

**MINUTES OF THE MEETING OF THE STATE TRANSPORT AUTHORITY HELD ON  
29.02.2016 AT 11 AM AT THE TRANSPORT COMMISSIONERATE  
THIRUVANANTHAPURAM**

**Present:**

<b>1. Sri.Tomin J Thachankari IPS</b>	<b>-</b>	<b>Chairperson</b>
<b>Transport Commissioner</b>		
<b>2. Sri. Manoj Abraham IPS</b>	<b>-</b>	<b>Member</b>
<b>ADGP Traffic &amp; Road Safety</b>		
<b>Management</b>		
<b>3. Sri. V V Prakash</b>	<b>-</b>	<b>Non Official Member</b>

**Item No. 12**

**Agenda:** Request to enhance the general concurrence for stage carriage permit to 50 Km instead of 20 Km in the adjacent district, at the time of renewal of Inter District Stage Carriage Permits.  
( Adjourned Item --- Item No. 1 of STA meeting dtd: 18.11.2015)

**Applicants:**

- 1) The General Secretary, Pathanamthitta District Private Bus Operators Association, Parayil Building, Near R.T Office, Pathanamthitta.P.O.  
The General Secretary, All Kerala Bus Operators Forum, State Committee, Reg. No. 199/2012, Ambady Lane, CTM Complex, Kikkalai, Trissur.
- 2) General Secretary, The Kerala State Private Bus Operators Federation, Camp Office : Anandavalleeswaram, Kollam – 691 009.

**D2/10389/STA/2014**

**Decision:-** Earlier no concurrence was needed for renewal of Inter District permits, if the route length extends upto a distance of 10 Kms in the adjacent district. But if the route length was above 10 Kms, concurrence from sister RTAs was inevitable for conducting service in adjacent district. There was considerable delay in considering the application for renewal of Inter District permits, due to the delay in getting concurrence from the sister RTAs.

The STA, Kerala in its meeting held on 27-05-2014, had considered the request from the General Secretary, Pathanamthitta District Private Bus Operators Association, Parayil Building, Near R.T Office, Pathanamthitta.P.O to enhance the distance from 10 Kms to 25 Kms and

decided to grant general concurrence for renewal of permit for routes lying in neighboring districts not exceeding 20 Kms.

Another representation dated 10.12.2014 received from the General Secretary, All Kerala Bus Operators Forum, State Committee, Reg. No. 199/2012, Ambady Lane, CTM Complex, Kikkalai, Trissur stating that concurrence is necessary at the time of renewal for the permits which cover **two districts**. In the representation it is stated that STA considered the matter earlier and decided that general concurrence from other districts not needed for 20 Kms limit at the time of permit renewal.

But, the applicant General Secretary, All Kerala Bus Operators Forum, State Committee, Reg. No. 199/2012, Ambady Lane, CTM Complex, Kikkalai, Trissur is of the view that Kerala Bus Owners have not got the benefit of 20 Kms limit fixed by the STA and requested to increase the limit to at least 50 Kms. At present, delay of more than one year occurs during the renewal of bus permits which is covering two or three districts. Difficulty in permit renewal can be avoided only if existing concurrence is enhanced to 50 Kms.

The representation was forwarded to all the Deputy Transport Commissioners with direction to study and report the feasibility of the matter. All the Deputy Transport Commissioners reported in favour of the request to increase the distance to 50 kms. The State Transport Authority considered the matter, heard the representative of the applicant and objectors, perused the records. The Counsel of the Kerala State Road Transport Corporation stated that the proposal will affect the nationalization scheme of the region. The STA held on 18.11.2015 decided to **adjourn** the item to the next meeting, in order **to obtain legal opinion in the matter**.

Senior Law Officer furnished the legal opinion as follows:

"Section 88 (1) of the Motor Vehicles Act 1988 provides for the validation of permit for the use of outside the region. The non- obstante Clause " except as may be otherwise prescribed" enables the State to prescribe rules laying down the concept of prior concurrence or such other mechanism in place of countersignature. The State has prescribed Rule 171 to meet this requirement.

Rule 171 does not spell out anything like " general concurrence". The grant of general concurrence or direction to grant general concurrence, by the STA/ RTA will be without jurisdiction. It is time that such general concurrences have been off and on allowed by the RTAs without Authority of Law. Any further indulgence in such illegal exercise of power is only to be discouraged.

Moreover the purpose of the provision of S: 88 (1) will be totally defeated if general concurrence is granted however short the distance on the region be. The concurrence or consent of the R.T.A of the other region shall be dependent on the various factors including Nationalization of Road Transport Service.

To overcome the difficulties presently faced by the Stage Carriage Owners who is plying buses on inter district routes, a countersignature from concerned RTOs shall be obtained and the same shall be endorsed in the primary permit".

Heard the applicants and perused the connected records.  
**Enhancement of general concurrence for the renewal of stage carriage permit from 20 to 50 km should be placed before the respective RTA without obtaining the concurrence.**


Sd/-  
Chairman & Members

Endt No. D2/10389 /STA/2014 dtd: 05.04.2016  
Copy communicated to the applicants.

Sd-  
Secretary,  
State Transport Authority, Kerala.

- Copy to: 1) All Deputy Transport Commissioners  
2) All Regional Transport Officers  
3) All Joint Regional Transport Officers  
4) Chairman & Managing Director, KSRTC, Thiruvananthapuram

  
For Secretary,  
State Transport Authority, Kerala.

  
05.4.2016