

**The Right to Information Act 2005**  
**Application for obtaining information**

**From**

Sumana Narayanan  
9/5,  
2nd Street Padmanabha Nagar,  
Adyar Chennai - 600020  
[REDACTED]

**To**

The State Public Information Officer  
Karnataka Transport Department,  
5th floor, M. S. Building,  
Dr. B. R. Ambedkar Veedhi,  
Bangalore - 560 001

**SUB : Whether the Government of Karnataka has shared its comments on the Road Transport and Safety Bill with the Ministry of Road Transport.**

Dear Public Information Officer:

Under the Right to Information Act 2005, Section 6, I need some information. The details of the information are as follows

**1. Details of the applicant**

Name : Sumana Narayanan  
[REDACTED]

Address : 9/5,  
2nd Street Padmanabha Nagar,  
Adyar Chennai - 600020

**2. Period to which the information relates: Latest**

**3. Details of Information**

Please provide me the following information:

Inform me whether the Government of Karnataka has shared its comments on the Road Transport and Safety Bill with the Ministry of Road Transport. A copy of the same.

#### **4. Application fee details**

Encl. Application Fee of Rs 10/- by IPO No.32F-929346 Pay To: State Public Information officer

#### **5. Below Items are for your kind information and consideration**

a. As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority, I request the PIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.

b. As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.

c. As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, I request the PIO to inform me of the particulars of First Appellate Authority.

#### **6. Declaration**

I declare that I am a citizen of India/PIO or OCI Card Holder.

Yours faithfully,

*Sumana*

Friday, February 12th 2016

18 MAR 2016

R.P.A.D

**GOVERNMENT OF KARNATAKA**

No. TD 70 SA.E.PA 2016

Karnataka Government Secretariat,  
M.S. Building,  
Bangalore, Dated: 14.03.2016.

**From:**

The Principal Secretary to Government  
Transport Department,  
M.S. Building,  
Bangalore-560 001.

**To:**

Smt. Sumana Narayanan,  
9/5, 2<sup>nd</sup> Street,  
Padmanabha Nagar,  
Adyar Chennai-600020

**Respected Madam,**

**Sub: Providing information under Right to Information Act 2005.**

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With reference to the above subject, I am hereby enclosing the documents,  
which is available in our office under Right to Information Act 2005.

Yours faithfully,



(S. Nagaraju)  
Desk Officer  
Transport Department.



THE SUGGESTIONS/OBJECTIONS TO THE PROPOSED ROAD TRANSPORT AND SAFETY BILL -2015 OF KARNATAKA STATE.

Preamble:-

Road Transport and Safety Bill 2015(Final draft) has been forwarded by the Government of India Ministry of Road Transport and Highways vide letter No: RT-11012/02 2014 MVL dated 4<sup>th</sup> June 2015 for sending comments/suggestion on the proposed bill.

: The final draft is studied in detail. In this regard it is to be stated here that Motor Vehicle Act is the only instrument to regulate road transport in the country.

The Act enacted in 1939 and was replaced by Motor Vehicles Act 1988 which came in to force from 01.07.1989 has duly taken into consideration that transport is a public utility and in its development the state has to devise and enforce regulation in the interest of equity, safety, viability and environment. To bring it in conformity with economic priority it is done through controls over fare, quality of service and taxes. To ensure safety and reliability through promotion of discipline and technology, physical and infrastructural regulations have been enacted. In other words what is sought to be achieved by the proposed bill, majority of them have already been addressed in the existing motor vehicles act 1988. The aims and objectives of this Act makes it still more clear.

The Motor Vehicle Act enacted in 1939 and was replaced by Motor Vehicles Act 1988 which came in to force from 01.07.1989. A plain reading of the proposed bill shows that there are very few new provisions in the proposed bill .

✓ **Out of 227 sections in the proposed bill, 120 sections are repetition of the existing Motor Vehicle Act 1988, 90 sections relate to appointment, service condition, pay and allowances perquisites of the proposed National Authority, National Transport Authority, State Transport Authority, National Transport and Multi Modal Co-ordination Authority, National Highway Traffic Regulation and Protection Service. There are only 17 sections newly added**



**The Composition of the above authorities are as follows:-**

**1. National Authority to be known as The National Road Safety and Traffic Regulation Authority. (Section-3)**

(The Chair person and not less than three members but not exceeding seven members to be appointed by the Central Government)

**2. State Transport Authority to be known as The State Road & Traffic Regulation Authority. (Section-16)**

(The Chair person and two members to be appointed by the State Government)

**3. National Transport and Multi Modal Co-ordination Authority. (Section-80)**

(The Central Government shall within a period of Six Months issue a Notification to establish)

**4. National Highway Traffic Regulation and Protection Service. (Section-160)**

(This service shall be newly constituted by the State Government)

**The creation of the above authorities is a burden on the Central/State exchequer.**

The main proposal is to bring in corporate body in place of the State Government Transport department and to take away the power of levy of tax on motor vehicles by the State Governments which is in the state list of the constitution and to keep the future of transport department officers, officials and infrastructure in suspense and to take away the special provisions relating to State Transport undertakings and licensing of conductors of stage carriages.

