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EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 2nd May 1977

No. L.JL.15/77/26.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information,

ASSAM ACT VI OF 1977

(Received the assent of the President of India on 30th April 1977)

THE ASSAM STATE TRANSPORT CORPORATION (PREVENTION OF UNAUTHORISED TRAVEL) ACT, 1977.

An

Act

to provide for the prevention of unauthorised travel in the transport vehicle belonging to the Assam State Transport Corporation.

Preamble. Whereas it is expedient to provide for the prevention of unauthorised travel in the transport vehicle belonging to the Assam State Transport Corporation;

It is hereby enacted in the Twenty-Eighth year of the Republic of India as follows :--

Short title, extent and commencement. 1. (1) This Act may be called the Assam State Transport Corporation (Prevention of Unauthorised Travel) Act, 1977.

(2) It shall extend to the whole of the State of Assam.

(3) It shall come into force at once.

Definitions. 2. In this Act, unless the context otherwise requires :—

(a) "fare" means the amount payable for carriage of a person in a transport vehicle belonging to the Assam State Transport Corporation;

(b) "Corporation" means the Assam State Transport Corporation established under Section 3 of the Road Transport Corporations Act, 1950; 64 of 1950.

(c) "transport vehicle" means a public service vehicle as defined in clause (25) of Section 2 of the Motor Vehicles Act, 1939, belonging to the Corporation ;

(d) "ticket" includes a pass issued under the authority of the Corporation ;

(e) "unauthorised travel" means a travel or journey undertaken by a person without a valid ticket ;

(f) words and expressions used in this Act but not defined shall have the same meaning assigned to them in the Motor Vehicles Act, 1939. 4 of 1939.

Prohibition against travelling without ticket. 3. No person shall travel in any transport vehicle without a proper ticket issued for the journey.

Supply of ticket on payment of fare. 4. Every person travelling in a transport vehicle shall, upon payment of his fare, be supplied with a ticket for the journey which such person intends to perform or has already performed.

Exhibition of ticket. 5. Any person who travels in a transport vehicle shall, whenever required by an employee of the Corporation authorised in that behalf, present his ticket to such employee for examination.

Penalty for ticketless travel. 6. (1) Any person who travels in a transport vehicle without having a valid ticket or having alighted therefrom fails or refuses to present his ticket for examination on requisition shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both and shall also be liable to pay the excess charge specified in sub-section (2) for the distance which he has travelled or where there is any doubt as to the stage from which he started, the fare from the stage from which the transport vehicle originally started, or from the place, if any, where the tickets were last examined, to the place where he was detected to be travelling without ticket.

(2) The excess charge referred to in sub-section (1) shall be the actual fare for the distance referred to in that sub-section or five rupees whichever is greater.

Penalty for dereliction of duty. 7. If an employee of the Corporation whose duty is to supply a ticket to a person travelling in a transport vehicle on payment of fare by such person, either wilfully or negligently:—

(a) omits or refuses to accept the fare when tendered, or

(b) omits or refuses to supply a ticket, or

(c) supplies an invalid ticket, or

(d) supplies a ticket of lesser value, he shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both.

Power to remove persons from transport vehicles. 8. Any person, who travels or attempts to travel in a transport vehicle without having valid ticket with him or beyond the place authorised by his ticket or who being inside a transport vehicle, fails or refuses to present his ticket for examination when required to do so, may be removed from such vehicle by an employee of the Corporation authorised in that behalf or by any other person whom such employee may call to his aid unless he at once pays the fare.

Obstructing employee of the Corporation in his duty 9 If any person wilfully obstructs an employee of the Corporation in the discharge of his duty, he shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both.

Magistrate having jurisdiction under the Act. 10. No Magistrate other than a Judicial Magistrate of the first class specially empowered for trying offences in a summary way shall try an offence punishable under this Act.

Cases to be tried summarily. 11. In the trial of offences punishable under this Act, the Magistrate shall follow the procedure laid down in the Code of Criminal Procedure, 1973 2 of 1974 for trial of offences in a summary way.

Excess charge to be paid to the Corporation. 12. Any amount recovered by way of excess charge under Section 6 shall be paid to the Corporation.

Overriding effect of the Act. 13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to make rules. 14. (1) The State Government may make rules for carrying out all or any of the purposes of this Act.

(2) All rules made under this Act shall, as soon as they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and if during the said period the State Legislature makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form; so, however, that such modification shall be without prejudice to the validity of anything previously done under the rules.

Repeal and Savings. 15. (1) The Assam State Transport Corpora-Assam Ordinance III of 1977 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under this Act as if this Act had commenced on the nineteenth day of February, 1977 (the date of promulgation of the ordinance).

U. TAHBILDAR,
Secretary to the Govt. of Assam,
Legislative Department.