

The Karnataka State Motor Vehicles (Special Provisions) Act, 2015

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Act 1 of 2016

- Published on 7 June 1960
- Commenced on 7 June 1960
- [This is the version of this document from 7 June 1960.]
- [Note: The original publication document is not available and this content could not be verified.]

The Karnataka State Motor Vehicles (Special Provisions) Act, 2015(Karnataka Act No 1 of 2016)Statement of Objects and Reasons - Amending Act 01 of 2016. - The Hon'ble Supreme Court in B.A Lingareddy v. Karnataka State Transport Authority (2015 AIR SCW 279), after exhaustive review of the case law while considering the specific assertion on behalf of the appellant, it categorically laid down that a permit cannot be granted for the for a non-notified route which overlap or traverses the notified route and declared the permits granted country to the scheme are illegal.And whereas section 102 of the Motor Vehicle Act, 1988 empowers the State Government to modify any approved scheme. The Supreme Court in Karnataka State Road Transport Corporation Vs Asharafulla Khan(2002)2 SCC 560 has help that modification may be effected only to need and convenient of the travelling public on representation of the travelling public or on the ground that the Transport undertaking lacks the necessary resources in the form of vehicle or infrastructure to meet the public demand The Karnataka State Transport undertaking has expressed its inability to stars stage carriage vehicles in the areas of approved scheme immediately.Therefore, it is considered necessary to make certain special provisions to prevent inconvenience to travelling public by sudden stoppage of existing permit holders of private stage carriage under the Motor Vehicles Act, 1988 in relation to the areas of approved schemes and routes notified under Chapter-VI of that Act and to provide for an enabling provision to issue temporary to meet the need of the day and matters connected therewith or incidental thereto;[L.A. Bill No. 36 of 2015 File No. Samvyashae 43 Shasana 2015][entry 35 of list III of the Seventh Schedule to the Constitution of India.](First Published in the Karnataka Gazette Extra-ordinary on the Twenty third day of February, 2016)(Received the assent of the President on the tenth day of February, 2016)An Act to make certain special provisions, to prevent inconvenience to the travelling public by the sudden stoppage of the existing permit holders of stage carriages under the Motor Vehicles Act, 1988 in relation to the areas of approved schemes and routes notified under Chapter-VI of that Act and to provide for matters connected therewith or incidental thereto.Whereas the Hon'ble Supreme Court in B.A Lingareddy v. Karnataka State

Transport Authority (2015 AIR SCW 279), after exhaustive review of the case law while considering the specific assertion on behalf of the appellant, it categorically laid down that a permit cannot be granted for a non-notified route which overlap or traverses the notified route and declared the permits granted contrary to the scheme are illegal. And whereas section 102 of the Motor Vehicle Act, 1988 empowers the State Government to modify any approved scheme. The Supreme Court in *Karnataka State Road Transport Corporation v. Asharafulla Khan* (2002) 2 SCC 560 has held that modification may be effected only to need and convenient of the travelling public on representation of the travelling public or on the ground that the State Transport undertaking lacks the necessary resources in the form of vehicle or infrastructure to meet the public demand. Whereas the Karnataka State Transport undertaking has expressed its inability to start stage carriage vehicles in the areas of approved scheme immediately. Whereas it is expedient to make certain special provisions to prevent inconvenience to travelling public by sudden stoppage of existing permit holders of private stage carriage under the Motor Vehicles Act, 1988 in relation to the areas of approved schemes and routes notified under Chapter-VI of that Act and to provide for matters connected therewith or incidental thereto; Be it enacted by the Karnataka State Legislature in the sixty-sixth year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Karnataka State Motor Vehicles (Special Provisions) Act, 2015. (2) It extends to part of Karnataka State on the areas of approved Schemes or routes of Kolar Scheme, Bellary Scheme, Bangalore Scheme, BTS Scheme, Mysore Scheme and Kanakapura Schemes promulgated under the Motor Vehicles Act, 1939. (3) It shall come into force at once.

