

Scheme under Section 100 of Motor Vehicles Act, 1988

PUNJAB

India

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Rule

SCHEME-UNDER-SECTION-100-OF-MOTOR-VEHICLES-ACT-1988 of 1988

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Scheme under Section 100 of Motor Vehicles Act, 1988Published vide Punjab Gazette, (Extra), Legislative Supplement, Part 3, dated 9.8.1990.No. SO. 41/CA. 59/88/S. 100/90. - Whereas the President of India is of opinion that for the purpose of providing an efficient, adequate, economical and properly coordinated road transport service it is necessary in the public interest that road transport services in relation to certain areas and routes should be run and operated by the State Transport Undertakings to the complete or partial exclusion of other persons;And whereas in exercise of the powers conferred by section 99 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988), the proposals regarding a Scheme for the aforesaid purpose was formulated and objections thereto were invited as required under section 10 of the aforesaid Act - vide Government of Punjab, Department of Transport Notification No. SO. 73/CA. 59/88/S.99/89, dated 11.8.1989;And whereas the objections received in response to the proposals have been considered by the Government of Punjab;Now, therefore, in exercise of the powers conferred by section 100 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) the President of India is pleased to notify the following Scheme, namely :-Scheme

1.

In the Scheme, unless the context otherwise requires :-(a)'Annexure' means an Annexure annexed to this Notification;(b)'appointed day' means the 9th day of August, 1990;(c)'monopoly routes' means the routes specified in annexure 'A':(cc)["Mini Bus" means a stage carriage the body of which shall be fabricated on a Chassis, the wheelbase of which does not exceed 137 inches and which does not carry more than thirty passengers besides the driver and the conductor, or as may be specified by the State Transport Authority, from time to time.] [Inserted vide Punjab Government Notification dated 21.10.1997.];(d)'National Highways' means the National Highways specified in Annexure

'B';(e)'Private Operator' means any permit holder existing or those who may be granted permits in future but other than the State Transport Undertakings; and(f)'State Highways' means the State Highways specified in Annexure 'C'.

2.

All Inter-State routes shall be operated by the State Transport Undertakings and operations of private operators whose permits were valid for a period of three years from the date of the publication of the Scheme, shall remain unaffected :Provided that the route operated by a private Operator, which became Inter-State route as a result of reorganisation of the State of Punjab in the year 1966, shall not be affected by the Scheme :Provided further that the operations of any State, other than the State of Punjab or any Union Territory including their Private Operators, operating on any route by virtue of the reciprocal agreement or permits granted by such other States and countersigned by the State Transport Authority or by the Regional Transport Authority concerned, as the case may be, shall remain unaffected :[Provided further that a permit may be granted to a Private Operator for operations of Air-Conditioned Buses from the District Headquarter and important towns in the State of Punjab to the Union Territory, Chandigarh.] [Substituted vide Punjab Government Notification dated 21.10.1997.]

3.

All future operations on inter-State routes in accordance with the reciprocal agreements or undertaking between the concerned States and the Union Territories shall exclusively be undertaken by the State Transport Undertakings.

4.

All future operations on monopoly routes shall be operated by the State Transport Undertakings;Provided that a Private Operator may be allowed to operate on a portion of twenty per cent of the monopoly route or upto the distance of fifteen kilometres of the said route whichever is less, where it is necessary or is in public interest to do so :[Provided further that the permits granted by the Regional Transport Authority before coming into force of the Scheme to the private operators for operating on monopoly routes, wholly or on portion thereof or on the routes in which the monopoly routes fall, shall remain unaffected.] [Substituted vide Punjab Government Notification dated 21.10.1997.]

5.

All future operations of routes on the National Highways falling within the State shall be undertaken by the State Transport Undertakings and the private operators in the ratio of [75:25] [Substituted by Punjab Government Notification dated 21.10.1997.] which shall be determined on the basis of the passenger road transport needs, as so assessed by the State Transport Commissioner, Punjab from time to time. The existing operations of the State Transport Undertakings on the National Highways

falling within the State are given in Annexure 'D' and 'D-I'.

6.

All future operations of routes on the State Highways [-] [Omitted vide Punjab Government Notification dated 21.10.1997.] shall be undertaken by the State Transport Undertakings and private operators in the ratio of [40.60 including the operations of Mini Buses and Inter-State operations] [Substituted by Punjab Government Notification dated 21.10.1997.] which shall be determined on the basis of the passenger road transport needs, as so assessed by the State Transport Commissioner, Punjab, from time to time. The existing operation of routes of the State Transport Undertakings on the State Highways are given in annexures 'E' and 'E-I'.

7.

All future operations of routes on District and other roads shall be undertaken by the State Transport Undertakings and private operators in the ratio of [40.60 including the operations of Mini Buses and Inter-State operations] [Substituted by Punjab Government Notification dated 21.10.1997.] on the basis of the passenger road transport needs, as so assessed by the State Transport Commissioner, Punjab, from time to time. [(7-A) While granting permits for operation on routes, linking one village with another village without any city or a town or municipality, in between the aforesaid two villages, or a route linking a village with the block Headquarter or a municipality or town or mandi or city, or for service within a town, municipality or city, the use of Mini Buses may be allowed on the basis of passenger road transport needs as assessed by the State Transport Commissioner, Punjab from time to time :Provided that -(a)the total length of each such route does not exceed 25 kilometres and the total operation per bus, does not exceed 250 kilometres per day;(b)not more than half of the total route's length runs across a National Highways or State Highways;(c)at least one of the terminal of the route shall be a village and shall not include more than one municipality except on a local route falling within the municipal limits of a town, municipality or city wherein both the starting and the terminating points may be the same or may fall within the same town, municipality or city, as the case may be; and(d)it shall be ensured that the interests of the State Transport Undertakings are not affected adversely on such routes;

7B.

State Carriage permits may be granted for operating maxi cabs within the municipal limits of a town, municipality or city, as the case may be.] [Added by Punjab Government Notification dated 21.10.1997.]

8.

[-] [Omitted vide Punjab Government Notification dated 21.10.1997.] Modifications Vide Notification No. S.O. 22/C.A. 59/88/S. 102/2005, dated 30.3.2005 in the said scheme, -(i)In Annexure 'A', for the words "Punjab Roadways", the words, sign and bracket "Punjab Roadways/Punjab State Bus

Stand Management Company Limited (PUNBUS)" shall be substituted; and(ii)In Annexures 'D' and 'E', for the brackets and the words "(Punjab Roadways)", the brackets, sign and words "(Punjab Roadways/Punjab State Bus-Stand Management Company Limited) (PUNBUS)" shall be substituted.