

The Orissa Motor Vehicles (State Transport Undertaking) Rules, 1993

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Rule

THE-ORISSA-MOTOR-VEHICLES-STATE-TRANSPORT-UNDERTAKING of 1993

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The Orissa Motor Vehicles (State Transport Undertaking) Rules, 1993Published vide Notification Orissa Gazette Extraordinary No. 157816.12.1993-Notification SRO No. 1098/93/26.11.1993S.R.O. No. 1098/93. - Whereas the draft of the Orissa Motor Vehicles (State Transport Undertaking) Rules, 1990 was published as required by Sub-section (1) of Section 212 of the Motor Vehicles Act, 1988 (59 of 1988) in the extraordinary issue No. 135 of the Orissa Gazette dated the 7th February, 1991, under the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 1583-LC-I-A 31/90-T., dated the 29th January, 1991 as S.R.O. No. 76/91 inviting objections or suggestions from persons likely to be affected thereby before the expiry of the period of thirty days from the date of publication of the said notification in the Official Gazette;And whereas no objection or suggestion has been received from the public;Now, therefore, in exercise of the powers conferred by Section 107 of the Motor Vehicles Act, 1988 (59 of 1988), the State Government do hereby make the following rules, namely :

1. Short title, commencement and application.

(1)These rules may be called the Orissa Motor Vehicles (State Transport Undertaking) Rules, 1993.(2)They shall come into force on the date of their publication in the Orissa Gazette.(3)They shall apply to and in relation to all motor vehicles under State Transport Undertakings used in the State of Orissa.

2. Definitions.

(1) In these rules unless the context otherwise requires—(i) "Act" means the Motor Vehicles Act, 1988 (59 of 1988); (ii) "Form" means a Form appended to these rules; (iii) "Government" means the Government of Orissa; (iv) "Regional Transport Authority" means the Regional Transport Authority constituted for the region concerned under Sub-section (1) of Section 68; (v) "section" means section of the Act; (vi) "State" means the State of Orissa; (vii) "State Transport Authority" means the State Transport Authority constituted for the State under Sub-section (1) of Section 68. (2) All other words and expressions which are used but not defined in these rules shall have the same meaning respectively assigned to them in the Act and in the Orissa Motor Vehicles Rules, 1993.

3. Particulars of the scheme.

- The scheme or approved scheme to be published in the Official Gazette and the local newspaper as required under Section 99 or Section 100, as the case may be, shall contain the following particulars, namely : (i) name of the route indicating in course and mileage; (ii) the number of vehicles proposed to be operated on each route; (iii) the total number of trips to be performed daily on each route; (iv) the nature of services including provisions of amenities and fare and freight; (v) the weight and nature of passenger luggage that shall be carried free of charges; (vi) actual date of operating the route; (vii) exemption of certain categories of public services vehicles to operate on the notified area of route or routes.

4. Forms for publication of scheme.

- The scheme or approved scheme to be published under Section 99 or 100, shall be in Form I or II, as the case may be.

5. Publication of the scheme.

- The scheme as published in the Official Gazette and in the local newspaper shall be made available for inspection on the official notice boards in the offices of the State Transport Authority and the Regional Transport Authority or Authorities concerned for a period of not less than fifteen days from the date of publication in the Official Gazette.

6. Procedure for filing of objection.

- Any person concerned or authority aggrieved by the scheme published under Section 99, may, within thirty days from the date of publication thereof, file before the Minister, Transport Department, through the Secretary to Government in the Transport Department, objections or representations in writing and in duplicate setting-forth concisely the reasons in support thereof.

7. Conditions for submission of objection.

- No representation or objection in respect of any scheme published in the Official Gazette shall be considered by the Government unless it is made in accordance with Rule 6.

8. Consideration of scheme (procedure).

(1)After the receipt of the objections referred to above, the Minister in-charge of Transport Department may, after fixing the date, time and place for holding an enquiry and after giving at least ten clear days notice of such time, place and date to the objectors and to the State Transport Undertaking who also shall be supplied with copies of objection petitions, consider the objection and pass such orders as he may deem fit after giving an opportunity of hearing to such of the parties (in person or through their authorised representatives) as may wish to be heard in person.(2)Every such notice shall be signed by the Secretary to Government in the Transport Department or such officer as he appoints In that behalf.

