

ABSTRACT

Motor Vehicles - Extension of mini bus scheme - New comprehensive scheme for the modification of the Approved Modified Area Scheme, 1999- Draft notification to further modify the Approved Modified Area Scheme, 1999 - Publication - Notified.

HOME (TRANSPORT- III) DEPARTMENT

G.O. Ms. No.271

Dated: 10.03.2010

Read:

1. G.O. Ms. No. 659, Home, dated 07.05.2007.
2. From the transport Commissioner, D.O.Letter NO.E2/28608/07, dated 20.09.2007.
3. G.O.Ms.No.1057, Home (Tr.VII) Department, dated 14.12.2009.

ORDER:

On considering the need to provide adequate transport facilities to the people living in rural areas where no bus facilities have been provided, the Government in the year 1997 had decided to permit private operators to operate mini buses in these areas.

2. In order to enable the Regional Transport Authorities to grant permits to private operators for operating mini buses, the "Approved District-wise Area Scheme 1995" was modified and "Approved Modified Area Scheme 1999" was published in G.O.Ms. Nos. 1523 to 1549, Home (Tr.III) dated 17.11.1999 for all the districts except the Nilgiris and Chennai Metropolitan Area. In respect of The Nilgiris District orders were issued in G.O.Ms. No. 214, Home (Tr.III) Department, dated 25.02.2000, subsequently modified in G.O.Ms. No. 1134, Home (Tr.III) Department, dated 18.10.2000 permitting the Regional Transport Authority, The Nilgiris District to grant Mini bus permits for a route; length upto 24 kms with an overlapping distance not exceeding 8 kms on routes where stage carriages are operating.

3. As per the terms of the scheme, mini buses may be allowed upto a route length of 20 kms out of which 4 kms may be allowed on routes on which stage carriages are already operating subject to a ceiling of 250 permits for each district. In accordance with the above orders, the Regional Transport Authorities have been issuing mini bus permits to private operators.

4. Subsequently, in G.O.Ms. Nos. 1052 to 1079, Home (Tr.III) Department, dated 11.11.2002 Government issued a draft notification to further modify the "Approved Modified Area Scheme 1999" so as to enable the transfer of certain permits of State Transport Undertakings in the name of private operators. The draft scheme was challenged in a batch of Writ Petitions before the High Court of Madras.

5. Meanwhile, in G.O.Ms. Nos.411 to 439, Home (Tr.III) Department, dated 01.06.2005, parallelly Government issued another draft notification to further modify the "Approved Modified Area Scheme 1999" so as to increase the route length for mini bus routes from 20 kms to 25 kms with a provision to allow upto 8 kms on routes where stage carriages are operating as also compulsory plying of 5 kms on unserved routes. This draft scheme was also challenged in a batch of Writ Petitions before the Honourable High Court of Madras.

6. The Honourable High Court of Madras in its common judgment dated 12.12.2006, dismissed all the Writ Petitions relating to both the draft notifications, recording the statement of the Advocate General that the Government have taken a policy decision not to pursue both the said notifications thereby enabling the Government to take a policy decision as per the provisions of the Act.

7. In another case of a dispute between two mini bus operators in Virudhunagar district, in W.A. (MD) No. 135 and 136 of 2006 dated 02.08.2006 the Madurai Bench of Madras High Court, has set aside the grant of mini bus permit holding that mini bus service is also a stage carriage service and so a route served by a mini bus shall be treated as a route served by stage carriage for all purposes. However, the Approved Modified Area Scheme 1999 was not set aside.

8. The Approved Modified Area Scheme 1999 as ordered in G.O.Ms. No. 1523 to 1549, Home, dated 17.11.1999 was also challenged by some Stage Carriage Operators and Mini bus - operators; in W.P. Nos. 19067 to 19069 etc., and the High Court dismissed those Writ Petitions in the judgement dated 28.07.2000, validating the scheme. However cases are now pending before the Division Bench in the shape of Writ Appeals in W.A. No. 1285 of 2000 and etc., Therefore, Government have considered the need to draw up a comprehensive scheme of permitting private operators to operate mini buses by addressing all the administrative and legal issues

