

KARNATAKA CONTRACT CARRIAGES (ACQUISITION) RULES, 1978

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KARNATAKA CONTRACT CARRIAGES (ACQUISITION) RULES, 1978

In exercise of the powers conferred by Section 30 of the Karnataka Contract Carriages (Acquisition) Act, 1976 (Karnataka Act 21 of 1976), the Government of JCarnataka hereby makes the following rules namely.

1. Short title and commencement :-

- (1) These rules may be called the Karnataka Contract Carriages (Acquisition) Rules, 1978.
- (2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires.

(a) "Act" means the Karnataka Contract Carriages (Acquisition) Act, 1976 (Karnataka Act 21 of 1976);

(b) "Agent or representative of operator" means a person holding a power of attorney authorising him to act on behalf of the operator; or an agent or representative empowered by written authority signed by the operator;

(c) "Form" means a form appended to these rules;

(d) "Section" means a section of the Act.

3. Powers of the 2Administrators :-

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4. Qualification for appointment of Authorised Officers :-

A person shall not be qualified for appointment as Authorised Officer unless he possesses a degree of University established by law in India or equivalent qualification and holds a post of Class I Senior scale under the State Government.

5. Powers of the Authorised Officers and Arbitrators :-

Every Authorised Officer, Arbitrator and person appointed to assist the Arbitrators shall have the powers conferred on the administrators under Rule 3 except the power specified in clause (a) of the said rule.

6. Legal Practitioner or 1authorised agent to appear before proceedings :-

In all proceedings before the Administrator, Authorised Officer, Arbitrator or the State Government all parties to such proceedings shall be entitled to be represented by a legal practitioner or by a duly authorised agent or representative to appear and plead on their behalf.

7. Operator to furnish complete inventory of properties which vest in Government :-

Every operator shall prepare and hand over to the Government or to such officer as the State Government may by general or special order specify a complete inventory in Form I of the properties which vest in the Government. In drawing up the inventory all deficiencies and shortage due to theft or loss or major defects in the properties shall be clearly indicated by the operator in the said

form.

8. Checking of inventory :-

(1) The administrator shall arrange for the checking and taking over of the assets of the operator which vest in the State Government.

(2) Every operator or his agent or representative, as the case may be, shall give the administrator and his officers and officials all facilities for checking (inclusive of physical checking where necessary) the inventory and their acquisition cost or book value.

9. Attestation of defects, shortages and losses found during checking :-

If the Administrator or any of his officers or officials notice any discrepancy or defect during checking he shall record them and get them attested by the operator or his representative or agent, as the case may be. If such operator or his representative or agent refuses to do so, or is absent, the absence being not occasional by reasonable cause, the administrator or the officer or official shall note such fact.

10. Alteration or removal of assets prohibited :-

Every operator or his representative or agent, as the case may be, shall ensure that the assets vesting in the State Government shall not be removed or tampered or dealt with in any manner until such assets are delivered to the State Government. Where, however, the alteration or removal of the assets becomes necessary, it shall be done only after obtaining the permission in writing of the administrator.

11. Form for claiming amount by person interested :-

Every claim under sub-section (1) of Section 8 shall be in Form 2 and shall contain the following particulars namely.

- (a) Registration number of the vehicle;
- (b) Original cost of acquisition of the vehicle;
- (c) Details of depreciation, if any, claimed for income-tax purpose;
- (d) Whether the vehicle was involved in accident or has suffered any damage, if so, give details; and
- (e) Names of persons who have a claim for the amount.

11A. Non-production of 1vouchers by the claimants in determination of compensation :-

Where a claimant has failed to produce any document or voucher relevant to the Vehicle acquired and substantiate his claim for compensation, the Authorised Officer may proceed with the materials available on record in determination of compensation on such vehicle.

12. Arbitration Proceedings :-

(2) Every Arbitrator shall take down the evidence of each witness, not ordinarily in the form of question and answer, but in that of a narrative and shall sign it and get it attested by the witness.

(3) Where, before an Arbitrator is unable to finish the arbitration proceeding and make his award, a new Arbitrator is appointed, the new arbitrator may deal with the evidence taken down by his predecessor as if such evidence had been taken down by him and may proceed with the arbitration proceedings from the stage at which his predecessor left it.

(4) The costs of arbitration and award shall be in the discretion of the arbitrator who may direct to and by whom, and in what manner, they or any part thereof shall be paid.

13. Summoning of persons and witnesses and production of documents :-

Every order under Section 13 summoning and enforcing the attendance of any person and examining him on oath or requiring the discovery and production of any document shall be issued in Form 3. Every order requisitioning public records from any Court of office shall be issued in Form 4. Every order issuing commissions for examination of witnesses shall be in Form 5.

14. Contents of Appeal :-

(2) Every appeal shall be accompanied by a certified copy of the decision in respect of which the appeal is filed.

(3) Every such appeal shall be affixed with a Court fee stamp of, Rupees ten.

(4) The affidavit referred to in sub-rule (1) shall set forth the cause title of the appeal and shall describe every person making affidavit in such a manner as will be sufficient to identify him clearly.

(5) The affidavit shall be confined to statements of fact and avoid argument and when it contains statements of facts not within the declarants personal knowledge but based on information received by the declarant, he shall state so and that he believes them to be true and also give the source of such information wherever possible and ground of his belief, if any.

15. Intimation of transfer of contract carriages and their permits to the Corporation to the authority which issued the permit for registration in its records :-

In respect of contract carriages transferred to the Corporation under Section 20, the Corporation shall intimate such transfer to the authority which issued the permit. In respect of such intimation, the said authority shall make necessary entries in its records and intimate the parties to the transfer and to the authority, if any, which countersigned the permits, the entries so made within fifteen days, from the date of receipt of the intimation.

16. Repeal and Savings :-

The Karnataka Contract Carriages (Acquisition) Rules, 1976, are hereby repealed:

Provided that such repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder.