle to be equipped with a fire extinguisher of a type specified by the said authority and may require such fire extinguisher shall be inspected at such periods and by such person, as the authority may specify.

**204. Lacking of nuts.---** All moving parts of every public service vehicle and all parts subject to severe vibration connected by bolts or studs and nuts shall be fastened by locknuts or by nuts with efficient spring or lock nut washers or by castellated nuts and split pins or by some other efficient device so as to prevent them working loose.

**205. Floor boards.---**

(1) The floor boards of every public service vehicle shall be strong and so closely fitted or so covered with a suitable material as far as possible draughts and dust.

(2) The floor boards may be pieced for the purpose of drainage but for no other purpose.

**206. Spare wheel and tools.---**

(1) Save as otherwise specified by the Regional Transport Authority in respect of Municipal or Cantonment areas, every public service vehicle shall at all times be equipped with not less than one spare wheel of rim fitted with a pneumatic tyre in good and sound condition

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<sup>1</sup>. Notification No. SOTR.I/9-2/96. Dated, 22.07.1996.



readily inflated, and mounted in such a way that it can be readily dismantled and fitted to the vehicle in the place of any of the road wheels.

(2) Sub-rule (1) shall not apply to a public service vehicle during the completion of any journey during which it has been necessary to bring the spare wheel or rim and tyre into use.

(3) Every public service vehicle shall at all times be furnished with an efficient jack and other tools necessary to change to wheel or rim and tyre and with the equipment necessary to pair a puncture, including the following.—

Spammers to fit every nut on the vehicle.

One screw driver.

One hammer.

Two tyre levers.

Tyre repair out-fits.

Tyre pump.

Wheel jack.

One spare headlight bulb.

One spare rear-lamp bulb.

A supply of spare fuses.

(4) Every transport vehicle, other than a motor cab, authorized to operate regularly on any road included in the First Schedule to these rules shall be furnished with a suitably fashioned oiled, attached by chain to the vehicle, to be used as chock when the vehicle is halted on slope.

**<sup>1</sup>PUNJAB AMENDMENT:**

In rule 206, for sub-rule (4), the following sub-rule shall be substituted, namely:---

(4) Every Transport Vehicle, other than a motor cab, shall be fitted with a luminous block, attached by chain to the vehicle, to check the movement of the vehicle when it is parked on the road-side or on a slope. The size of the block shall not be less than the following measurements:---

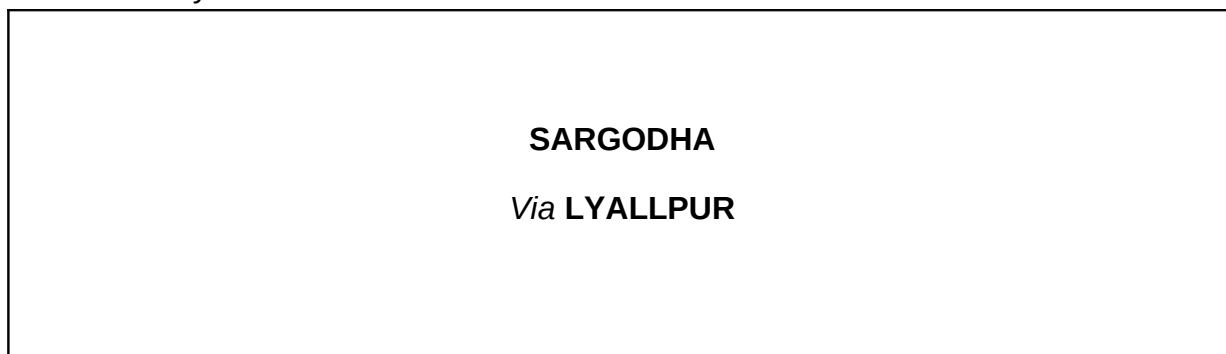
Base	12 inches
Vertical	12 inches
Slope	17 inches

**207. Advertisement and other markings on public service vehicles.---** (1) No advertising device, figure or writing shall be exhibited on any public service or a goods vehicle covered by a public carrier permit save as may be permitted by the Regional Transport Authority by general or special order.

(2) A public service vehicle when regularly used for carrying Government mail by or under a contract with the Posts and Telegraphs Department may exhibit in conspicuous place upon plate or a plane surface of the motor vehicle the words "PAKISTAN STATE MAIL" in red on white ground, each letter being not less than six inches in height and of a uniform thickness of three quarters of an inch.

(3) Save as aforesaid, no motor vehicle shall display any sign or inscription which includes the word "MAIL".

**208. Route Board.---** No public service vehicle other than a contract carriage shall be plied for hire unless it clearly exhibits route board in the form and manner illustrated below:--



(1) The route board shall be fitted in a box to be constructed as an extension of the front part of the roof of the vehicle and shall be such a material as to make the letters and figures written on it clearly visible in daylight and at night when the board is either lit from behind of the

<sup>1</sup>. Subs. by Notfn., dated 3.1.1974.

front. In case the said board is lit for the front two lamps shall be mounted in such a manner that their light is shaded so as not to be visible from outside but is dispersed on the entire surface of the board.

(2) The letters and figures shall be white on black background.

(3) The place of destination only shall be displayed in English and in on the board. The letters in English shall be written above the letter in Urdu and shall be 3½ inches in height and ½ inch in thickness. The letters in Urdu shall be 4 inches in height and not more than ½ inch in thickness. The letters shall be arranged and painted neatly so as to give a balance to the board.

(4) On the right hand top corner from the front of the board as shown in the above diagram a route number to be allocated by the Regional Transport Authority, shall be displayed in a straight line inside a circle with a maximum diameter of 6½ inches, the line of the circle being ¼ inch in thickness. The figures within the circle shall be 3½ inches in height and 3/8 inches in thickness.

(5) Ordinarily it will not be necessary to indicate the names of prominent places lying on the route, on the board, but where the Regional Transport Authority so directs, the names of these places shall be displayed underneath the name of the destination place, in letters measuring 2 inches in height and ½ inch in thickness. The names of such places shall be given both in English and Urdu and they shall be preceded by the words "via" and "barista", respectively as indicated in the above diagram.

### **SPECIAL RULES APPLICABLE TO GOODS VEHICLES**

**209. Protection of goods against weather.**--- Every vehicle in respect of which a public carrier permit is held shall be equipped at all times with a suitable tarpaulin for the protection of the goods carried on the vehicle against weather.

#### **<sup>1</sup>PUNJAB ADDITION:**

After rule 209, the following new rule shall be inserted:

**209-A. Painting of goods vehicle.**--- Every goods vehicle of which the registered laden weight exceeds five thousand pounds shall have the outside of its body and bonnet painted in such shade or colour and within such period as may be specified in this behalf by the Chairman of the Provincial Transport Authority.

**210. Exhibition of the word "Private".**--- A Regional Transport Authority may impose a condition on private carriers to exhibit the word "Private" in front of the vehicle at the top in red block letters measuring 3 inches in height on a white background.

**211. Driver's seat.**--- (1) Rule 186 shall apply to every goods vehicle other than a delivery van.

(2) Government may, by order in writing, exempt any goods vehicle from the operation of the preceding sub-rule.

(3) Where a registering authority registers a goods vehicle in respect of which, or belonging to a class in respect of which, an order under sub-rule 92) has been made, he shall note in the certificate of registration the fact that nothing in rule 211 in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle.

### **SPECIAL RULES APPLICABLE TO TRAILERS**

**212. Overall length.**---

(1) The overall length of a trailer excluding any draw bar, shall not exceed twenty-two feet.

(2) This rule shall not apply to:--

- (a) a trailer constructed and normally used for the conveyance of indivisible loads of abnormal length;
- (b) any agricultural or road-making implement;
- (c) The trailing part of any articulated vehicle;
- (d) to any incompletely assembled or otherwise disabled motor vehicle which is being drawn by a motor vehicle in consequence of the disablement.

