

Item No. 3: To consider the application of Mr. Dilip R. Kapadia, Bombay-7, in light of the judgement delivered by the State Transport Appellate Tribunal, Maharashtra State in appeal No. 1964 of 1992 in the matter of grant of tourist permit for "Maxi Cab" under Section 88(9) of the Motor Vehicles Act,1988.

Advocate Mr. B. S. Joshi read out the operational and important portion of the judgement delivered by the State Transport Appellate Tribunal, Maharashtra State in appeal No.1964 of 1992. He urged authority to consider the grant of tourist permit under section 88(9) of the Motor Vehicles Act,1988 for maxi cab to his client in light of the said judgement.

Advocate Mr. B. S. Joshi argued that tourist permits under Section 88(9) are to be issued liberally by the State Transport Authority, Maharashtra State in respect of maxi cab as being issued for tourist cabs and tourist buses. Though tourist permits are to be issued liberally, application of his client was rejected arbitrarily by the authority against which appeal was filed by his client. The State Transport Appellate Tribunal has set aside the order and the State Transport Authority, Maharashtra State is directed to issue permit to his client.

Advocate Mr. B. S. Joshi pointed out the definition of "motor cab" and "maxi cab" defined under Section 2(25) and 2(22) of the Motor Vehicles Act, 1988 respectively which are reproduced below.

Section 2(25) :- "motor Cab" means any motor vehicle constructed or adapted to carry not more than six passengers excluding the driver for hire or reward.

Section 2(22) :- "maxi cab" means any motor vehicle constructed or adapted to carry more than six passengers, but not more than twelve passengers, excluding the driver, for hire or reward.

He further contended that "maxi cab" is a new concept under the Motor Vehicles Act,1988 which provide for tourist permits in respect of maxi cabs vehicles having seating capacity 7 to 12 passengers. He stated that tourist permits for maxi cabs are being issued by the neighbouring states.

Advocate for applicant further contended that, since it is the power of Central Government to make rules relating to height, length and width of the maxi cab, the State Government has therefore no power to make rule under section 111 of the Motor Vehicles Act,1988. As such there is no law or the rule providing for specific height of the vehicle to be used as a maxi cab on a tourist permit. The Central Government has excluded maxi cab and motor cab from Rule 128 of the Central Motor Vehicles Rules, 1989 under which specifications are prescribed for tourist buses only.

Considering arguments referred to above, the judgement delivered by the State Transport Appellate Tribunal, provision of Section 110, 111 of the Motor Vehicles Act,1988 and rule

framed by Central Government under Rule 128 of Central Motor Vehicles Rules 1989, the State Transport Authority was of opinion that the "maxi cab" which is new concept under Motor Vehicles Act,1988 is required to be exempted from the provision of Rule 174 of Maharashtra Motor Vehicles Rules,1989 by making suitable amendment in the said rule.

State Transport Authority perused the judgement delivered by the State Transport Appellate Tribunal in appeal No.1964 of 1992 and noted its contents.

The State Transport Authority perused the letter of State Government No. MTA/0591/1832/TRA-2, dated 15.9.1992 wherein it is clarified that State Government has powers to frame rules under section 111 in respect of internal height of public service vehicle.

After careful consideration, the State Transport Authority resolved to grant a tourist permit under section 88(9) of the Motor Vehicles Act,1988 for a maxi cab as applied for to the applicant. The State Transport Authority further resolved to send copy of the judgement delivered by the State Transport Appellate Tribunal, Maharashtra State in appeal No. 1964 of 1992 to the Government of Maharashtra for making a suitable amendment in Rule 174 of Maharashtra Motor Vehicles Rules 1989, and exempt " maxi cab " in light of the judgement from the provisions of the said rule.

(Resolution No. 24/93)

(Extract of minutes of 207th meeting of STA held on 1/2/2002.)

Item No.5 :- To ratify the action taken by the Secretary, State Transport Authority, Maharashtra State in pursuance to the letter No. MVR- 0191/0262/TRA-2, dated 30.12.1991 in the matter of countersignature of temporary stage carriage permits issued to the State Transport Corporation of the other State.

The State Transport Authority noted and ratified the action taken by the Secretary, State Transport Authority, Maharashtra State in pursuance to the letter No. MVR-0191/0262/TRA-2, dated 30.12.1991 in the matter of countersignature of temporary stage carriage permits issued to the State Transport Corporations of the other States. The Chairman, S.T.A. desired that the suitable action be taken to consider the question of delegation of these powers to the Transport Commissioner.

(Resolution No. 5/2002)

Item No. 1 :- To peruse the judgement passed by the State Transport Appellate Tribunal, Maharashtra State, Mumbai in appeal No. 14/94 and 20/95 filed by P. V. Minerals and M/s Nira Kars, Maharashtra State v/s State Transport Authority and Regional Transport Authority, Mumbai (Central) respectively

The State Transport Authority took up this item for consideration and perused the judgement of the State Transport Appellate Tribunal Maharashtra State, Mumbai in appeal No. 14/94 and 20/95

The State Transport Authority noted that the applicants had applied for tourist cab permits under section 88(9) of the Motor Vehicles Act, 1988 in respect of vehicle model known as 'Tata Sierra.' The request of the applicants was rejected by this Authority on the ground that the vehicle in question has not been approved by this authority under Rule 183 of the Maharashtra Motor Vehicle Rules 1989.

