

# **The Rajasthan State Road Transport Services (Development) Rules, 1965**

RAJASTHAN

India

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### **Rule**

### **THE-RAJASTHAN-STATE-ROAD-TRANSPORT-SERVICES-DEVELOPMENT of 1965**

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The Rajasthan State Road Transport Services (Development) Rules, 1965Published vide Notification No. F. 1(9) (20) H.B. Gr. 1/62, dated 16-10-1965. Published in Rajasthan Gazette, Extraordinary, Part 4-C, Extraordinary, dated 16-10-1965In exercise of the powers conferred by section 68(1) of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby makes the following, rules, the same having been previously published in the Rajasthan Gazette, Part III (B) dated 14-6-1965, as required by sub-section (1) of section 133 of the said Act, namely

### **1. Short title and commencement.**

(1)These rules shall be called the Rajasthan State Road Transport Services (Development) Rules, 1965.(2)They shall come into force on the date of its publication in the official Gazette.(3)They shall apply to the State Transport Undertaking known as Rajasthan State Road Transport Corporation and matters and person concerned therewith.

### **2. Definitions.**

(1)In these rules, unless there is anything repugnant in the subject or context:-(a)"The Act" means the Motor Vehicles Act, 1939 (Central Act IV of 1939);(b)"General Manager" means the General Manager of the Rajasthan than State Road Transport Corporation and includes any other officer who may be authorised by the State Government or the Corporation to perform the functions of the General Manager.(c)"Scheme" means a scheme framed in pursuance of section 68-C of the Act:(d)"State Transport Undertaking" means the Rajasthan State Road Transport Corporation

established under section 3 of the Road Transport Corporation Act of 1950.

### **3. Preparation of Scheme.**

(1) A Scheme under section 68-C of the Act will be prepared by the General Manager of the State Transport Undertaking.

### **4. Particulars of the Scheme.**

- The scheme or approved scheme to be published in the official Gazette as required under section 68-C or 68-D as the case may be, shall contain the following particulars (i) Name of route indicating its 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; and (iv) the nature of services; (v) any other information which the General Manager wants to add.

### **5. Manner of filing objections.**

(1) Any person wishing to file objection under section 68-D of the Act, shall do so in the form of a memorandum in duplicate, setting forth concisely the grounds of objection to the scheme within 30 days of the publication of the scheme in the official Gazette. (2) The memorandum of objections shall be addressed to the Secretary to the Government of Rajasthan in the Transport Department. (3) A copy of the memorandum shall be sent by the objector to the General Manager. (4) The memorandum of objections shall also contain the following information (a) Full name and permanent address of the objector; (b) whether or not such person is a holder of permit issued under the provisions of the Act; (c) the particulars of the route or routes or area as specified in such permit or penalties.

### **6. Consideration and disposal of objections.**

(1) The objections received shall be considered by such officer as is authorised to do so, by or under the rules made by the Governor in pursuance of clause (3) of Article 166 of the Constitution of India. (2) The said officer shall fix the date, time and place of hearing of objections and issue a general notice in the official Gazette asking the objectors and the General Manager to appear before him in person or through a duly authorised agent and the publication of the notice in the official Gazette shall be deemed to be the personal service on the parties. (3) The notice under sub-rule (2) shall be published at least 30 days before the date fixed for hearing. (4) No objector shall be entitled to be heard by the State Government unless the objections are made in accordance with the provisions of these rules. (5) After hearing objections the parties as may appear, the officer shall have a decision whether the scheme should be approved or modified as he may deem proper.

### **7. Publication of the approved Scheme.**

- Subject to the proviso to sub-section (3) of section 68-D of the Act, the scheme so approved or modified shall be published in the official Gazette.

## **8. Consequences on publication of the Scheme.**

- Upon the publication of the scheme under sub-section (3) of section 68-D of the Act, the consequences as hereinafter stated, shall have effect in respect of the notified route or area or portion thereof -(a)No person (other than the State Transport Undertaking either singly or in conjunction with other State Transport Undertakings) shall be entitled to a permit under Chapter IV of the Act.(b)The General Manager or an officer authorised by him may specify the number of transport vehicles, if any, for which temporary permits may be granted or countersigned in favour of persons other than the State Transport Undertaking to meet a temporary need.(c)The General Manager shall communicate the scheme published under rule (7) to the Regional Transport Authority or to each Regional Transport Authority and each such Regional Transport Authority as the case may be, shall give effect to the approved scheme forthwith.

## **9. Contravention of the approved scheme prohibited.**

- (1) No person shall use or cause to be used a transport vehicle, on the notified route or area or portion thereof in contravention of the provisions of the approved scheme.(2)Nothing in this rule shall apply to the use of a transport vehicle in emergency for the conveyance of a person suffering from sickness or injury or for the transport of dead body or for the transport of medical aid or medicines supplied to relieve distress, provided that the person operating the vehicle shall report, within seven days, such use to the Registering Authority of the region in which he does so.

## **10. Giving effect to the approved Scheme.**

(a)For the purpose of giving effect to the approved scheme, the Regional Transport Authority, concerned shall forthwith cancel or modify or refuse to renew or make ineffective the existing permits in respect of the notified route or portion thereof and serve upon the holder of such permits notices to that effect(b)Simultaneously with, or Subsequently to, the issue of notices under clause (a), the Regional Transport Authority concerned shall, if it considers it proper and decides to offer to the holders of existing permits, an alternative route within the meaning of sub - section (2) of section 68-G of the Act, in lieu of compensation payable under Subsection (1) of the said section, issue another notice to the holder of existing permits specifying the alternative route which is so offered to them and requiring them to convey their acceptance thereof within a period of fortnight of the service of the notices on them.(c)In the case contemplated by clause (b) the Regional Transport Authority shall also publish a copy of the notice in the official Gazette calling upon the holders of existing permits for the proposed alternative routes to make representations in writing within 15 days of its publication, if any, in respect of the proposed offer.(d)Any representations received by the Regional Transport Authority in pursuance of clause (c) within the time limit specified thereunder shall be taken into consideration by it and the authority may then pass such orders as it may deem fit.(e)Nothing contained in Chapter IV of the Act or in the Rules made thereunder shall apply to the proceedings taken under these rules.

## **11. Existing rules superseded.**

- The Rajasthan State Road Transport Sendees (Development) Rules, 1960, are hereby superseded: Provided that any action taken or orders passed under the said rules shall, so far as they are consistent with these rules, be regarded as taken or passed under these rules. Notifications [Notification No. F. 1(8) Jud./55, dated 16-4-1965, Published in Rajasthan Gazette, Extraordinary, Part IV-C, dated 16-4-1965.] In pursuance of section 7(1) of the Rajasthan State Road Transport Services (Development) Rules, 1960, the Governor is pleased to order that the Joint Legal Remembrancer to the Government of Rajasthan shall consider objections to, approval and modifications of, the Scheme, under section 68 (D) of the Motor Vehicle Act 1939 (Central Act IV of 1939). This is in supersession to this Department order No. F. 12(1) LJ/B/60, dated the 13th October, 1960.