<sup>1</sup>. Punjab Gazette, Extra., 31.8.1971.

**213. Brakes.**--- (1) Save as provided in sub-rule (2), every trailer exceeding 1,100 pounds in weight laden shall have an efficient braking system the brakes of which are capable of being applied when it is being drawn ---

(a) in the case of a trailer having not more than two axies, to at least all the wheels of one axie, or

(b) in the case of a trailer having more than two axies, to all the wheels of the two axies.

Provided always that in the case of a trailer registered in any District of State now forming part of Pakistan after the first day of April, 1940, the brakes as aforesaid shall be capable of being applied to not less than half the wheels of the trailer; and so constructed that: --

(i) The brakes can be applied either by the driver of the drawing vehicle or by some other person on such vehicle or the trailer:

Provided that this clause shall not apply in the case of a trailer not exceeding 2,240 pounds in which unladen or in the case of a trailer not constructed or adapted to carry and load other than a plant or other special appliance or apparatus which is a permanent or essentially permanent fixture and not exceeding 4,480 pounds in total weight, if in either case the brakes of the trailer automatically come into operation on the overrun of the trailer; and

(ii) The brakes are capable of being set so as effectually to prevent two at least of the wheels from evolving when the trailer; whether it is attached to the drawing vehicle or not being drawn.

(2) Sub-rule (1) shall not apply to:--

(a) any land implement drawn by a motor vehicle;

(b) any trailer designed for use by a local authority for street cleaning; provided that the trailer does not carry any load other than its necessary gear and equipment; or

(c) any disabled vehicle is being by a motor vehicle in consequence of the disablement.

(3) In the case of trailers registered in any District or State now forming part of Pakistan after the first clay of April, 1940, the braking system shall be so constructed that it is not dependent upon the rotation of the engine of the drawing vehicle.

#### **EXEMPTIONS**

**214. Exemption of military vehicles.**--- The provisions of the rules specified in the first Column of the table below shall not, to the extent specified in the corresponding entries in the second column thereof, apply to any military motor vehicle registered under section 40. --

Rule	Extent not applicable
151 ... (a) (b)	Clause (i) of sub-rule (80 and sub-rules (6_ and (7) This Superintendent of Police may by order in writing and subject to any conditions authorize the driving at night without lights of motor vehicles, registered under section 40 during the hours and on the route or routes, or in the area within his jurisdiction specified in the order.
154 ...	Sub-rule (4).
164 ...	The whole, in its application to vehicles registered before the first day of April,1940.
165 ...	The whole.
169 ...	The whole.
212 ...	The whole.
213 ...	The whole.

**215. Exemption of road plant.**--- Nothing contained in rules 151, 154, 155, 156, 157, 158, 164, 167, 168, 170, 171, 173, and 213 shall apply to road rollers and other machines specially

constructed or adapted for the construction or maintenance of roads which are the property of the Central or the Provincial Government or of any local authority.

## CHAPTER VII CONTROL OF TRAFFIC

**216. Limitation on the use of heavy transport vehicle.---** (1) No transport vehicle shall be driven within the Province in such a state that the total weight of the vehicle and its load, including the weight of any trailer drawn by the vehicles and the load carried thereon, exceeds ten tons, or in such state that the weight carried on any axle of the vehicle or trailer exceeds six tons.

(2) For the purpose of preceding sub-rule all persons carried on the vehicle shall be included in the load.

(3) Government may, by order in writing, exempt any motor vehicle or class of motor vehicles from the operation of sub-rule (1).

**<sup>1</sup>PUNJAB SUBSTITUTION:**

In rule 216, in sub-rule (1) for the word "ten" the word "twelve" shall be substituted.

**<sup>2</sup>PUNJAB AMENDMENT:**

In exercise of the powers vested by rule 4 of the W.P. Motor Vehicles Rules, 1969, the Government of the Punjab are pleased to exempt Nissan and Hino trucks with the maximum laden weight of 33,060 and 27,500 respectively, from the operation of the provisions of rule 216 of W.P. Motor Vehicles Rules, 1969, for plying within the Province of Punjab.

**217. Signaling devices.---** (1) Subject to the succeeding sub-rules, the signaling device required by section 83, shall be a direction indicator as prescribed in rule 172 and shall be fitted on both sides of the vehicle.

(2) Notwithstanding anything contained in sub-rule (1), a motor vehicle, other than a transport vehicle, obtained through the Disposal Organization of the Central Government equipped with electric lighting may be fitted with a mechanical direction indicator complying with the requirements of rule 172 on the right hand side of the vehicle only.

(3) The Provincial Transport Authority may, by order in writing, direct that the provisions of sub-rule (2) shall apply to any transport vehicle or class of transport vehicles equipped with electric lighting specified in the order.

(4) Where a registering authority registers a transport vehicle in respect of which, or belonging to a class in respect of which an order under sub-rule (3) has been made, he shall note in the certificate of registration the fact that the vehicle may be fitted with a mechanical direction indicator on the right hand side only.

**218. Vehicle abandoned on the road.---** (1) If any motor vehicle is allowed to stand in any place other than a duly appointed parking place in such a way as to cause obstruction to traffic or danger to any person, any police officer may:--

(a) Forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle will not cause undue obstruction or danger;

(b) Unless it is moved to a position where it will not cause obstruction or danger take all reasonable precautions to indicate the presence of the vehicle; and

(c) If the vehicle has been stationary in one place for a continuous period of twenty-four hours and adequate steps have not been taken for its repair or removal by the owner or his representative, remove the vehicle and its contents to the nearest place of safe custody.

(2) If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by competent authority in respect of the said place, or, if no such period has been specified, for a period exceeding six hours, any police officer may remove the vehicle to the nearest place of custody.

(3) Notwithstanding any fine or penalty which may be imposed upon any person upon conviction for the contravention of the provisions of section 82, or of any regulation made by a competent authority in relation to the use of duly appointed parking places, the owner of the motor

<sup>1</sup>. Punjab Gazette, Extra., 7.8.1971.

<sup>2</sup>. Vide Notfn. No. SORTI(13-1/75-II, published in Gaz., Ext., dated 3.9.1980.

vehicle or heirs or assigns shall be liable to make good any expense incurred by any police officer in connection with the moving, lighting, watching or removal of a vehicle or its contents in accordance with sub-rules (1) and (2), and any police officer, or any person into whose custody the vehicle has been entrusted by any police, shall be entitled to detain the vehicle until he has received payment accordingly and shall, upon receiving such payment, give a receipt to the person making the payment.

**219. Use of weighing devices.**--- (1) A weighing device for the purpose of section 77, may be—

- (a) a weigh-bridge installed and maintained at any place by or under the orders of Government or a local Authority;
- (b) a weigh-bridge installed and maintained by any person and certified by the registering authority to be a weighing device for the purpose of the Ordinance and these rules; or
- (c) a portable wheel-weigh of any kind approved by Government.

(2) The driver of any goods vehicle shall upon demand by a competent authority so to drive and manipulate the vehicle as to place it or any wheel or wheels thereof, as the case may be, upon any weigh-bridge or wheel-weigh or in such a manner that the weight of the vehicle or the weight transmitted by any wheels may be exhibited by the weigh-bridge or wheel-weigher.

(3) If the driver of a motor vehicle fails within a reasonable time to comply with a requisition under sub-rule (2), a person authorized under section 77, may cause any person, being the holder of a licence authorizing him to drive the vehicle, so to drive and manipulate the vehicle.

(4) When the weight or axle weight of a motor vehicle is determined by separate and independent determination of the transmitted by any wheel, or wheels of the vehicle, the axle, weight and the laden weight of the vehicle shall be deemed to be the sum of the weight transmitted by the wheels of any axle or by all the wheels of the vehicle, as the case may be.

(5) Upon the weighing of a vehicle in accordance with section 77 and this rule, the person who has required the weighing or the person in charge of the weighing device, shall drive to the driver or other person in charge of the vehicle a statement in writing of the weight of the vehicle and of any axle, the weigh of which is separately determined.

