

**THE SHIMLA ROAD USERS AND PEDESTRIANS (PUBLIC SAFETY AND
CONVENIENCE) ACT, 2007**

ARRANGEMENT OF SECTIONS

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Restrictions on the use of vehicles on sealed and restricted roads.
4. Issue of passes.
5. Exemption in certain cases.
6. Application for grant and renewal of a pass for sealed roads and procedure.
7. Application for grant and renewal of a pass for restricted roads and procedure.
8. Grant of temporary passes in certain circumstances.
9. Grant of tourist pass.
10. General Conditions.
11. Enforcement of provisions of this Act.
12. Penalties.
13. Summary disposal of cases.
14. Cancellation of passes.
15. Appeal.
16. Utilization of the proceeds of the fee and fines.
17. Power to amend Schedules.
18. Power to relax.
19. Bar of jurisdiction.
20. Removal of difficulties.
21. Power to make rules.
22. Application of other laws not barred.
23. Protection of action taken in good faith.
24. Repeal and savings.

SCHEDULES-I and II.

THE SHIMLA ROAD USERS AND PEDESTRIANS (PUBLIC SAFETY AND CONVENIENCE) ACT, 2007

(ACT NO. 2 OF 2008)¹

(Received the assent of the President on the 13th February, 2008 and was published in Hindi and English in R.H.P. dated 26.2.2008 at pages 12474-12520)

AN ACT to restore the sanctity of the Shimla Mall Road by preventing its use as a thoroughfare and to provide for regulation of vehicular traffic in the interest of public safety and convenience on the sealed and restricted roads of Shimla town to prevent annoyance and injury to pedestrians and to provide for matters connected therewith or incidental thereto.

Amended, repealed or other affected by,-

(1) H.P. Act No. 6 of 2010², published in Hindi and English in R.H.P. dated 20.3.2010, p. 7247-7276).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-eighth Year of the Republic of India as follows:—

1. Short title, extent and commencement.- (1) This Act may be called the Shimla Road Users and Pedestrians (Public Safety and Convenience) Act, 2007.

(2) It extends to the Municipal limits of Shimla Town.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless the context otherwise requires,—

(a) ‘Assistant Commissioner’ means Assistant Commissioner, appointed by the State Government under section 9 of the Himachal Pradesh Land Revenue Act, 1953;

(b) ‘Core Mall Road’ means the portion of the Mall Road from Shimla Club to Central Telegraph Office ³[and Ridge];

(c) ‘Deputy Commissioner’ means the Chief Officer-in-charge of the general administration of ⁴[District Shimla];

⁵[(cc) XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

(d) ‘Divisional Commissioner’ means the Divisional Commissioner of Shimla Revenue Division;

⁶[(dd) XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX];

¹ Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons See R.H.P. dated 30.8.2007, p. 4627 & 4652.

² Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons See R.H.P. dated 28.8.2009, p. 3079 & 3095.

³ Ins. vide Act No. 6 of 2010.

⁴ Subs. for the words “ a District” vide Act No. 6 of 2010.

⁵ Clause (cc) deleted vide Act No. 6 of 2010.

⁶ Clauses (dd) (e) and (f) deleted vide Act No. 6 of 2010.

- (e) XXXXXXXXXXXXXXXXXXXXXXXXXXXX;
- (f) XXXXXXXXXXXXXXXXXXXXXXXXXXXX];
- (g) ‘fund’ means the “Shimla Road Users and Pedestrian Amenities Fund” established under section 16 of this Act;
- (h) ‘Head of Department’ means the authority specified in Schedule–I to the Delegation of Financial Powers Rules, 1978 and includes such other authority or person as the State Government may, by order, specify as the Head of a Department;
- (i) ‘Head of Office’ means a Gazetted Officer declared as such under Rule 14 of the Delegation of Financial Powers Rules, 1978, and includes such other authority or person as the competent authority may, by order, specify as the Head of Office;
- ¹[(j) ‘XXXXXXXXXXXXXXXXXXXXXXXXXXXXX’]
- (k) ‘Mall Road’ means the road extending from Chhota Shimla Chowk to Boileauganj *via* Oakover, Shimla Club, Metropole Hotel, the Core Mall Road, Central Telegraph Office, Gorton Castle and Indian Institute of Advanced Studies;
- ²[(l) ‘office’ means the official or the private work place of the person;]
- (m) ‘pass’ means a pass issued under this Act for driving of a vehicle on a sealed or restricted road, or both, as the case may be;
- (n) ‘Prescribed’ means prescribed by rules made under this Act;
- (o) ‘Public utility vehicles’ means the following vehicles, used or being used for carrying out essential service:—
- (i) Fire fighting vehicles;
 - (ii) Ambulances and dead body vans;
 - (iii) Postal Mail vehicles;
 - (iv) Vehicles deployed for maintenance of communications and other public services and public transport vehicles approved by Home Department;
 - (v) Vehicles deployed for maintenance of sanitation, water supply and other civic services by the Municipal Corporation, Shimla including official vehicles approved by the Home Department and to be used by the Municipal Corporation officers for day-to-day inspection and maintenance of the said services;
 - (vi) Heavy vehicles belonging to the Central Public Works Department, Himachal Pradesh Public Works Department, Himachal Pradesh State Electricity Board, Irrigation and Public Health Department and

¹ Clause (j) deleted Act No. 6 Of 2010.