Aggrieved by the decision of this Authority, the applicants filed appeal before the Honourable State Transport Appellate Tribunal, challenging the decision of this authority. The State Transport Appellate Tribunal in its judgement dated 4.4.97 has upheld the appeals and directed State Transport Authority to grant tourist vehicle permit in respect of "Tata Sierra" or any vehicle complying with Rule 47 and 124 to 127 of the Central Motor Vehicles Rules, 1989

Perusal of the judgement shows that while arriving at its decision as above, the State Transport Appellate Tribunal has considered various provisions relevant in this behalf. The State Transport Tribunal Appellate Tribunal has contended that the permits in respect of tourist vehicle are issued under Section 88(9) of Motor Vehicles Act 1988. Section 88 (11) provides that every motor vehicle in respect of which such permit is granted shall conform to such descriptions requirement regarding seating capacity, standard of comfort, amenities and other matters as Central Government may specify in this behalf.

The Central Government in exercise of these powers, under Rule, 128 of Central Motor Vehicles Rules, 1989 has prescribed specification in respect of tourist vehicle other than Motor Cab, Maxi Cab, Camper Van and House Trailers. Since the powers to specify Specification in respect of tourist vehicles is vested with the Central Government, the provision of Rule 183 of Maharashtra Motor Vehicles Rules, 1989 are not applicable for a tourist vehicle.

The Tribunal has also held that under Rule, 183 the Authority cannot give directions in respect of any vehicle, where the body is not fastened to the frame. Moreover in the present appeals, the manufacturer of "Tata Sierra" has already complied with Central Motor Vehicles Rules 123 to 127 which are related to safety devices for driver, passengers and road users. Having regard to the provisions of Rules 126, 126 A and 127 and 47 of the Central Motor Rules, 1989 the Tribunal has concluded that under the said provisions of the law it is clear that any vehicle registered or eligible to be registered as Motor Car can be

given a permit of any kind. There are extra conditions for registering the vehicles as Motor cab or tourist vehicle. In view of the same there is no question under

provisions of Motor Vehicle Act, 1988 or the Central Motor Vehicles Rules, 1989 empowering State Transport Authority or Regional Transport Authority to approve the model for tourist vehicles. The Tribunal has also observed that power of the Central Government under Section 110 will prevail upon the State Government power under Section 111 of the Motor vehicles Act, 1988.

Dr. P. G. Patankar giving his views on the judgement of the Tribunal and powers of State Government under Section 111 stated that the Rules framed thereunder do not cover taxi cabs. He, therefore, suggested that suitable modifications or amendmends should be proposed to these rules so that the safety and comfort aspect could be enforced in respect of taxi cabs too which are basically public service vehicles. This will give the State Transport Authority the necessary powers for giving effect to the provision of Rule 183 of Maharashtra Motor Vehicles Rules 1989. However, Dr. Pasricha pointed out to the Authority that though the vehicle in question is having two doors only and the State Transport Appellate Tribunal, appears to be concerned with the safety and comfort aspect of the vehicle, it is always open to the customer to choose the type of a vehicle with reference to the journey he proposes to undertake.

The field realities have to be seen in such cases. Though he concurred with the decision of the Tribunal, he too was in favour of making suitable amendmends in the law to provide safeguards and comfort of passengers. In his opinion tourist cab provisions relating to construction and equipments needed to be modified.

The Chairman observed that the judgement of the Tribunal is based on the provisions of the Act and Rules framed thereunder and as such there is no legal provision available for differring with the decision of the Tribunal. The State Transport Authority's function to look into safety and comfort of the passengers in public service vehicles can be achieved by amendmend of provision of the Act and Rules if found necessary. The Transport Commissioner was in agreement with the views regarding appropriate amendmend of the provision of law. The certifying agencies could be requested to give importance to safety and comfort standard when certifying prototype vehicles. In his opinion there did not appear to be any justification for not accepting the decision of the State Transport Appellate Tribunal. It is being within the provisions of the Act., and Rules framed thereunder.

The State Transport Authority also examined and discussed on all the provisions of the Motor Vehicles Act and Rules framed thereunder, mentioned in the Tribunal's judgement dated 4.7.97.

After careful consideration of all the facts and material before it and the opinion of all the the members, the State Transport Authority resolved to give effect to State Transport Appellate Tribunal's decision dated 4.4.97 and in pursuarance thereto decided to

(Minutes of STA's 189th meeting held on 24.7.1997).

give directions to all Regional Transport Officers to grant tourist vehicle (Motor Cab) permit to any vehicle complying with Rule 47 and Rule 124 to 127 of the Central Motor Vehicle Rules, 1989 subject to compliance of other relevant provision of the Act and Rules made thereunder. The State Transport Authority further resolved to issue tourist vehicle permit to two applicants 1) P. V. Mineral 2) M/s Nira Kars.

(Resolution No. 7/97)

Item No. 4 :- Revision of specification for Air Conditioned Coach/ Luxury Coach and Semi Luxury Coach.

The State Transport Authority resolved to approve specification for Air-Conditioned Coach and Luxury Coach and Semi Luxury Coach as per Annexure "A"

(Resolution No. 14/93).

Annexure "A"

SPECIFICATIONS OF AIR CONDITIONED COACH/LUXURY BUS

(A) **Luxury Bus** - The body of every Air Conditioned Coach luxury bus shall be constructed as per the following specifications prescribed by the State Transport Authority, Maharashtra.

