

THE RAJASTHAN STATE ROAD TRANSPORT SERVICE

(Prevention of Ticketless Travel) (Amendment), ACT, 1987

(ACT NO. 18 OF 1987)

Received the Assent of the Governor on the 20th day of April, 1987

AN ACT

Further to amend the Rajasthan State Road Transport Service
Prevention of Ticketless Travel Act, 1975

**Be it enacted by the Rajasthan State Legislature in the Thirty-eight
year of the Republic of India as follows :-**

1. Short Title and commencement -

(1) This act may be called the Rajasthan State Road Transport Service (Prevention of Ticketless Travel (Amendment) Act, 1987.

(2) It shall come into force at once.

2. Definitions -

(I) In this Act, unless the subject or context otherwise requires:-

(1) 'Conductor' means the servant of the corporation designated as such and includes any person authorized by the corporation for the purpose of charging fare and supplying ticket for travelling by a motor vehicle.

(2) 'Corporation' means the Rajasthan State Road Transport corporation as established under the Road Transport Corporation Act, 1950 (Central Act 64 of 1950)

(3) 'Fare' means the total amount of all charges of whatever nature payable by a person or group of persons in respect his or their carriage and luggage in a road transport service, and includes the amount of any tax levied on such fare under any law for the time being in force.

(4) 'Motor Vehicle' means a motor vehicle as defined by the Motor vehicles Act, 1939 (Central Act 4 of 1939), which is for the time being operated by or under the authority of the corporation in a road transport service,

(5) 'Pass' means a duty, privilege or courtesy pass issued by or under the authority of the corporation entitling the person to whom it is given to travel in a motor vehicle gratuitously.

(6) 'Road transport service' means a service of motor vehicles operated by the corporation for hire or for passengers or goods or both by road for hire or for reward.

(7). 'Schedule' means the scheduled time fixed from time to time by the corporation for the running of a motor vehicle between two termini on a particular route.

(8) 'Ticket' includes a single ticket, a return ticket or a season ticket.

(2) All other expressions used but not defined in this Act shall have the meaning respectively assigned to them under the Motor vehicles Act, 1939 (Central Act 4 of 1939) as in force in Rajasthan.

3. Charging of fare and supply of tickets - The conductor on duty shall charge fare from every person who enters or remains in a motor vehicle with intent to travel and upon payment of fare, supply to such person a ticket containing such particulars as may be prescribed.
4. Prohibition against travelling without pass or ticket - No person shall enter or remain in any motor vehicle for the purpose of travelling therein unless he has with him a proper pass or ticket.

Provided that where arrangement for the supply of tickets are made in the motor vehicle by which a person has to travel, a person may enter such motor vehicle but as soon as may be after his entry therein, he shall make the payment of his fare to the conductor and obtain from him the ticket for his journey without which he shall not remain in such motor vehicle.

5. Obligation to show passes and tickets - Every person travelling by a motor vehicle shall, on requisition of the conductor or any other servant of the corporation, authorised in this behalf, present his pass or ticket to such conductor or servant for examination at or before the end of the journey for which the pass or ticket was issued.
6. Punishment for travelling without proper pass or ticket -
 - (1) If a person -
 - (a) Enters or remains in a motor vehicle or in any way travels therein without proper pass or ticket in contravention of section 4; or
 - (b) While travelling by a motor vehicle or while remaining in it or having alighted from it, fails or refuses to present for examination

pass or ticket immediately on requisition being made therefore under section 5; or

(c) uses or attempts to use with intent to defraud the corporation as invalid ticket within the meaning of clauses (a), (b),(c),(e),(f) and (g) of the Explanation to section 8 or a single pass or a single ticket which has already been used on a previous journey, or in the case of a return ticket, a half thereof which has already been used.

He 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 mentioned in sub-section (2) in addition to the ordinary single fare for the distance which he has travelled without proper pass or ticket or where there is any doubt as to the place from which he started his journey without proper pass or ticket the fare from the place from which the motor vehicle originally started or if the tickets of other persons travelling by same motor vehicle have been examined since the original starting of the motor vehicle, the ordinary single fare from the place where the tickets were last examined.

(2) The excess charge referred to in sub-section (1) shall be a sum equivalent to the ordinary single fare referred to in that sub-section or five rupees whichever greater.

(3) Where a person liable to pay any sum as an ordinary fare and the excess charge under this section fails or refuses to pay the same on demand being made therefore under this act, any servant of the corporation appointed by it in this behalf may apply to the judicial Magistrate competent under section 11 for the recovery of the said sum which shall be payable and recoverable as if it were a fine, and the said judicial Magistrate if satisfied that the sum is payable and recoverable under this Act, he shall order it to be so recovered , and may order that the person liable for payment shall in default of payment suffer imprisonment of either description for a term which may extend to seven days,

7. Entering a motor vehicle in motion or otherwise improperly travelling thereby without pass or ticket.

(1) If a person without holding a proper pass or ticket, enters or leaves or attempts to enter or leave, any motor vehicle while the motor vehicle is in motion or elsewhere than by the entry or exit door appointed by the corporation for the passengers to enter or leave the motor vehicle he shall be liable to punishment which may extend to three months or with fine which may extend to five hundred rupees or with both.

