

Government of West Bengal
Transport Department
Paribahan Bhaban
12, R N Mukherjee Road, Kolkata- 700 001

No.4111- WT/ 3M- 88/2003

Date- 14.11.2013

NOTIFICATION

WHEREAS section 71(3)(a) of the Motor Vehicles Act, 1988 specifically mentions that "the State Government shall , if so directed by the Central Government having regard to the number of vehicles, road conditions and other relevant matters by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport Authority to limit the number of stage carriages generally or of any specified type, as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs."

WHEREAS no other legal provision exists to impose any ceiling on "fleet strength" of any other kind of routes, except as mentioned herinabove;

WHEREAS there exists no legal provision to impose any ceiling, therefore, in any area in West Bengal on any route except in a town with a population of not less than five lakhs;

WHEREAS the Government of India has, from time to time, issued direction to the State Government [in terms of the aforesaid section 71(3)(a) above] asking the State Government to fix and specify and notify the fleet strength on the city routes in given towns accordingly;

WHEREAS the directions of the Government of India have occasionally mentioned the names of the Districts in general also, which are affected in the process, though, obviously, such mention of the names of the Districts have to be read in the context of section 71(3)(a) of the Motor Vehicles Act, 1988;

WHEREAS, there is no power of any authority at the Central or State or Regional level to impose any ceiling on the strength of any route other than city routes in towns with a population of not less than five lakhs;

WHEREAS, the position above has been upheld by the Hon'ble High Court in a number of cases;

Now, therefore, it is accordingly decided after obtaining a further legal opinion, that the Regional Transport Authorities and/ or the District Magistrates will not be required to refer the issues of fixation of route strength to the State Government in case of any route other than "city routes in towns with a population of not less than five lakhs".

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It is clarified that if there exists any Notification in the State or District level fixing ceiling on the number of stage carriages on any route in the State except in the city routes in towns with a population of not less than five lakhs, then the aforesaid fixation on the fleet strength of such routes henceforth will stand cancelled and superseded by this Notification.

This will take immediate effect.

By order of the Governor

sdt

(Avanindra Singh, IAS)
Joint Secretary

to the Government of West Bengal

No. 4111 /1 (1)- WT

Date-14.11.2013

Copy with the copy of above Notification is forwarded to the Superintendent, West Bengal Government Press, Rajbhavan Branch, Kolkata- 700 001 with the request to arrange to publish this in the Official Gazette and kindly send 50 (fifty) copies of the same to the Transport Department for official use.

sdt

Joint Secretary
to the Government of West Bengal

No. 4111 /2 (42)- WT

Date 14.11.2013

Copy forwarded for information and necessary action to:

1. Director, PVD, Kolkata
2. District Magistrate..... (all)
3. Secretary, STA, West Bengal
4. Secretary, RTA,..... (all)
5. P S to M I C Transport Department, Government of West Bengal
- ✓ 6. Shri T.K.Das, Director(Tech), NIC, Bidyut Bhaban, Salt Lake, Kolkata-91 with a request to upload on departmental website.
7. Guard file

SB

Joint Secretary
to the Government of West Bengal