Model Restriction - The vehicle should not be more than three years old from the date of initial registration and the whole vehicle should not be used as luxury coach for more than ten years from the date of initial registration of the vehicle.

(1) Principal dimensions of the body -

(a) Length - As prescribed by C.M.V.Rules (not more than 11.25 m.)

(b) Width - As prescribed by C.M.V.Rules (not more than 2.7 m)

(c) Overall height. As prescribed by per C.M.V.Rules (not more than 3.8 m)

(d) Headroom - (i) Minimum 1.75 meters under gangway except on the last row of seats. (ii) Maximum 2.3 meters under the gangway.

(e) Rear overhang - As prescribed by C.M.V. Rules (not more than 60% of wheel base.)

(2)**Structure** - (i) A rigid, sturdy and strong structural frame work using suitable material of adequate sectional area and shape shall be provided.

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

(ii) All mild steel components shall be phosphated as per the code of practice to IS: 3618 - class c and primer pointed.

(iii) Whenever two dissimilar metals come into contact with each other, the contact shall be coated with dielectric paint.

(iv) The pillars, cross members and roof sticks of the body structure should be designed in such a way that passenger luggage of 1000 Kgs. can be carried with factor of safety.

(3)Body mounting (a) The body shall be mounted on the chassis with high tensile bolts of not less than 16 mm. diameter. Rubberized packing or mounting of adequate thickness shall be used between the body structure and the chassis frame. This will not be applicable to (i) chassis with outriggers on which the body is mounted directly (ii) integral buses wherein the body is integral with the chassis. (iii) Chassis for which chassis manufacture has permitted welding of body to chassis (b) No holes shall be drilled in the chassis side members (longitudinal) except where such drilling is technically approved by the chassis manufacturers.

(4) Flooring - (I) Material used for flooring shall have sound deadening qualities. All joints shall be dust proofed by suitable packing. The surface shall be washable and shall be made anti-skid safe for passengers by providing wear strips or anti skid design embossings, where necessary. (ii) Material for flooring shall be preferably.

(a) Seasoned timber 25 mm., thick or

(b) resin bonded plywood not less than 19 mm., thick ,or

(c) black board not less than 19 mm., thick or

(d) marine grade plywood 12 mm, thick or 6 mm. thick covered with 2 mm. (14 gauge) aluminum checkered sheet.

(e) aluminum checkered sheet 3.15 mm.(10 gauge) thick throughout the passenger saloon or 2 mm (14 gauge) under the passenger seats and 3.15 mm. (10 gauge) in the central portion.

(iii) the flooring to be covered with rubber matting or other suitable carpeting material in matching colour scheme.

(5)Exterior Panelling- (i) Material - Aluminum sheet preferably of 1.2 mm.(18 gauge) thickness half hard or steel sheet of suitable thickness shall be used for external paneling. (ii) (a) Roof paneling shall be of the sheet laid longitudinally over the full length of the vehicle except for the domes and destination boxes with a view to providing minimum length joints in the

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

paneling. The joints shall be interlocked type and shall be made leak-proof by using suitable jointing compound. Roof exterior paneling shall be fixed to the structure by welding or by aluminum alloy solid rivets spaced at approximately 75 mm. pitch.

(b) Side paneling shall be so laid as to provide the joint on the structural members. At the vertical joint, the panel in the front shall overlap the panel in the rear and at the horizontal joint the upper panel shall overlap the lower panel. Solid aluminum alloy rivets or aluminum countersunk blind rivets at 100 mm., pitch approximately, shall be used for fixing the side panel to the structure. The blind rivet holes shall be sealed. CRCA steel sheets may be spot welded to the structure. The side paneling may be in aluminum alloy sheets 1.2 mm., thick or CRCA steel sheet 1 mm., thick.

(c) All panels shall be coated with anti-drumming compound and shall be reinforced by suitable stiffener between the interior and exterior panels. Whenever dissimilar metals come into contact with each other, the contact area shall be covered with dielectric paint. Aluminum panel moldings of suitable dimensions shall be used at all joints of the panels.

(d) Water gutter shall be fitted approximately at cant rail level to divert the rain water.

(e) The body shall be made completely leak-proof and dust-proof.

(6)Interior Paneling- Interior paneling shall be provided to cover the entire interior roof, sides, back and bulkhead partitions as specified below;-

(i) Material for interior paneling shall be -

(a) decorative laminates, or

(b) padded upholstery, or

(c) polished teak plywood, or

(d) plastic coated steel/aluminium sheet of proper thickness or powder coated aluminum sheet or

(e) Fiber glass window.

(ii) Where decorative laminates or teak plywood are fitted directly, the thickness shall not be less than 3 mm. Where decorative laminates, teak plywood or padded upholstery is fitted on metallic sheets, the metallic sheet shall be Aluminum 1 mm., thick (20G), grade NS-3, half hard or galvanized iron 1 mm., thick (20G) and the laminate may be 1.5mm., thick.

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

(iii) The surface of the interior paneling shall be washable. Insulation between the interior and exterior paneling shall be of suitable material like thermocole, glass fiber mattress, asbestos etc., of suitable thickness. Aluminum panel molding shall be used to cover all panel joints. Wherever riveting is adopted; the rivets shall be suitably concealed. Truss paneling of suitable strength shall be provided at appropriate locations. Precautions indicated item 5 (ii) (c) above shall be taken in case metal sheet is used for interior paneling.