10. The Transport Commissioner when consulted has reported that the Mini Buses may be permitted to operate on the Mini Bus routes to be formulated by Regional Transport Authorities under the powers conferred under section 68 (3) (ca) of the Motor Vehicles Act, 1988 and in view of the powers delegated to the Regional Transport Authorities by the State Transport Authority under section 68 (5) of the said Act, as and when necessary without any restrictions regarding rural/urban areas and as per the guidelines issued by the Government from time to time so as to provide direct bus facilities, to the people of villages/hamlets/habitations that have a population of 100 or more families, so as to reach the nearest Bus Stand of nearest town/city where adequate bus services are provided to various places. The routes should be viable and not more than 30% of the route lengths should overlap with any existing served route.

11. Accordingly, the Government have decided to accept the proposal of the Transport Commissioner and direct that the Notification appended to this order under sub-section (2) of section 102 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) will be published in Tamil Nadu Government Gazette:-

(BY ORDER OF THE GOVERNOR)

**S.MALATHI,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Works Manager,

Government Central Press, Chennai-79.

The Transport Commissioner, Chennai-5

All Regional Transport Authorities/District Collectors

All Joint Transport Commissioner's/

All Deputy Transport Commissioner's

All Regional Transport Officers

All Managing Director's State Transport Undertakings.

Copy to:

The Secretary to Government, Transport Department, Chennai-9

The Secretary to Government, Law Department, Chennai-9

Special Personal Assistant to Minister (Transport), Chennai-9

Principal Secretary to Hon'ble Chief Minister, Chennai-9

SF/SC

/ FORWARDED BY ORDER/

SECTIONOFFICER

APPENDIX

NOTIFICATION

WHEREAS, the State Government have approved the "Modified Schemes' of road transport Service" In relation to different areas in the State as published in the following Notifications, namely:-'

- (i) Home Department Notification No. II(2)/HO/2096, (K)/96, dated the 14th October 1996, published at pages 1 to 4 of the Tamil Nadu Government Gazette Extraordinary, dated the 14th October 1996, regarding the area comprising entire Chennai Metropolitan Area;
- (ii) Home Department Notification No. II(1)/HO/106 (a-1)/99, dated the 17th November 1999, published at pages 1 to 3 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Kancheepuram, other than the area covered by Chennai Metropolitan Area notified under clause (4) of section 2 of the Tamil Nadu Motor vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974);
- (iii) Home Department Notification No. II(1)/HO/106 (a-2)/99 dated the 17th November 1999, published at pages 4 and 5 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Tiruvallur, other than the area covered by Chennai Metropolitan Area notified under clause (4) of section 2 of the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974);
- (iv) Home Department Notification No. , II(1)/HO/106 (a-3)/99, dated the 17th November 1999, published at pages 6 and 7 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Vellore;
- (v) Home Department Notification No. II(1)/HO/106 (a-4)/99, dated the 17th November 1999, published at pages 8 and 9 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Tiruvannamalai;

- (vi) Home Department Notification No. II(1)/HO/106 (a-5)/S9, dated the 17th November 1999, published at pages 10 and 11 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Villupuram;
- (vii) Home Department Notification No. II(1)/HO/106 (a-6)/99, dated the 17th November 1999, published at pages 12 and 13 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Cuddalore;
- (viii) Home Department Notification No. II(I)/HO/106(a-7)/99, dated the 17th November 1999, published at pages 14 and 15 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Dharmapuri;
- (ix) Home Department Notification No. II(1)/HO/106 (a-8)/99, dated the 17th November 1999, published at pages 16 and 17 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Salem;
- (x) Home Department Notification No. II(1)/HO/106 (a-9)/99, dated the 17th November 1999, published at pages 18 and 19 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Namakkal;
- (xi) Home Department Notification No. II(I)/HO/106(a-10)/99, dated the 17th November 1999, published at pages 20 and 21 of the Tamil Nadu Government Gazette

Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Coimbatore;

