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PART II

GOVERNMENT OF MIZORAM

Resolutions, Orders, Notifications, etc. issued by Heads of Deptt. and High Court.

NOTIFICATION

No. ZTM. 1/72/22, the 10th Oct., 1972.— The following draft rules viz. Mizoram Motor Vehicles (Licensing of Goods Booking Agents) Rules, 1972, hereinafter referred to as the said Rules, which the Lt. Governor of Mizoram proposes to make in exercise of the powers conferred by Section 68(2)(ww) of the Motor Vehicles Act, 1939 (Act IV of 1939) for the Licensing of Goods Booking Agencies, are hereby published as required under Section 133(I) of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that on after the expiry of 30 (thirty) days from the date of publication in the Mizoram Gazette.

The Government will consider any objection or suggestion which may be received from any person in respect of the draft before expiry of the period specified above. Objections or suggestions should be addressed to the Secretary to the Government of Mizoram, Transport Department, Aizawl in duplicate.

DRAFT RULES

MIZORAM MOTOR VEHICLES (LICENSING OF GOODS BOOKING)
RULES, 1972.

Short title, Com-
mencement and
application.

1. (a) These rules may be called the Mizoram Motor Vehicles (Licensing of Agents engaged in the business of collecting, forwarding and distributing goods carried by public carriers) Rules, 1972.

(b) It shall come into force at once.

(c) They extended to the whole of Mizoram.

Definition.

2. In these rules, unless the context otherwise requires:—

(1) "Act"—Act means Motor Vehicles Act, 1939 (4 of 1939).

(2) "Agent" means any person who engages directly or indirectly in the business of—

(a) collecting,

(b) forwarding and distributing;

(c) collecting, forwarding and distributing, goods carried by any public carriers;

(3) "Agent Licence" means a licence granted under rule 4.

(4) "Collecting Agent" means a person licensed to do the business of collecting goods carried by any public carrier.

(5) "Collecting and Forwarding Agent" means a person licensed to do the business of collecting, forwarding and distributing goods carried by any public carriers;

(6) "Forwarding Agent" means a person licensed to do the business of forwarding and distributing goods carried by any public carriers;

- (7) "Form" means a form appended to these Rules ;
- (8) "Licensing Authority" means the State Transport Authority, Mizoram.
- (9) "State" means the Union Territory of Mizoram, and
- (10) "Transport Department" means Transport Department of the Government of Mizoram.

Licensing of Agents.

3. No person shall act as an agent unless he holds a valid licence in Form III granted by the Licensing Authority authorising the carrying on of such business.

Application.

4. (1) Any person desiring to obtain a licence for carrying on any business referred to in Clause (1) of rule 2 or for renewing such licence may make an application to the licensing authority in Form I or Form II as the case may be.

(2) The application shall be accompanied by a fee of Rs.100/-.

(3) On receipt of an application, the licensing authority shall examine having regard, among other things, to the following matters, namely:—

- (a) the number of goods vehicles either owned by the applicant or under his control ;
- (b) the suitability of accomodation possessed by the applicant for the storage of goods ;
- (c) the facilities, if any, provided by the applicant for parking the goods vehicles ; and
- (d) the financial resources of the applicant and his ability to manage the business efficiently and either grant or renew or refuse to grant or renew the licence.

Security for compliance with conditions.

5. Where it appears necessary so to do for ensuring proper compliance with the conditions referred to in Rule 8, the licensing authority may, at the time of granting or renewing a licence or any time during the validity of a licence, order, for reasons to be recorded in writing, the licence to furnish a reasonable security on such scale as may be notified by the State Government in the Official Gazette, and where the licensee has furnished earlier any security in pursuance of an order passed under the provisions of this rule, such additional security as may be reasonable.

- Forwarding and collecting agents.
6. (1) An Agent's licence shall, where the holder thereof is licensed to act only as a forwarding agent or as a collecting agent, specify that fact clearly.
- (2) An agent's licence shall be non-transferable.
- (3) No agent's licence shall authorise a person to act as such agent unless he has adequate facilities to load and unload goods at the premises approved by the State Transport Authority under these Rules.
- Period of Validity & renewal.
7. (1) An Agent's licence shall be valid for a period of five years from the date of its grant or renewal.
- (2) It may be renewed on an application made to the licensing authority not less than thirty days before the date of its expiry.
- (3) The renewal of licence shall be by endorsement of the renewal thereof by the licensing authority on the original licence.
- Conditions for agent's Licences.
8. An Agent's shall be subject to the following conditions, namely :—
- (a) that the licence shall, subject to the provisions of Rule 11 provide places for loading and unloading of goods ;
- (b) that the licensee shall be responsible for proper arrangements for storage of goods collected for despatch and delivery ;
- (c) that, where he is authorised to forward and distribute goods, the licensee—
- (i) shall be responsible for proper delivery of the goods to the consignee ;
- (ii) shall be liable to indemnify to the consignee for any loss or damage to goods while in his control or possession ;
- (iii) shall not issue a goods transport receipt without having actually received the goods ;
- (iv) shall not deliver the goods to the consignee without actually receiving receipt or, if the receipt is lost or misplaced, an indemnity bond covering the value of goods ;
- (d) that the licensee shall ensure the goods against any loss or damage while in his control or possession ;