² Clause (l) subs. vide Act No. 6 Of 2010.

Municipal Corporation Shimla etc. deployed for execution of any construction or maintenance activities;

(vii) Official vehicles required for law and order and for protocol duty¹[XXXXXXX] taries by the District Administration, Shimla and the General Administration Department of the State Government; and

²[(viii) Security Vehicles provided by the Government for security personnel for performing security duties;]

(p) ‘restricted road’ means a road specified in Schedule-II;

(q) ‘Schedule’ means a Schedule appended to this Act;

(r) ‘sealed road’ means a road specified in Schedule-I;

(s) ‘State’ means the State of Himachal Pradesh;

(t) State Government’ means the Government of Himachal Pradesh;

³[(u) XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

(v) ‘temporary pass’ means a pass issued under section 8 of the Act; and

(w) ‘tourist pass’ means a pass issued under section 9 of the Act.

(2) All other words and expressions used, but not defined in this Act and defined in the Motor Vehicles Act, 1988 (59 of 1988), shall have the same meaning respectively assigned to them in that Act.

3. Restrictions on the use of vehicles on sealed and restricted roads.-

⁴[(1) All sealed roads specified in Schedule-I shall be sealed to all motorized traffic, except the following vehicles, namely:-

(i) official and security vehicles attached with the President of India, the Vice-President of India, the Prime Minister of India, the Governor of Himachal Pradesh and the Chief Minister of Himachal Pradesh:

Provided that no vehicle other than public utility vehicle shall be permitted to ply on the Core Mall Road, except vehicles of the President of India, the Vice-President of India, the Prime Minister of India, the Governor of Himachal Pradesh, the Chief Minister of Himachal Pradesh and their accompanying official and security vehicles:

Provided further that vehicles of the President of India, the Vice-President of India, the Prime Minister of India, the Governor of Himachal Pradesh, the Chief Minister of Himachal Pradesh and their accompanying official and security vehicles shall require no pass for plying on Core Mall Road and all sealed roads;

(ii) official and security vehicles attached with the Speaker of Himachal Pradesh State Legislative Assembly, Chief Justice of Himachal

¹ The words “with High Dignitaries” deleted vide Act No. 6 of 2010.

² Sub-clause (Viii) subs vide Act No. 6 of 2010.

³ Clause (u) deleted vide Act No. 6 of 2010

⁴ Section 3(1) and (2) subs. vide Act No. 6 of 2010.

Pradesh High Court, Former Chief Ministers of the State, Ministers of Himachal Pradesh, Chief Parliamentary Secretaries/Parliamentary Secretaries, Judges of Himachal Pradesh High Court and Deputy Speaker of the Himachal Pradesh State Legislative Assembly;

- (iii) Members Parliament from Himachal Pradesh, Members of the Himachal Pradesh State Legislative Assembly, full time Chairmen and full time Members of Statutory Bodies of Himachal Pradesh, Chief Secretary to the State Government, the Advocate General of Himachal Pradesh, Director General of Police, Himachal Pradesh and General Officer Commanding-in-Chief, Army Training Command, Shimla for upto 3 sealed roads:

Provided that a Member of the Legislative Assembly of Himachal Pradesh who is residing in Metropole shall be permitted to ply his vehicle on portion of Core Mall Road from Shimla Club to Meteropole :

Provided further that Member of Parliament (Shimla Constituency) Member of the Legislative Assembly of Himachal Pradesh (Shimla Constituency) and Mayor, Municipal Corporation, Shimla shall be permitted to ply vehicles on all sealed roads;

- (iv) public utility vehicles as deemed necessary in the public interest by the Secretary (Home) to the State Government;
- (v) other vehicles, as deemed necessary in the public interest or on the grounds of functional requirement by the Secretary (Home) to the State Government, for upto one sealed road, provided in case for approaching residence there is garage or parking facility; and
- (vi) vehicles holding a valid temporary pass issued under section 8 of this Act:

Provided further that the Secretary (Home) may, from time to time, impose restrictions on the maximum width (wheel base) of a vehicle for any sealed road in the interest of public safety and convenience so as to prevent hindrance to cross movement of traffic.

