

Kerala Panchayat Raj (Landing Places, Halting Places, Cart Stands And Other Vehicle Stands) Rules, 1995

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FORM 1 :- FORM OF LICENCE

Kerala Panchayat Raj (Landing Places, Halting Places, Cart Stands And Other Vehicle Stands) Rules, 1995

S.R.O. No. 1565/95. - In exercise of the powers conferred by Sections 227, 228 and 225 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: -

1. Short Title And Commencement :-

(1) These rules may be called the Kerala Panchayat Raj (Landing Places Halting Places, Cart stands and Other Vehicle Stands) Rules, 1995.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires, -

(a) Act means the Kerala Panchayat Raj Act, 1994 (13 of 1994);

(b) Secretary means the Secretary of the Village Panchayat;

(c) Section means a section of the Act;

(d) Words and expressions used and not defined in [these rules, but defined in] the Act shall have the meanings respectively assigned to them in the Act.

3. Panchayat To Invite Objections Before Providing Public Landing Places, Halting Places, Cart Stands Or Other Vehicle Stands :-

(1) A Village Panchayat shall, if it intends to provide any public landing place, halting place, cart stand or other vehicle stand, publish a notice in the notice board of the Village Panchayat and in any prominent place in each of its constituencies requiring the public to raise objections regarding the same, if any, in writing within thirty days and publish the fact of such publication of notice in any two local daily newspapers in the regional language having wide circulation in that Village Panchayat.

(2) The notice shall contain the survey number and the extent of the land in which it is intended to provide the landing place, halting place, cart stand, or other vehicle stand.

4. Village Panchayat To Consider The Objections :-

The Village Panchayat shall, in cases where the approval of Regional Transport Authority is not required, consider the objections received from the public within the fixed day and dispose them within fifteen days.

5. Village Panchayat To Obtain Previous Sanction Of The Regional Transport Authority :-

The Village Panchayat shall obtain previous sanction of the Regional Transport Authority before opening any public stand or halting place to motor vehicles.

6. Places Which Shall Not Be Declared As Halting Places Or Cart Stands :-

A road or * Published in Kerala Gazette No. 50 dt. 18-12-2001, as G.O.(P) No. 4286/N1/1999/LSGD. land abutting the road shall not ordinarily be declared as public halting place or cart stand: Provided that in particular cases, if it is of opinion that there is sufficient space for road, a halting place or cart stand may be provided in consultation with the authority with whom the road is vested.

7. Other Places Not To Be Used As Public Landing Place, Halting Place Or Cart Stand When Such Places Are Provided For :-

A Village Panchayat may, if it has provided public landing place, halting place or cart stand, prohibit within a distance fixed by it, using of any public place or side of public road by any person for the same purpose: Provided that nothing contained in this rule shall apply to a motor vehicles [other than a stage carriage coming within the meaning of the Motor Vehicles] Act, 1988 (Central Act 59 of 1988).

Explanation. - A public place or the sides of a public road shall not be deemed to be used [as a public halting place or cart stand if a vehicle used] for the carriage of passengers stops there for a time not exceeding two minutes for the purpose of getting down or picking up passengers or their luggage or if a vehicle used for the carriage of goods stops there only for the time required for the loading and unloading of goods.

8. Publication Of Notice Regarding Providing Of Landing Place, Halting Place And Cart Stand :-

The Village Panchayat shall, if provides a landing place, halting place, or cart stand, publish the fact of such providing including the location of its opening and the rate of fee to be paid for its use, in

important places of the Village Panchayat area and in the notice board of the Village Panchayat. A notice, specifying the rate prescribed by the Village Panchayat including the details of the name of the person authorised to collect the fee and the distance within which opening of another public cart stand or similar place is prohibited, shall be affixed in a notice board conspicuously placed in public landing places, halting places and cart stands.

9. Rate Of Fees :-

(1) Fee shall be levied for the use of a public halting place or cart stand at the rates not exceeding the following, namely: -

Note: - The minimum amenities to be provided shall be shelter for passengers, vehicles and animals, drinking water facilities and urinal.

(2) Fee shall be levied, for a single halt at a public halting place or landing place, subject to the minimum and maximum rates specified below, namely :-

xxx

Explanation. - Single halt means a halt at the landing place for loading and unloading purpose at a time.

(3) Fee to be levied for storing goods in the space allotted in public landing places shall be as follows: -

1. For storing of goods in 100 sq. feet space for one day 5

2. (a) Rent for a single room per day 25

(b) Rent for a double room per day 40

3. For stay in public landing place for one day 5

Explanation. - Stay means halt by a vessels or boat for more time than what is actually required for loading or unloading at a time.