- (xii) Home Department Notification No. II(I)/HO/106(a-II)/99, dated the 17th November 1999, published at pages 22 and 23 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Erode;
- (xiii) Home Department Notification No. II(1)/HO/106 (a-12)/99, dated the 17th November 1999, published at pages 24 and 25 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Madurai;
- (xiv) Home Department Notification No. II(I)/HO/106(a-13)/99, dated the 17th November 1999, published at pages 26 and 27 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Theni
- (xv) Home Department Notification No. II(I)/HO/106(a-14)/99, dated the 17th November 1999, published at pages 28 and 29 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Dindigul;
- (xvi) Home Department Notification No. II(1)/HO/106 (a-15)/99, dated the 17th November 1999, published at pages 30 and 31 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Trichirappalli;
- (xvii) Home Department Notification No. II(1)/HO/106 (a-16)/99, dated the 17th November 1999, published at pages 32 and 33 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Karur;

- (xviii) Home Department Notification No. II(1)/HO/106 (a-17)/99, dated the 17th November 1999, published at pages 34 and 35 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Pefambalur ,,,
- (xix) Home Department Notification No. II(I)/HO/106(a-18)/99, dated the 17th November 1999, published at pages 36, and 37 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, .regarding the area comprising the entire revenue district of Nagapattinam;
- (xx) Home Department Notification No. II(I)/HO/106(a-19)/99, dated the 17th November 1999, published at pages 38 and 39 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising. the entire revenue district of Thanjavur;
- (xxi) Home Department Notification No. II(I)/HO/10^(a-20)/99, dated the 17th November 1999, published at pages 40 and 41 of the Tamil Nadu Government Gazette, Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Thiruvarur;
- (xxii) Home Department Notification No. II(I)/HO/106(a-21)/99, dated the 17th November 1999, published at pages 42 and 43 of fhA Tamil Nadu Government Gazette Extraordinary/ dated the 18th November 1999, regarding the area comprising the entire revenue district of Pudukkottai;
- (xxiii) Home Department Notification No. II(I)/HO/106(a-22)/99, dated the 17th November 1999, published at pages 44 and 45 of the Tamil Nadu Government Gazette ;, Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Sivagangai; ^
- (xxiv) Home Departmeht Notification No. II(I)/HQ/106(a-23)/99, dated the 17th November 1999, published at pages 46 and 47 of the Tamil Nadu Government Gazette, Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Ramanathapuram;

- (xxv) Home Department Notification No. H(I)/HO/106(a-24)/99, dated the 17th November 1999, published at pages 48 and 49 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Virudhunagar;
- (xxvi) Home Department Notification No. II(I)/HO/106(a-25)/99, dated the 17th November 1999, published at pages 50 and 51 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Thoothukudi;
- (xxvii) Home Department Notification No. II(I)/HO/106(a-26)/99, dated the 17th November 1999, published at pages 52 and 53 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Tirunelveli;
- (xxviii) Home Department Notification No. II(I)/HO/106(a-27)/99, dated the 17th November 1999, published at pages 54 and 55 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th November 1999, regarding the area comprising the entire revenue district of Kanniyakumari;
- (xxix) Home Department G.O. Ms No 214 Home Department (Tr.III) dated 25-02-2000, modified in G.O.Ms.No.1134 Home (Tr.III) Department dated 18.10.2000 regarding the area comprising the entire revenue district of the Nilgiris;

AND, WHEREAS, the State Government are of the opinion that the "Approved Modified Scheme of road transport Service" in relation to the areas as approved and published as above is to be modified and a comprehensive single scheme has to be formulated in relation to the area comprising the entire State of Tamil Nadu, so that the Mini bus routes can be formulated by the Regional Transport Authorities concerned under the powers conferred under clause (ca) of subsection (3) of section 68 of the Motor Vehicles Act, 1988, and delegated to the Regional Transport Authorities by the State Transport Authority under section 68 (5) of the said Act, without any restrictions regarding rural/urban areas and as per the guidelines issued by the Government from time to time so as to provide direct bus facilities, to the people of villages/hamlets/habitations that have a population of 100 or more families, so as to reach the nearest Bus Stand of nearest town/city where adequate bus services are provided to various places.

The routes should be viable and not more than 30% of the route lengths should overlap with any existing served route.

AND, WHEREAS, the State Government, having prepared a modified Scheme, in relation to the area comprising the entire State of Tamil Nadu, in further modification of the "Approved Modified Schemes" referred to above;

Now, THEREFORE, the Governor of Tamil Nadu hereby Publishes the proposed Modified Scheme along with the "Approved Modified Schemes" as required under sub-section (2) of section 102 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).