(2) All restricted roads specified in Schedule-II shall be closed to all motorized traffic, except the following vehicles, namely:-

- (i) official and security vehicles attached with the President of India, the Vice-President of India, the Prime Minister of India, the Governor of Himachal Pradesh and the Chief Minister of Himachal Pradesh:

Provided that vehicles of President of India, Vice President of India, Prime Minister of India, Governor of Himachal Pradesh and Chief Minister of Himachal Pradesh and their accompanying official and security vehicles shall require no pass for plying on all restricted roads;

- (ii) official and security vehicles attached with the Speaker of Himachal Pradesh State Legislative Assembly, Chief Justice of Himachal Pradesh High Court, Former Chief Ministers of the State, Ministers of Himachal Pradesh, Chief Parliamentary Secretaries/Parliamentary

Secretaries, Judges of Himachal Pradesh High Court and Deputy Speaker of the Himachal Pradesh State Legislative Assembly;

- (iii) Members of Parliament from Himachal Pradesh, Members of the Himachal Pradesh State Legislative Assembly, full time Chairmen and full time Members of Statutory Bodies of Himachal Pradesh, Chief Secretary to the State Government, Director General of Police, Himachal Pradesh and General Officer Commanding-in-Chief, Army Training Command, Shimla for upto 4 restricted roads:

Provided that Member of Parliament (Shimla Constituency), Member of the Legislative Assembly of Himachal Pradesh (Shimla Constituency) and Mayor, Municipal Corporation, Shimla shall be permitted to ply vehicles on all restricted roads;

- (iv) public utility vehicles as deemed necessary in the public interest by the Secretary (Home) to the State Government;
- (v) other vehicles, as deemed necessary in the public interest or on the grounds of functional requirement by the Deputy Commissioner, for upto three restricted roads, provided in case for approaching residence there is garage or parking facility:

Provided that in cases where pass is required both for sealed and restricted roads, only Home Department shall have the powers to issue the same;

- (vi) one private vehicle owned by a State Level Press Correspondent accredited by the Accreditation Committee of the State Government, for not more than three such roads;
- (vii) upto two vehicles in respect of a hotel or other boarding place, not approachable from any other road, in order to carry guests from designated parking places or paid parking lots; provided that the vehicle is owned or leased by the hotel or boarding place for a period of not less than three months;
- (viii) Vehicles holding a valid temporary pass issued under section 8 of the Act; and
- (ix) Vehicles holding a valid tourist pass issued under section 9 of the Act.]

4. Issue of Passes.- (1) Vehicles shall be allowed to use roads specified in Schedule-I or II on grant of a 'pass' ¹[by the concerned authorities] in the manner provided in this Act, subject to restrictions specified under section 3 and on general conditions specified under section 10 of the Act:

Provided that no vehicle shall be granted a pass unless it has a valid 'Pollution under Control Certificate' issued by the concerned authority.

¹ Subs. for the words "by the State Government" vide Act No. 6 of 2010.

(2) The pass shall be granted to provide access to residence or to an ¹[office in the public interest and shall be for only that] sealed or restricted road that is reasonably required to access the nearest other road:

²[Provided that mere fact that residence or office is located on a sealed or restricted road shall not entitle a person for grant of a pass.]

(3) Where the maximum number of passes has been fixed for a restricted road, preference may be given to,—

- (a) senior citizens and permanently disabled; and
- (b) those with garages/parking places / drive ways or other regular parking arrangement.

(4) Not more than one pass shall be issued per family or residence on the grounds of residence on a sealed or restricted road, and the mere fact that the residence or official work place is on a sealed or restricted road shall not entitle the grant of a pass.

5. Exemption in certain cases.- No pass shall be required to drive a motor vehicle between 11.00 PM and 7.00 AM on a restricted road:

Provided that Government in order to prevent annoyance or danger to vehicles and pedestrians may impose such reasonable restrictions (including declaration of roads as one way or no traffic roads for specified times of the day) in respect of any sealed or restricted road as may be necessary having regard to the circumstances of a particular sealed or restricted road.

6. Application for grant and renewal of a pass for sealed road and procedure.- (1) Application for grant of a pass for driving a vehicle on a sealed road shall be made in such form as may be specified by notification, and shall be addressed to the Under Secretary (Home) to the State Government .

³[Provided that in the case of Speaker, Deputy Speaker or Members of the Himachal Pradesh Legislative Assembly, an application for grant or renewal of a pass for plying of a vehicle on a sealed road shall be addressed to the Secretary, Himachal Pradesh Legislative Assembly, who shall be competent to grant or renewal the pass:

Provided further that in the case of the Members of Parliament from Himachal Pradesh, the application for grant or renewal of a pass for plying a vehicle on a sealed road shall be made to the Home Department by a person duly authorized by them:

Provided further that in the case of the Mayor, the Deputy Mayor or the Councillors, Municipal Corporation, Shimla, the application for grant or renewal of a pass for plying a vehicle on a sealed road shall be addressed to the Commissioner, Municipal Corporation, Shimla, who shall forward the same to the Home Department.]

¹ Subs. for the words “an official work place in the public interest and shall be for only that portion of the” vide Act No. 6 of 2010.

² Proviso ins. vide Act No. 6 of 2010.

