

GOVERNMENT OF KERALA

Transport (B) Department

NOTIFICATION

No. 5651/B2/2009/Tran.

Dated, Thiruvananthapuram, 2nd August, 2012.

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, in supersession of all previous notifications to the extent they relate to operating of Fast Passenger services, Super Deluxe services, Super Express services, Super Fast services and Luxury services;

AND WHEREAS, the Hon'ble High Court of Kerala in its judgment in W.A.1591/97 and connected cases has 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;

AND WHEREAS, in Poulse 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, convenience 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;

NOW THEREFORE, the Government of Kerala in exercise of the powers conferred by section 99 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) read with rule 236 of the Kerala Motor Vehicles Rules, 1989 hereby publish the said scheme for general information. Any person affected by the proposal may file his objections addressed to the Principal Secretary to Government, Transport Department, Government Secretariat, Thiruvananthapuram within thirty days from the date of publication of the scheme in the Kerala Gazette, in the manner specified under section 100 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).

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

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 service other than ordinary furnished in this connection. service in the State of Kerala and to increase the trips shall be reserved exclusively with State Transport Undertakings.

By order of the Governor,

ELIAS GEORGE,
Principal Secretary to Government.