(7)Doors (i) (a) passenger entrance-cum-exit shall be located as far in the front as is possible. Where the front overhang is adequate, the door shall be located ahead of the front axle. If full bulk head partition is provided, it shall be as near the bulk head as possible.

(b) Jack knife type, swinging type door may be provided. The door shall have a minimum of 600 mm., clear opening.

(c) The door frame shall be sturdy and shall be constructed as to provide easy access for repairs or replacement of hinges, door handle fitments and dove-tails etc.

(d) The door handle shall be such as can be operated from inside as also from outside.

Arrangements shall be provided for bolting the door from inside and locking it from outside. This will not be applicable for power operated doors with built-in locking arrangements.

(ii) (a) Emergency exit in the form of a door, hinged in the front shall be provided on the off side of the vehicle and shall be capable of being operated from inside and outside of vehicle. Minimum clear opening shall be 660 mm. The shape of the door will blend smoothly with the contour of the said vehicle. Provision shall be made for bolting the door from inside. Alternately, an emergency exit from the rear area at windscreen glass level may be provided, hinged at the top and having a minimum clear opening of 660 x 660mm. It should have stays to retain in open condition. In 7(ii) the word 'window' in the second para could be replaced by the word 'glass'.

Provided that where the rear window is of toughened glass at least 720 mm. wide and a small hammer or any other similar implement is provided to break the glass pane in the event of emergency, a separate emergency exit shall not be necessary.

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

(b) The emergency exit shall be prominently identified in the red letters “ emergency exit “ from the inside.

(iii) Except where the emergency door is provided ahead of the front axle, a separate door with a suitable sliding window shall be provided for the driver near driver's seat as specified below :-

(a) If the entrance door is of the hinged type, it shall blend with the contour of the vehicles and the hinges shall be located in the front. If it is the sliding type, the fitment shall be such as to provide smooth movement of the door on the rails, with minimum rattle when plying on rough road surface.

(b) clear opening for the driver's door shall be not less 560 mm.

(iv) where full bulk head is provided in the vehicle, it shall have communicating door with a clear opening of 510 mm. And shall have arrangements for bolting or locking from passenger compartment.

(v) All doors shall be rattle proof and dust proof.

(vi) Door handles on the exterior shall be sunken type so as not to protrude outside the side paneling. Door locks for hinged doors shall be spring loaded, slim type with two stage strike plate.

(8) Windscreen:- (i) At the right - hand and left - hand corner of a bus the blind area between the shield glass and the side window glass should be restricted to 150-200 mm. Excessive blind area in this location would be detrimental to the driver's vision and control of the vehicle at street corners.

If the windscreen been lowered sufficiently with a view to improving the 'viewing area', the width of the central vertical joint can be 105 mm. maximum.

(ii) Rear glass shall be of laminated safety or toughened safety glass of approximately 5.5 mm. thickness. It shall be match with the windows provided on the vehicle. Sliding curtains shall be provided on the rear glass.

(9) Windows - Windows shall be provided as specified hereunder :-

(i) Nominal pillar spacing for the standard bay shall be not less than 1.130 meters for the purpose of fixing windows in between them

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

(ii) The window frame shall be of aluminum extruded section in natural finish or anodized or match the colour of the vehicle and shall be perimeter mounted with rubber glazing in a pan of sturdy construction. Alternately, the window frame may be screwed directly on the structure.

(iii) The windows shall be double sliding type, with laminated safety or toughened safety glass, 4.8 mm., thick or of acrylic sheets of good quality 4.8 mm., thick minimum, running smoothly in channels of terylene felt, without rattle.

(iv) Handles or knobs shall be provided for movement of the glasses of the windows. Locking arrangements shall also be provided in the windows from the passenger compartment.

(v) All laminated safety or toughened safety glasses used for the windows shall conform to IS 2553.

(vi) All windows shall be provided with sliding curtains in the absence of tinted glass. The tinted glass, if used, shall conform to the specifications in para (v) above.

(10) **Ventilation-** (i) Adequate arrangement for ventilation shall be provided for the passenger compartment when the vehicle is in motion with the windows closed. This is not applicable to air conditioned coach.

(ii) Driver leg - room ventilation shall be provided by an adjustable opening of size 250 Sq., cm. approximately similarly, adjustable opening of approximately 250sq.,cm., shall be provided for driver's head - room ventilation. This is not applicable if driver's compartment is also air-conditioned in an air -conditioned coach.

(iii) All ventilators and windows shall be such that when closed, they will not permit ingress of rain water or dust in the passenger compartment.

(11) **Luggage Arrangements-** (i) The luggage carrier of proper design and size should be provided on the roof with a suitable climb up ladder in the rear. Alternately, luggage compartment should be provided under the floor of the bus on both sides or in the rear with appropriate locking arrangements. The doors of luggage compartment should be of adequate size and be rattle proof, dust proof and water proof.

(ii) Two light luggage racks, on strong brackets, shall be provided inside the passenger compartment, running along the sides of the vehicle. Except where nylon netting is used, the underside of the rack shall have padded upholstery to protect the passengers from the accidental hit similarly the general design and fitment of the rack shall avoid sharp corners, edges etc. so as to avoid hazards to the passengers.

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

(12)**Front grill and Bumper-** Front grill and bumper shall be such as to provide an elegant front elevation.