It is not known how mere establishment of corporate bodies in place of State Government departments will bring in transparency, efficiency and corruption free service. It is responsiveness and responsibility that matters and not who does the job.



## State Transport Undertakings

The proposed bill does not have any provisions regarding the State Transport Undertakings. The STUs which are created under the Road Transport Corporations Act have a special place in the Transport Sector, particularly, in Karnataka. Significant investments have been made by the STUs and play a major role in meeting the social objectives of the State. Therefore, **special provisions to safeguard the STUs should be made in the proposed bill.** The Interstate permits issued on the basis of Interstate Reciprocal Agreements entered between different States should be saved till the date of modification of permits, as a special privilege to STUs.

No provision is made for internal insurance fund for Governments, Local Authorities and STUs. Given the very large fleet of STUs, the cost of premium is very high. Therefore, it is economically viable to have internal insurance fund as provided under section 145 of the Motor Vehicles Act, 1988.

### Chapter wise comments/suggestions are as follows::

#### **Chapter I: Preliminary**

**Section 2 Definitions:-** Registering authority is not defined under Section 2 of the proposed bill. The competent registering authority is required for unified registration of Motor vehicles and to regulate the provisions therein.

It is proposed under sub Section (25) of Section 2 that the Licensing Authority means an Authority empowered by the National Authority to issue Licenses under this Act.

Further Sub Section (1) of Section 3 empowers the Central Government to establish a National Authority within a period of six months from the date of commencement of the new Act. **The procedure to be adopted and the authority to grant or renew license during the transitional period is not made clearly. Therefore it is very much essential to clearly specify the authority and the procedure to be followed in this regard.**



In Definition clause "**Local passengers transport permit**" or "local goods transport permit" [mentioned in Sec 111 (1)] of bill has not been defined. Same shall have to be inserted.

An additional provision shall be made for issue of **Temporary Passenger Transport Permit** and a Temporary goods Transport permit by NTA & STA, **Special passenger Transport Permit** and a Special goods Transport permit and **additional operation of services by STU's on special occasions.**

Nature of carriage like Stage carriage, Contract carriage and Tourist Permits needs to be defined.

### **Chapter V: Unified Driver Licensing System**

Under the proposed sub section (1) of Section 43, the National Authority is required to develop and implement the road map for the unified driving licensing system within one year from the date of commencement of the Act. In this regard it is very much essential to clearly specify the procedure to be adopted during the transitional period.

Proposal under sub Section (4) of Section 42 makes it mandatory for conducting test of competence to drive in automatic driving test tracks which has been developed by an establishment registered with National Authority under Section 44.

**The proposed bill does not specify the procedure to be followed to conduct test of competence in places where sufficient automatic driving test tracks are not available and also the period allowed to establish such tracks.**

### **Chapter VI: Unified Vehicle Registration System**

Under the proposed Sub Section (1) of Section 57 it allows the National Authority to develop and implement the unified vehicle registration system for all motor vehicles within 3 years from the date of commencement of this Act. **The Act is silent regarding the procedure to be adopted for registration of motor vehicles during this transition period of three years. A provision in this regard is**



**absolutely essential as registration of motor vehicles cannot be stopped till such time the system is developed.**

The provision in the proposed Section 67 gives the inference that based on the particulars certified by the dealer all new vehicles which is type approved and manufactured in India need not be produced before the registering authority for new registration or renewal except transport vehicles. This provision may be accepted in respect of new vehicle registration where as **it is not appropriate to renew the registration in the absence of the vehicle being inspected physically.**

Under sub section of (2) section 57 the National Authority is proposed to ensure distribution of revenue to the states and the local authorities in a seamless manner and to protect against the revenue leakage. Sub section (1) of Section 58 details the principles proposed for imposition of taxes on motor vehicles.

Entry 57 of List II (State list) of the constitution empowers the states to levy taxes on vehicles whether mechanically propelled or not, suitable for use on roads.

Entry 35 of List III provides in the concurrent list empowering both the Central and State Government to determine the principle, on which taxes are levied on mechanically propelled vehicles.