The State Transport Undertakings concerned and the persons likely to be affected by the proposed Modified Scheme may send their representations to the Principal Secretary to Government, Home Department, Chennai-600 009 within thirty days from the date of publication of this Notification in the Tamil Nadu Government Gazette. The proposal and the representations will be taken up for consideration at a hearing by the Principal Secretary to Government, Home Department, Chennai 600 009 to be held at 11 A.M. on 26.04.2010 in the Conference Hall of the Main Secretariat Building, Chennai-600 009

New comprehensive scheme 2010 to further modify the approved modified Area
Scheme 1999

1.		Approved Modified Scheme 1999	Proposed Modified Scheme 2010
	Route (starting point and terminus with important intermediate stations and route length) or portion thereof with distance.	Not applicable	Not applicable
2.	Area(specifying the municipal limits of the taluk or district limits of the area in relation to which the scheme is formulated)	The area comprising the entire revenue district concerned	The area comprising the entire State of Tamil Nadu.
3.	Whether town service or mofussil service or both	Mofussil/ Ordinary/ Express/ Jeep Stage Carriage/ passenger cum Goods Carriage/ Metropolitan City/ Town/ Mini Bus.	Mofussil/Ordinary/Express/Jeep Stage Carriage/ passenger cum Goods Carriage/ Metropolitan City/ Town/ Mini Bus Service.
4.	Maximum and minimum number of vehicles proposed to be operated in the area comprising the		

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:	entire, State of Tamil Nadu by the State Transport Undertakings to the exclusion, complete or partial or otherwise of Other persotts:- (a) Maximum Number	25,716	25,716
	(b) Minimum Number	13,183	13,183
		Mini Buses (private) Maximum 7000 Minimum	Mini Buses (private) Existing permits and permits to operate Mini bus service on the routes to be formulated' by Regional Transport Authorities under the powers conferred under clause (ca)of sub-section (3) of section 68 of the Motor Vehicle Act,1988, and delegated to the Regional Transport Authorities by the State Transport Authority under section 68 (5) of the said Act.
	(c)Type	Semi-5aloon Single-deck	Semi-saloon Single-deck
	(d) Seating capacity		
		Express Ordinary/Mofussil, Town Mini bus Passenger-cum- goods carriage	Express Ordinary/Mofussil Towp Mini bus Passenger-cum- goods carriage Metropolitan service
	Maximum	60 80 100 25 30	60 80 100 25 30 105
	Minimum	30 30 40 6	30 30 40 7 20