³ Subs. for the existing proviso vide Act No. 6 of 2010.

¹[(2) A non-refundable fee of Rs.100/- for private vehicles shall be charged for processing of a case for a pass for plying of a vehicle on a sealed road.

(3) A fee of Rs.2500/- shall be charged for grant of a pass for a private vehicle per road, per annum:

Provided that one private vehicle registered in the name of the Member of Himachal Pradesh Legislative Assembly shall be deemed to be official vehicle for the purpose of sub-sections (2) and (3), in case such Member has no official vehicle.]

(4) The pass for driving a vehicle on a sealed road may be renewed annually by the Home Department ²[or by the Secretary, Himachal Pradesh Legislative Assembly, as the case may be,] on payment of a fee as provided in sub-section (3) and in case the applicant does not make an application for renewal before the expiry of its validity period, the pass shall stand lapsed:

Provided that if the applicant proves that there were sufficient reasons for not making an application for renewal in time, the pass may be renewed on payment of fee as provided in sub-section (3) along with late fee of Rs. 200 per month or part thereof.

(5) The application for grant or renewal of a pass for an official vehicle shall be accompanied by the following documents, namely:—

- ³[(a) A certificate of deployment of a official vehicle or public utility vehicle from the Secretary (General Administration Department) to the State Government or the Head of the office, as the case may be;]
- (b) Self certification (where applicable) by the applicant to the effect that the office/residence is on a sealed road and is not approachable from any of the restricted or any other roads;
- (c) Proof of payment of the processing fee in case of a new application and a photocopy of the previous pass in case of renewal of a pass;
- (d) Copy of a valid 'Pollution under Control' Certificate issued by the concerned authority; and
- (e) Such other documents as may be specified, by notification:

⁴[Provided that in respect of official vehicles of the State Government, the application shall be made by an authorized officer of the General Administration Department, except in cases of Judges of the High Court of Himachal Pradesh in respect of which the Registrar General or an officer authorized in this behalf, shall make an application:

Provided further that in respect of official vehicles of the Central Government, Autonomous Bodies, Statutory Boards or Corporations, the application shall be made by their authorized officer.]

¹ Sub-sections (2) and (3) subs. vide Act No. 6 of 2010.

² Ins. vide Act No. 6 of 2010.

³ Clause (a) subs. vide *ibid*.

⁴ Proviso subs. vide Act No. 6 of 2010.

(6) The application for grant or renewal of a pass for a private vehicle shall be accompanied by the following documents, namely:—

- (a) Attested photocopy of the Registration Certificate of the vehicle in proof that the applicant is the owner of the vehicle;
- (b) Self certified proof (where applicable) of residence ¹[or office] of the applicant on the sealed road;
- (c) Certificate (where applicable) from the duly authorized officer of the office of the Deputy Commissioner, Shimla to the effect that the residence on the sealed road is not approachable from any other road and that the applicant has his own garage or has a parking facility;
- (d) Proof of payment of processing fee in case of a new application, and a photocopy of the previous pass in case of renewal of a pass;
- (e) Copy of a valid ‘Pollution under Control’ Certificate issued by the concerned authority; and
- (f) Such other documents as may be specified, by notification.

(7) All applications shall be acknowledged, registered and processed under the provisions of this Act and the rules made thereunder.

(8) A pass for a sealed road shall be issued, in such form as may be specified by notification, under the signatures and seal of an officer not below the rank of Under Secretary (Home) to the State Government ²[or the Secretary, Himachal Pradesh Legislative Assembly, as the case may be,] on payment of fee as provided in sub-section (3) and the pass shall have a distinct colour and shape, as may be determined by the Home Department from time to time; and the pass shall be displayed on wind screen of the vehicle:

Provided that if the pass is issued in respect of more than one sealed road, a consolidated pass may be issued on payment of fee as provided in sub-section (3), in such form, as may be specified by a notification.

7. Application for grant and renewal of a pass for restricted roads and procedure.- (1) An application for grant of a pass for driving a vehicle on a restricted road shall be made, in such form as may be specified by notification, addressed to the ³[Deputy Commissioner:]

⁴[Provided that in the case of the Speaker, Deputy Speaker or Members of the Himachal Pradesh Legislative Assembly, an application for grant or renewal of a pass for plying a vehicle on a restricted road shall be addressed to the Secretary, Himachal Pradesh Legislative Assembly, who shall be competent to grant or renew the pass:

¹ Ins. vide Act No. 6 of 2010.

² Ins. vide *ibid*.

³ Subs. for the words “Under Secretary (Home) to the State Government” vide Act No. 6 of 2010.

⁴ Subs. vide *ibid*.