2. Definitions.

(1) In this Act, unless the context otherwise requires, - (a) "approved schemes" means, - (i) The Kolar Scheme published under sub-section (3) of section 68D of the Motor Vehicle Act, 1939 in Notification No. HD 70(2) TMP 64, dated: 10.01.1968 and further modified in Notification No. 1 HD 45 TMI 76, dated: 10.01.1980; (ii) The Mysore Scheme published under section 68D of the Motor Vehicle Act, 1939 in Notification No. HD 200 TMP 60, dated: 10.11.1960; (iii) The Bangalore Scheme published under section 68D of the Motor Vehicle Act, 1939 in Notification No. HD 172 (2) TMP 60 dated 07.06.1960. (iv) The BTS Scheme published under section 68D of the Motor Vehicle Act, 1939 in Notification No. HD 202 TMP 60, dated 16.01.1961. (v) The Kanakapura Scheme published under section 68D of the Motor Vehicle Act, 1939 in Notification No. HD 141 TMP 65, dated 30.12.1965. (vi) The Bellary Scheme published under section 68D of the Motor Vehicle Act, 1939 in Notification No. HD 22 TMP 64, dated 18.04.1964 and further modified in Notification No. HD 45 TMP 76, dated 10.01.1980. (b) "Courts" means the High Court of Karnataka and the Supreme Court of India; (c) "Existing permit holder" means the private operator holding the stage carriage permit granted either under the Motor Vehicles Act, 1939 or under the Motor Vehicles Act, 1988 and obtained permit to operate on the areas of approved Scheme or routes or portion of the areas of approved Scheme or routes and operating the stage carriage services as on 17.12.2014; (d) "Motor Vehicles Act" means the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988); (e) The expression "notified route" shall have the same meaning as in section 100 of the Motor Vehicles Act. (2) Words

and expressions used herein and not defined but defined in the Motor Vehicles Act shall have the meanings respectively assigned to them in that Act.

3. Grant of permit under certain circumstances.

- Notwithstanding anything contained in the Chapter-VI of the Motor Vehicles Act or in any Judgement, decree or order passed by the Karnataka State Transport Appellant Tribunal or by any Courts or Authority, as the case may be, the State Transport Authority or the Regional Transport Authority on an application made to it in accordance with this Act for grant a permit by the existing permit holders on the areas of approved Schemes or routes, may grant temporary permit under section 4, for the intra District route or inter District route or for interstate route on the routes and trips recognized under the inter state Agreement between the State Government of Karnataka and any other states in accordance with the Motor Vehicles Act, 1939 or the Motor Vehicles Act by preferring the existing permit holder. Since they have experience in operating with these routes. Provided that the permits granted under this section shall have the same effect as if the permit is granted under Chapter-V of the Motor Vehicles Act.

4. Issue of temporary permits.

- The State Transport Authority or the Regional Transport Authority, as the case may be, shall receive the applications including existing permit holders for grant of permits under this Act within thirty days from the date of this Act come into force. The authority concerned shall dispose of the applications for grant of permits within thirty days thereafter by preferring existing permits. Provided that, the temporary permits shall be granted in accordance with the procedure specified in section 87 of the Motor Vehicles Act at the first instance, which can be extended for one year or till the State Transport Undertakings starts operating their services whichever is earlier.

5. Construction of reference to Motor Vehicles Act.

- The reference in this Act to any of the provisions or any chapter of the Motor Vehicle Act other than the one specified in this Act be construed as reference to the corresponding provisions or chapter of the Motor Vehicles Act.

6. Savings.

- Save as otherwise provided in this Act, the provision of this Act shall be in addition to and not in derogation of any other law for the time being in force and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart from this Act, be instituted against him.

7. Removal of difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may by notification, make such provision not in consistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be issued after the expiry of two years from the date of commencement of this Act. The above translation of PÀ£ÁðlPÀgÁdã^aÉÆÃmÁgÄÄ^aÁ°À£ÀUÀ^{1/4}À («±EAµA GYÀ\$AzsÀUÀ^{1/4}À)Cøü×AiÄÄ^aÄÄ,