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6. SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

6.1 Road Transport Service (MVAS 97).— “road transport service” is defined as a service of motor vehicles carrying passengers or goods or both, by road for hire or reward.

6.2 State transport undertaking (MVAS 2(42)).—“State transport undertaking” means any undertaking providing road transport service and owned by —

(i) the Central Government or a State Government;

(ii) any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950;

(iii) any municipality

(iv) any corporation or company owned or controlled by the,

(a) Central Government

(b) one or more State Governments,

(c) by the Central Government and one or more State Governments;

(v) Zilla Parishad or any other similar local authority.

6.3 Override effect of of the Chapter Special Provisions Relating to State Transport Undertakings. (MVAS 98).— The provisions of the Chapter “Special Provisions Relating to State Transport Undertakings and the rules and orders made there under” have overriding effect on the Chapter “Control of Transport Vehicles”.

6.4 Preparation and publication of proposal regarding road transport service of a State transport undertaking. (MVAS 99, MMVR 149).—

(1) State Government for the purpose of providing an efficient, adequate, economical and properly co-ordinated road transport service, is empowered to formulate a proposal regarding a scheme giving particulars of the nature of the services proposed to be rendered, the area or route proposed to be covered and other relevant particulars and should publish such proposal in Form S.S.T.U. in the Official Gazette. This proposal should be accompanied by a notice stating that any person affected may, within 30 days from the date of publication of the proposal in the *Official Gazette*, file objections before the State Government.

(2) This proposal should be exhibited on the notice board in the office of the State Transport Authority, Regional Transport Authority and Collector within whose jurisdiction the area or the route or portion thereof lies. This proposal is also required to be published in not less than one newspaper in the regional language circulating in the area or route proposed to be covered by such scheme.

(3) When a proposal is published, then from the date of publication of such proposal, no permit should be granted to any person, except a temporary permit during the pendency of the proposal and such temporary permit should be valid only for a period of one year from the date of its issue or till the date of final publication of the scheme.

6.5 Objection to the proposal. (MVAS 100, MMVR 150, 151).— (1) Any person, may within thirty days from the date of publication of the proposal of road transport service in the Official Gazette, file objections to it, in the form of a memorandum, in duplicate, addressed to the State Government. The memorandum should have the grounds for objections to the proposal, and should contain the following particulars :—

(i) the name and address of the objector;

(ii) the information regarding permit or permits, together with particulars of the route or routes or area specified in such permits;

(iii) the manner in which the objector is affected by the proposal;

(iv) details of any alternative route or area for which he desires to have permit.

(2) Any person filing objections should send a copy simultaneously to the State Transport Undertaking which has submitted the proposal.

(3) The State Government should conduct hearing for which at least seven days notice should be given to every objector and the State Transport Undertaking. The notice should be sent at the address of the objector by ordinary post under certificate of posting. Where the addresses of the objectors are illegible, the State Government, instead of giving individual notice to every objector give notice by publication in a local newspaper where the objectors reside.

(4) The State Government, after considering the objections and after giving an opportunity to the objector or his representatives and the representatives of the State transport undertaking to be heard in the matter, approve or modify such proposal.

(5) The scheme relating to the proposal as approved or modified is required to be then published in the Official Gazette as well as in the local news paper by the State Government.

(6) No such scheme which relates to any inter-State route should be deemed to be an approved scheme unless it has the previous approval of the Central Government.

6.6 Publication of approved scheme. (MMVR 152) — The approved scheme of road transport service should be in Form A.S.S.T.U.

6.7 “ route” (MVAS 2(38)) — “route” means a line of travel between one terminus and another, specifying the highway which may be traverse.

6.8 Operation of additional services by a State transport undertaking in certain circumstances. (MVAS 101).— A State transport undertaking, in the public interest may operate additional services for the conveyance of the passengers on special occasions such as to and from fairs and religious gatherings. However, the State transport undertaking is required to inform about the operation of such additional services to the concerned Transport Authority without delay.

6.9 Cancellation or modification of scheme (MVAS 102).— (1) The State Government, in the public interest modify any approved scheme after giving—

(i) the State transport undertaking; and

(ii) any other person who, is likely to be affected by the proposed modification,

an opportunity of being heard in respect of the proposed modification.

(2) The State Government is required to publish modification in the Official Gazette and in one of the newspapers in the regional languages, together with the date, not being less than thirty days from such publication, and the time and place of hearing.



गुरुवार, सप्टेंबर १६, १९९३/भा. २५, मके १९१५

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या जागाळा वेगळे पुष्ट कर्मांक दिले आहेत.

भाग चार-अ

महाराष्ट्र शासनाने केंद्रीय अधिनियमांमध्ये तयार केलेले (साम एम, एक-अ आणि एक-ब) यामध्ये प्रसिद्ध केलेले नियम व भाषेस यांबवतिरिक्त) नियम व भाषेस

HOME DEPARTMENT

Mantralaya, Bombay 400 032, dated the 16th September 1993

MOTOR VEHICLES ACT, 1988.

No. M.V.R. 0992/1378 (Part III)/TRA-2.—Whereas, the Scheme called "Approved Scheme of Road Transport Service of the Maharashtra State Road Transport Corporation" (hereinafter referred to as "the said Scheme") published under Government Notification, Home Department, No. M.V.A. 3173/30303-XII-A, dated the 29th November 1973, has been made by the Government of Maharashtra;

And whereas, the Government of Maharashtra has decided to exempt from the said Scheme the holders of contract carriage permits for operation wholly within the limits of all municipal corporations in the State where the Maharashtra State Road Transport Corporation and the municipal authorities are operating road transport services;

And whereas, it is expedient to modify the said Scheme for the purpose aforesaid;

भाग चार-अ—१४३

(४६७)

४६८ महाराष्ट्र शासन राजपत्र, असा., सप्टेंबर १६, १९९३/मात्र २५, सके १९१५ [भाग चार-अ]

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 102 of the Motor Vehicles Act, 1988 (59 of 1988), the Government of Maharashtra hereby makes the following Scheme to modify the said Scheme the same having been previously published as required by sub-section (2) of the said section 102, namely:—

1. (1) This Scheme may be called the Approved Scheme of Road Transport Service of the Maharashtra State Road Corporation (Amendment) Scheme, 1993.