Provided further that in the case of the Members of Parliament from Himachal Pradesh, the application for grant or renewal of a pass for plying a vehicle on a restricted road shall be made to the Home Department by a person duly authorized by them:

Provided further that in the case of the Mayor, the Deputy Mayor or the Councillors, Municipal Corporation, Shimla, the application for grant or renewal of a pass for plying a vehicle on a restricted road shall be addressed to the Commissioner, Municipal Corporation, Shimla, who shall forward the same to Deputy Commissioner:

Provided further that all cases where pass is required both for sealed and restricted roads, the application for grant of a pass shall be made, in such form as may be specified by a notification and addressed to the Under Secretary(Home) to the State Government.]

¹[(2) A non-refundable fee of Rs.100/- for private vehicles shall be charged for processing of a case for a pass for plying a vehicle on a restricted road:

Provided that one private vehicle registered in the name of the Member of Himachal Pradesh Legislative Assembly shall be deemed to be official vehicle for the purposes of sub-section (2) of section 7, in case such Member has no official vehicle.

(3) A fee of Rs.1000/- shall be charged for grant of a pass for a private vehicle per road per annum:

Provided that one private vehicle registered in the name of the Member of Himachal Pradesh Legislative Assembly shall be deemed to be official vehicle for the purpose of sub-section (3) of section 7, in case such Member has no official vehicle.]

(4) The pass for driving a vehicle on a restricted road may be renewed annually by the ²[concerned issuing authority] on payment of the fee as provided in sub-section (3) and in case the application for renewal is not made by the applicant before the expiry of its validity period, the pass shall stand lapsed:

Provided that if the applicant proves that there were sufficient reasons for not making an application for renewal in time, the pass may be renewed on payment of fee as provided in sub-section (3) along with a late fee of Rs. 200 per month or part thereof.

(5) The application for grant or renewal of a pass for a restricted road for an official vehicle shall be accompanied by the following documents, namely:—

³[(a) A certificate of deployment of official vehicle or public utility vehicle from the Secretary (General Administration Department) to the State Government or the Head of the Office, as the case may be;]

(b) Self-Certification (where applicable) by the Secretary (General Administration Department) or the Head of the Office to the effect that

¹ Subs. sections (2) and (3) subs. vide ibid.

² Subs. for the words and sign “issuing authority or by Assistant Commissioner to Divisional Commissioner, Shimla if so authorized,” vide Act No. 6 of 2010.

³ Clause (a) subs. vide Act No. 6 of 2010.

the office or residence is on a sealed or restricted road, as the case may be, and is not approachable from any of the restricted or any other roads;

- (c) Proof of payment of processing fee in case of a new application and a photocopy of the previous pass in case of renewal of a pass;
- (d) Copy of a valid 'Pollution under Control' Certificate issued by the concerned authority; and
- (e) Such other documents as may be specified, by notification:

¹[Provided that in respect of official vehicles of the State Government, the application shall be made by an authorized officer of the General Administration Department, except in cases of Judges of the High Court of Himachal Pradesh in respect of which the Registrar General or an officer authorized in this behalf, shall make an application:

Provided further that in respect of official vehicles of the Central Government, Autonomous Bodies, Statutory Boards or Corporations, the application shall be made by their authorized officer]

(6) The application for grant or renewal of a pass for a restricted road for a private vehicle shall be accompanied by the following documents, namely:—

- (a) Attested photocopy of the Registration Certificate of the vehicle in proof that the applicant is the owner of the vehicle;
- (b) Self Certified proof (where applicable) of residence ²[or office] of the applicant on sealed or restricted road, as the case may be;
- (c) Certificate (where applicable) from the duly authorized officer of the office of the Deputy Commissioner, Shimla to the effect that the residence on the sealed or restricted road, as the case may be, is not approachable from any other road and that the applicant has his own garage or has a facility of a regular parking place;
- (d) Proof of payment of processing fee in case of a new application, and a photocopy of the previous pass in case of renewal of a pass;
- (e) Copy of a valid 'Pollution under Control' Certificate issued by the concerned authority; and
- (f) Such other documents as may be specified, by notification.

(7) All applications shall be acknowledged, registered and processed under the provisions of this Act.

(8) A pass for a restricted road shall be issued, in such form as may be specified by notification, under the signatures and seal of ³[concerned issuing authority] on payment of fee as provided in sub-section (3) and the pass shall have a

¹ Subs. vide Act No. 6 of 2010.

² Ins. vide Act No. 6 of 2010.

³ Subs for the words and brackets "an officer not below the rank of Under Secretary (Home) to the State Government or Assistant Commissioner" vide Act No. 10 of 2010.,

distinct colour and shape, as may be determined by the Home Department from time to time; and shall be displayed on the wind screen of the vehicle:

Provided that if the pass is issued in respect of more than one restricted road, a consolidated pass shall be issued on payment of fee as provided in sub-section (3) in such form as may be specified by notification.

8. Grant of temporary passes in certain circumstances. ¹[(1) A temporary pass may be issued on such conditions as may be specified in the pass, in the public interest for a sealed road, to the official vehicles deployed for official function at a venue approachable only by sealed road and such venue is not approachable from a restricted road or any other road, as the case may be.]