(6) The driver or other person incharge of, or the owner of a vehicle which has been so weighed, may challenge the accuracy of the weighing device by a statement in writing accompanied by a deposit of rupees ten delivered—

- (a) within one hour of the receipt of the statement referred to in sub-rule (5), to the person by whom the statement was delivered to him; or
- (b) within fourteen days of the service on him of notice of proceedings against him under section 76 of the Ordinance, to the Court issuing such notice.

(7) Upon receipt of a statement challenging the accuracy of a weighing device under sub-rule (6), the person of the Court by whom the statement is received shall apply to the registering authority for the weighing device to be trusted by such person as the registering authority may appoint and the certificate of such person as may be so appointed regarding the accuracy of the weighing device shall be final.

(8) If upon the testing of a weighing device under sub-rule (7), the weighing device is certified to be accurate or to be inaccurate to an extent less than any weigh by which the laden weigh or unladen weigh or any axle weight of the vehicle is shown in the statement referred to in sub-rule (5) to have exceeded the registered laden weight or the registered unladen weight or the registered axle weight, as the case may be, a contravention of sub-section (3) of section 76 shall be deemed to have been proved.

(9) If upon the testing of a weighing device as aforesaid the weighing device is certified to be inaccurate to an extent greater than any weight by which or unladen weight or any axle weight of the vehicle is shown in the statement referred to in sub-rule (5) to have exceeded the registered laden weight or the registered unladen weight or the registered axle weight, as the case may be, no further proceeding shall be taken in respect of any such laden weight or unladen weight or axle weight and if the device is certified to be inaccurate to the said extent in respect of

every such laden weight unladen weight or axle weight actually weighted, the deposit prescribed in sub-rule (6) shall be refunded.

(10) No person shall, by reason of having challenged the accuracy of any weighing device under sub-rule (6), be entitled to refuse to comply with any order in written under section 77.

**220. Restriction on driving with gear disengaged.---** Within the limits specified in the First Schedule to these rules and elsewhere on any hill marked by traffic sign No. 10 in Part B of the Ninth Schedule to the Ordinance, no person shall drive a transport vehicle with the clutch pedal depressed or with any free wheel or other device in operation which frees the engine from driving wheels and prevents the engine from acting as a brake when the vehicle is travelling down an incline.

**221. Prohibition on mounting or taking hold of vehicle in motion.---** (1) No person shall mount or attempt to mount on, or dismount from, any motor vehicle, when the motor vehicle is in motion.

(2) No person shall take hold of, and no drive of a motor vehicle shall cause or allow any person to take hold of any motor vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

**222. Towing.---** (1) No vehicle, other than a mechanically disabled or incompletely assembled motor vehicle or a registered trailer, shall be drawn or towed by any motor vehicle.

(2) No motor vehicle, other than registered trailer, shall be drawn or towed by any other motor vehicle unless there is in the driver's seat of the motor vehicle being drawn or towed a person holding a licence authorizing him to drive the vehicle or unless the steering wheels of the motor vehicle being towed are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(3) When a motor vehicle is being towed by another motor vehicle, the clear distance between the rear of the front of the rear vehicle shall at no time exceed fifteen feet. Steps shall be taken to render the tow rope or chain easily distinguishable by other users of the road, and there be clear displayed on the rear of the vehicle being towed in black letters not less than three inches high and on a white ground the words "ON TOW".

Provided that no person shall be liable to be convicted for the contravention of this sub-rule for failure to display the words "ON TOW" if the motor vehicle which is towing the other is not a motor vehicle adapted and ordinarily used for the purpose and so long as the vehicle is being towed between the place of the break down and nearest place on the route at which the necessary materials can be obtained.

(4) No motor vehicle when towing another vehicle other than a trailer or side car shall be driven at speed exceeding fifteen miles per hour.

**223. Traffic segregation.---** Where any road or street is provided with footpaths, or tracks reserved for cycles or specified classes of other traffic no person shall, save with the sanction of a public officer in uniform, drive any motor vehicle or cause or allow any motor vehicle to be driven on any such foot-path or track.

**224. Projection of loads.---** (1) Nothing shall be placed or carried upon the outside of the double decked public service vehicle.

(2) No person shall drive, and no person shall cause or allow to be driven, in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof or anything extends—

- (a) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body;
- (b) to the front beyond the fore-most part of the vehicle;
- (c) to the rear to a distance exceeding four feet beyond the near most part of the vehicle excluding any luggage carrier; and
- (d) in height by a distance which exceeds eleven feet from the surface upon which the motor vehicles rests;

(3) Clause (c) of sub-rule (2) shall not apply to a goods motor vehicle when loaded with any pole or other projecting thing so long as:

- (a) the projecting load falls within the limits of the body of a trailer being drawn by the goods vehicle; or
- (b) the distance by which the pole or other thing projects, beyond the rearmost point of the motor vehicle does not exceed six feet; and
- (c) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than fifteen inches in diameter, and at night, a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear.

(4) A Regional Transport Authority or any of its officers, if so authorized by it, may by order in writing, in emergent cases, exempt any motor vehicle for such period and subject to such conditions as may be specified from any or all of the provisions of this rule.

**225. Carriage of dangerous substance.**--- (1) Except for the fuel and lubricants necessary for the use of vehicle, no explosive, highly inflammable or otherwise dangerous substance, shall be carried on any public service vehicle unless it is so packed that even the case of an accident to the vehicle it is unlikely to cause damage or injury to the vehicle or persons carried thereon.

(2) If, in the opinion of a public officer not below the rank of sub-Inspector any public service vehicle is at any time loaded in contravention of this rule, he may order the driver or other person incharge of the motor vehicle of remove or repack the inflammable or dangerous substance.

**<sup>1</sup>PUNJAB ADDITION**

After rule 225-A, the following new rule 225-A shall be added =, namely:--

**225-A. Prohibition of flying of ribbons and handkerchiefs etc. o motor vehicle.**--- No ribbon, handkerchiefs or any other article shall be flown:--

- (a) On the sides of the motor vehicle which may be mistaken for a hand signal by the driver of a motor vehicle coming from opposite direction or by a vehicle approaching from the rear and desirous of over-taking it or going ahead; and
- (b) Inside the motor vehicle which may obstruct the vision of driver.

**<sup>2</sup>PUNJAB ADDITION**

After rule 225-A, the following new rule hall be added, namely:--

**225-B. Flying of odd flags.**--- No motor vehicle shall fly a flag or a piece of clothe or paper or any other material or sign purporting to be a flag or likely to be mistaken as a flag except when permitted by Government by a general or special order or by any rule to fly the prescribed flag in the prescribed manner.

**226. Sound signals.**--- (1) No driver of motor vehicle shall sound the horn or other device for giving audible warning, with which the motor vehicle is equipped, or shall cause or allow any other person to do so continuously or to an extent beyond what is necessary to ensure safety.

(2) The District Magistrate may by notification in the official Gazette, or in one or more newspapers circulating in the said district, and by the erection in suitable place of traffic sign No. 7 as set forth in Part A of the Ninth Schedule to the Ordinance, prohibit the use by drivers of motor vehicles of any horn, gong or other device for giving audible warning in any area within the district and during such hours as may specified in the notification:

Provided that when the District Magistrate prohibits the use of any horn, gong or other device for giving audible warning during certain specified hours, he shall cause a suitable notice, in English and in the script of the district, to be affixed below the traffic sign setting forth the hours within which such use is prohibited.

**<sup>3</sup>PUNAJB AMENDMENT**

In Rule 226, in sub-rule (2) and in the proviso, for the words "District Magistrate" the words "Secretary District Regional Transport Authority" shall be substituted.

