

**HARYANA GOVERNMENT  
TRANSPORT DEPARTMENT  
ORDER**

The State Government in pursuance of sub-section (1) and (2) of section 102 of Motor Vehicles Act, 1988 (Central Act 59 of 1988) has notified the draft Stage Carriage Scheme to modify the existing scheme issued by Haryana Government Transport Department Notification No. 17/10/2011-3T(II), dated 17.02.2017 and published the same in the official gazette on 27.07.2023 for inviting objections or suggestions from the persons likely to be affected thereby.

Some operators had at that time challenged the draft modified scheme notification dated 27.07.2023 before Hon'ble Punjab & Haryana High Court vide CWP Nos. 18276/2023, 18291/2023 and 18341/2023. The Hon'ble Court disposed of the CWPs with directions, the operative part of which is reproduced below:

*"2. The petitioners have raised several objections to the draft scheme. However, after arguing at length, learned counsel appearing on behalf of the petitioners as well as learned Additional Advocate General, Haryana, conjointly submit that the petitioners would file their objections to the draft scheme before the authorities concerned before the prescribed date, and that the authorities shall, thereafter, consider the objections raised by the petitioners and all other persons, afford them an opportunity of hearing and take a decision in respect of such objections and convey the same to the petitioners and all other persons, before finalizing the draft scheme."*

After publication of draft modified scheme notification dated 27.07.2023 a total of 583 persons filed their objections/suggestions. Thereafter, in accordance with the procedure laid down in the Motor Vehicles Act, 1988, and in compliance of the orders of the Hon'ble High Court, mentioned above, an opportunity to hear the objections in person was given to the petitioners as well as other affected persons and also the representatives of State Transport Undertakings by Administrative Secretary of the Transport Department, Haryana. The schedule of hearing of objections in person was also advertised in the leading English and Hindi dailies having wide circulation in the area of the routes covered in the draft scheme, viz., The Tribune, The Indian Express, Dainik Jagran, Amar Ujala, Dainik Bhaskar and Punjab Kesri on 14.10.2023 and 15.10.2023. The schedule of hearing was as below:

<b>Sr. No.</b>	<b>Name of the District from which Objections/ Suggestions have been received</b>	<b>Date of hearing of Objections/Suggestions</b>
1	Ambala, Panchkula, Gurugram, Kurukshetra, Yamunanagar, Rohtak, Sonapat, Panipat.	16.11.2023
2	Kaithal, Jind	17.11.2023
3	Karnal, Jhajjar, Charkhi Dadri, Director, State Transport, Haryana	20.11.2023
4	Hisar	21.11.2023
5	Fatehabad, Bhiwani, Sirsa, Palwal, Rewari, Faridabad, Narnaul, Nuh	22.11.2023

The objections and suggestion were heard as per schedule given above by the Administrative Secretary of the Transport Department. The total objections/suggestions given in writing and orally by these 583 persons were in thousands.

After considering all these written and oral objections and suggestions and after considering the views of representatives of State Transport Undertakings, a decision on all these objections/suggestions was taken by the Government, which is given in the table



below:

Sr. No.	Gist/Matter of Common Objections / Suggestions	Decision of the Government
1.	Number of permits on each route should be fixed.	To ensure efficient and properly coordinated transport services it is decided to fix a limit on the total number of permits permissible for each route, which shall be determined based on pre-declared principles through assessment of market conditions by desirous applicants.
2.	The extent of exclusion should be made in favour of State Transport Undertakings (STUs) and the remaining services may be operated by private operators/others.	The routes mentioned in the Schedule of the Schemeshall be apportioned between the State Transport Undertaking and Private Operators in the ratio of 50:50.
3.	The Scheme should reserve the percentage of Stage Carriage permit for schedule cast, Schedule Type BC, ESM, war widow/Son/Daughter in the same ratio as in case of appointments.	There is no provision in the Motor Vehicles Act, 1988 of any reservation with regard to stage carriage permit except the proviso in section 71(3) of Chapter V of the Act, which is not applicable in the present case as the present scheme is framed under Chapter VI of the Act. Thus, there is no case for grant of reservation as per objections raised.
4.	The routes in the scheme may be made connecting District HQs.	The routes have been made to provide an efficient, adequate, economical, properly coordinated road transport service to the general public and no such uniform policy of connecting district headquarters is warranted.
5.	There is acute shortage of services on different routes as such more routes may be added.	Many routes suggested by the affected persons will be added or certain routes will be modified or deleted to address the various objections including the issue of acute shortage of services on such routes.
6.	The scheme under Chapter V & VI cannot be amalgamated in one notification as scheme under chapter VI is being modified.	No such amalgamation has been done. Draft modified Stage Carriage Scheme has been notified as per section 102 of The Motor Vehicles Act, 1988. It is only a clarification that movement of stage carriage on all village roads, rural roads and other district roads will not be covered under this scheme and that it shall be regulated as per the provision of Chapter-V of the Motor Vehicles Act, 1988.
7.	Standing capacity of Stage Carriage may also be defined as seating capacity.	There is no provision in the Act and relevant rules to fix standing capacity in the stage carriage buses, thus it cannot be defined in the scheme under consideration.
8.	The routes covering the village rural and other district road have not been formulated by State Government under Chapter V.	The draft modified stage carriage scheme has been modified as per the provisions of Section 102 (Chapter VI) of the Motor Vehicles Act, 1988 and the routes covering the village rural and other district roads will not be covered by this Scheme and movements of stage carriage on such routes shall be regulated as per the provisions of the Chapter V of the Motor