- (e) that the licensee shall maintain a proper record of the vehicles under his control and of the collection, despatch and delivery of goods which shall be opened to inspection by the State Transport Authority or by any person duly authorised in this behalf by any such authority and shall furnish to the State Transport Authority by 31st March every year a return in respect of the previous calendar year in Form IV.
- (f) that the licensee shall not charge any commission exceeding that prescribed by the State Transport Authority under Rule 10;
- (g) that the licensee shall furnish the operators with correct figures of the freight receivable by them from the consignors or the consignees;
- (h) that the licensee shall maintain proper accounts of the commission charged by him and have the same audited by qualified auditors annually;
- (i) that the licensee shall ensure that the goods vehicles under his control have valid permits for routes on which the vehicles have to ply;
- (j) that the licensee shall maintain in good condition a weighing device capable of weighing at a time not less than 226 kg. (500 lbs.);
- (k) that the licensee shall attend to his customers in the order in which they approach him; Provided that customers in respect of such perishable goods as may be notified by the State Government in the official Gazette shall be given priority over other customers and shall be attended to in the order in which they approach the licensee;
- (l) that the licensee shall assign the available traffic amongst the operators in the order in which they have approached him and shall maintain a register chronologically recording particulars of the available traffic and the waiting operators;
- (m) that the licensee shall comply with the provisions of these rules and shall observe such other conditions as the licensing authority may specify in the licence;
- (n) that the licensing authority may, at his discretion order for either, in whole or part, of the security of the additional security furnished by the licensee under Rule 5 for contravention of any of these rules or for breach of any of the aforesaid conditions by the licensee;

- (o) that the licensing authority may after giving notice of not less than one month in writing either vary the conditions of the licence or attach to the licence further conditions.

Particulars to be mentioned in contract of agency.

9. All contracts entered into by the licensee for the purpose of collecting, forwarding and distributing goods, or collecting goods, or forwarding and distributing goods, as the case may be, shall be in writing and shall contain the following particulars :—

- (i) names and addresses of the consignor and the consignee;
- (ii) description and weight of the consignment;
- (iii) destination and its distance in kilometers/miles from the starting station;
- (iv) freight for tone-mile and for the whole consignment;
- (v) delivery instructions (e.g. the date by which and the exact place where the goods are to be delivered to the consignee);
- (vi) terms of payment agreement;
- (vii) name of the owner/driver, the registration number of the vehicle and its authorised load, and the rate and amount of the commission.

Rate of Commission.

10. The State Government may, by notification in the Official Gazette, prescribe the maximum rates at which commission may be charged by licensees under these rules.

Premises to be used.

11. (1) The State Transport Authority may, in consultation with the local authority or the police authority having jurisdiction over the area concerned approve any premises owned by or in the possession of a licensee or an applicant for an agent's licence to be used for loading or unloading of goods or for parking goods vehicles or for the storage of goods in the custody of the agent having regard to the suitability of the site, sanitary conditions and storage facilities provided at such premises.

(2) Any approval under sub-rule (1) shall be subject to the following conditions, namely :—

- (i) that the premises shall at all times be kept in a clean condition and good state of repairs;
- (ii) that the premises shall be administered in a seemly and orderly manner;

(iii) that the licensee shall take all possible precautions to ensure that no breach of any of the provisions of the Motor Vehicles Act 1939, (4 of 1939) or of these rules is committed in respect of any vehicle entering or leaving or parking at such premises and shall report in writing any such breach to the nearest police station.

(3) Where the State Transport Authority refuses to approve any premises under sub-rule (1) he shall record in writing his reasons for such refusal.

Suspension
cancellation
of licences.

12. (1) Without prejudice to any other action which may be taken against, the licencing authority may, by order in writing cancel the agent's licence or suspend it for such period as it thinks fit if in its opinion any of the conditions under which the licence has been granted has been contravened.

