

*AUTHORITATIVE ENGLISH TEXT*

**BILL No. 6 OF 2016**

**THE SHIMLA ROAD USERS AND PEDESTRIANS (PUBLIC SAFETY AND  
CONVENIENCE) AMENDMENT BILL, 2016**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**THE SHIMLA ROAD USERS AND PEDESTRIANS (PUBLIC SAFETY AND  
CONVENIENCE) AMENDMENT BILL, 2016**

ARRANGEMENT OF CLAUSES

*Clauses:*

1. Short title.
2. Amendment of section 2.
3. Amendment of section 3.
4. Amendment of section 8.

**THE SHIMLA ROAD USERS AND PEDESTRIANS (PUBLIC SAFETY AND  
CONVENIENCE) AMENDMENT BILL, 2016**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

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BILL

*further to amend the Shimla Road Users and Pedestrians (Public Safety and  
Convenience) Act, 2007 (Act No.2 of 2008).*

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

1. This Act may be called the Shimla Road Users and Pedestrians Short title.  
(Public Safety and Convenience) Amendment Act, 2016.

5                   2. In section 2 of the Shimla Road Users and Pedestrians (Public Amendment  
of section 2.  
Safety and Convenience) Act, 2007, (hereinafter referred to as the ‘principal  
Act’), in sub-section (1), in clause (b), after the words “and Ridge”, the  
words “excluding area notified by the State Government as permitted parking  
place in front of the Metropole” shall be inserted.

10                   3. In section 3 of the principal Act, in sub-section (1), in clause Amendment  
of section 3.  
(iii), after the first proviso, the following provisos shall be inserted, namely:—

15                   “Provided further that a Member of the Legislative Assembly  
of Himachal Pradesh who is residing in Metropole and permitted to  
ply his vehicle upto Metropole may park his vehicle in the permitted  
parking place in front of Metropole:

20                   Provided further that the Speaker of the Himachal Pradesh  
Legislative Assembly, the Chief Justice of Himachal Pradesh High  
Court, former Chief Minister of Himachal Pradesh, Ministers of  
Himachal Pradesh, Judges of Himachal Pradesh High Court and  
former Speaker of Himachal Pradesh Legislative Assembly may be  
permitted to ply their vehicle on portion of Core Mall Road from  
Shimla Club to Indira Gandhi State Sports Complex:”.

Amendment  
of section 8.

**4.** In section 8 of the principal Act, in sub-section (5), for the figures “3000”, the figures and sign “10,000” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

In order to restore the sanctity of Shimla Mall Road by preventing its use as a thorough fare and to regulate traffic in the interest of public safety and convenience on sealed and restricted roads of Shimla Town, the Shimla Road Users and Pedestrians (Public Safety and Convenience) Act, 2007 was enacted. A proposal was received from the Deputy Commissioner, Shimla to earmark parking place in front of Metropole for Members of the Legislative Assembly of Himachal Pradesh who are residing in Metropole. The Deputy Commissioner, Shimla has submitted that a meeting was convened by the Hon'ble Speaker, Legislative Assembly with the Members of Legislative Assembly and in the said meeting it was pointed out by the Hon'ble Members that there is a great hardship to them being resident of Metropole as there is no parking place for them in front of Metropole. Thus, it has been requested that they may be permitted to park their vehicles in front of Metropole. The proposal has been examined and the demand of the Hon'ble Members is considered genuine. Therefore, it has been decided to make a provision in the Act *ibid* which may enable them to park their vehicles in front of Metropole at the notified parking place. Further, it has also been considered just and reasonable to permit some dignitaries to ply their vehicle upto Indira Gandhi State Sports Complex. Besides this, it is also considered necessary to enhance the amount of daily fee of vehicles permitted for film shooting on portion of Sealed Road or Core Mall Road from Rs. 3000/- per day to Rs.10,000/- per day. This has necessitated amendments in the Act *ibid*.

This Bill seeks to achieve the aforesaid objectives.

(VIRBHADRA SINGH)  
*Chief Minister.*

SHIMLA:  
The \_\_\_\_\_, 2016.

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## FINANCIAL MEMORANDUM

—Nil—

## MEMORANDUM REGARDING DELEGATED LEGISLATION

—Nil—

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*further to amend the Shimla Road Users and Pedestrians (Public Safety and  
Convenience) Act, 2007 (Act No 2 of 2008).*

**(VIRBHADRA SINGH)**  
*Chief Minister.*

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**(DR. BALDEV SINGH)**  
*Pr. Secretary (Law).*

SHIMLA.  
The-----, 2016.

EXTRACT OF THE PROVISIONS OF THE SHIMLA ROAD USERS AND PEDESTRIANS (PUBLIC SAFETY AND CONVENIENCE) ACT, 2007 (ACT NO. 2 OF 2008) LIKELY TO BE AFFECTED BY THIS AMENDMENT BILL.

*SECTIONS:*

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

(a) XXX XXX XXX

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

(c) to (w) XXX XXX XXX

(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.**— (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 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.

(3) Notwithstanding anything contained in this Act, the Secretary (Home) to the State Government, may specify the maximum number of vehicles that may be allowed to ply on a particular restricted road keeping in view the quantum of traffic and nature of road, so as not to cause danger, inconvenience or annoyance to the pedestrians.

**8. Grant of temporary passes in certain circumstances.**—(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 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 Deputy Commissioner, 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 payment of a fee of Rs.3000 per day per 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.

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