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प्राधिकार से प्रकाशित

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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 15 जून, 2010

सा.का.नि. 505(अ).—कतिपय नियमों का निम्नलिखित प्रारूप, जिसको केन्द्रीय सरकार, सड़क मार्ग द्वारा वहन अधिनियम, 2007 (2007 का 41) की धारा 20 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाना प्रस्तावित करती है, उन सभी व्यक्तियों की जानकारी के लिए जिससे उनके प्रभावित होने की संभावना है, प्रकाशित किया जाता है और सूचना दी जाती है कि उक्त प्रारूप नियमों पर उस तारीख से जिसको भारत की राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दी जाती हैं, पैतालीस दिन की समाप्ति के पश्चात् विचार किया जाएगा।

2. ऐसे आक्षेपों और सुझावों पर, जो उक्त प्रारूप नियमों के संबंध में पूर्वोक्त अवधि के समाप्त होने से पूर्व किसी व्यक्ति से प्राप्त हो सकेंगे, केन्द्रीय सरकार द्वारा विचार किया जाएगा।

3. आक्षेप और सुझाव, यदि कोई हों, संयुक्त सचिव (परिवहन), सड़क परिवहन और राजमार्ग मंत्रालय, परिवहन भवन, संसद् मार्ग, नई दिल्ली-110001 को भेजे जा सकेंगे।

प्रारूप नियम

- संक्षिप्त नाम—(1) इन नियमों का संक्षिप्त नाम सड़क मार्ग द्वारा वहन नियम, 2010 है।
(2) ये राजपत्र में उनके अंतिम प्रकाशन की तारीख को प्रवृत्त होंगे।
- परिभाषाएँ—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हों—
(क) "अधिनियम" से सड़क मार्ग द्वारा वहन अधिनियम, 2007 अभिप्रेत है ;
(ख) "प्रारूप" से इन नियमों से उपाबद्ध प्रारूप अभिप्रेत है ;
(ग) "धारा" से अधिनियम की कोई धारा अभिप्रेत है ; और
(घ) उन शब्दों और पदों के, जो इनमें प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वही अर्थ होंगे जो उस अधिनियम में हैं।
- रजिस्ट्रीकरण प्रमाणपत्र को प्रदान किए जाने या उसका नवीकरण किए जाने के लिए आवेदन :—
(1) रजिस्ट्रीकरण प्रमाणपत्र को प्रदान किए जाने या उसका नवीकरण किए जाने के लिए आवेदन, रजिस्ट्रीकरण प्राधिकारी को तीन प्रतियों में, प्रारूप 1 में किया जाएगा।
(2) उपधारा (1) के अधीन आवेदन के साथ ऐसी फीस, बैंक ड्राफ्ट या भारतीय पोस्टल आर्डर द्वारा संलग्न की जाएगी जो सारणी के नियम 13 के क्रम सं. 1, 2 और 3 के सामने विनिर्दिष्ट की गई है।
- रजिस्ट्रीकरण प्रदान करने के लिए शर्तें—नियम 3 के अधीन रजिस्ट्रीकरण के लिए आवेदन करने वाला व्यक्ति निम्नलिखित शर्तों का अनुपालन करेगा, अर्थात् :—

2328 GI/2010

(1)

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**NOTIFICATION**

New Delhi, the 15th June, 2010

G.S.R. 505(E).— The following draft of certain rules, which the Central Government proposes to make in exercise of powers conferred by section 20 of the Carriage by Road Act, 2007 (41 of 2007), is hereby published for information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of forty-five days from the date on which the copies of this notification as published in the Gazette of India, are made available to the public.

2. The objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the aforesaid period shall be considered by the Central Government.

3. Objections and suggestions, if any, may be sent to the Joint Secretary (Transport), Ministry of Road Transport and Highways, Transport Bhawan-1, Parliament Street, New Delhi – 110001.