(2) A Temporary pass may also be issued to a public utility vehicle whose plying on such sealed roads is in the public interest, on such terms and conditions as may be specified in the pass.

(3) A temporary pass for a sealed road may be issued on payment of fee of Rs. 200 per day per vehicle for maximum period of seven days, on application made to the Under Secretary (Home) to the State Government ²[or the Secretary, Himachal Pradesh Legislative Assembly, as the case may be,] in such form as may be specified by notification, at least 2 days in advance with supporting documents, and the pass shall be issued in such form as may be specified by a notification issued from time to time, under the signatures and seal of an officer not below the rank of the Under Secretary (Home) to the State Government; and the said pass shall have a distinct colour and shape, as determined by the Home Department from time to time; and the same shall be displayed on the wind screen of the vehicle:

Provided that if the pass is issued for more than one sealed road, a consolidated pass shall be issued on payment of fee as provided in sub-section (3) of section 6 in such form as may be specified by notification.

(4) A temporary pass for a restricted road may be issued on payment of a fee of Rs.100 per day, for a maximum period of 7 days, on an application made to the ³[Deputy Commission, Shimla] in such form as may be specified by notification, with reasons in support thereof, subject to the condition that the plying of the vehicle is not likely to cause danger or annoyance to pedestrians; and the said pass shall have a distinct colour and shape, as determined by the Home Department from time to time and the same shall be displayed on the wind screen of the vehicle:

Provided that if the pass is issued for more than one restricted road, a consolidated pass shall be issued on payment of fee as provided in sub-section (3) in such form as may be specified by notification.

(5) Temporary passes for sealed and restricted roads for the purpose of shooting of films or for any commercial or entertainment purpose may be granted by the Secretary (Home) to the State Government for a maximum period of 7 days on

¹ Sub-section (1) subs. vide ibid.

² Ins. vide Act No. 6 of 2010.

³ Subs. for the words and brackets "Under Secretary (Home) to the State Government" vide Act No. 6 of 2010.

payment of a fee of Rs.3000 per day per ¹[private] vehicle upto a maximum of 10 vehicles:

Provided that in order to avoid danger or annoyance to pedestrians, conditions may be imposed while granting a pass, in relation to the hours of its validity and parking restrictions.

²[(6) The application for issue of temporary passes under this section may be made by an authorized officer of the concerned Department.]

9. Grant of tourist pass.- (1) A tourist visiting Shimla Town may apply for a restricted road tourist pass at such tourist facilitation centres as may be specified by ³[the Deputy Commissioner] from time to time.

(2) A tourist pass may be issued, on such conditions as may be specified in the pass on payment of fee of Rs. 100/- per day per vehicle per restricted road for a maximum period of 7 days subject to the condition that the plying of vehicle is not likely to cause danger or annoyance to pedestrians.

(3) The pass shall have a distinct colour and shape, as may be determined by the Home Department from time to time and the tourist pass shall be displayed on window screen of the vehicle:

Provided that if a tourist pass is issued for more than one restricted road, a consolidated pass shall be issued on payment of fee as provided in sub-section (3), in such form as may be specified by a notification:

Provided further that the State Government may in the public interest regulate the number of tourist permits on the restricted roads for which such permit can be issued.

10. General conditions.- Save as otherwise provided in this Act, passes shall be granted on the following general terms and conditions, which may be modified by the State Government, by notification:—

- (a) Vehicles shall not ply on the sealed or restricted roads at a speed of more than 20 K.M. per hour and the pass of a vehicle detected violating the speed limit shall be liable to be cancelled;
- (b) Persons granted sealed or restricted road passes shall park their vehicles in private premises or at permitted parking places only and in a manner so as not to cause annoyance or danger to other vehicles and pedestrians and passes of vehicles found unauthorizedly or dangerously parked along sealed or restricted roads shall be liable to be cancelled;
- (c) Mere holding of a sealed or restricted road pass by a vehicle owner shall not in any manner confer any right of parking a vehicle on any of the said roads;

¹ Ins. vide ibid.

² Sub-section (6) subs. vide ibid.

³ Subs. for the words “Home Department by a notification” vide Act No. 6 of 2010.

- (d) Vehicles shall not be parked on sealed or restricted roads except at permitted parking places and paid parking lots;
- (e) Vehicles granted sealed road passes shall ply only when the person in favour of whom the pass is granted or his spouse is seated in the vehicle or in case the vehicle is a chauffeur driven vehicle, plying in order to pickup the pass holder or spouse;
- (f) Valid passes shall be pasted to the wind screen of the vehicle and the pass holder shall slow down or stop the vehicle at check points on the sealed or restricted roads to enable traffic police to inspect the pass;
- (g) Passes shall be used only on the permitted road and only during validity period;
- (h) Expired passes shall not be displayed; and
- (i) Misuse of pass shall entail cancellation of all or any valid passes of the pass holder.