10. Procedure In Case Of Non-Remittance Of Fee :-

The officer authorised to collect the fee with respect to any vehicle or animal under these rules read with clause (a) of Section 227 may, if any person does not remit such fee on demand, seize and detain such portion of the goods or load in the vehicle, or over the animal attached to such vehicle, which in his opinion is sufficient to defray the amount due. The officer may if such vehicle or animal does not have such portion of goods or load or such portion of goods or load is not sufficient to defray the amount due, seize or detain the vehicle or animal.

11. Property Seized To Be Sent To The Secretary And The

Secretary To Give Notice Thereof To The Owner :-

All properties seized under Rule 10 shall be sent within twenty four hours to the Secretary or to the person authorised by the secretary to receive and sell such property and the secretary shall forthwith give notice to the owner of the property seized or, if the owner is not known or the whereabouts of such person is not known or such person is not a permanent resident within the Panchayat area, to the person who was in charge of the said property at the time of seizure or if such person could not be found, a notice shall be published stating that after the expiry of two days, excluding Sunday, from the date of service or publication of such notice, the property shall be sold by public auction at a place specified in that notice,

12. Property To Be Returned When The Amount Due Is Tendered :-

The property shall, if at any time before the sale begins, the amount due on account of the fee together with a sum of fifty paise on amount of charges incurred in connection with the seizure and detention is tendered to the Secretary or the person authorised, as aforesaid, be returned forthwith.

13. Property May Be Sold, If No Tender Is Made :-

(1) The property may be sold, if not tendering is made as in Rule 12, and the sale proceeds applied to the payment of,-

- (1) the amount due on account of fee;
- (ii) penalty, not exceeding the amount of fee, as the Secretary may direct; and
- (iii) charges incurred in connection with the seizure detention or sale.

(2) The surplus, if any, on the sale proceeds shall be paid to the owner of the property or to the person who was in charge of the property at the time of seizure.

14. Arrangements To Be Provided For Passengers And Motor Vehicles In The Bus Stand :-

(1) A Village Panchayat shall provide the following facilities in public cart stands and parking places for motor vehicles, -

- (i) rest room for passengers and sufficient parking facility for buses passing through the stand;
- (ii) toilet and urinals;

- (iii) drinking water facility;
 - (iv) first aid unit with all equipment;
 - (v) fire extinguisher unit;
 - (vi) canteen;
 - (vii) clock room, at least in important bus stands;
 - (viii) boards showing the details:-
 - (a) regarding the facilities available and the conditions, if any, for using it;
 - (b) regarding the time table of buses passing through the stands;
 - (c) regarding the time table of trains timing if there is a railway station nearby;
 - (d) regarding important regional places; and
 - (e) regarding other information which the Village Panchayat may consider necessary.
 - (ix) public announcement system, if necessary, for informing the arrival and departure of buses;
 - (x) repairing sheds for repairing minor damages of vehicles;
 - (xi) an office suitable for using as a resting place for the employees of motor vehicles.
- (2) The Village Panchayat shall invite quotations from the public every year to run the canteen and the announcement system and to maintain toilet and urinal and may, subject to the condition as it may impose, delegate such rights by issuing permits.

15. Public Halting Places, Landing Places And Cart Stands To Be Kept Open To All :-

Public halting places, landing places and cart stands shall be kept open to all persons irrespective of their caste, creed or sex.

16. People Resorting To Halting Places, Landing Places And Cart Stands To Obey Orders Of The Secretary :-

Every person resorting to the public halting places, landing places and cart stands shall abide by the orders and instructions issued by the Village Panchayat Secretary or the person authorised in this behalf.

17. Begging To Be Prohibited Within Public Landing Places, Halting Places And Cart Stands :-

No begging of whatever types shall be allowed at public landing places, halting places and cart stands.

18. Inspection :-

Facility shall be rendered to the Collector or to any other officer authorised by him in this behalf, for the inspection of halting

places, landing places and cart stands, at any time

19. Leasing Of Portions Of Baiting Places :-

(1) A Panchayat shall have the power to provide for lease, subject to the conditions as it may think proper to the higher bidder, for a period not exceeding one year, by auction or otherwise, of suitable portions of halting places, landing places, cart stands or other vehicle stands by parcelling them out subject to subsisting Kuthakapattom or other rights. The portion, excluding the portions so leased out, shall be made available for the use of halting place, landing place, cart stand or other vehicle stand and for the use of public resorting to that place.

