

**PART III**

**GOVERNMENT OF PUNJAB  
DEPARTMENT OF TRANSPORT  
(TRANSPORT - II BRANCH)**

**NOTIFICATION**

The 21st July, 2017

**No. G.S.R.27/C.A.59/1988/Ss.79 and 96/2017.**-WHEREAS transportation of goods by road is the backbone of trade, commerce and industry in Punjab and transport sector is a key driver of the State's economy.

AND WHEREAS the smooth conveyance of goods by the holders of goods carriage permits at fair and economic rates is critical for the functioning of trade and industry in the State as it is a prime factor in attracting fresh industrial and infrastructural investment to the state;

AND WHEREAS some operators and holders of goods carriage permits have cartelized and are indulging in unfair trade practices to the detriment of the consumers of their services, as a result, causing severe damage to trade, business and industry in the state;

AND WHEREAS the Government of Punjab is cognizant of the cartelization and consequent exploitation of consignors and consignees of goods with the establishment of Unions of operators/ holders of goods carriage permits;

AND WHEREAS cartelization by goods carriages not only creates bottleneck in free trade and commerce, it is also an infringement of fundamental rights. It is against wider public interest as a few people enrich themselves by coercing end users;

AND WHEREAS the Government of Punjab is desirous of regulating the operations of goods carriages of all types with the object of bringing an end to the cartelization and consequent exploitation of consignors and consignees of goods by such formal or informal unions, (whether registered or unregistered) including Truck Unions, Canter Unions, Tempo Unions, Tractor-trolley Unions established in local areas, towns and cities within the State of Punjab;

NOW, THEREFORE, the following draft of rules, which the Governor of Punjab proposes to make in exercise of the powers conferred by section 79 read with section 96 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988), and all other powers enabling him in this behalf, is published for the information of the persons likely to be effected thereby.

Notice is hereby given that the draft of rules will be taken into consideration by the Government on or after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette together with any objection or suggestion, which may be received by the Principal Secretary to Government of Punjab, Department of Transport, Punjab Civil Secreatriat-2, Sector 9, Chandigarh, from any stake holder and public at large before the expiry of the period, so specified, with respect to the said draft.

**DRAFT RULES**

1. **Short title, extent and commencement.-** (1) These rules may be called the Punjab Goods Carriages (Regulations and Prevention of Cartelization) Rules, 2017.
  - (2) These rules extend to the whole State of Punjab and shall apply only to Public Goods Carriers and not to Private Goods Carriers.
  - (3) These rules shall come into force on and with effect from the date of their publication in the Official Gazette.
2. **Definitions.-** (1) In these rules, unless the context otherwise requires,-
  - (a) "Act" means the Motor Vehicles Act, 1988 (Central Act 59 of 1988);
  - (b) "designated account" means the bank account maintained by the holder of goods carriage permit in a nationalized/ non-nationalized bank;
  - (c) "designated authority" means the Sub-Divisional Magistrate of the Sub-Division;
  - (d) "Government" means the Government of the State of Punjab in the Department of Transport;
  - (e) "private goods carriers" means a transport vehicle and includes a light motor vehicle, medium goods vehicle and heavy goods vehicle used or adapted primarily for or on behalf of the owner thereof for the purpose of transportation of goods by industries, manufactures, traders, agriculturists, educational, charitable or other institutions in connection with trade or business, otherwise than for transportation of goods for hire or reward but does not include motor vehicles used for public purposes; and
  - (f) "public goods carriers" means any motor vehicle used or adapted for the carriage of goods for hire or reward and includes a light motor vehicle, medium goods vehicle and heavy goods vehicle. Such public goods carriers can be owned or operated by an individual, a firm, or a company under the Companies Act, 2013 (Central Act 18 of 2013) or by a Society or a Cooperative society.(2) The words and expressions used in these rules, but not defined, shall have respective meanings as assigned to them in the Act.
3. **Regulation of public goods carriers and prevention of cartelization.-**
  - (1) No operator or permit holder of goods carriages shall be allowed to form a cartel denying freedom of choice to the consignors and consignees to engage the services of such operators or permit holders.

- (2) No operator or permit holder of goods carriages shall compel or coerce any other operator or a permit holder of goods carriage to become a member or partner with him or cause hindrance in the conduct of business by another operator or permit holder of goods carriage.
- (3) No operator or permit holder shall stop any other operator or a permit holder of goods carriage/ consignor/ consignee who wish to pick up goods from any local areas, towns or cities within the State of Punjab in the normal course of their business as permissible under the terms and conditions of permit granted to them by the competent authority.
- (4) In case of a hindrance created by the operator or permit holder, the affected operator or permit holder of goods carriage/ consignor/ consignee may make a complaint thereof in writing to the Officer Incharge of the local Police Station, who shall ensure its safe passage. Such an affected operator or permit holder of goods carriage/ consignor/ consignee may also make a written complaint to the designated authority who, after holding a preliminary enquiry, shall forward the complaint with the recommendation to the authority competent to issue permits to take action under section 86 of the Act for suspension or cancellation of the permit, as the case may be.

**4. Government to fix fares and freights.-** (1) The Government may, by notification in the Official Gazette, fix the minimum and maximum fares and freights, from time to time in respect of different kinds of goods carriers on a per kilo-meter basis for wet and dry loads and for the transportation of livestock, having regard to;

- (i) the different terrains to be traversed;
- (ii) the cost of fuel and maintenance;
- (iii) the salaries and expenditure; and
- (iv) all other relevant factors pertaining to the different kinds of goods carriages,

with a view to preventing exploitation of consumers of such services at the hands of goods carriage permit holders on the one hand and the prevention of uneconomic competition amongst holders of goods carriage permits on the other. The fares and freights so fixed would be applicable to all goods carriages, whether individuals or otherwise, who enter into a contract and load a consignment of goods from within the State of Punjab, notwithstanding that the point of delivery lies within or outside the State of Punjab.

- (2) Every consignment of goods shall be subject to negotiation within the minimum and maximum fare fixed under sub-rule (1) but if the Consignor of goods deposits

the maximum fare/freight applicable to the consignment in the designated account, then the holder of the goods carriage permit shall be obliged to provide the carriage provided that it is not engaged elsewhere.

5. **Rules to become part of the existing and the future permits.**-The provisions contained in these rules, shall be deemed to have become part of conditions of the permits already issued till date and to be issued in future.
6. **Power to Interpret.**-In case of any difficulty in implementing these rules, the power to interpret and clarify the rules, shall vest with the authority competent to register and grant permits for goods carriages.
7. **Power to give directions.**-In case it is observed by the authority competent to grant permits for goods carriages that an operator or permit holder of goods carriage is not complying with any of these rules, he shall make a report to the Government seeking such directions as may be necessary to ensure smooth conveyance of goods by the operators or permit holders of goods carriages in full compliance of the provisions of these rules.

**SARVJIT SINGH,**

Principal Secretary to Government of Punjab,  
Department of Transport.