11. Enforcement of provisions of this Act.- The Deputy Commissioner, Shimla and Superintendent of Police, Shimla shall ensure,—

- (a) Provision of signages at entry points and other conspicuous places on all sealed and restricted roads indicating the name of the road and the relevant provisions of this Act;
- (b) Deployment of sufficient traffic police, specially at peak hours in order to enforce the provisions of this Act;
- (c) Placement of Barriers at the entry and exit and other strategic points on sealed roads to ensure that vehicles do not use such roads as thoroughfares or drive at high speed; and
- (d) On the spot-checking, at frequent intervals, of the vehicles plying on the sealed or restricted roads, by an Executive Magistrate or Police Officer not below the rank of Sub-Inspector.

12. Penalties.- (1) Whoever contravenes any of the terms and conditions of the pass, shall be punishable with a fine of Rs. 2000 or undergo simple imprisonment of 10 days in default thereof:

Provided that each such offence may be compounded on the spot by a Police Officer in uniform not below the rank of Sub-Inspector for a compounding fee of Rs. 1000.

(2) Subject to sub-section (1), whoever contravenes any of the provisions of this Act, shall be punishable with a fine of Rs. 3000 or undergo simple imprisonment of 15 days, in default thereof:

Provided that a police officer in uniform not below the rank of Sub-Inspector may compound the offence on the spot for a compounding fee of Rs. 1500.

(3) If any person fails to pay the compounding fee, the Registration Certificate of the vehicle shall be impounded along with the Driving License of such person and the case shall be forwarded to the Judicial Magistrate, having jurisdiction.

13. Summary disposal of cases. (1) The Judicial Magistrate taking cognizance of any offence under this Act, shall state upon the summons to be served on the accused person that he—

(a) may appear by pleader or in person; or

(b) may, by specified date prior to the hearing of the charge, plead guilty to the charge and remit to the Court, by money order, the fine specified for the offence, and the plea of the guilt indicated in the money order coupon itself.

(2) If the offence is not compounded, within 15 days of the commission of offence, as provided under section 12 of this Act, the police officer in uniform shall present the complaint along with conviction slip in the court of Chief Judicial Magistrate or the Judicial Magistrate, having jurisdiction, who shall, thereafter, within 30 days of the commission of offence, proceed further under sub-section (1).

(3) The Court after having convicted the accused person of an offence under this Act, shall send the conviction slip to the District Magistrate concerned for taking further necessary action.

14. Cancellation of passes.- (1) If a pass holder is detected violating the terms and conditions of a pass, in addition to any penalty provided under section 12, the Secretary(Home) to the State Government may cancel the pass:

Provided that no such order of cancellation shall be passed without affording a reasonable opportunity of being heard.

(2) The Deputy Commissioner, Shimla and Superintendent of Police, Shimla, shall intimate the detection of any infringement of this Act, by a pass holder, which makes a pass liable for cancellation, to the Home Department.

(3) A person whose pass has been cancelled for violation of terms and conditions of the pass shall not be eligible for grant of any pass in his name or in the name of any family member for the same vehicle within one year from the date of the cancellation order.

15. Appeal.- (1) An appeal against the order of the Judicial Magistrate may be made to the Sessions Judge having jurisdiction, within 30 days from the date of the said order.

(2) An appeal against cancellation of a pass may be made to the Additional Chief Secretary (Home) or the Principal Secretary (Home) to the State Government, as the case may be, within 15 days from the date of the cancellation order.

16. Utilization of the proceeds of the fee and fines.-- (1) With effect from such date, as the State Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act, a fund to be called “the Shimla Road Users and Pedestrians Amenities Fund”.

(2) The fund shall be under the control of the State Government and there shall be credited thereto any sums of money as may be provided by the State Government for carrying out the purpose of this Act, and the balance to the credit of the fund shall not lapse at the end of the financial year.

(3) The Home Department shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such manner as may be prescribed.

(4) The fund shall be used for the development of pedestrian amenities along sealed and restricted roads, improvement of pedestrian safety, development of convenient parking places with concessional rates for residents, access control and monitoring equipment etc., in order to regulate vehicular movement on sealed and restricted roads and reduce the likelihood of danger or annoyance to the pedestrians.

(5) A Committee headed by the Divisional Commissioner, Shimla and comprising of Commissioner, Municipal Corporation, Shimla, Deputy Commissioner, Shimla and Superintendent of Police Shimla, shall administer the Fund, and may—

- (i) make recommendations on inclusion or deletion of roads from sealed or restricted roads;
- (ii) recommend sites for parking places;
- (iii) clear proposals for utilization of moneys credited in the Fund and monitor progress;
- (iv) monitor the enforcement of this Act; and
- (v) carryout such other related activities as may be prescribed.

(6) Proceeds of all fees and fines collected under this Act shall be credited to the Consolidated Fund of the State and shall be appropriated, if the State Legislature by law so provides, to the fund in such manner as may be prescribed, for being utilized exclusively for the purpose of the Act.