(2) If a person without holding a proper pass or ticket, travels by any motor vehicle while occupying any place on the roof, steps or foot board of any motor vehicle or on the engine or by the side of the driver or on any other part of the motor vehicle not intended for use of passengers, he shall be liable to punishment with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both, and may be removed therefrom by the conductor or the driver of the motor vehicle or by any other servant of the corporation authorised to do so in this behalf.

(3) Any person who is liable to the penalties provided in sub-sections (1) and (2) shall also be liable to pay the excess fare as mentioned in sub-section (2) of section 6 and the provisions of sub-section (3) of the said section shall apply to the recovery of excess fare from such person or the punishment of such person by imprisonment in default of payment of excess fare.

8. Breach of duty imposed under section 3.-If a conductor or any other person authorised by the corporation, whose duty is to charge fare and, upon payment of fare, to supply a ticket is to a person who travels or intends to travel in a motor vehicle negligently or willfully omits to charge fare or supply proper ticket to such person or supplies to him an invalid ticket when demanded by such person he shall be liable to be punished with imprisonment of either description which may extend to one month or with fine which may extend to two hundred rupees or with both, in addition to any disciplinary action for such misconduct, which he is liable to undergo under the conditions of his service.

Explanation (1) for the purpose of this section the expression 'invalid ticket' means such ticket.

(a) As was issued to any other person for a distance already covered by such person.

(b) as bears a date already expired.

(c) as pertains to a route which is not for the time being covered by the motor vehicle.

(d) as covers a distance which is shorter than the distance for which the fare has been charged.

(e) as covers a distance which is shorter than the distance actually travelled or to be travelled by the person to whom the ticket is supplied.

(f) as does not conform to the schedule for which it was issued; and

(g) as is forged or fictitious.

Explanation (2) - If any person is found travelling in a motor vehicle without having a proper pass or ticket, it shall be presumed for the purpose of this section, that the conductor has negligently or willfully omitted to charge fare or supply a ticket.

9. Power to remove persons from motor vehicles. Notwithstanding anything contained in this Act, any person, who travels or attempts to travel in a motor vehicle without having proper pass or ticket with him or beyond the place authorised by his ticket or who being in a motor vehicle fails or refuses to present for examination his ticket immediately in requisition being made therefore under section 5 may also be removed from the motor vehicle by any servant of the corporation authorised in this behalf or by any other person whom such servant may call to his aid unless he then and there pays the fare;

Provided that no person shall be so removed from the motor vehicle between the hours 6 pm to 6 am except either at the place at which he first entered the vehicle or at the place which is a stand appointed by the corporation for the stoppage of the motor vehicle for taking or leaving passengers during the course of their journey.

10. Obstructing servants/ agents of the corporation in the discharge of their duties. - If a person obstructs or impedes any servant or agent of

the corporation in the discharge of his duty as imposed on him by this Act, 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.

11. Trial etc. of offences - (1) An offence under this act shall be cognizable and shall be triable by the court of a judicial Magistrate of the first class having jurisdiction over the place where the offence was committed or through whose local jurisdiction the offender passed during the course of the journey by the motor vehicle on which the offence was committed.
(2) Except as otherwise provided in sub-section (1) the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall apply to the investigation, enquiry, trial or other kinds of proceedings in an offence under this Act.
12. Fine, excess charges and fare to be credited to the corporation
(1) The amount of fine, excess charges and fare recovered under this Act shall be credited to the corporation.
(2) Out of the amount received under sub-section (1), the corporation shall be liable to pay tax levied under the Rajasthan Passengers and Goods Taxation Act, 1959 (Rajasthan Act 18 of 1959.)
13. Over riding effect of the Act. - The provisions of this Act shall have affect not withstanding anything inconsistant therewith contained in any other law for the time being in force.
14. Delegation of powers.- The Corporation may, by general or special order, direct that all or any of its powers under this Act shall be exercised by such person and subject to such restrictions of conditions, as may be specified in the order.
15. Powers to make rules (1) The State Government may make rules for carrying out all or any of the purposes of this Act.
(2) Every rule made by the state government under this Act, shall be laid, as soon as may be after it is made, before the House of State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making

any modification in the rule or the House agrees that the rule should not be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previous done under that rule.

16. Repeals and Savings :- (1) The Rajasthan state Road Transport Service (Prevention of Ticketless Travel Ordinance, 1975 (Rajasthan Ordinance No. 4 of 1975) is hereby repealed.

(2) Notwithstanding such repeal all things done and action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act had come into force on the 22nd day of January, 1975.

-Secretary to Government