(13)**Painting and Finishing-** The vehicle shall be painted in 'NITRO CELLULCSE' or 'SYNTHETIC ENAMEL' or other suitable paints of any colours scheme. The recommendations of paint manufacturers in respect of surface preparation, process of painting, drying, rubbing down etc., shall be carefully followed.

(14)**Seats and seating Arrangements-** (i) Seating lay out shall be two and two on

either side , with a gangway of at least'350 mm., width at the centre. Each passenger shall have an area of 430. 430 mm., minimum for the seat and an arm rest 38mm.wide at least on one side. The seat back shall be of full height.

(ii) The seat frames shall be sturdy, properly finished and so mounted as to transfer the weight directly to the structural members of the frame work. The seats shall be reclining type, preferably adjustable.

(iii) Material recommended for seat cushion and back rest if Latex Foam rubber-Grade D and E of IS:1741. The seat cushion shall be tapering with 150mm., height in the front and 100mm in the rear. The seat back shall be 50mm thick in Latex foam Grade D and E IS 1741. Both the seat and the back shall be covered with 'Foam Rexene' or Tapestry cloth' of appropriate colour and design to enhance the appearance. The seat frame, the cushions, the back and upholstery shall add up to provide adequate comfort for passengers.

(iv) The seats shall be spaced and fixed in such a way as to provide at least 280mm Leg room from the front of the rear seat to the back of the front seat. All the seats shall be facing toward the front.

(v) The seat for the driver shall be 457mm 457 mm properly upholstered and suitably shaped both for the seat and the back, to avoid fatigue, provide comfort and have easy access to the controls. This seat shall be adjustable fore and of as well as up and down by 100mm each way.

(vi) The seat for the conductor/attendent, if provided shall be on the left of the driver. It shall be so located as to provide easy access to the controls of Radio and Public Address System; Conductor's seat should not obstruct the driver's vision on the near side.

(vii) The driver's seat should be properly separated from the rear, so that, he may not be disturbed by passengers seating behind him.

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

(15)**Lighting** - (i) (a) Passenger compartment shall be adequately illuminated by either at least three tube lights each of 600 mm. in length and located at such places so as to provide uniform level of illumination in the entire compartment or by at least eight electric bulbs each of 15-20 watts, uniformly spaced in the compartment. The light mountings shall be such that bare light is not visible to the seated passenger, so that glare is reduced. These lights shall be controlled by switches located near the driver's/attendant's seat.

(b) All arrangement shall be provided to eliminate reflection of the light from the passenger compartment on the wind-screen which distracts the driver.

(c) i) In addition to the lights in passenger compartment at least two night lights with coloured domes, fitted with 15-20 watts electric bulbs each, shall be provided in passenger saloon.

ii) Front and rear destination boxes or boards if provided, shall be illuminated by the bulbs of 15-20 watts each, fitted in a concealed location and not directly visible from the front of the vehicle.

(iii) One independently operated light fitting shall be provided for illumination of the driver's/ attendant's seat area.

(iv) A light fitting shall be provided for illuminating the steps at the passenger entrance door.

(v) Wiring in the passenger compartment shall be with low tension cable conforming to IS: 2465 of size commensurate with the estimated current rating. The wires shall be carried in PVC sleeving or conduit or casing of adequate size. When any wire passes through a hole in a panel or sheet or metallic components, a rubber grommet of adequate size shall be provided for protection of the insulation.

(16)**Fitting and Accessories-** The vehicle shall be equipped with the following namely:-

(i) Suitable decorative molding on the exterior panel to reduce the drumming as also the enhance the appearance. Where the panels are soft welded, this fitment is optional.

(ii) **Convex rear view mirrors, one on each side, universally adjustable and of adequate dimensions.**

(iii) Good quality first-aid Box with glazed front of dimensions suitable to accommodate the specified items and located conveniently for the attendant.

(iv) Fire Extinguisher dry powder type, conforming to I. S. 2171 located near the driver's seat.

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

- (v) Insulation on interior or exterior of the engine bonnet for reducing the noise and heat from the engine. Recommended insulation is impregnated glass wool blanket with compressed thickness of 12 mm.
- (vi) Provision for locating vehicle tools securely, without rattling.
- (vii) Heavy duty windscreen wiper system, electrically operated or pneumatically operated.
- (viii) Adjustable sun visors of adequate size for the driver and for the attendant.
- (ix) Electrically operated side indicator/blinkers, stop lights and parking lights.
- (x) Suitable illumination for the registration number plate at the rear.
- (xi) Preferably Dual head lamps.
- (xii) Electric horn of superior quality.
 - (xiii) Electric Fans, 8" sweep properly secured with non-metallic blades without protruding point and adjustable, at least eight in numbers suitably spaced in the passenger compartment and controlled by switches located near the seat of driver/ attendant.
 - (xiv) Electric bell/buzzer located near the seat of driver/ attendant and operated by at least four push button controls placed at suitable location in the passenger compartment.
 - (xv) Ashtrays near passenger seats of a design convenient for cleaning them at intermediate stops of the vehicle. (This provision is optional).
- (xvi) Rack for magazines and other reading material.
- (xvii) Back pockets and numerical for each seat. (Provision is optional for pockets)
 - (xviii) Radio and public address system with at least four speakers suitably located in the passengers compartment. (This provision is optional).
- (xix) Documents frame, located near the seat of driver, for carrying vehicle documents, tax token, licence permit etc.
- (xx) Mud flaps/ covers for front and rear wheels.
 - (xxi) Suitable mounting arrangements either in the rear or on the side to mount the A/C unit to be made.
 - (xxii) Above A/C engine compartment, sound insulating materials to be provided so that the noise of the engine is reduced.
 - (xxiii) Vibration mounting for the engine to be provided to minimize vibratory factors in the saloon compartment.

