

GOVERNMENT OF KERALA
Transport (B) Department
NOTIFICATION

G.O.(P) No. 73/2013/Tran. *Dated, Thiruvananthapuram, 16th July, 2013.*

S.R.O.No. /2013.- WHEREAS, the Government of Kerala is of the opinion that for the purpose of providing an efficient, adequate, economical and properly co-ordinated passenger road transport service, it is necessary in the public interest that Fast Passenger services, Super Deluxe services, Super Express services, Super Fast services and Luxury services should be run and operated in the State of Kerala exclusively by the State Transport Undertaking.

AND WHEREAS, the Hon'ble High Court of Kerala in its judgment in W.A.1591/97 and connected cases had struck down the definition of "fleet owner" in clause (eb) of rule 2 of the Kerala Motor Vehicles Rules, 1989 on the ground that it is arbitrary and violative of Article 14 of the Constitution ;

AND WHEREAS, in Poulouse V. State of Kerala (1997 (2) ILR 821) the Honourable High Court of Kerala in its judgment by the Division Bench consisting of the Chief Justice of Kerala has held that if the number of ordinary services operated by the private sector is reduced and fare is also hiked for conversion of ordinary services to fast passenger service, the common man will be deprived of the benefit that had accrued to him when the buses were being operated as ordinary services;

AND WHEREAS, the permits given to run ordinary services in the private sector are being converted to run and operate Fast Passenger services, Super Deluxe services, Super Express services, Super Fast services and Luxury services resulting in the reduction in the number of ordinary services, hike of fares, denial of the benefits, conveniences and concessions enjoyed by common man and the students from the transport system in the State;

AND WHEREAS, the Government consider that it is necessary to formulate for public interest a scheme for the purpose of providing an efficient, adequate, economical and properly co-ordinated road transport service by the State Transport undertaking;

AND WHEREAS, the proposal regarding the scheme for the purpose was previously published as per Notification No. 5651/B2/09/Tran, dated 2nd August, 2012, in the Kerala Gazette Extraordinary No. 1706 dated the 13th August, 2012 and in KeralaKaumudi daily dated 28th September, 2012 and in the Mathrubhumi daily dated 30th September, 2012 for the areas covered by the scheme as required by section 99 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988);

AND WHEREAS, the State Government after having considered the objections received against the draft scheme and after having heard the objectors and the representatives of the State Transport Undertaking, and are satisfied that it is necessary in the public interest to implement the said scheme ;

NOW, THEREFORE, in exercise of the powers conferred by sub-sections (2) and (3) of section 100 of the Motor Vehicles Act 1988 (Central Act 59 of 1988), the Government of Kerala hereby approve the following scheme, that the passenger road transport service as per the particulars thereunder, should be run and operated by the State Transport Undertaking :-

SCHEME

The proposed route and area of service, its nature and matters relating to the Scheme are as follows:-

- (1) Route or routes (with their important intermediate points) or the area in relation to which the scheme is proposed : All over the State of Kerala.
- (2) Class of service (Stage Carriage/ Contract Carriage, Goods Carriage) : Fast Passenger services, Super Fast services, Super Express

- mofussil or City or town services in the case of Stage Carriage) services, Super Deluxe services and Luxury services.
- (3) The services are to be operated by the State Transport Undertaking to the exclusion of other persons or otherwise. The permits issued in the private sector on or before the date of this notification shall be allowed to continue till the dates of expiry of the respective permits. Thereafter no permits, shall be renewed and no permit regular or temporary shall be issued afresh except otherwise than provided under sub section (2) of section 99 of the Act. : Yes. Provided that the same shall be partial till the existing Private Services operating routes are replaced as provided.
- (4) Whether it is proposed to allow service to pick or set down, passengers between any two places on the route covered by the scheme until the existing services are replaced as provided in item (3) above. : Yes.
- (5) The maximum and minimum number of vehicles to be operated in relation to each area or route by the State Transport Undertaking. : As per traffic demand
- (6) The maximum and minimum number of trips to be provided in relation to each area or route by the State Transport Undertaking in the case of stage carriages. : As per traffic demand
- (7) Number of vehicles intended to be kept in reserve to maintain the services and to provide for special occasions. : Shall be determined as per rules.
- (8) Arrangements proposed for housing and maintenance of vehicles belonging to State Transport Undertaking. : Garages and workshops are existing. According to demand new facilities shall be set up by the State Transport Undertaking.