**COMMENTS**

To that extent use of horn has to be curbed or banned in accordance with law by Competent Authorities were, thereof, directed to see to it that effective measures were

<sup>1</sup>. Punjab Gazette, Extra., 7.8.1971.  
<sup>2</sup>. Punjab Gazette, Extra., 14.11.1972.  
<sup>3</sup>. Subs. by Notification No. SOTR-1-5—4-/2000 (P), dated 9.3.2002.

adopted//taken be the law enforcing agencies for restraining owners of vehicles to sound pressure horns in the Province and they should particularly adhere to the mandate to them under the rules.<sup>1</sup>

**<sup>2</sup>BALUCHISTAN ADDITION:**

After rule 226 of the West Pakistan Motor Vehicles Rules, 1969, the following new rule 226-A shall be added, namely: --

**226-A.** No Radio set, Transistor, Tape recorder, Record player or any instrument capable of producing music shall be fitted or set to music or played in any Bus, Mini-bus, Taxi-car or any other public service.

**<sup>3</sup>PUNJAB ADDITION:**

226-A. **Playing of music.**--- shall not be played in any public service vehicle at any time while the passengers are seated in it.

**227. Cut-outs.**--- No driver of motor vehicle shall in any public place make use of any cut-out or other device by means of which the exhaust gases of the engine are released save through the silencer.

**228. Restriction on travelling backwards.**--- No driver of a motor vehicle shall cause the vehicle to travel backward without first satisfying himself that he will not thereby cause danger or undue inconvenience to any person, or in any circumstances, save in the case of a road roller for any greater distance or period of time than may be reasonably in order to turn the vehicle round.

**229. Use of lamps when a vehicle is at rest.**---

(1) If, within the limits of any Municipality or Cantonment, a motor vehicle is at rest within the hours during which lights are required at the left hand side of any road or streets or elsewhere in any duly appointed parking place, it shall not be necessary for the motor vehicle to exhibit any light save as may be required generally or specifically by the District Magistrate.

(2) outside the limits of a municipality or cantonment, if a motor vehicle is at rest within is at rest within the hours during which lights are required in such a position as not to cause danger or undue inconvenience to other users of the road, it shall not be necessary for the motor vehicle to display any lights.

**<sup>4</sup>PUNJAB AMENDMENT**

In Rule 229, in sub-rule (1) for the words "District magistrate" the words "Secretary District Regional Transport Authority" substituted.

**230. Dazzling lights.**--- (1) The driver of a motor vehicle shall at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any person by dazzle.

(2) The District Magistrate may, by notification in the official Gazette, and by the erection of suitable notices in English and in the local script prohibit the use, within such areas or in such places as may be specified in the notification, of lamps giving a powerful or intense light.

**<sup>5</sup>Punjab Amendment**

In Rule 230, in sub-rule (2) for the words "District magistrate" the words "Secretary District Regional Transport Authority" shall be substituted.

**231. Visibility of lamp and registration marks.**--- (1) No load or other thing shall be placed on any motor vehicle so as to nay time to mark or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the provisions of the ordinance unless a duplicate of the lamp so masked or otherwise obscured is exhibited in manner required by or under the ordinance for the exhibition of the masked or obscured lamp or mark.

(2) All registration and other marks required to be exhibited on motor vehicle by or under the provisions of the Ordinance shall at all times be maintained as far as may be reasonably possible in a clear and legible condition.

**232. Stop sign on road surface.**--- (1) When any line is painted on or inland into the surface of any road at the approach to a road junction or to a pedestrian crossing or otherwise, no driver

<sup>1</sup>. 1996 MLD 969.

<sup>2</sup>. Notification No. 132-41/34-STG PTA 172. Baluchistan Gazette, Part 1, 3.11.1972.

<sup>3</sup>. Vide Punjab Gazette, Extra., 14.11.1972.

<sup>4</sup>. Vide Notification No. SORT-1-5-4/2000(P), dated 9.3.2002.

<sup>5</sup>. Vide Notification No. SOTR-1-5-4/2000(P), dated 9.3.2002.



shall drive a motor vehicle so that any part thereof projects beyond or by means of traffic control lights or by the temporary display of sign No. 3-A in part A of the Ninth Schedule of the Ordinance.

**233. Special rules on hill roads.**--- On the roads enumerated in the First Schedule to these rules all drivers shall observe the following special rules.

- (a) No motor vehicle shall overtake another except at a place where the whole road is clearly visible for at least two hundred yards ahead.
- (b) When two motor vehicles approach other in opposite direction at a point where they cannot meet without danger of collision, the vehicle proceeding down-hill shall give way to the vehicle proceeding up-hill, When such meeting takes place in a dip or on a level stretch of road, the vehicle on the inside of the road, that is the side from which the hill side slopes upwards; shall give way.
- (c) When the driver of any vehicle requires passing any animals or vehicles drawn by animals, he shall pass them on the outside of the road in whichever direction such animals may be proceeding.

**234. Traffic signs to be observed.**--- Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign, the erection of which is permitted under subsection (1) of section 79.

#### **SPECIAL RULES APPLICABLE TO TRAILERS**

**235. Trailer prohibited with motor cycles.**--- (1) A motor cycle with not more than two wheels with or without a side-car shall not draw a trailer.

- (2) No invalid carriage shall draw a trailer.

**236. Prohibition of attachment of trailer to certain vehicles.**--- No motor vehicle which exceeds twenty-six feet in length shall draw a trailer:

Provided that this rule shall not apply to any motor vehicle being towed in consequence of disablement.

**237. Attendants on trailers.**--- (1) When a trailer is or trailers are being drawn by a motor vehicle there shall be carried in the trailers or on the drawing motor vehicle, as the case may be, the following persons, not being less than twenty years of age and competent to discharge their duties that is to say: --

- (a) if the brakes of the trailer or trailers cannot be operated by the driver of the following motor vehicles or by some other person carried on that vehicle:--
    - (i) one person on every trailer competent to apply the brakes; and one person placed at or near the rear of the last trailer in train in such a position as to be have a clear view of the road in rear of the trailer, to signal to the drivers of overtaking vehicles and communicates with the driver of the drawing motor vehicle;
  - (b) if the brakes of the trailer can be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle, such other person in addition to the driver shall be carried on that vehicle and one person on the rest trailer in train in accordance with the provision of sub-clause (ii) of clause (a);
  - (c) if the trailer is or trailers are being drawn by a locomotive, notwithstanding that the brakes of the trailer or trailers can be operated by the driver or some other person on the locomotive, not less than one person on each trailer and not less than two persons on the last trailer in train, one of whom shall be the person required by the provisions of sub-clause (ii) (a).
- (2) This rule shall not apply:--
    - (a) to any trailer having not more than two wheels and not exceeding 1,700 pounds in weight laden when used singly and not in a train with other trailers;
    - (b) to the trailing half of an articulated vehicle;
    - (c) to any trailer used solely for carrying water for the purposes of the drawing vehicle when used singly and not in a train with other trailers;
    - (d) to any agricultural or road-making or road-repairing or road-leaning implement drawn by a motor vehicle;

- (e) to any trailer specially constructed or adapted for any purpose, upon which an attendant cannot safely be carried; or
- (f) to any closed trailer specially constructed for any purpose and specially exempted from any or all of the provisions of this rule by an order in writing made by the registering authority to the extent so exempted.

**238. Distinguishing mark for trailers. ---** (1) No person shall drive or suffer or cause to be driven in any public place any motor vehicle to which a trailer is or trailers are attached unless there is exhibited on the back of the trailer or the last trailer in train, as the case may be, a distinguishing mark in the form set out in the diagram contained in the Fourth Schedule to these rules in white on a black ground.

(2) The mark shall be kept clean and un-obscured and shall be so fixed to the trailer that:--

- (a) the letter on the mark is vertical, and easily distinguishable from the rear of the trailer;
- (b) the mark is either on the center or to the right hand side of the back of the trailer; and
- (c) no part thereof is at a height exceeding four feet from the ground.

(3) This rule shall not apply to the cases referred to in clauses (a), (b), (c) and (e) of sub-rule (2) of rule 237.