SPECIFICATIONS FOR SEMI- LUXURY BUS

(B)Semi - Luxury Bus :- All other specifications of Luxury Bus shall be applicable except the following:-

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

Para14 :- To be revised as under:-

14:- Seats and seating arrangements:

(i) The seating arrangements shall be 2 and 3 on either side facing toward front of the vehicle (except rear seat which may be full) with a gangway of at least 350 mm in width. Each passenger shall have area of not less than 380 mm. x 380 mm. for the seat and back shall be of full height.

(ii) The seat frames shall be sturdy and properly finished and so mounted as to transfer the weight directly to the structural members of the frame work. The seats shall be of reclining type.

(iii) The material recommended for seat cushion and back rest is latex foam rubber or 'U' foam conforming to I.S.I. Specifications, if any, prescribed for the material. The seat back shall be of suitable thickness in latex form or 'U' foam. Both the seats and the back shall be covered with Rexene of superior quality of appropriate colour so as to give a pleasant internal appearance to the bus, and comfortable seating to the passengers.

(iv) The seats shall be placed and fixed in such a way that there shall be at least 280 mm. Leg room from the front of the rear seat to the back of the front seat.

All seats shall be facing forward.

(v) same as Luxury Bus. (Driver's seat)

(vi) same as Luxury Bus. (Conductor's seat)

(vii) same as Luxury Bus (Driver's seat)

Para (16) (viii) :-provision of Fans is not compulsory in the bus.

(Minutes of 175th S.T.A's meeting held on 16.4.1993).

(Minutes of 186th meeting of STA held on 21.06.1996).

Item No. 9 :- Restriction on parking of private buses near Maharashtra State Road Transport Corporation Stand.

the place where the State Transport Undertaking vehicles operate for the purpose of picking up and setting down the passengers.

(Resolution No. 25/96.)

(Minutes of 208th meeting of STA held on 25/2/2002).

Item No. 2 :- To consider the question of amending the State Transport Authority's Resolution No. 25/96 regarding restriction of parking of the private buses near Maharashtra State Road Transport Corporation's Stand.

The State Transport Authority perused the agenda note on the issue. The S.T.A., referred to the last agenda note of its 186th meeting and observed that there was an ambiguity in its resolution with reference to the agenda note. Having regards to the last agenda note, the S.T.A., hereby clarifies that the restrictions regarding parking imposed vide its Resolution No. 25/96 will not be applicable to metered auto rickshaws and metered taxis.

(Resolution No. 13/2002).

(Minutes of 194th meeting of STA held on 27.08.1999).

Item No. 2 :- To consider the question of rescinding the State Transport Authority's Resolution No. 8/99 regarding delegation its powers to Transport Commissioner, Jt. Transport Commissioner and Dy. Transport Commissioner, to grant , refuse or renew a Tourist Cab and Tourist Bus Permit, being issued under section 88(9) of the Motor Vehicles Act,1989, to Regional Transport Officer.

The State Transport Authority perused the Agenda note on the item and noted the reasons for redelegation of the authority in partial modification of its earlier Resolution No. 8/99. The Transport Commissioner & other members expressed their views with regard to the existing situation, our experience in the past and the need for better control over the prevailing practices . After considerable discussion on the subject and careful consideration of the pros and cons of the proposal, The State Transport Authority resolved to redelegate its powers to grant ,refuse or renew a Tourist Cab and Tourist Bus Permit, under section 88(9) of the Motor Vehicles Act,1989, to Regional Transport Officers subject to the condition that in so far as the grant of permits to the Tourist Buses are concerned , the same shall not be granted by the concerned Regional Transport Officer with out prior approval the Transport Commissioner. Regional Transport Officer shall submit his final proposal soon after the inspection of the vehicle to the Transport Commissioner, and the Transport Commissioner shall indicate his approval or otherwise to the proposal at the earliest but not later than 30 days of the date of inspection of the vehicle by the Regional Transport Officer. In case the Transport Commissioner is unable to convey his decision with in a period of 30 days of the date of inspection of the vehicle, it shall be assumed that he has no objection to the proposal of the Regional Transport Officer and further action will be taken by the Regional Transport Officer accordingly.

(Resolution No 28/99)

Item No. 9 :- To consider approval of fire extinguishers with Halon 1211 (BCF) for use in Public Service Vehicles.

The State Transport Authority took this item for resolution No. 9/90, the report of Shri. P. K. Ghosh had been received and in his opinion Halon 1211 (BCF) is an effective fire fighting equipment. The Chief Controller of Explosives has also approved the cylinder of 1:25 kgs. capacity, with ISI No. 11108 for the purpose.

Having regards to the opinion of expert the State Transport Authority resolved to approve the use of fire fighting extinguisher of the minimum capacity of 1.25 kgs., having ISI mark No. 11108, using Halon (BCF) as fire fighting agent in Public Service Vehicles in the State of Maharashtra, under rule 188 of the Maharashtra Motor Vehicles Rules, 1989.