(2) The licencing authority may by order in writing cancel the agent's licence or suspend it for such period as it thinks fit, if in its opinion any of the conditions under which any premises have been approved under Rule 11, has been contravened.

(3) Before making any order of suspension or cancellation under this rule, the licensing authority shall give the licensee an opportunity of being heard and shall record reasons in writing for such cancellation or suspension.

Issue of
duplicate
licences.

13. If, at any time, an agent's licence is lost, destroyed or torn or otherwise defaced so as to be illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by a fee of Rs. 10/- Upon receipt of such application that authority shall issue a duplicate agent's licence clearly stamped "Duplicate". If a duplicate agent's licence is granted on a representation that the licence originally granted has been lost or destroyed and the original licence is subsequently lost or destroyed and the original licence is subsequently found, the original licence shall be surrendered to the licensing authority.

Display of
agent's licence.

14. (1) A collecting agent shall carry with him his agent's licence while on duty and shall produce it on demand to any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head constable.

(2) A forwarding agent shall exhibit his agent's licence at a prominent place in the premises approved under Rule 11 and the licence shall be made available for inspection by any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head of constable.

- (3) A collecting and forwarding agent shall carry with him his agent's licence while on duty and shall produce it on demand to any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head constable, and shall also cause a true copy of his agent's licence to be exhibited at a prominent place in the premises approved under Rule 11.

Appeals.

15. (1) Any person aggrieved by an order made under sub-rule (3) of rule 4, rule 5. clauses (m), (n), or (o) of rule 8, rule 10, sub-rule (1) of rule 11, sub-rule (1) or sub-rule (2) of rule 12, rule 13 or rule 16 may appeal—

(a) to the State Government if the order is made by the State Transport Authority, within thirty days from the date of the receipt of such order.

- (2) The memorandum of appeal shall be filed in duplicate setting forth concisely the ground of objection and shall be accompanied by a certified copy of that order.

Provided that a memorandum of appeal shall not relate to more than one order or to be signed by more than one party.

Levy of fees
for supply of
copies by
Transport
Authorities.

16. The Authority which passed an order to be appealed against shall on an application by a party give a certified copy of the order or of any other relevant document on payment of a fee of Rs. 2/- such payment being made by means of treasury challan.

G.C. Srivastava,
Secretary to the Govt. of Mizoram,
Transport Department.

FORM I

Application for licence to work as Collecting Agent/Forwarding Agent/
Collecting and Forwarding Agent under Rule 3(1) of the Mizoram Motor
Vehicles (Licensing of Goods Booking Agents) Rules, 1972.

To
The Secretary, State Transport Authority,

1. Full name _____
2. Name of father or husband
(in case of individual) _____
3. Address _____
4. Education qualifications
or experience in the
management of trans-
port business _____
5. (a) Place where the
applicant proposes
to engage as an
agent _____

(b) Places where he
proposes to establish
sub-agencies/offices _____
6. Nature and extent of
financial resources of
the applicant _____
7. Particulars of goods
vehicles either owned
by the applicant or
under his control _____
 - (a) Total number _____
 - (b) Makes _____
 - (c) Models or years or
manufacture _____
 - (d) Register laden weights _____
 - (e) Registration Marks _____

8. Additional particulars to be supplied where the application is for a licence as forwarding agent or collecting and forwarding agent _____
- (a) Particulars of the site and its location _____
- (b) Description of the premises (nature of buildings, extent of the site, etc.) _____
- (c) Facilities, if any, provided by the applicant for parking the goods vehicles _____
- (d) Facilities provided by him for loading and unloading goods _____
- (e) Particulars of weighing device provided at the above mentioned places _____
10. I am/we are fully conversant with the conditions of public carrier permits and the provisions of the Motor Vehicles Act, 1939 and the Rules made thereunder so far as they relate to the restrictions regarding the routes, weights, loading and unloading of goods and the duties and functions of agents.
11. I/We hereby declare that to the best of my/our knowledge and belief the particulars given above are true.

Place/Date.

Signature of applicant.

FORM II

Application for the renewal of agent's Licence under Rule 4(1) of Mizoram Motor Vehicles (Licensing of Goods Booking Agents) Rules, 1972.

To

The Secretary,
State Transport Authority/Regional Transport Authority.

I/We hereby apply for the renewal of my/our licence which is attached, and particulars of which are as follows:—

- (a) Licence No. _____
- (b) Date of issue _____
- (c) Nature of the licence,
i.e. collecting agent or
forwarding agent or
collecting and forwarding
agent _____
- (d) Name of the Licensee
(in block letters) _____
- (e) Address _____

If the licence is not attached, reasons why it is not available.