#### **SPECIAL RULE FOR LOCOMOTIVES**

**239. Attendant.---** Every locomotive shall carry not less than one attendant, being a competent person of over twenty years of age, in addition to the driver, to assist the driver in the management of the locomotive.

**<sup>1</sup>PUNJAB AMENDMENT:**

After rule 239, rule 239-A shall be added:

**"239-A. Special Rule for crash helmets.---** A crash helmet shall be made of such material and meet such other requirements as are specified in Pakistan Standard No. 1402 of 1978 established and published by the Pakistan Standard Institution under the Pakistan Standard Institution (Certification Marks) Ordinance, 1961 (LXVIII of 1961).

#### **CHAPTER VIII**

#### **HALTING OF MOTOR VEHICLES IN PUBLIC PLACES: CONTROL OF STANDS**

**240. Halting of stage carriages.---** No stage carriage shall be halted in an urban area for more than five minutes consecutive for the taking up or setting down of passengers or at any time during the course of a run except at stand.

**241. Bus stops. ---** (1) The District Magistrate may direct that in any street or any road in an urban area notified by him in this behalf the notification being made by public proclamation or in such other manner as the District Magistrate may deem fit, no stage carriage halt to take up or set down passengers except at a place appointed by him as a bus stop or at a place appointed by the Regional Transport Authority, as a stand.

(2) No stage carriage shall be halted at a bus stop for longer than is necessary to take up such passengers as are waiting when the vehicle arrives and to set down such passengers as wish to alight.

**<sup>2</sup>PUNJAB AMENDMENT**

In Rule 241, in Sub-rule (1) the words "District Magistrate" wherever occurring shall be substituted by the Words "District Co-ordination Officer."

**242. Every stage carriage trip to be begun and ended at a stand.---** (1) If the run of any stage carriage starts or finishes in an urban area it shall, unless the District Magistrate specially exempts the vehicle from the provisions of this rule, be begun or be ended at a stand.

<sup>1</sup>. Added by Punjab Notfn, dated 18.10.1978.

<sup>2</sup>. Vide Notification 1-5-4/2000 (P), dated 9.3.2002.

(2) Where a stage carriage is exempted from the provisions of the preceding sub-rule, it shall be a condition of the exemption that no passengers shall be taken up or set down, as the case may be, at any point within a distance of two hundred yards or such other distance as may be named in the order of exemption from the place where the stage carriage is garaged or parked at the start or finish of the run.

(3) In exempting a stage from the provisions of sub-rule (1), the District Magistrate may take it a condition that the first passengers shall be taken up, or the last passengers be set down, at a particular bus stop for the purpose in the order of exemption.

(4) An order of exemption made under sub-rule (1), shall remain in force for one year or such lesser period as the District Magistrate may direct, and may be cancelled or modified by him at his discretion at any time:

Provided that the Regional Transport Authority shall be informed of any such order or any cancellation or modification thereof.

**<sup>1</sup>PUNJAB AMENDMENT:**

In rule 242, in sub-rules (1), (3) and (4) the words "District Magistrate" shall be substituted by the words "District Co-ordination Office."

**243. Stage carriage to be properly parked when not in use.---** A Regional Transport Authority may attach to a stage permit a condition that when the vehicle is not in use it shall not be halted in any public place except at a stand or at a parking place appointed by a competent authority under section 80.

**244. Affiliation of public carriage with Forwarding Agents.---** (1) A Regional Transport Authority may attach to a public carrier's permit a condition that the vehicle shall not be operated except under the control of a Forwarding Agent and shall not be halted in any public place except under the authority in writing from the Forwarding Agent or at a place specially permitted for the purpose under rule 254.

(2) An applicant for a public carriage permit shall declare in writing the name of the Forwarding Agent under whose control the vehicle covered by the permit applied for shall be operated and in case the permit is granted the Regional Transport Authority shall make an endorsement to the effect on the permit:

Provided that during the term of the permit, the permit holder may apply to the Regional Transport Authority for the transfer of the vehicle to the control of another Forwarding Agent. On receipt of such an application the said Authority may allow the transfer, after giving the Forwarding Agents concerned an opportunity of being heard:

Provided further that two or more Forwarding Agents may, with the permission of their respective Regional Transport Authorities, enter into a reciprocal agreement to carry on business jointly and in that case any vehicle under the control of any one of them shall be deemed to be under the control of the others as well.

**245. Preceding rules not applicable to contract carriages.---** Notwithstanding in rule 240 or 242 or any direction made under rule 241 shall apply to a stage carriage when it is being used under due authority as contract carriage or as a vehicle for the carriage of goods without passengers, provided that a board has been affixed to the vehicle bearing the inscription "ON CONTRACT" or "CARRYING GOODS ONLY", as the case may be, and provided particulars of the hiring have been entered in the log book of the vehicle.

**246. Halting of contract carriage.---** A Regional Transport Authority may impose on the use of any contract carriage, or any stage carriage when the same is being used as contract carriage, a condition that the vehicle shall not be halted more than ten consecutive minutes in any public place in an urban area save at parking place or, in the case of a motor cab, a cab rank, duly appointed under section 80 or at a stand.

**247. Halting of public carriers for loading and un-loading in any urban area.---** (1) No motor vehicle used for the carriage of goods for hire or rewards shall be halted for loading and un-loading in an urban area without an authority in writing in the prescribed Form F.A.P.U. form a Forwarding Agent functioning in that area, except at a place specially permitted for the purpose under rule 254.

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<sup>1</sup>. Vide Notification 1-5-4/2000 (P), dated 9.3.2002.

(2) A Regional Transport Authority may exempt any public carrier from the applicability of sub-rule (1). Before granting this exemption, the Regional Transport Authority shall give an opportunity to the Forwarding Agents concerned of being heard.

**<sup>1</sup>PUNJAB DELETION:**

Rule 247 shall be deleted.

**248. Parking places.---** All District Magistrate are authorized after consultation with the Superintendent of Police and the local authority having jurisdiction in the area concerned, to make orders determining parking places for motor vehicles under section 80.

**<sup>2</sup>PUNAJB AMENDMENT:**

In rule 248 for the words "District Magistrate" the words "District Coordination Officer" shall be substituted.

**249. Cab ranks.---** (1) At every cab rank determined under section 80.

- (a) the drivers shall station their motor cabs in the rank in the order in which they arrive, the motor cab which has been waiting longest being stationed in the front position, and the motor cabs being moved up as vacancies occur;
- (b) the rivers of the first two motor cabs shall stay by their vehicles ready to be hired by any person;
- (c) no motor cab engaged for some future time shall be kept in the rank unless the driver is willing too accept any intermediate hiring that may be offered; and
- (d) no disabled motor cab shall kept in the rank unless the disablement can be and is intended to be remedied forthwith.

(2) The Regional Transport Authority may in the case of any cab rank relax any or all of the direction in the preceding sub-rule.

(3) Nothing in sub-rule (1) shall render it obligatory on a person wishing to hire a motor cab from a cab-rank to take the first cab or restrict freedom to choose whichever vehicle he prefers.

**250. Responsibility of driver, conductor and permit holder for securing compliance with these rules.---** Insofar as any rule in this Chapter for any order issued in conformity therewith, directs that a transport vehicle shall or shall not be halted in a certain place or in a certain manner, the rule shall be read as if it included provision enjoining the driver and in the case of stage carriage, the conductor to ensure, that it is so halted or not halted, and requiring the holder of any permit issued in respect of the vehicle to take all measures open to him to secure compliance with the direction.

**251. Involuntary halts.---** No person shall be liable to be punished for halt a vehicle in contravention of any of these rules if the stopping the vehicle was occasioned by a mechanical defect or by any cause beyond the control of the driver or person-in-charge:

Provided that the driver or other person incharge shall continue to be liable for contravening section 85, unless all practicable steps have been taken to dispose of the vehicle in such a way that it neither shall nor cause danger, obstruction or inconvenience to other users of the road.