(2) It shall come into force with effect from the date of publication of this notification in the *Official Gazette*.

2. In clause (4) of the said Scheme, for sub-clause (vi), the following shall be substituted, namely:—

“(vi) holder of contract carriage permits for operation wholly within the municipal limits of all municipal corporations where the Maharashtra State Road Transport Corporation and the Municipal authorities are operating road transport services”.

By order and in the name of the Governor of Maharashtra,

B. K. AGARWAL,
Secretary to Government.

महाराष्ट्र गणतन्त्र राजपत्र, असा., अंक. ३०, १९९८/कारिक ८, शके १९२० [भाग चार-अ

HOME DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 30th October 1998.

MOTOR VEHICLES ACT, 1988.

No.MVA. 1694/1885/CR-109/TRA-2.--In exercise of the powers conferred by sub-section (1) of section 102 of the Motor Vehicles Act, 1988 (59 of 1988) the Government of Maharashtra hereby modifies the approved scheme of Road Transport Service of the Maharashtra State Road Transport Corporation, the same having been previously published as required by sub-section (2) of the said section 102, as follows, namely :-

1. This Scheme may be called the Approved Scheme of Road Transport Service of the Maharashtra State Road Transport Corporation (Amendment) Scheme, 1998.

2. In clause (4) of the Approved Scheme of Road Transport Service of the Maharashtra State Road Transport Corporation, for sub-clause (iii), the following shall be substituted namely :-

“(iii) holders of contract carriage permits for operation of Motor Cabs and Maxi Cabs.”

By order and in the name of the Governor of Maharashtra,

MEENA KARANDE,
Joint Secretary to Government.

(२)

शासकीय सध्यवर्ती मद्रणालय, मुंबई

6.10 Issue of permits to State transport undertakings (MVAS 103, MMVR 153, 157).— (1) In pursuance of an approved scheme, any State transport undertaking may apply for a stage carriage permit or a goods carriage permit or a contract carriage permit in respect of a notified area or notified route, to the

State Transport Authority in case where the said area or route lies in more than one region and to the Regional Transport Authority in following Forms :-

- (i) for stage carriage permit in Form P.S.T.U.S.A.;
- (ii) for goods carriers permit in Form P.S.T.U.P.C.A.;
- (iii) for contract carriage permit in Form P.S.T.U.Co. A.

(2) The concerned Transport Authority, on receipt of an application, satisfy itself that the application relates to notified area or a notified route specified in an approved scheme and issue and inform to the State Transport Undertaking a stage carriage permit in Form P.S.T.U.S. , a public carrier's permit in Form P.S.T.U.P.C. or a contract carriage permit in Form P.S.T.U. Co.

(3) Pending the issuance of a permit, the State Transport Undertaking may operate the service in the notified area or on a notified route specified in the approved scheme.

(4) The Transport Authority may, by order,—

(a) refuse to entertain any application for the grant or renewal of any other permit or reject any such application as may be pending;

(b) cancel any existing permit;

(c) modify the terms of any existing permit so as to—

(i) render the permit ineffective beyond a specified date;

(ii) reduce the number of vehicles authorised to be used under the permit;

(iii) curtail the area or route covered by the permit in so far as such permit relates to the notified area or notified route.

(1) No appeal should lie against any action taken, or order passed, by the Transport Authority, in the above stated circumstances.

6.11 Restriction on grant of permits in respect of a notified area or notified route. (MVAS 104).— (1) When a Scheme is published in respect of any notified area or notified route, the Transport Authority, should not grant any permit except in accordance with the provisions of the Scheme.

(2) When no application for a permit is made by the State transport undertaking, in respect of any notified area or notified route, the Transport Authority is empowered to grant temporary permit to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issuance of a permit to the State transport undertaking.

6.12 Extension or modification of permits. (MMVR 156) — Where the holder of a permit for a public service vehicle applies to the Transport Authority extending or modifying the operation of the road transport service in another notified area or notified route or part thereof then the relevant Transport Authority should send a copy of such application to the concerned State Transport Undertaking. The relevant Transport Authority, before passing any order give an opportunity of being heard to the State Transport Undertaking.

6.13 Notice of applicaton of hearing etc. (MMVR 158) — The State Transport Undertaking should, intimate to the relevant Transport Authority, the designation and addresses of its officers to whom notice of applications, hearing, orders or any other matter should be sent.

6.14 Disposal of article found in vehicles. (MVAS 106, MMVR 154).— (1) Where any article found in any transport vehicle operated by the State transport undertaking is not claimed by its owner within fifteen days, the State transport undertaking is empowered to sell the article by public auction.

(2) A notice of such public auction should be displayed on the notice board, fifteen days in advance of the date of the auction at the place where the auction is to be held, and also to be published in local newspaper.

(3) The sale proceeds of the auction after deducting the costs incidental to sale, should be paid to the owner on his demand.

(4) State Transport Undertaking may dispose off any article which is of a perishable nature, at any time as the circumstances require.

6.15 Certain powers of State Government exercisable by the Central Government (MVAS 108).— The powers conferred on the State Government, in relation to a corporation or company owned or controlled by the Central Government; or

by the Central Government and one or more State Governments, is exercisable only by the Central Government in relation to an inter-State route or area.

