



### ABSTRACT

Motor Vehicles - Extension of Mini Bus Scheme - New Comprehensive Scheme for the Modification of the Approved Modified Area Scheme, 1999- Approved.

### HOME (TRANSPORT.III) DEPARTMENT

G.O. Ms. No. 136

Dated: 23.02.2011

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.
4. G.O. Ms. No. 271, Home (Tr.III) Department, dated 10.03.2010.
5. Orders of the Madurai Bench of Madras High Court in W.Ps. No. 5482/10, 5483/10 and 7259/10, dated 04.02.2011.
6. From the Transport Commissioner, Chennai Letter No. 64804/E2/2010, dated 08.02.2011

### ORDER:

Under section 102 of the Motor Vehicle Act, 1988 (Central Act 59 of 1988), the Government published a draft notification to further modify the Approved Modified Area Scheme, 1999 in the Tamil Nadu Government Gazette on the 10.03.2010 in order to draw up a comprehensive scheme of permitting private operators to operate mini buses by addressing all the administrative and legal issues. It was published in the dailies on 23.03.2010.

2. According, to rule 24 of the Tamil Nadu Government Business Rules, 1978, the power and functions of the State Government under section 100 and 102 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and the rules relating thereto shall be exercised and performed by the Secretary to Government, Home Department on behalf of the Government. The Secretary to Government, Home Department, accordingly heard the objections/representations on 26.04.2010 at 11.00 A.M.



3. The objections/representations raised/received at the hearing was considered by the Secretary to Government, Home, Prohibition and Excise Department. The major points raised during the hearing related to-

1. Legal validity of the delegation issued to Regional Transport Authorities.
2. Existing mini bus operators to be given preference in the new scheme.
3. Notification should contain total distance of the route, as also the portion of served route clearly in Kilo Meters instead of percentage.

The above major points which were raised during the hearing were examined by the Secretary to Government, Home, Prohibition and Excise Department as follows: -

I. The legal validity of the delegation conferred on the Regional Transport Authorities was challenged by one Thiru P. Mari in W.P.No. 7259/2010 etc., before the Madurai Bench of Madras High Court. The Madurai Bench of Madras High Court in its common order, in W.P. (MD) Nos. 5482, 5483 and 7259 of 2010 and M.P. (MD) Nos. 2,2 2,3 and 3 of 2010, dated 04.02.2011 has dismissed the said Writ Petitions upholding the validity of the amendment to rule 149 of the Tamil Nadu Motor Vehicle Rules, 1989. Hence, the objection raised in this regard at the hearing is also overruled. Regarding giving of preferences in new scheme to the existing mini bus operators, it will be examined separately and appropriate orders will be issued separately.

II. The objection that the notification should contain the total distance of the route as well as the portion of served route clearly in kilometers instead of percentages have been examined by the Secretary to Government, Home, Prohibition and Excise Department. Inasmuch as it has not been specified either in the Motor Vehicles Act, 1988 or in the Tamil Nadu Motor Vehicle Rules, 1989 that the maximum distance of the route or the served area should be notified, it has been decided to overrule the said objection.

4. The New Comprehensive Scheme to modify the Approved Modified Area Scheme, 1999 has been formulated as per the provisions of the Motor vehicles Act, 1988 (Central Act 59 of 1988). The objections raised and the



representations received have been duly considered. The draft modification scheme provides for an efficient, adequate, economic and properly co-ordinated road transport service and it is in the public interest. Hence, the objections are overruled. The draft modification published to the Approved Modified Area Scheme, 1999 is, accordingly, approved.

5. The appended notification will be published in the Extraordinary issue of the Tamil Nadu Government Gazette, dated 23.02.2011.

**(BY ORDER OF THE GOVERNOR)**

**K. GNANADESIKAN  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Works Manager,  
Government Central Press  
Chennai-79

The Transport Commissioner,  
Chennai-5

All Regional Transport Authority/  
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

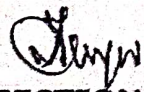

The Secretary to Government,  
Law Department, Chennai-9

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

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

Sf/Sc

**/Forwarded by Order/**

  
**SECTION OFFICER**  




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**APPENDIX.**

**NOTIFICATION.**

WHEREAS, Government of Tamil Nadu have considered that the approved modified schemes, 1999 in relation to the Districts are to be modified and a comprehensive single area scheme has to be formulated.

AND WHEREAS, the State Government, having prepared the 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, have published the same in Part-II Section -1 of the Tamil Nadu Government Gazette Extraordinary (No.68), dated the 10<sup>th</sup> March 2010 and after considering the objections thereto made through petitions and in person, the State Government hereby approve the comprehensive modified scheme under sub-section (2) of section 100 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).

NOW, THEREFORE, the comprehensive modified area scheme 2011 as so approved is hereby published, as required under sub-section (3) of section 100 of the said Act.



New comprehensive scheme 2011 to further modify the approved modified Area Schemes 1999

		New Comprehensive Scheme 2011					
1.	Route (starting point and terminus with important intermediate stations and route length) or portion thereof with distance.	Not applicable					
2.	Area	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 Service.					
4.	Maximum and minimum number of vehicles proposed to be operated 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:-						
	(a) Maximum Number	25,716					
	(b) Minimum Number	13,183					
		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 (c) of sub-section (3) of section 68 of the Motor Vehicles Act, 1938 (Central Act 59 of 1938) and delegated to the Regional Transport Authorities by the State Transport Authority under section 68 (5) of the said Act.					
	(c) Type	Semi-saloon Single-deck					
	(d) Seating capacity	Express	Ordinary/Mofussil	Town	Mini bus	Passenger-cum-goods carriage	Metropolitan service
	Maximum	60	80	100	25	30	105
	Minimum	30	30	40	7	-	20
		To the complete exclusion of persons, other than -					
		(i) the State Transport Undertakings of other States;					
		(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);					
		(iii) the permits of the stage carriage operators covered by the Inter-State Agreements;					



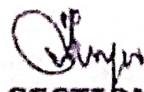
		<p>(iv) the existing permits of mini buses issued under the Schemes 1997 and 1999; and</p> <p>(v) the permits of the mini bus operators to operate on the Mini bus routes to be formulated, by Regional Transport Authorities under the powers conferred under clause (ca) of sub-section (3) of section 68 of the Motor Vehicles Act, 1988 (Central Act 59 of 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 various places. The routes should be viable and not more than 30% of the route lengths should overlap with any existing served route.</p>
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 persons, other than -</p> <p>(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 Vehicles Act, 1988, (Central Act 59 of 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 various places. The routes should be viable and not more than 30% of the route lengths should overlap with any existing served route.</p>
6.	Number of vehicles intended to be kept in reserve to maintain the service and to operate for special occasions.	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 Transport Undertakings.
8.	The arrangements proposed for the comfort and convenience of passengers.	Stage Carriages will be provided with rubber coir, cushioned seats thereby offering comfort to the travelling public.
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.
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 luggage.
11.	Any other information.	

**K. GNANADESIKAN**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

**/Forwarded by order/**

  
**SECTION OFFICER**  