**253. Notification of stands.---** (1) Stands shall be classed as follows:--

- A. -- Stands, being General Stands administered by officials of Government.
- B. -- Stands, being General Stands entrusted for management, under arrangements made by Regional Transport Authority, to a private person or company.

<sup>3</sup>[C. -- Stands, being Stands, administered by City District Government, a District Government, a Town Municipal Administration or a Tahsil Municipal Administration or through the agency of a contractor".]

- D. -- Stands, or Company Stands.

(2) The Regional Transport Authority may, in consultation with the local authority having jurisdiction in the area concerned, make an order in the prescribed form (Form Stand B, Form C, and Form Stand D) permitting any place so be used as a stand and without such an order no place shall be used.

<sup>1</sup>. Vide Punjab Gazette, Extra., 1.8.1974.

<sup>2</sup>. Vide Notification 1-5-4/2000 (P), dated 9.3.2002.

<sup>3</sup>. Subs. by Notification No. SOTR (1)2-3/2000, dated 28.7.2006.

<sup>1</sup>[Provided that no place which is privately owned shall be notified as a Stand unless the application is made by the owner of that place.]

“(2a) In Lahore District, the Regional Transport Authority may also notify a stand under sub-rule (2), if the application is made by the lessee of a private land where lease period on the date of application is such purpose under the lease agreement.”

(3) Every order made by Regional Transport Authority under the preceding sub-rule, show clearly the class of stand which is allowed to be established and shall be notified by publication in one or more newspapers circulating in the district or by such other means as the Regional Transport Authority may consider appropriate.

(4) No place where:--

(a) arrangements are made for the issue of tickets to passengers; or  
(b) covered accommodation is provided for waiting passengers; or  
(c) agents are stationed to marshal waiting passengers; Shall be used for the taking up or setting down of passengers unless it has been duly notified this rule.

(5) The Regional Transport Authority shall, from time to time, fix the fees or the maximum fees payable of every stand of Class A, B, or C.

<sup>2</sup>[**253-A. Minimum area and fee for C & D Class Stands.**--- The Regional Transport Authority shall, before granting licence of C&D Class Stands, satisfy itself that the applicant fulfils the following minimum criteria for the grant of such licence:--

(a) The area of the proposed C-Class Stand shall not be less than:-

- (i) 50 kanals of land in all areas of the City District Lahore;
- (ii) 32 kanals of land in all areas of the City Districts other than Lahore;
- (iii) 32 Kanals of land in all areas of the Tehsil Municipal Administrations at the District Headquarters of Bahawalpur, D.G. Khan and Sargodha District.
- (iv) 8-Kanals of land in all areas of the Tehsil Municipal Administrations at the District Headquarters of all other districts; and
- (v) 6 Kanals of land in all areas of all the other Tehsil Municipal Administrations in the Punjab.

(b) for clause (b), the following shall be substituted:

“(b) The area of the proposed D Class Stand shall not be less than:--

- (i) 50 kanals, 10 kanals and 6 kanals of land in different zones of the City District Lahore as indicated and earmarked by the Regional Transport Authority, Lahore;
- (ii) 4 Kanals of land in all areas of the city districts other than Lahore and the Tehsil Municipal Administrations at the District Headquarters; and
- (iii) 2 Kanals of land in all areas of all other Tehsil Municipal Administrations.”; and

(c) after the clause (d), the following clause (dd) shall be inserted:

“(dd) The right to establish a D Class Stand shall be awarded through open auction in the City District Lahore on the basis of highest offer.”

Notification No.2-10 /2000 (P-II) dated 5-9-2012 .

The site plan and building plan for the C&D Class Stands shall be prepared in accordance with the uniform standardized designs prescribed by the Government in the Seventh Schedule.

(a) Land ownership documents shall be deposited with the Regional Transport Authority.

(b) In case of sanction of the C or D Class Stand the applicant shall deposit the prescribed licence fee with the Regional Transport Authority.

<sup>1</sup>. Subs. by Notification No. SOTR (1)2-3/2000, dated 28.7.2006.

<sup>2</sup>. Inserted by Notification SOTR (1)2-3/2000, DATED 28.7.2006.

- (c) The Regional Transport Authority shall indicate and earmark zones and the requisite number of C&D Class Stands in a particular zone, with the approval of the Government.
- (d) The Regional Transport Authority may review the zoning and number of C&D Class Stands after a period of ten years with the approval of the Government.
- (e) The maximum number of vehicles which can operative from the C or D Class Stands shall be determined in accordance with the following standards:--
  - (f) one Bus 590Sq. Ft.
  - (ii) one Mini Bus/Coaster 364 Sq. Ft.
  - (iii) one wagon 200 Sq. Ft.

(1) Fee for the grant of licence of the C&D Class Stands shall be as follows:--

C Class Stands:

- (i) licence fee for one year in the city districts of the Punjab shall be Rs. 35,000;
- (ii) licence fee for one year in the Tehsil Municipal Administration at the Districts Headquarters of Bahawalpur, D.G. Khan, and Sargodha districts shall be Rs. 35,000;
- (iii) fee for the renewal of such a licence for one year in the city districts or the Tehsil Municipal Administrations mentioned in clauses (i) and (ii) shall be Rs. 15,000;
- (iv) licence fee for one year in all other Tehsil Municipal Administrations at the District Headquarters shall be Rs. 30,000;
- (v) fee for the renewal of such licence for one year in all other Tehsil Municipal Administrations mentioned in clause (iv) shall be Rs. 13,000;
- (vi) licence fee for one year in all other Tehsil Municipal Administrations of the Punjab shall be Rs. 20,000; and
- (vii) fee for the renewal of such a licence for one year in all other Tehsil Municipal Administrations of the Punjab mentioned in clause (vi) shall be Rs. 10,000.

D Class Stands:

- (i) licence fee for one year in the city districts of the Punjab shall be TRs. 50,000.
- (ii) licence fee for one year in the Tehsil Municipal Administrations at the District Head quarters of Bahawalpur, D.G. Khan, and Sargodha districts shall be Rs. 50,000;
- (iii) fee for the renewal of such a licence for one year in the city Districts or the Tehsil Municipal Administrations mentioned in clause (i) and 9ii) shall be Rs. 25,000;
- (iv) licence fee for one year in all other Tehsil Municipal Administrations at the Districts Headquarters shall be Rs. 35,000;
- (v) fee for the renewal of such a licence for one year in all other Tehsil Municipal Administrations at the Districts Headquarters mentioned in clause (iv) shall be. 10,000;
- (vi) licence fee for one year in all other Tehsil Municipal Administrations of the Punjab shall be Rs. 15,000; and
- (vii) fee for the renewal of such a licence for one year in all other Tehsil Municipal Administrations of the Punjab mentioned in clause (vi) shall be Rs. 6,000.]

**254. Place to be used for loading, unloading or halting of public carriers.---** (1) The Regional Transport Authority may, in consultation with the District Magistrate having jurisdiction in the area concerned make an order in the prescribed form (Form F.A.L.) permitting any place to be used for loading, unloading or halting of motor vehicle used for the carriage of goods for hire or reward:

Provided always that no place shall be notified as such save on a location by or with the written consent of its owner.

(2) Every order made by the Regional Transport Authority under the preceding sub-rule, shall clearly prescribe conditions not inconsistent with these rules under which the place is to be used for the loading, unloading and halting of goods vehicles unless and shall also mention the maximum fees as prescribed by the Regional Transport Authority payable for the purpose.

(3) The Regional Transport Authority shall not permit a Forwarding Agent to use a place for the loading, unloading or halting of goods vehicles unless the latter satisfies the authority that:--

- (a) he has under his control not less than 30 public carrier's permits, out of which at least five permits are held by him in his own name;
- (b) he shall, at the discretion of the consignor, insure goods and indemnify consignor for any loss or damage to goods while in his possession; and
- (c) he shall maintain all records prescribed by the Regional Transport Authority in Form F.A.R.E. Form F.A.R.I., Form F.A.R.A., Form F.A.R.D. and Form F.A.R.V. These records shall be open to inspection by or on behalf of the said authority.

