

**Government of Rajasthan
Transport Department**

S.No. F. 7 (264)/Pari/Rules/H.Q./06/

Jaipur, Dated : 31/8/2009

Office Order ...25.../2009

In light of Kerala High Court order in case of M/s Economic Transport Organization V/s State (AIR 1983 Kerala p 44) and opposition of Jaipur Transport Union for agent's licence, the opinion of Law Department was sought on point whether agent's licence under section 93 is mandatory for transport companies or not.


The opinion provided by Law Department is as follows:-

"The Transport Companies who are collecting, forwarding and distributing goods carried by any public carrier are agent as per the definition given in the Rajasthan Motor Vehicle Rules and are required to obtain licence in accordance with Sec. 93 of the Motor Vehicle Act.

The ruling M/s Economic Transport Organisation V/s State AIR 1983 Kerala p 44 relied upon in the representation dealt with a situation where the petitioner firm was carrying on the business of collecting, forwarding and distributing goods; it was not asserted that it was doing so as agent of any public carrier. The logical deduction is that if someone else is collecting forwarding and distributing for the Public Carrier then such person becomes the agent. However as conveyed by the departmental representative, in our State the transporter collects goods and transports them through their own fleet and also through other public carriers. Such Transporters when not transporting goods through his own fleet is therefore engaged directly or indirectly in the business of collecting, forwarding and distributing goods carried by any public carrier and is therefore an agent and is required to obtain a licence. In view of the above the ruling cited in the representation does not have any application on the transport companies which are forwarding goods through carriers not owned by them.

Agents licence is therefore mandatory for the Transport Companies which are not forwarding goods solely through their own fleet."

All the RTO's / DTO's are hereby directed to act according to opinion of the Law Department cited above.

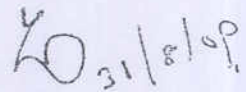

**Transport Commissioner
& Secretary to Govt.**

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Jaipur, Dated :

Copy to :-

- 1- All Officers of the Head Quarter.
- 2- All Regional Transport Officers.
- 3- All District Transport Officers.
- 4- Shri Sanjay Singhal for updating department website.
- 5- Guard File.


Dy. Commissioner (Rule)