Draft Rules

1. Short title.- (1) These rules may be called Carriage by Road Rules, 2010.
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. Definitions.- In these rules, unless the context otherwise requires,-
 - (a) "Act" mean the Carriage by Road Act, 2007;
 - (b) "Form" means a form appended to these rules;
 - (c) "section" means a section of the Act; and
 - (d) words and expression used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.
3. Application for grant or renewal of certificate of registration.- (1) An application for grant or renewal of a certificate of registration shall be made in Form 1, in triplicate to the registering authority.
(2) The application under sub-rule (1) shall be accompanied by the fee as specified against Sl. Nos. 1, 2 and 3 of the Table to rule 13 by way of Bank Draft or Indian Postal Order.

4. Conditions for grant of registration.- A person applying for registration under rule 3 shall comply with the following conditions, namely:-

(i) the applicant shall produce registration certificate of one commercial vehicle in his name or in the name of an organisation or partner or proprietor or director, or contract letter or work order for carrying out functions as common carrier, from a registered company;

(ii) the applicant shall have net worth of minimum rupees five lakhs of its own or of any of its proprietor or partner or director which must be supported by a Certificate from the Chartered Accountant, or Audited Balance Sheet or Income Tax Return or Bankers Certificate:

Provided that in case of applications for certificate of registration for providing service at a higher risk, the net worth of the applicant or of any of its proprietor or partner or director shall be minimum rupees twenty lakhs:

(iii) where common carriers are proprietorship or partnership firms, the proprietors or partners should not have been blacklisted or deregistered earlier;

(iv) where a company is seeking registration, it shall not have more than thirty-three per cent. of its Board of Directors from blacklisted or deregistered company.

5. Grant or renewal of certificate of registration.- (1) The registering authority shall on receipt of an application accompanied by the fees specified under rule 3 and after satisfying himself that the applicant has complied with all the conditions specified in rule 4, grant or renew the certificate of registration in Form 2 within a period of thirty days.

(2) Where the application is received by the registering authority without the specified fee or the conditions specified under rule 4 are not fulfilled by the applicant, the registering authority shall direct the applicant to do the needful and the period specified under sub-rule (1) shall be reckoned from the date of receipt of application complete in all respects.

(3) The registering authority shall attest part II of Form 1 containing details of the branch offices to be endorsed in the certificate of registration as a proof of endorsement of branch offices in the registration certificate.

6. Amendments in certificate of registration.- (1) An application for including or closing a branch office or any other amendment in the certificate of registration issued under rule 5 shall be made to the registering authority to whom the main application was made, in Form 3 and shall be accompanied by the fee as specified

against Sl. No.4 of the Table to rule 13 by way of Bank draft or Indian Postal Order.

(2) The registering authority, on receipt of application under sub-rule (1) shall issue amended certificate of registration in Form 4 within a period of thirty days from the date of receipt of the application.

7. Suspension, revocation or cancellation of certificate of registration.- (1) The registering authority may revoke the certificate of registration for the first violation under sub-section (2) of section 5 for a period of two weeks.

(2) In the case of second violation, the certificate of registration shall be revoked for one month.

(3) In case of third violation, the certificate of registration may be cancelled.

8. Form of register to be maintained by holder of certificate of registration.- (1) Every holder of certificate of registration shall maintain a record of the transactions in the register to be kept in main office and branch office and updated on quarterly basis, in Form 5, either in manual or electronic form.

(2) A summary of the entries recorded in the register under sub-rule (1) shall be submitted in Form 6 to the registering authority.

(3) In case of any discrepancy in the data furnished by the common carrier, the registering authority or the officer not below the rank of Under Secretary to the Government of India authorised by the State Transport Department may visit the main office of the common carrier at a mutually convenient date and time to reconcile such data.

9. Fee for appeal.- Every appeal under section 6 shall be accompanied by the fee as specified against Sl. No. 5 of the Table to rule 13.

10. Goods forwarding note and goods receipt.- (1) Every consignor while booking his goods shall execute a goods forwarding note as specified under sub-section (1) of section 8, containing details of the goods in Form 7 and submit it to the common carrier in duplicate.