If the application for renewal was not made 30 days before the date of expiry of the licence, reasons for the delay.

The prescribed fee of Rs. 100/- is tendered hereby by means of _____

I hereby declare that there is no such change in the circumstances in which the licence was issue to me/us, as disqualifies me/us from continuing to hold this licence.

Place & Date.

Signature of the applicant.

FORM III

Agent's Licence granted under rule 4 of Mizoram Motor Vehicles (Licensing of Goods Booking Agents) Rules, 1972

Licence No. _____ /19 .

Full name _____

Name of father or husband
(in the case of an individual) _____

Address _____

is licensed to engaged as FORWARDING AGENT/COLLECTING AGENT/
COLLECTING AND FORWARDING AGENT at (1) _____

_____ and maintain sub-agencies/offices for the purpose
at (1) _____ subject to (2) _____

The licence is valid from _____ to _____

Date _____

So long as this Agent's Licence is valid and renewed from time to time the holder is authorised to use the premises the particulars of which area given below, in connection with his business, subject to the provisions of Rule 11(2) _____

Particulars of premises _____

Date _____

Secretary,
State Transport Authority.

(1) Specify the place or places where the agent's office or offices are or will be located.

(2) Specify the conditions

RENEWALS

This licence is hereby renewed upto _____

Date _____

Secretary,
State Transport Authority,

This licence is hereby renewed upto _____

Date _____

Secretary,
State Transport Authority.

FORM IV

Annual Return for the period ending 31st December, 19____ submitted by
(Name and Address of the Agent) under Rule 8(e) of Mizoram Motor
Vehicles (Licensing of Goods Booking Agents) Rules, 1972.

To
The Secretary,
State Transport Authority, Mizoram.

1. Licence No. _____
2. Date of its grant of last renewal _____
3. Total number of goods vehicles owned by the agent _____
4. Total number of goods vehicles under the control of the agent _____
5. Number of goods vehicles out of those mentioned in items Nos. (3) and (4) above, which were actually used during the year
 - (a) For more than six months in the year.
 - (b) For more than 9 months in the year.
 - (c) For more than 10 months in the year.

6. Tonnage of goods collected and delivered to the forwarding agents :

Name and address of
the forwarding agent.

Tonnes of the goods delivered to the
forwarding agent.

Total No. of agents _____ Total tonnage _____

Note: In case the space given above under item No. 6 is not sufficient,
attach a separate sheet.

7. Total tonnes of the goods collected, forwarded and delivered by the agent himself.
8. Minimum and maximum distances for which the goods were forwarded from the following point to the delivery point.

Distance

Total tonnes

- (a) Distance not exceeding 80 kilometres.
- (b) Distance exceeding 80 kilometres but not exceeding 160 kilometres.
- (c) Distance exceeding 160 kilometres but not exceeding 240 kilometres.
- (d) Distance exceeding 240 kilometres but not exceeding 320 kilometres.
- (e) Distance exceeding 320 kilometres but not exceeding 400 kilometres.
- (f) Distance exceeding 400 kilometres but not exceeding 480 kilometres.
- (g) Distance exceeding 480 kilometres.

9. In respect of the entry made in item No. 8(g) above, specify the nature of the goods (e.g. fruits, glass, household effects, corn, coal, etc.).
10. Total length of journeys performed by the goods vehicles mentioned in item No. 3 and 4 above, in kilometres.
11. Maximum time taken in delivery a consignment from the date of its booking, by the forwarding agent.

Time.	Tonnes of consignment.	Distance from the forwarding point to the delivery point.
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12. Claim received and settled.

No. of claims pending from previous years.	No. of claims received during the year.	Compensation claimed during the year.	No. of claims settled during the year.	Compensation paid during the year.	No. of claims pending at the end of the year.
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13. Freight and commission.

Total freight realised in respect of the vehicles mentioned in item No. (3) above.	Total freight realised in respect of the vehicles mentioned in item No. (4) above.	Total freight realised and paid to other operators.	Total amount of commission realised.
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14. Total amount of the premium paid to insurance companies for insurance of the goods.
15. Total amount realised from the insurance companies in respect of claims for loss or damage of goods.
16. Maximum time for which a consignment was held by the collecting agent before delivery it to the forwarding agent.
17. Maximum time for which a consignment was held by the forwarding agent in his godown before despatch.
18. Maximum time for which a consignment was held by the forwarding agent in his godown at the distributing point before delivery to the consignee.

Date

Signature of the agent.