(7) The fund shall be audited by the Examiner of the local audit Department.

17. Power to amend Schedules. - The State Government may, from time to time, by notification in the Official Gazette, add to or delete from Schedule-I or Schedule-II any of the roads specified therein and thereupon the said Schedule shall stand amended accordingly.

18. Powers to relax.- The State Government may, in the public interest, relax any of the provisions of this Act, for any class of persons or in respect of any road included in Schedules-I and II, for reasons to be recorded in writing, for a period not exceeding seven days at a time:

Provided that no such relaxation shall be made in respect of the Core Mall Road.

19. Bar of jurisdiction.- No civil court shall have any jurisdiction or power to entertain or decide questions relating to matters falling under this Act.

20. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may , by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of one year of the coming into force of this Act.

21. Power to make rules.- (1) The State Government may, by notification, make rules consistent with this Act for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, for a total period of not less than ten days which may be comprised in one session or in two or more successive sessions and if before expiry of the sessions in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. Application of other laws not barred.-The provisions of this Act shall be in addition to and not in derogation of, the provisions of any other laws for the time being in force.

23. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against any officer of the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

24. Repeal and savings.- (1) The policy guidelines to regulate traffic on sealed and restricted roads issued *vide* Home Department endorsement number Home-C(E)-2-1/2000, dated the 20th December, 2003 and any other guidelines, notifications or orders issued in this behalf, from time to time, are hereby repealed.

(2) Notwithstanding such repeal, any action taken or anything done under the policy guidelines, notifications or orders so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE-I
(See sections 2 and 3)
LIST OF SEALED ROADS

Road Code	Name of road
1	2
¹ [S-1	Chhota Shimla Chowk to Shimla Club (Mall Road)]
² [S-2.	From lower bifurcation of Indira Gandhi Hospital to Lakkar Bazar.]

¹ . Road code S-1 deleted and again added vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

² Existing Road code S-2 deleted S-3 renumbered as S-2 vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

- ¹[S-3. From Jodha Niwas to Ritz.
 - S-4. From Hotel White to Regal Cinema.
 - S-5. Kennedy House Chowk to Gorton Castle (Mall Road).]
 - ²[S-6 State Bank of India Chowk to Central Telegraph Office (Mall Road)]
 - ³(XX)
 - ⁴[S-7. Scandal Point to Kalibari.]
 - ⁵[S-8 U.S. Club interjunction to Comber mere Bridge (Mall Road)]
 - ⁶(XX)
- Note:*—I. The Core Mall Road shall be regulated in the manner given in proviso to sub-section (1) of section 3 of the Act.
- II. The grant of a pass for roads ⁷[S-3 and S-4] shall not entitle the vehicle to ply across the Ridge.

SCHEDULE-II
(See sections 2 and 3)
LIST OF RESTRICTED ROADS

Road Code	Name of road
1	2
⁸ [R-1.	From Kennedy House Chowk to Boileauganj (Mall Road).
⁹ [R-2.	From Cart Road to Deputy Commissioner Office.]

¹. The existing road codes S-4, S-5 and S-6 renumbered as S-3, S-4, S-5 vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

². New S-6 added vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

³. S-7 and S-8 deleted vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

⁴. The Existing Road Code S-9 renumbered as S-7 vide vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

⁵. Road code S-8 deleted and again added vide *ibid*.

⁶. S-10 deleted vide *ibid*

⁷. Subs. for the words and figures “S-4 and S-5” vide *ibid*.

⁸. Road Code R-1 subs. vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

⁹. Road Code R-2 deleted and existing R-3 renumbered as R-2 vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

¹[R-3. From Sanjauli Chowk to lower bifurcation Indira Gandhi Hospital (Lakkar Bazar).

R-4. From Forest Lodge (Ramchandra Chowk) to Jodha Niwas *via* U.S.Club.]

²[R-5. From Cart Road to State Bank of India Chowk (Mall Road); and

R-6. From Chalet Day School to Jodha Niwas Parking (crossing Mall Road from High Court)]

³[XX XXXXXXXXXXXXXXXXXXXXXXXXX].

Note.—The following roads are open for only light vehicles for which no permit is required:—

1. Link Road from Cart Road (Medical College side) to IGMC Hospital.
 2. From St. Bedes College Chowk to Forest Lodge.
 3. From Cart Road *via* Fire Sub-Station Chhota Shimla, Benmore to Oakover Chowk (and across the Mall Road to Oakover Gate).
 4. From Cart Road (near St. Edwards School) to Marina Hotel.
 5. Cart Road-Annadale *via* Kennedy House Chowk.
-

¹. Existing Road Codes R-4 deleted and R-5 and R-6 renumbered as R-3 and R-4 vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

². R-5 and R-6 added vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.

³. R-7 deleted vide Not. No. Home-C(A)3-3/2006-Bill, dated 15th October, 2008, published in R.H.P. dated 16.10.2008, p. 4268-4269.