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GOVERNMENT OF KERALA

Abstract

TRANSPORT COMMISSIONERATE KERALA							
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Transport Department – Scheme notified as SRO No. 608/2009 and SRO No.555/2013 – Issue and renewal of permits to the Private Stage Carriage Operators – Orders issued.

TRANSPORT (B) DEPARTMENT

G.O.(MS) NO.45/2015/Tran.

Dated,Thiruvananthapuram,20/08/ 2015.

ORDER

As per G.O.(P) No.73/2013/Tran dated 16/07/2013 issued under SRO No. 555/2013 Government approved a scheme specifying that fast passenger services, Super Fast Services, Super Express Services, Super Deluxe Services and Luxury Services should be run and operated by the STU, by invoking the powers conferred by sub – section (2) and (3) of section 100 of the Motor Vehicle Act, 1988. Similarly invoking the above powers Government approved a scheme as per GO (P) 42/09/Trans dated 14/07/2009 and issued as SRO No. 608/2009 stipulating that the passenger road transport service through 31 routes in the State should be operated by the State Transport Undertaking. Challenging the above scheme, a number of WP (C)s were filed before the Hon'ble High Court. Affected parties also filed SLPs before the Hon'ble Apex court. In respect of the scheme notified under SRO No. 608/2009, eventhough the Hon'ble High Court stayed the operation of clause 4 of the scheme the Hon'ble Court upheld the scheme in the judgment dated 10/04/2015 in WP (C) No. 14793/2006, WP(C) No. 20520/2009 and connected cases by dismissing the WP (C) s. Likewise the Hon'ble High Court upheld the scheme notified under SRO No. 555 / 2013 in WP (C) No. 18959 / 2013 and connected cases.

The WA filed against the said judgment is pending before the Hon'ble High Court.

By virtue of the above schemes and in accordance with the conditions stipulated in the respective scheme KSRTC applied for permits which were being operated by the private operators . Consequent on the take over of these permits by the KSRTC so many private stage carriages became off road and a crisis emanated in the stage carriage operation sector. This emerged as a vital issue against the survival of the workers employed in their buses as well as the owners who had made huge investment and were subjected to heavy liabilities in various banks and other financial institutions for the procurement and operation of the buses .

The rejection of permits to the above category of stage carriages and the withdrawal of such buses operated by the private stage carriage operators also caused impediments to the travel facilities of the public at large. Representations have also been received in Government from various quarters urging significant action to solve this complex issue.

Having regard to the above situation and the impending deadlock in the stage carriage operation sector due to the total withdrawal of the private stage carriages from the notified routes and areas Government have examined the matter in its entirety and find it expedient to introduce certain measures as a policy decision of the Government. Accordingly the following orders are issued:

1. The Scheme notified as per SRO No. 555/2013 shall remain as such without any modification .
2. The Regional Transport Authorities will issue Ordinary Limited Stop Service permits to those private stage carriages which had been operated as higher class service such as Fast Passenger, Super Fast services etc. and the permits of which were subsequently rejected by the Regional Transport Authorities as a result of coming into the effect of the scheme notified as SRO No. 555/2013. The Regional Transport Authorities will also issue ordinary limited stop service permits to those stage carriages the permits of which are liable to be rejected by the Road Transport Authorities consequent on the coming into being of the scheme notified as SRO No. 555/2013.

3. Students will be eligible for concession journey in all the ordinary limited stop services also subject to the other conditions stipulated for granting the concession journey.
4. In all the stage carriages GPS will be introduced to ensure that they are operated strictly in accordance with the permit conditions. The Motor Vehicles Department will take immediate action to implement the scheme.
5. The STA will issue appropriate orders on the age of the buses for being operated as ordinary limited stop services.
6. Appropriate timing will be granted by the RTAs for the operation of the ordinary limited stop services within a period of 15 days and upto the above period of 15 days the existing timings will be in force.
7. The Regional Transport Authorities will issue Ordinary Limited Stop Service permits to all the existing higher class services operated by the private operators in the routes covered under SRO No. 608/09. But those permits which are being operated as ordinary service and ordinary limited stop service shall be allowed to continue as such in the above routes.
8. Notwithstanding anything contained in clause 4 of SRO No. 608/2009 or rule 2 (o a) of the Kerala Motor Vehicles Rules 1989, the Regional Transport Authorities will issue ordinary limited stop service permits to those private operators whose permits were rejected by the Regional Transport Authorities consequent to the scheme notified as per SRO No. 555/2013.
9. The Transport Commissioner and the Chairman & Managing Director KSRTC will forward necessary proposal for amending clause 4 of SRO No. 608/2009 as well as the KMV Rules 1989 within two weeks.

These orders will be subject to the final decision in the cases pending before the Hon'ble Supreme Court and Hon'ble High Court.

By Order of the Governor,

Dr. V. M. GOPALA MENON.

Secretary to Government.

To,

The Transport Commissioner, Thiruvananthapuram.

The Chairman & Managing Director, KSRTC, Thiruvananthapuram.

The Secretary, State Transport Authority.

The Secretaries of All Regional Transport Authorities.

Information & Public Relations Department (Web & Media).

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Section Officer.