(2) For the goods of dangerous or hazardous nature, the goods forwarding note shall be issued on a paper with upper left hand corners printed in red as "expand goods".

(3) An acknowledged copy of the good forwarding note shall be returned by the common carrier to the consignor.

- (4) Every common carrier on receipt of the goods forwarding note from the consignor for booking of goods to be transported, shall issue a goods receipt in Form 8.
- (5) For the goods of dangerous or hazardous nature, the goods receipt shall be issued on a paper with upper left hand corners printed in red as "expand goods".
11. Procedure and safeguards for carrying goods of dangerous or hazardous nature.-
- (1) A common carrier shall ensure that while carrying goods of dangerous or hazardous nature, the procedure and safeguards specified under rules 130 to 137 of the Central Motor Vehicle Rules, 1989 are scrupulously followed.
- (2) While booking goods of dangerous or hazardous nature, the consignor shall indicate the details in respect of such goods in the goods forwarding note.
12. Liability of common carrier for loss of or damage to any consignment.- (1) Liability of the common carrier under section 10 for total loss shall be limited to ten times the freight paid or payable:
- Provided that the amount so calculated shall not exceed the value of the goods as declared in the goods forwarding note.
- (2) In case of partial damage to the goods, evaluation of such damage may be done by an independent government approved valuer or surveyor selected by the consignor out of the list notified by the common carrier in its main and branch offices and the cost of such evaluation shall be borne by the common carrier.
- (3) In case of partial loss, the amount of liability shall be as assessed by the government approved valuer or surveyor under sub-rule (2).
- (4) Liability for loss of documents sent along with consignment order shall be not exceeding rupees five hundred.
- (5) In case of perishable goods, the consignor shall select the Government approved valuer or surveyor within a period of twenty-four hours from the time of report of the loss or deterioration of the goods, failing which the common carrier would be free to select the said valuer or surveyor to assess the quantum of loss due to deterioration of the goods and the amount of liability in such case shall be assessed value of loss or the liability by the aforesaid valuer or surveyor.
- (6) The delivery of the consignment to the consignee by the common carrier shall be treated as prima-facie evidence of delivery of the goods as described in the goods forwarding note unless notice of the general nature of loss of, or damage to, the goods is given, in writing, by the consignee to the common carrier at the time of handing over of the goods to the consignee.

Provided that in case where the loss of or damage to the consignment is not apparent, the above provisions shall apply unless notice in writing is given by the consignee, of the loss of or damage to, the goods within six days from the date of actual handing over of consignment to the consignee.

(7) The responsibility of the common carrier for the goods carried would be only during the transit period i.e. from the date of taking over the goods in his or her charge from the consignor to the date of arrival at the destination point plus three calendar days and the date of arrival of the consignment shall be taken as the day on which the goods physically arrive at the destination or the day when the consignee or consignor is informed of the arrival of the goods at the destination, whichever is later.

(8) In case of liability getting incurred on the part of common carrier, the consignor, consignee or their authorised representative may have a relook at the distance declared by the common carrier in the goods receipt and actual liability shall be based on the documentary evidence adduced by the common carrier, consignor and consignee or their authorised representative.

(9) The liability of the common carrier shall be calculated on the actual freight collected or due or ninety per cent. of total charges excluding the taxes shown on the goods receipt, whichever is higher:

Provided that in case of a vehicle carrying or meant to carry dangerous or hazardous goods, the common carrier shall ensure that such goods are insured in any one of the policy under the Public Liability Insurance Act, 1991 (6 of 1991).

13. The fees to be charged under these rules shall be as specified in the following Table, namely:-

TABLE

Sl. No. (1)	Purpose (2)	Amount (3)
1	Interest-free security deposit while applying for certificate of registration.	Rs.5,000/-
2	Fee for applying for certificate of registration	Rs.1,000/- plus Rs.250/- (processing fee)
3	Fee for renewal of certificate of registration	Rs.1,000/- plus Rs.250/- (processing fee)
4	Fee for amendments in certificate of registration	Rs.250/- (processing fee)
5	Submission of memorandum of appeal	Rs.500/-