The State Transport Authority also directed the Secretary, State Transport Authority to evaluate the existing fire extinguishers in use in the Public Service Vehicles alongwith the new products now available in the market and submit his report. One of the fire extinguishers should be made mandatory in a Public Service Vehicle if, it has not already been done under the rules.

(Resolution No. 36/1990)

(Minutes of STA's meeting held on 01.04.1982).

Item No. 11 : Consideration of fixation of life span for state carriage buses operated by private operators.

The State Transport Authority observed that operation of stage carriages and contract carriages (buses) has been nationalised under a scheme framed under Chapter IV A of the Motor Vehicles Act, 1939 and as a result of which the Maharashtra State Road Transport Corporation holds a monopoly under the scheme approved by the State Government. The scheme however, provides for certain exceptions. According to the policy followed by the Maharashtra State Road Transport Corporation in this behalf they operate buses for a period of 10 years and then they are considered for scrapping. During this life span the vehicle normally covers 6.50 to 7.00 lakh k. m. After careful consideration of the issue, the State Transport Authority decided that the life span of the stage carriages (buses) may be restricted to 10 years from the date of its initial registration as a brand new vehicle or after completion of a total kilometrage of 7 lakhs whichever is earlier.

(Resolution No. 97/1982)

Item No. 23 :- Consideration of the application received from M/s. Ghatge Patil Transport Pvt. Ltd. Kolhapur for grant of Substantive Stage Carriage Permit for operation of one return trip daily on the route Kolhapur Bombay via Ichalkaranji - Jaisingpur, Sanali Karad, Satara, Pune Bombay and back for operation by Air - Conditioned buses.

Shri. C. K. Jaisinghani Advocate appeared on behalf of the applicants and Shri. S. A. Hegde, Advocate represented the Maharashtra State Road Transport Corporation.

Shri. C. K. Jaisinghani making submissions on behalf of M/s. Ghatge Patil Transport Pvt. Ltd. Kolhapur submitted that the Co. was already operating contract carriage services by Air Conditioned buses on this route. Their experience had shown that there was sufficient need to start Stage Carriage services to cater to the needs of the travelling public. In support thereof he submitted a statement for the last 15 months indicating the Nos. of passengers carried by his clients. He further added that times have changed with lot of developments taking place all round, it was necessary that a change for the better is also brought about in the transportation of passengers by road by providing them a better mode of transport viz. by Air Conditioned buses. He was of the opinion that it was a long felt need. As no representations had been received against the application following the publication of the application under section 57 of the Motor Vehicles Act, 1939 his clients may be considered for grant of the permit.

Shri. S. A. Hegde, arguing on behalf of the Maharashtra State Road Transport Corporation raised a preliminary to the application. He stated that the application is net tenable since the provisions of section 47 (3) have not been followed by the authority. Shri. Hegde further stated that the authority has to first decide the number of permits and trips to be granted on a particular route and thereafter entertain the applications under section 47(4) and grant permits under section 48 after following the procedure under section 7 (3). In support of his submission he relied on the Judgements reported in A. I. R. 1969 S. C. page 1130 and A. I. R. 1970 S. C. page 1542. Under the circumstances he stated that the Maharashtra State Road Transport Corporation strongly objects to the consideration of the application without compliance of the provisions of Section 47 (3) of the Act.

Given an option to be granted the permit, instead of the applicants, Shri. Hegde stated that he could not accept the offer at this stage as he was not advised accordingly by the Corporation. He was also not in a position to assure the authority if the Corporation was intending to start Stage Carriage Services by Air - Conditioned buses on this route in the near or far future. Nevertheless the Corporation objected to the consideration of the application. Shri. C. K. Jaisinghani, on the other hand had no objection if the Corporation still filed its application within a certain reasonable period say 1 to 2 weeks and the authority considered both the applications on merit and granted the permit to the suitable applicant. In the matter of raising objection to the consideration of the application by Maharashtra State Road Transport Corporation, Shri. Jaisinghani stated that as the Corporation had not filed its objections pursuant to the publication of the application nor applied for the permit, the Corporation has no locus

standi in the matter. To substantiate his say the filed a copy of the State Transport Appellate Tribunal's decision in Appeal No. 27/67.

The State Transport Authority perused the agenda note on the item. It observed that M/s. Ghatge Patil Transport Pvt. Ltd. Kolhapur have made an application on permit on 14.02.83 under Section 46, for grant a Stage Carriage permit for operation of services on the route Kolhapur - Bombay to be operated by Air - Conditioned buses. The applicants also intend to carry goods such as News papers, Weeklies, Magazines and seasonal fruits in addition to carriage of passengers. The applicants have also desired to utilise their buses as contract carriages for "Karveer Darshan" tours during the season. In order to assess the need of such service the views of the Regional Transport Officer, Kolhapur were sought vide letter dated 11.04.83 to which the Regional Transport Officer, Kolhapur replied on 23.05.83 reporting that there was a demand for direct services on Kolhapur route as the existing Stage Carriage Services are inadequate. In the meanwhile the Maharashtra State Road Transport Corporation vide their letter dated 19.04.83 requested to be given an opportunity of being heard at the time of consideration of the application,. The Superintendent of Police, State Traffic Branch, Pune has also issued No Objection Certificate on 28.03.84. After completion of the above formalities the application of M/s. Ghatge Patil Transport Pvt. Ltd., has been published as per the provisions of Sub - Section 57 of the Act. The last date for receipt of the representations for or against was 19.05.84. No representations have been received. The State Transport Authority then perused the Supreme Court judgement quoted above. The Supreme Court in its judgement reported in AIR 1969 S. C. page 1130 in dealing with the Scope of Section 47 (3) have in paras 5, 7 & 8 observed as follows:

Para - 5 Sub Section (3) of Section 47 of the Act if read by itself does not throw any light on the controversy before us but if Section 47 and 57 of the Act are read together it appears to us to be clear that the view taken by the Appellate Tribunal and the High Court is correct view. If contrary view is taken it will throw open the door for manipulations and nepotism. There may be possibility of the personality of the applicant influencing the decision of the Regional Transport Authority on the question of need for a Stage Carriage Permit in the route and thereby public interest which should be the main consideration under Section 47 (3) may suffer. If we accept the view taken by the Regional Transport Authority as correct, an operator who happens to apply for the route first will be in a commanding position. The Regional Transport Authority will have no opportunity to choose between competing operators and hence public interest might suffer.

Para - 7 We are unable to accept this contention that sub - section merely permits representations to be made in respect of the applications published. It is difficult to accept the contention that the word " representations" in section 57 (3) includes applications for the route. That apart if we accept Mr. Narasaraju's contention then the whole thing will become unworkable. If at the time of making his representation an operator can also make an application for a Stage Carriage Permit for that route, that application again will have to be published under Section 57 (3) and objections called for. Extending the logic Mr. Narasaraju's argument as we ought to, at the time

of making representations to those applications, further applications can be made. This may turn out to be an unending chain.

Para - 8 On an examination of the relevant provisions of the act and the purpose behind sections 47 and 57 we are convinced that before granting a stage carriage permit to independent steps have to be taken. Firstly there should be a determination by the Regional Transport Authority under section 47 (3), of the no. of stage carriages for which stage carriage permit may be granted in that route. Thereafter applications for stage carriage permit in that route should be entertained. The Regional Transport Authority is not competent to grant stage carriage permits for more carriages than fixed under section 47 (3).

The decisions reported in AIR 1970, S. C. 1542 accords with the above views, though it is in connection with the grant of stage carriage permits on inter - state routes. Section 47 (1) stipulates the matters that have to be taken into consideration by the Regional Transport Authority in considering applications for stage carriages and by sub - section 3 to section 47 the Regional Transport authority having regard to the matters mentioned in section 47 (1) may limit the stage carriages generally or otherwise. Therefore the question of fixation of the limit of stage carriages to be granted on a particular route or area does not prohibit the Regional Transport Authority from considering applications provisions of Section 57 (3).

The Supreme Court was correct in arriving at its decisions in the case mentioned above having regard to the facts of the case which warranted the regional Transport Authority to fix the limit of the no. of Stage Carriages to be granted permits so that the situations contemplated therein would not arise. That is preventive measurements to be taken by the Regional Transport Authority. What happens where the situations as contemplated by the Supreme Court did not arise? In such cases the non compliance of the provisions of Section 47 (3) do not appear to restrict the Regional Transport Authority in proceeding to consider the applications under proceeding to consider the applications under Section 48 (1) of the Motor Vehicles Act, 1939.

In the present case, the applications have been made under Section 46 and keeping in view the matters mentioned in Section 47 (1) the applications have been received except that of Maharashtra State Road Transport Corporation which was received earlier to its publications. The objection of the Maharashtra State Road Transport Corporation are only apprehensions of a likely misuse by such issue of permit and therefore frivolous. Moreover Stage Carriage Services by Air - Conditioned buses is outside the scheme under Chapter IV - A prepared by the Corporation.

Having regard to the fact that neither any objections have come before the authority nor any applications have been filed, the situations contemplated by the Supreme Court in Judgement quoted above and the Maharashtra State Road Transport Corporation's reluctance to come forward to apply for a permit or any concrete proposal, the Authority is free to consider the application without having gone into the question of first fixing the limit of the no. of Stage Carriage permits to be issued as the possibility of the first applicant getting an upper hand is existent here nor is public interest likely to suffer. The services being for a particular class of passengers and not at large. The State Transport Authority was therefore inclined to

disagree with the oral objections raised by Shri. S. A. Hegde, Advocate on behalf of the Maharashtra State Road Transport Corporation and consider the application filed by M/s. Ghatge Patil Transport Pvt. Ltd. Kolhapur.

After careful considering all the facts and material before the authority, the authority resolved to grant a Sub. Stage Carriage permit for operation by Air - Conditioned buses, to operate 1 Return trip daily on the route Kolhapur - Bombay via Ichalkaranji, Jaysingpur, Sangli, Karad, Satara, Pune and back on the conditions prescribed in the Motor Vehicles Act, 1939 and Rules made thereunder and additional conditions herein prescribed.

- (1) The permit shall be valid for a period of 3 years from the date of issue.
- (2) The vehicles as per prescribed specifications to be covered by the permit should be produced within 90 days from the date of receipt of the decision of the State Transport Authority.
- (3) The proposed goods to be carried should be carried in separate luggage compartments to be so provided for carriage of goods.
- (4) The proposed goods to be carried shall at no time be carried in the inside of the passengers' compartment even if the passenger seats are vacant.
- (5) The air conditioning unit shall always be in effective working condition.

The State Transport Authority also decided to reject the requests of the applicants to allow the use of the vehicles as Contract Carriage for tours during the season since the vehicles cannot possibly be free for such use.

(Resolution No. 99/84).