		Vehicles Act, 1988. The terms and conditions for grant of permits on the routes covering the village rural and other district roads shall be issued separately.
9.	The draft scheme does not lay down the procedure for grant of permit to the private operators.	Procedure for grant of permit has been provided in the Act and rules made thereunder. The procedure of determination of maximum permits on each route and procedure of giving preference to existing permit holders will be mentioned in the final scheme modification. The remaining terms and conditions for implementation of the scheme will have to be issued separately as each minute detail cannot be a part of the scheme.
10.	The scheme should accommodate erstwhile permit holders of earlier scheme.	Existing permit holders will be given a preference as per the procedure/formula to be notified in the final scheme.
11.	Permit should be given to Haryana Roadways and Private Operator on proportionate basis.	The routes mentioned in the Schedule of the Scheme shall be apportioned between the State Transport Undertaking and Private Operators in the ratio of 50:50.
12.	The suggestion / objections which is considered and which is rejected may be communicated in written in the objector.	Proper communication of decisions on all objections/suggestions is being done through the present order.
13.	All the permits whether to Haryana Roadways or to Private operators shall be issued online.	Government will take a decision on the implementation of the scheme in manual or online manner depending on the feasibility at the relevant time.
14.	The free travelling categories such as Girls Student or any other category may be fixed in ratio to the seating capacity.	The decision to allow any free/concessional categories in Stage Carriage Buses is taken by the Government in public interest and is applicable across the board to stage carriages of State Transport Undertaking as well as private operators. To offset such costs of private operators Government levies much lower Motor Vehicles Tax on private operators.
15.	The fare fixed by the state government may be increased with the price rise of fuel.	The decision regarding fixation of fare in Stage Carriage Buses is taken by the Government in public interest by considering many factors and cannot be part of this scheme.
16.	Extension and modification as allowed in Motor Vehicles Act, 1988 shall be made part of the scheme.	Cases of extension and modification of routes will be dealt in accordance with the provisions of Motor Vehicles Act 1988 and Haryana Motor Vehicles Rules 1993 and the scheme.
17.	The erstwhile permit holder may be allowed to switch his route without any fee.	Just provisions in the scheme are already incorporated to ensure that the nature of the route(s) does not change under the garb of extension/modification of route(s) which may be contrary to the objective of the scheme as well as the public interest.
18.	The Draft Scheme does not stipulate terms and conditions on the basis of which permit is to be granted hence terms and conditions	Terms & Conditions for grant of Stage Carriage Permits will be issued separately and the entire process will be transparent and requisite information for benefit of applicants will be



	should be part of scheme so that the applicant may know before applying.	beavailable in public domain before inviting applications under the scheme.
19.	Suggestions about extension, modification and deletion of routes in the schedule of the draft scheme notified on 27.7.2023 and inclusion of new routes were received from affected persons.	All these objections and suggestions about routes have been considered and consequently some routes will be modified or deleted and some new routes will be added keeping in view the objectives of the scheme in public interest.

*Navdeep*

Dated Chandigarh  
the 03-03-2024

**(NAVDEEP SINGH VIRK)**  
Principal Secretary to Government of Haryana  
Transport Department, Chandigarh.

**Endst No: 17/10/2011-3 T, II**

**Dated : 06-03-2024**

A copy of the above is forwarded to:

1. The Transport Commissioner, Haryana, Chandigarh with the request to give it wide publicity through press release and to be hosted in departmental website.
2. The Director, State Transport, Haryana, Chandigarh.
3. All the DTOs-cum-Secretaries, Regional Transport Authorities, in the State with the direction to place the copy of this speaking order on notice board of their respective offices for the information of affected persons and general public.
4. All the persons from whom objections in pursuance of the draft scheme dated 27.07.2023 were received. (To be sent by post by Office of Transport Commissioner)

*Sangita Sharma*  
**(SANGITA SHARMA)** 6/3/24

**Under Secretary, Transport**

for Principal Secretary to Government of Haryana,  
Transport Department, Chandigarh.