9. Procedure to be followed in modification of approved scheme.

- The procedure laid down in Rules 3, 4, 5, 6, 7, and 8 shall so far as it can be made applicable, be followed in every case where an approved scheme published under Sub-section (3) of Section 100, is proposed to be modified under Section 102.

10. Elimination of existing service.

- In giving effect to the approved scheme, the Regional Transport Authority or Authorities concerned shall, before eliminating the existing services or cancelling any existing permit, or modifying the conditions of the 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 a permit; or(iii)curtail the area or the route covered by the permit in so far as such permit relates to the notified routes;give due notice to the persons likely to be affected in the manner prescribed in these rules.

11. Manner of service of notices and despatch of orders.

- Any notice or order required to be served on any person under the provisions of Chapter-VI of the Act, shall be served on such person or be sent his address if available in the records, by registered post and the service of such notice or order shall then be deemed to have been effected at the time at which the communication would be delivered by the ordinary course of post.

12. Procedure for grant of permit.

(1)Notwithstanding anything to the contrary contained in the provisions of the rules under Chapter-IV of the Orissa Motor Vehicles Rules, 1993, the following provisions shall be followed in regard to the manner in which applications for the grant of permits shall be made by State Transport

Undertaking and granted in respect of a notified area or route under Sub-section (1) of Section 103, namely : (a) Applications of permits shall be made in the forms as prescribed in Rule 45 of the Orissa Motor Vehicles Rules, 1993 and shall be addressed to the Secretary, State Transport Authority or to the Secretary, Regional Transport Authority, as the case may be; (b) The application for the permit shall bear a fee as prescribed under Rule 48 of the Orissa Motor Vehicles Rules, 1993 and shall be accompanied by the registration certificate, fitness certificate, insurance certificate in Form III which are valid by the time the application is made, along with a treasury challan showing payment of vehicle tax for the period than current. (2) If it is found that the application for the permit is not complete in all respects of that the provisions of Sub-rule (1) have not been complied with, the application shall be returned for re-submission after making good the omissions. (3) The permit applied for shall be granted within four days from the date of receipt of the application complete in all respects as required in this rule and on payment of fees as provided in Rule 48 of the Orissa Motor Vehicles Rules, 1993, the permits shall be issued in the Forms as prescribed in Rule 46 of the said rules.

13. Procedure for disposal of articles left by passengers.

(1) When any article is found left by a passenger in any transport vehicle operated by the State Transport Undertaking, the same shall be made over by the conductor of the vehicle in the office of the State Transport Undertaking located at the place of termination of route to an officer not below the rank of Station Master. (2) If the article is perishable in nature, it shall be disposed of by sale by the Unit Officer. But if the article is not perishable in nature it shall be kept in safe custody under the responsibility of the Unit Officer for a period of thirty days and if within this period no claimant comes forward to claim the property, the article shall be sold away by the Unit Officer. (3) The sale proceeds of any sale referred to above after deducting the costs incidental to such sale shall be retained with the Unit Officer for a period of three years from the date of the receipt of the sale proceeds, for subsequent payment to the owner on proof of ownership of the article so left, to the satisfaction of the Unit Officer who should maintain a detailed record of the proceedings in a register called the "Left Luggage Register" and if no claimant comes forward to receive the amount within the aforesaid period, the amount of sale proceeds shall be paid to the Government by depositing into the Treasury under the appropriate head of account. (4) If the article is found on a reasonable estimate to be of a value of more than rupees fifty it shall be sold by public auction after reasonable and adequate publicity. (5) If the value of such article appears to be more than five hundred rupees special orders of the State Transport Undertaking concerned shall have to be obtained for conducting the sale in Presence of any officer of superior rank : Provided that after return of value realised, values paid to owners on claim and identification shall be submitted to the Government, the head of State Transport Undertaking or any other authority authorised by the Government for the purpose.

14. Interpretation.

- If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government in the Transport Department for decision.

15. Repeal and saving.

(1)The Orissa Motor Vehicles (State Transport Undertaking) Rules, 1959 are hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.
Form I[See Rule 4]Whereas the State Government is of the opinion that for the purpose of providing an efficient or adequate economical and properly co-ordinated road transport service, it is necessary in the public interest that the road transport service in relation to the area/route specified in Schedule I hereunder should be run/operated by the Orissa State Road Transport Corporation;And whereas the State Government have prepared a scheme for the purpose, as set out in Schedule II hereunder, the same is hereby published for the information of the public as required under Section 99;Objection or representations, if any, against said proposal shall, in writing setting forth the reason, be addressed to the Minister-in-charge of Transport Department through the Secretary to Government of Orissa in the Transport Department within thirty days from the date of publication of this proposal in the Official Gazette.