		<p>To the complete exclusion of other persons, other than the State Transport Undertakings of other States, the existing permits of small operators protected under the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Tamil Nadu Act 41 of 1992), the permits of stage carriage operators covered by Inter-State Agreement and the permits of mini bus operators to operate in the rural areas of the District where no stage carnage services are provided upto a route length not exceeding 20 kms. with an overlapping distance not exceeding 4 kms. on the routes where stage carriages are operating. <i>Explanation I:-</i> For the purpose of this scheme, Rural Area" means any area not included in:-(i) Chennai Metropolitan Development area notified under the law for the time being in force; 00Any Municipal Corporation; (iii) Any Municipality; and (iv) Any township constituted under any law for the time being in force. <i>Explanation II:-</i> Overlapping distance includes urban areas also.</p>	<p>To the complete exclusion of persons, other than:- (i) the State Transport Undertakings of other States; (ii) the existing permits of the small operator protected under the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Tamil Nadu Act 41 of 1992);(iii) the permits of the stage carriage operators covered by the Inter-State Agreements; (iv) the existing permits of mini buses issued under the Schemes 1997 and 1999; and (v) the permits of the mini bus operators to operate on the Mini bus routes to be formulated by Regional Transport Authorities under the powers conferred under clause (ca)of sub-section (3)of section 68 of the Motor Vehicle Act, 1988, and delegated to the Regional Transport Authorities by the State Transport Authority under section 68 (5) of the said Act, as and when necessary without any restrictions with reference to rural / urban area and as per the guidelines issued by the Government from time to time so as to provide direct bus facilities to the people of villages/hamlets/habitations that have a population of 100 or more families, so as to reach the nearest Bus Stand of nearest town/city where adequate bus services are provided to <u>VARIOUS places</u></p>
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5	Maximum and minimum number of trips proposed to be performed in the area comprising the entire State of Tamil Nadu by the State Transport Undertakings to the exclusion, complete or partial or otherwise of other persons	<p>Maximum Trips 1,75,099</p> <p>Minimum Trips 1,01,152</p> <p>To the complete exclusion of other persons, other than the State Transport Undertakings of other States, the existing permits of small operators protected under the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Tamil Nadu Act 41 of 1992), the permits of stage carriage operators covered by Inter-State Agreement and the permits of mini bus operators to operate in the rural areas of the District where no stage carriage services are provided upto a route length not exceeding 20 kms. with an overlapping distance not exceeding 4 kms. on the routes where stage carriages are operating.</p> <p><i>Explanation I:-</i> For the purpose of this scheme, "Rural Area" means any area not included in:- (i) Chennai Metropolitan Development area notified under the law for the time being in force; (ii) Any Municipal Corporation; (iii) Any Municipality; and (iv) Any township constituted under any law for the time being in force.</p> <p><i>Explanation II:-</i> Overlapping distance includes urban areas also.</p>	<p>Maximum Trips 1,75,099</p> <p>Minimum Trips 1,01,152</p> <p>To the complete exclusion of persons, other than:-(i) the State Transport Undertakings of other States;</p> <p>(ii) the existing permits of the small operators protected under the Tamil Nadu Motor Vehicles (Special Provisions) Act, 1992 (Tamil Nadu Act 41 of 1992);</p> <p>(iii) the permits of the stage carriage operators covered by the Inter-State Agreements;</p> <p>(iv) the existing permits of mini buses issued under the Schemes 1997 and 1999; and</p> <p>(v) the permits of the mini bus operators to operate on the Mini bus routes to be formulated by Regional Transport Authorities under the powers conferred under clause (ca) of sub-section (3) of section 68 of the Motor Vehicle Act, 1988, and delegated to the Regional Transport Authorities by the State Transport Authority under section 68 (5) of the said Act, 1988, as and <u>when necessary without any</u> restrictions with reference to rural / urban area and as per the guidelines issued by the Government from time to time so as to provide direct bus facilities to the people of villages/hamlets/habitations that have a population of 100 or more families, so as to reach the nearest Bus Stand of nearest town/city where adequate bus services are <u>provided to various places</u></p>
6	Number of vehicles intended to be kept in reserve to maintain the service and to operate for special occasions	One-tenth on the total number of buses calculated on the total fleet strength operating on the area	One fifth on the total number of buses calculated on the total fleet strength operating on the area

7	The arrangements proposed for the housing, maintenance and repairs of the vehicles.	Arrangements proposed for the housing of the vehicles will be made at all the depots of the State Transport Undertakings. Daily maintenance will be done at the depots of the State Transport Undertakings. Major repairs will be carried out at all depots or any outstation depots of the State <u>Transport Undertakings</u> .	Arrangements proposed for the housing of the vehicles will be made at all the depots of the State Transport Undertakings. Daily maintenance will be done at the depots of the State Transport Undertakings. Major repairs will be carried out at all depots or any outstation depots of the State Transport Undertakings
8	The arrangements proposed for the comfort and convenience of <u>passengers</u>	Stage Carriages will be provided with rubber coir, cushioned seats thereby offering comfort to the <u>travelling public</u>	Stage Carriages will be provided with rubber coir, cushioned seats thereby offering comfort to the <u>travelling public</u>
9	The arrangements proposed for the stands and halts on the route at which copies of time-tables of the services are proposed to be exhibited	Waiting sheds and shelters will be provided at all important stands, where copies of time-tables will be exhibited	Waiting sheds and shelters will be provided at all important stands, where copies of time-tables will be exhibited
10	Whether it is proposed to permit the carriage of goods in addition to the passengers	Newspaper parcels, Postal Mails etc., will be carried in addition to the passenger and their <u>luggage</u>	Newspaper parcels, Postal Mails etc., will be carried in addition to the passenger and their <u>luggage</u>
11	<u>Any other information</u>		