Under these powers the State Government have enacted Motor vehicle Taxation Acts. In the interest of revenue of the states, instead of adopting cumbersome procedure proposed for collection and distribution of taxes to the states by the National Authority, **the power to levy tax on all motor vehicles shall be retained with the State Government.** In fact Government of Karnataka is going to implement shortly the levy and collection of Tax by Electronic Mode. [Section 58 (1) and 117(1)]

It is proposed in Sub section (2) of Section 76 a motor vehicle shall not be deemed to be validly registered unless it carries a Certificate of Fitness. **This implies that all Motor Vehicles including motor cycles, and motor cars require certificate of fitness. The state feels that there appears to be no need for periodical inspection of non transport vehicles for issue of certificate of fitness.** Hardly there are any cases of accident due to mechanical defect of non transport vehicles.



Therefore it is suggested to issue certificate of fitness for non transport vehicles once in 7 Years or more at the time of renewal of registration.

### Chapter VIII: Passenger and Goods Transportation

It is proposed in sub-Section (1) of section 111 the National Authority shall grant a National passenger Transport Permit and National Goods Transport Permit and the State Transport Authority shall grant a State Passenger Transport Permit and State Goods Transport Permit or a local passenger or local goods transport permit.

The proposal is silent about the procedure to be adopted for grant of permits which need to be highlighted.

The proposed bill does not specify about the grant of interstate permits between two states, since all the passenger transport vehicle operators will not prefer to operate vehicles throughout India. **Therefore it is more appropriate to retain the procedure of entering into reciprocal interstate agreements based on the need and demand between the states and grant permits, so that regulation and management can be effectively monitored by the stat**

### Chapter XII: National Highway Traffic Regulations and Protection Service:-

Under this chapter it is proposed to have a separate protection service for National Highway Traffic Regulation. The state feels that such establishment is neither essential nor desired. At present this regulation is efficiently managed by the state Police Department and Transport Department. The District Police entrusted with the work of traffic regulations and protection on Highways in their jurisdiction. The Inspectors of Motor Vehicles and other superior officers of the transport department are entrusted with the work of enforcing of motor vehicles Act and also inspection of vehicles involve in accident. It is felt that the proposed establishment of **a separate force is not needed**. It will be a burden on the State exchequer.



## Chapter XIV: Offences, Penalties and Procedure

It is proposed under sub- Section (1) of Section 185 that whoever contravenes any provisions of this Act or of any rule, regulation, order or notification made there under, shall, if no penalty is provided for the offence, be punishable for the first offence with fine which may extend to one lakh rupees and for any Second or subsequent offence with fine which may extend to three lakh rupees.

Under the existing Motor Vehicle Act 1988 for the first offence Rs.100/- and for second or subsequent offence Rs. 300/- for the offences where penalty has been provided under general clause. Therefore the penalty proposed under the new bill is exorbitant which may be reduced having regard to the generality of the offences.

## Chapter XV: Miscellaneous

The State of Karnataka has implicitly followed provisions of Section 213 of the Motor Vehicles Act 1988 and has well established adequate number of transport offices (with necessary infrastructure like buildings, driving test tracks, training institutes, and inspection and certification centers) with qualified officers and officials both technical and non-technical, but the future of the department officers and infrastructure is not very clear.

Even though appointment of persons to any office under the existing Act is saved under Sub Section (2) of section 225, the intention is not very clear due to use of rider clause **not inconsistent with the provisions of the act**. Further it is still more confusion because of the provision to empower the National Authority and other Authorities to appoint officer and officials to perform duties and functions.

***Therefore the State Government is of the strong opinion to continue the existing Transport Department infrastructure and Officers/ Officials appointed under Section 213 of the Motor Vehicle Act 1988 by incorporating a separate provision under the proposed Bill.***



## PROVISIONS WHICH REQUIRE INCLUSION

### **I. CHAPTER III OF THE MV ACT 1988 RELATING TO THE LICENSING OF CONDUCTORS FOR STAGE CARRIAGES OMITTED IN THE PROPOSED RST BILL- NECESSITY.**

Safety of passengers travelling in stage carriages is of paramount importance with regard to the crimes being committed in the buses. One person who is answerable for the care, comfort and safety of the passengers is necessary. Keeping this in mind provision has been made under the present Motor Vehicle Act 1988 to issue license for conductors of stage carriages.

Further lakhs of conductors appointed will have to lose their jobs in the absence of the provision. **Therefore it is essential to include a separate chapter for licensing of conductors of stage carriages.**

### **II. Provision for temporary Permits:**

The proposed provisions do not provide for issue of temporary passenger and goods permits and operation of services on special occasions. Sometimes due to exigencies of circumstances and also seasonal nature of demand, temporary permits are required to be granted. This provision exists in the present Law.