- (9) Arrangements proposed for the : Latest type of vehicles with
comfort and convenience of improved amenities as per
passengers. Kerala Motor Vehicles Rules
1989 will be provided for
maximum comfort.
- (10) Arrangements proposed for the : Luggage of passengers within
transport of luggage of passengers. the permissible payload of stage
carriage will be transported.
- (11) Arrangements proposed for the stands : Garages and Bus stands are
and halts on the route and for the provided as required.
exhibition of time table by the State
Transport Undertaking.
- (12) Type of vehicles proposed to be used : Semi Saloon Single decker.
by the State Transport Undertaking.
- (13) The maximum and minimum seating : Varying from 35 to 60 in all.
capacity of the vehicle to be used
- (14) The weight and nature of passenger : No fee shall be charged for
luggage that could be carried free of luggage weighing less than 12
charge and the total weight of luggage Kg.
that may be carried in relation to each
passenger.
- (15) The rate of charge that may be levied : As per the schedule published
for Luggage in excess of free allowance by the State Transport
Undertaking.
- (16) The rate of fares proposed to be levied : The fares will be charged at the
on ordinary and special occasion. rates fixed by the Government
from time to time.
- (17) Whether it is proposed to carry goods : No.
in addition to passengers, and if so,
the nature of goods proposed to be
carried

(18) Any other information the State : The right to operate any class of Transport Undertaking may desire to be furnished in this connection. service other than ordinary service in the State of Kerala and to increase the trips shall be reserved exclusively with State Transport Undertakings.

By order of the Governor,
Dr.V.M.GOPALA MENON
Secretary to Government.

Explanatory note

(This does not form part of the notification, but is intended to indicate its general purport.)

In State of Kerala vs Sebastian (1995 (1) KLT 421), the Hon'ble High Court of Kerala had directed all the Regional Transport Authorities and the State Transport Authority not to grant permit for Fast Passenger, Super Fast, Super Express, Super Deluxe etc. until the Government lay down the standard and requirements of the vehicles which can be put in use in such service. In the above case, the Hon'ble High Court has also held that the convenience of the students was also to be taken into consideration while granting permits. If it was allowed to convert ordinary service permit as Fast Passenger or other high class service, the number of stops will be reduced, the fare will be higher and the students who are entitled for concession will be deprived of the benefit. Moreover, the comfort and convenience of the travelling public have to be considered. The permits given to run ordinary services in the private sector are being converted to run and operate Fast Passenger services, Super Deluxe services, Super Express services, Super Fast services and Luxury services resulting in the reduction in the number of ordinary services, hike of fares, denial of the benefits, convenience and

concessions enjoyed by common man and the students from the transport system in the State;

Hence, the Government of Kerala have decided that for the purpose of providing an efficient, adequate, economical and properly co-ordinated passenger road transport service, it is necessary in the public interest that Fast Passenger services, Super Deluxe services, Super Express services, Super Fast services and Luxury services should be run and operated in the State of Kerala, exclusively by the State Transport Undertaking. For the above purpose, a draft scheme was published vide notification No. 5651/B2/09/Tran dated 2nd August 2012 in the Kerala Gazette Extraordinary No. 1706 dated 13th August 2012. After considering the objections and hearing the objectors and the representatives of the Kerala State Road Transport Corporation in person, Government have decided to finalise and publish the said scheme.

The notification is intended to achieve the above object.