I

Area or route in relation to which the scheme is proposed.

II

1. Route (starting point and terminus with important intermediate stations and route length).

2. Area (name of routes with starting points and terminus and intermediate starting and route length).

3. Whether town service or mufassil service.

4. Number of stage carriages schedule to operate in each, route-

(a)by private operators;(b)by State Transport Undertaking.

5. Number of daily trip scheduled in each route-

(a)by private operators;(b)by State Transport Undertaking.

6. Maximum and minimum number of stage carriages proposed to be operated in each route by the State Transport Undertaking to the exclusion of private operators-

(a)Maximum number;(b)Minimum number;(c)Type;(d)Seating capacity.

7. Maximum number of trips proposed to be performed by the State Transport Undertaking to the exclusion of private operators.

8. Number of vehicles intended to be kept in reserve to maintain the service and to provide for special occasions.

9. The arrangements proposed for the housing, maintenance and repair of the vehicles.

10. The arrangement proposed for the comfort and convenience of the passengers.

11. The arrangements proposed for the stands and halts on the route at which the copies of timetables of the service are proposed to be exhibited.

12. The weight and nature of passenger luggage that shall be carried free of charge.

13. The total weight of luggage that is proposed to be carried in relation to each passenger and the arrangements that are proposed to be made to carry the luggage without inconvenience to passengers.

14. The rate of charge that is proposed to be levied for luggage In excess of the free allowance.

15. Whether it is proposed to permit the carriage of goods in addition to the passengers.

16. The fares proposed to be charged both for ordinary and special occasions.

Competent authority of the State GovernmentState.....Date.....Form II[See Rule 4]Whereas the State Government had published a scheme under Section 99 in the Official Gazette and "local" newspaper, dated.....and.....respectively;And whereas objections or representations made thereto have been considered and approval has been made with modifications;(Note-Strike out what is not required)And whereas the previous approval of the Central Government has been obtained in so far as the scheme relates to inter-State routes;Now, therefore, the scheme as so approved/modified is hereby published as required under Section 100.The Scheme

1. Route (Starting point and terminus with important intermediate stations and route length).

2. Area (Name of routes with starting points and terminus and intermediate stations and route length).

3. Whether town service or mufassil service.

4. Number of stage carriages scheduled to operate in each route-

(a)by private operators;(b)by State Transport Undertakings.

5. Number of daily trips scheduled in each route-

(a)by private operators;(b)by State Transport Undertakings.

6. Maximum and minimum number of stage carriages proposed to be operated in each route by the State Transport Undertakings to the exclusion of private operators.

7. Maximum number of trips proposed to be performed by the State Transport Undertakings to the exclusion of private operators.

8. Number of vehicles intended to be kept in reserve to maintain the service and to provide for special occasions.

9. The arrangements made for the housing, maintenance and repair of the vehicle.

10. The arrangements proposed for the comfort and convenience of passengers.

11. The arrangements proposed for the stands and halts on the route at which the copies of time-tables of the service are proposed to be exhibited.

12. The weight and nature of passenger luggage that shall be carried free of charge.

13. The total weight of luggage that is proposed to be carried in relation to each passenger and the arrangements that are proposed to be made to carry the luggage without inconvenience to passengers.

14. The rate of charge that is proposed to be levied for luggage in excess of the free allowance.

15. Whether it is proposed to permit the carriage of goods in addition to the passengers.

16. The fares proposed to be charged both on ordinary and special occasions.

Secretary to Government Commerce and Transport Department Form III [See Rule 12 (1)

(b)] Certified that the motor vehicle of the following description : (a) Registration

number..... (b) Make..... (c) Class i.e., Motor Cycle, Motor Car, Motor Bus, Goods Carriage or other class (to be described)..... (d) Colour of body is the property of-

(i) the Government of..... (ii) the local authority/State Transport Undertaking, namely the vehicles of which have been exempted under Section 146 (3) by the Government of by their Order No

dated..... This certificate is valid up to..... unless cancelled in the meanwhile. Signed on behalf of..... Dated (Designation)