(4) The Regional Transport Authority may at any time revoke any order made by it under sub-rule (1) if in its opinion any of the condition under which a place is to be used for the loading, unloading or halting of goods vehicles has been contravened or if the continuance of the said order is no longer in the public interest:

Provided that before revoking the order, Regional Transport Authority shall give the Forwarding Agent concerned an opportunity of being heard and shall record its reason in writing.

(5) Any order permitting any place to be used for the loading; unloading or halting of motor vehicle used for the carriage of goods for hire or reward shall remain in force for three years or such less period as may be mentioned in the order, and may be renewed from time to time by the Regional Transport Authority for a further period of not less than three years.

(6) The commission fee and other fees in respect of goods vehicle stands shall be fixed by the Regional Transport Authority from time to time which shall be notified in the official Gazette.

**<sup>1</sup>N.W.F.P. AMENDMENT:**

Substitution of sub-section (3):--

“(3) The Regional Transport Authority shall not permit a Forwarding Agent to use a place for the loading and unloading halting of goods vehicle unless the Forwarding Agent has been granted a licence by the authority and satisfies the authority that:--

- (i) he has under his control not less than 15 public carrier's permits, out of which at least three permits are held by him in his own name;
- (ii) he shall, at the discretion of the consignor, insure goods and indemnify consignor for any loss or damage to goods while in his possession; and
- (iii) he shall maintain all records prescribed by the Regional Transport Authority in Form F.A.R.I., Form F.A.R.A., Form F.A.R.D. and Form F.A.R.V., which shall be open to inspection by or on behalf of the said authority; and

(3-A) The licence under sub-rule (3) may be granted on payment of a fee at the rate of Rs. 500 per annum and every holder of the licence shall be required to apply to the authority for renewal thereof, before the validity of the licence expires.”

**<sup>2</sup>PUNJAB AMENDMENT:**

Substitution of sub-section (5):--

“(5) Any order permitting any place to be used for loading, unloading or halting of motor vehicle used for the carriage of goods for hire or reward shall remain in force for one year or such less period as may be mentioned in the order and may be renewed from time to time by the Regional Transport Authority for a further period of one year expiring on 30<sup>th</sup> June of the next year.”

**<sup>3</sup>PUNJAB AMENDMENT:**

In Rule 254-

(i) for sub-rule (5-a), the following shall be substituted:--

- “(5-a) (i) a fee at the rate of one thousand rupees per annum shall be charged for an order under sub-rule (1) or sub-rule (5); and
- (ii) a fee at the rate of five hundred rupees per annum shall be charged for the renewal of the orders mentioned in clause (i).”

<sup>1</sup>. Vide N.W.F.P Notification., dated 11.7.1989 N.W.F.P. Gaz., Ext., dated 2.8.1999.

<sup>2</sup>. Vide Notification No. SOTRI/12-8/75, published in Punjab Gaz., 13.6.1979

<sup>3</sup>. Notification No. SOTR.I/9-2/96. Dated, 22.07.1996.

## **<sup>1</sup>PUNJAB AMENDMENT**

In rule 254, in sub- rule (1) for the words “District Magistrate” the words “District Co-ordination Officer” shall be substituted.

**255. Consideration governing the location of stands.---** (1) In deciding whether to grant permission for the use of any place as a stand or as place for the loading, unloading and halting of goods vehicles, the Regional Transport Authority shall have regard to the following matters—

- (a) The interest of the public generally and the efficient organization of motor transport;
- (b) the suitability of the site from the point of view of traffic control;
- (c) the avoidance of annoyance to persons living or having property in the locality;
- (d) the suitability of the site in relation to other stands in the same town;
- (e) any other consideration that may appear to be relevant.

(2) In selecting a site for stands the Regional Transport Authority shall be guided by any opinion given by the District Magistrate and the Superintendent of Police concerned.

## **<sup>2</sup>PUNJAB AMENDMENT**

In rule 255, in sub-rule (2) the words “District Magistrate” shall be substituted by the words “District Co-ordination Officer”.

**256. Condition applicable to all stands.---** (1) Every order permitting a place to be used as stand of Class B, C or D shall be subject to the following conditions, namely:--

- (a) that the land and buildings of the stand shall at all times be kept clean and in good state of repair;
- (b) that the stand be administered in a seemly and orderly manner;
- (c) that the person, company or authority permitted by the Regional Transport Authority to be use the place as a stand shall take all possible precautions to ensure that no breach of the Ordinance or of these rules is committed in respect of any vehicle entering or leaving or halting at the stand and that any such breach is reported to the nearest officer of police;
- (d) that a board shall be set up in a conspicuous position at the stand showing the fees payable (if an order has been made fixing the fees) and that the full amount of fees due from the owners and drivers of vehicles shall be charged neither more or less.

(2) In making an order permitting a place to be used as a stand, the Regional Transport Authority may further attach to it any one or more of the following conditions, namely, the local authority or person authorized to administer the stand shall:--

- (a) maintain such records as the Regional Transport Authority may from time to time direct;
- (b) employ such staff at the stand as may be specified in the order;
- (c) provide waiting rooms for the largest number of passengers that may reasonably be expected, to use the stand at any one time, including separate accommodation for women;
- (d) provide suitable lavatories for both sexes;
- (e) provide rest rooms for the drivers and conductors of the vehicle regularly kept at the stand;
- (f) provide an adequate supply of drinking water for passengers, drivers and all persons likely to be employed at the stands;
- (g) provide covered accommodation or other form of shelter for all the vehicle regularly kept at the stand or for such percentage of those vehicles as the Regional Transport Authority may specify;
- (h) provide for the illumination of the stand at night;
- (i) provide, in a separate portion of the stand facilities for washing and cleaning vehicles and for executing ordinary repairs.

(2) With the approval of the Regional Transport Authority, the District Magistrate may attach to the order any other condition that may seem to him to be necessary to secure the efficient administration of the stand or otherwise to be in the public interest.

<sup>1</sup>. Vide Notification NO SOTR-/1-5-4/2000(P), dated 9.3.2002.

<sup>2</sup>. Vide Notification NO SOTR-/1-5-4/2000(P), dated 9.3.2002.



### **<sup>3</sup>PUNJAB AMENDMENT**

In rule, in 256 sub-rule (3) the words "District Magistrate" shall be substituted by the words "District Co-ordination Officer".

**257. Conditions governing the location of stands for goods vehicles.---** Every order prompting a place to be used for loading. Un-loading and halting of goods vehicle shall be subject to the following conditions, namely:--

- (a) That the land and building included in the place, shall at all times be kept clean and in good state of repair;
- (b) That the place shall be administered in a seemly and orderly manner;
- (c) That the Forwarding Agent permitted to use the place shall take all possible precautions to ensure that no breach of the Ordinance or these rules is committed in respect of any vehicle entering or leaving or halting and that any such breach is reported to the nearest officer of police;
- (d) That a board shall be set up in a conspicuous position at the place showing the fees payable and that the exact amount of fees due from the owners and drivers of the vehicles shall be charged;
- (e) That the Forwarding Agent shall provide to the satisfaction of the Regional Transport Authority sufficient space for halting the vehicle in an orderly manner and suitable godowns and store houses for the safety of the goods consigned to his care;
- (f) That the Forwarding Agent shall not allow any vehicle under his control to load, un-load or halt at any other place, within the urban area concerned, without his permission in writing in the prescribed form.

**258. Stands of Class B.---** (1) When an order has been made permitting a place to be used for the establishment of a stand of Class B, the Regional Transport Authority may enter into an agreement with any person, firm or company (hereinafter referred to as the "manager") to undertake the maintenance and management of the stand and to be responsible for the fulfillment of the conditions attached to the order of sanction and of all the provisions of the Ordinance and these rules which may be applicable.