## SUGGESTIONS BY STATE TRANSPORT UNDERTAKING

SL NO	DRAFT BILL SECTION.	PROPOSED IN RTSB - 2015	TO BE AMENDED	EXISTING MV ACT 1988
1	<p>a)Sec 2(33) Definitions:</p> <p>b)Sec 2 (51)</p>	<p>“national passenger transport permit” means a permit granted by the National Transport Authority permitting the use of transport vehicle for the purpose of inter-State transportation of passengers and their baggage:</p> <p>“State passenger transport permit” means a permit granted by the State Transport Authority permitting the use of transport vehicle for the purpose of transporting passengers and their baggage within that state:</p>	<p>In Definition clause “<b>Local passengers transport permit</b>” or “local goods transport permit” [mentioned in Sec 111 (1)] of bill has not been defined. Same shall be inserted.</p>	<p>No such type of permit is mentioned in the Old Act 1988.</p>



	<p>2      Sec 111 (1)</p>	<p>The National Transport Authority shall grant a <b>national passenger Transport permit</b> and a national goods transport permit and the State Transport authority shall grant a <b>State passenger transport permit</b> and a State goods transport permit or a <b>local passenger Transport permit</b> or local goods transport permit .</p>	<p>An additional provision shall be made for issue of <b>Temporary Passenger Transport Permit</b> and a Temporary goods Transport permit by NTA &amp; STA, <b>Special passenger Transport Permit</b> and a Special goods Transport permit and <b>additional operation of services by STU's on special occasions.</b></p>	<p>Sec 87 Temporary Permits-(1) A Regional Transport Authority and the State Transport Authority may without following the procedure laid down in Sec 80, grant permit to be effective for a limited period ....</p> <p>Sec 88 (8) Notwithstanding anything contained in subsection (1), but subject to any rules that may be made under this Act by the Central Government, the Regional Transport Authority of any one region or, as the case may be, the State Transport Authority of any one region or, as</p>
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				<p>the case may be the State Transport Authority, may, for the convenience of the public, grant a special permit.....</p>
<p>3</p>	<p>Sec 111 (1)</p>	<p>Sec 111 (1) The National Transport Authority shall grant a <b>national passenger Transport permit</b> and a national goods transport permit and the State Transport authority shall grant a <b>State passenger transport permit</b> and a State goods transport permit or a <b>local passenger Transport permit</b> or local goods transport permit .....</p>	<p>Nature of carriage like Stage carriage, Contract carriage and Tourist Permits to be defined</p>	<p>Sec 2 (7) "Contract carriage means a motor vehicle which carries a passenger or passengers for hire or reward and engaged under a contract .....</p> <p>Sec 2 (40) "Stage carriage" means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or</p>



				<p>for stages of the journey.</p> <p>Sec 2 (43) "tourist vehicle" means a contract carriage constructed or adapted and equipped and maintained in accordance with such specification as may be prescribed in this behalf.</p> <p>Sec 72 Grant of <b>Stage Carriage</b>, Sec 74 Grant of <b>Contract Carriage</b> Permit, Sec 79. Grant of <b>Goods carriage</b> permit, ....., All India <b>Tourist Vehicle</b></p>
4	Chapter - X	Insurance of Motor Vehicles against third party risk.	No provision is made for Internal Insurance Fund (Property Insurance Fund) for Governments, Local Authorities & STU's	Sec 145 (3) The appropriate Govt may, by order, exempt from the operation of sub-section (1) any vehicle owned by any of the following authorities, namely:-



				<p>(a) The Central Government or State Government, if the vehicle is used for Government purposes connected with any commercial enterprises;</p> <p>(b) Any local authority;</p> <p>(c) Any State transport undertaking</p>
5	No provision.	A separate independent chapter shall be made.	Chapter VI of M.V. Act, 1988 provides for special provisions to State Transport Undertakings (Section 97 to 108). The provisions in this Chapter to be retained in toto	<b>Chapter VI Sec 97 to 108</b>
6	Sec 225 (1) (b)	Any certificate of fitness or registration or license or permit issued or granted or renewed and any scheme made	A provision is to be made in respect of Interstate permits issued on the basis of Inter State reciprocal	



		under the repealed enactments shall continue to have effect after such commencement under the same conditions and for the same period as if this Act had not been passed.	agreements entered between different States only up to the date of expiration of permit, but same shall be saved for ever.	
7	No provision	It shall be incorporated after Sec 111 of the Bill-2015	Special provision shall be made to operate additional services by the STU in certain circumstances.	Sec 101: Operation of additional services by the STU in certain circumstances – Notwithstanding anything contained in Sec 87, a STU may, in the public interest operate additional services for the conveyance of the passengers on special occasions such as to and from fairs and religious gatherings:
8	No provision	It shall be incorporated after Sec 39 of the Bill-	A provision is to be made in respect of	Sec 2 (6) “Conductor’s license” means



	2015.	Conductor & issue of conductor license	the license issued by a competent authority under Chapter III authorizing the person specified therein to act as conductor.
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