(2) It shall be a condition of every agreement made under the preceding sub-rule that the manager shall maintain accounts in English containing such particulars as the Regional Transport Authority may require and such accounts shall be open at all reasonable times for inspection by the Regional Transport Authority or any official or auditor appointed by him.

(3) Every such agreement shall further state whether the manager shall be entitled to retain the whole of the fees collected at the stand or whether some portion thereof or a consolidated sum in lieu shall be payable to Government

(4) An agreement under sub-rule (1) may be so framed as to require the manager within a certain time to erect specified building or carry out specified works on the site of the stand, or to fulfill any specified conditions of the kind described in sub-rule (2) of rule 256.

(5) Save with the approval of the Regional Transport Authority, no agreement shall be made under sub-rule (1) with any person who has a financial interest direct or indirect in any of the vehicles likely to be kept at the stand and unless the person with whom the agreement is to be made agrees that he will not employ in the working of the stand any person having such an interest.

**259. Municipal stands.---** (1) A local authority administering a stand of Class C shall maintain separate accounts of the income received and expenditure incurred in respect of it, and these accounts together with the accounts of any manager or contractor employed by the local authority in connection with the stand shall be subject to audit under arrangements made by Government and shall be open to inspection at all reasonable times by the Regional Transport Authority and any official appointed by it for the purpose.

(2) It shall be a condition of every order permitting a place to be used as a site or a stand of Class C that the whole of the profits derived from the administration of the stand after deducting such expenditure for the management, lighting and maintenance of the stands as may be incurred with the approval of the Regional Transport Authority together with the deductions

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<sup>3</sup>. Vide Notification NO SOTR-/1-5-4/2000(P), dated 9.3.2002.

specified in the next following sub-rule shall be devoted by the local authority to defraying the cost of new buildings and improvements at the stands or providing amenities for the drivers of vehicles for waiting passengers.

(3) In determining the amount to be expended by the local authority under the preceding sub-rule on new buildings, improvements and amenities, deduction shall be made equal to—

- (a) the interest which the local authority may actually be paying on any sum borrowed by it during the preceding twenty years for the purpose of acquiring land or buildings for the stand or if the local authority has during the preceding twenty years expended capital of its own in acquiring land and buildings, a sum representing interest on that capital at the current bank rate;
- (b) any rent which may be due from the local authority to any person on account of the land buildings included in the stand; and
- (c) such additional sum not exceeding three per cent of the gross receipts from fees as may be agreed between the Regional Transport Authority and the local authority.

(4) Save with the approval of the Regional Transport Authority, the local authority administering a stand of Class C shall not entrust the management of the stand to, or permit to be employed in the working of the stand, any person who has a financial interest direct or indirect in any of the vehicles likely to be kept thereat.

**260. Disposal of money accruing to Government.**--- Moneys accruing to Government from the administration of stand shall be devoted. Subject to the vote of the legislature, to—

- (a) the carrying out of improvement and the provision of amenities at stands,
- (b) the acquisition of sites for stands, or
- (c) any other object which in the opinion of Government conduces to the welfare of persons employed in the motor transport industry and the travelling public.

**261. General stands to be open to all transport vehicles.**--- No transport vehicle, the driver or person in charge of which offers to pay the proper fees shall be refused admittance to a stand of Class A, B or C unless the sanctioned accommodation at the stand is already fully occupied.

Provided that where the owner of any vehicle has been granted a licence for a stand of Class D or has been given permission to make use of a stand of Class D, his vehicle shall have no right of admission to any general stand situated within five miles of that stand.

**262. Inspection of stands.**--- Every stand, whether on public or privately owned land, shall be open to any inspection at any time by the District Magistrate or any official deputed by the District Magistrate or the Regional Transport Authority or any official deputed by it in this behalf or by any officer of police not below the rank of head constable.

#### **<sup>1</sup>PUNJAB AMENDMENT**

In rule 262, the words “District Magistrate” wherever occurring shall be substituted by the words “District Co-ordination Officer”.

**263. Company stands.**--- (1) Orders permitting a place to be used as stand of Class D shall be in Form Stand D and shall specify clearly the area, which may be so used.

(2) Save with the special permission of the Regional Transport Authority no such order shall be made unless the person or company applying to use the place as a stand holds permits, being permits in the name of the person or company making the application, for not less than <sup>2</sup>[eight] transport vehicles.

(3) Before giving permission for the establishment of any stand of Class D, the Regional Transport Authority shall satisfy that the proposed site is not in such a location as would give the user an undue advantage over the owners of stages operating in competition with him from the general stand or stands.

(4) No vehicles shall be admitted to any stand of Class D other than vehicles in respect of which a permit is held by the person or company in whose name the stand has been sanctioned, together with any vehicles which may have been specially mentioned in the Regional Transport Authority’s order as entitled to use the stand.

<sup>1</sup>. Vide Notification NO SOTR-/1-5-4/2000(P), dated 9.3.2002.

<sup>2</sup>. Subs. for the words “five” by Notifn., published in Gazette, W.P., Extra., 2.6.1970.

## COMMENTS

Scope of this rule and section 86 of W.P. Motor Vehicles Ordinance, 1965, is different. No condition in law exists that holding points could only be sanctioned in favour of transporters who own or passes given number of vehicles.<sup>1</sup>

**264. Boundaries of stands to be demarcated.**--- The local authority or person entrusted with the administration of stand erect and maintain to the satisfaction of the Regional Transport Authority pillars or other marks of a permanent character clearly indicating the boundaries of the land included in the stand.

**265. Prohibition on use of loud sounding devices at stands.**--- (1) No horn, gong, bell, whistle, gramophone, loud-speaker, musical instrument or other device for creating a loud noise shall be used to attract passengers to any stand.

(2) In the event of such use, the manager and contractor employed to administer the stand, and the owner, driver and conductor of the vehicle to which the sound was intended to attract customer, shall, in addition to the person who used the instrument, be punishable for contravening this rule, unless he can show that the use of the instrument was without his consent.

**266. Cancellation of orders for the establishment of stands.**--- (1) A Regional Transport Authority may at any time revoke any order made by it permitting the establishment of any stand if in its opinion any of the conditions on which the stand was permitted to be established have been violated or the stand has not been satisfactorily managed or its continuance is no long in the public interest.

(2) Before revoking any order under the preceding sub-rule, the Regional Transport Authority shall give the person authorized to administer the stand an opportunity of being heard, and shall record his reasons in writing.

(3) If an order permitting the establishment of a stand is not revoked under sub-rule (1) it shall remain in force for three years or such lesser period as may be mentioned in the order and may be renewed from time to time by the Regional Transport Authority for a further period of not more than three years.

**267. Appellate Authority.**--- (1) Any person aggrieved by an order of the Regional Transport Authority sanctioning the establishment of a stand or revoking or modifying an order permitting the establishment of a stand, may, within thirty days of the receipt of the order, appeal, to the appellate authority as prescribed in rule 96, whose orders thereon shall be final and conclusive.

(2) All orders by a Regional Transport Authority permitting any place to be used for the loading, un-loading or halting of motor vehicles used for carriage of goods for hire or rewards, or revoking or modifying any such order, shall be appealable to the appellate authority as prescribed in rule 96, whose orders thereon shall be final and conclusive.

(3) The appellate authority, before passing an order under sub-rule (1) or sub-rule (2), as the case may be, shall give the appellate or any other persons affected by the order, opportunity of being heard.

**268. Repeal and savings.**--- On the commencement of these rules, the corresponding rule of the N.W.F.P. Motor Vehicles Rules, 1940, the Punjab Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940, and the Sindh Motor Vehicles Rules, 1940 shall stand repealed:

Provided that anything done or any action taken under any of the said rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules unless such thing or action is inconsistent with any of the provisions of these rules unless such thing or action is inconsistent with any of the provisions of these rules.

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<sup>1</sup>. 1990 CLC 1825.