(2) The Secretary shall, in the form fixed by the village Panchayat, signed by him and specifying the conditions as mentioned in sub-rule (1) therein, issue a permit to the lessee.

(3) No lessee, shall sub-let or otherwise part with the possession of the place obtained on lease, except with the previous permission of the Secretary.

20. Transferring Of Right To Collection Of Fee :-

(1) A Village Panchayat, may, by public auction, transfer the right to levy fee on places used as halting places, landing places or cart stands to the highest bidder, for a period not exceeding one year at a time and such lessee shall not levy fees at the rates higher than that fixed by the Village Panchayat and shall have no power to levy any fees from lessees of holding place as per Rule 19.

(2) The officers empowered to collect the fees and the persons having lease hold rights to collect the fees shall issue receipts for all money collected by them.

(3) The lessee shall keep the places clean and shall keep the premises removed of refuse and filth objects causing annoyance and inconvenience to the public.

21. Direct Collection Of Fees :-

The Village Panchayat shall, if for any reason it is found not possible to sell by auction the right to collection of fees, make arrangements for direct collection of fees.

22. Application For Licence Or Renewal Of Licence To Private Cart Stands :-

(I) An application to open a private cart stand or to renew a licence

shall be submitted to the Secretary of the Village Panchayat. Such application shall specify-

- (1) the details such as the name of the place, the survey number, the boundaries of the land on which it is proposed to establish new cart stands or to continue an existing one etc.;
 - (ii) the existing cart stands and the name of the place where the nearest existing cart stand is situated;
 - (iii) the distance between the two;
 - (iv) the name, age, occupation and residence of the applicant;
 - (v) the nature and extent of ownership of the applicant over the land; and
 - (vi) in the case of an existing cart stand, the period for which the place is being used as cart stand.
- (2) In case it is proposed to open cattle stands as an accessory to cart stands, a sketch showing the site, structures, entrances, passages, gates, drainages and the location of existing or proposed latrines or urinals, shall be attached along with the application.
- (3) The applicant or applicants shall, along with the application for licence to open new cart stand deposit the amount required by the Secretary for the expenses of publication charges of the notification regarding the establishment of the cart stand and the applications which are not accompanied by such deposit shall not be considered.

23. The Village Panchayat To Dispose Of Applications For Licence :-

The Village Panchayat shall dispose of all applications to open private cart stands: Provided that the Village Panchayat shall obtain previous sanction of the Regional Transport Authority before sanctioning a private cart stand for motor vehicles. The licence shall be issued in the form appended to these rules,

24. Licence To Expire At The End Of The Financial Year :-

Every licence granted under these rules shall expire at the end of the financial year for which the licence has been granted.

25. Licence Fee :-

- (1) The Village Panchayat shall fix the fee for granting of new licence, subject to the maximum amount provided in sub-section (5) of Section 228.
- (2) The fee for renewal of licence shall be the same amount as that for an original licence.

26. Licence To Carry Out The Orders Of The Secretary :-

The Licensee of a private cart stand shall carry out all orders issued to him in writing, with the permission of Village Panchayat, by the Secretary or the person authorised by him.

27. Rate Of Fee For Private Cart Stands :-

The fee for private cart stand shall not exceed the rate fixed by the Village Panchayat under Rule 9,

28. Responsibility Of Licensee For Violation Of Conditions :-

The licensee of a private cart stand shall be responsible for the violation of any condition of the licence by his agent, lessee or servant.

29. Certain Rules Relating To Public Cart Stands To Apply To Private Cart Stands :-

Rules 15 to 18 in these rules shall be applicable to private cart stands also.

30. Penalty For Breach Of Rules :-

Any person violating or abetting the violation of Rules 16,17,26 and 27 shall, on conviction by a Magistrate, be liable to pay a fine not exceeding fifty rupees and if the breach is continued, be liable to pay additional fine of Rupees ten for each such day.

FORM 1

FORM OF LICENCE

(See Rule 23)Village Panchayat

Licence No

Permission is hereby granted to Shri/Smt

..... (here enter

name).....(here enter address; for opening a Private

cart stand in(here enter area of land) comprised in

Survey Number of.....

..... Village (here enter name of revenue village) in

..... Panchayat (here enter name of Village Panchayat)

on advance remittance of Rupees.....as licence fee,

subject to the rules made under Section 228 of the Kerala Panchayat Raj Act, 1994 (13 of 1994).

(2) The licensee shall keep the licence in his possession and shall produce it whenever required by the Regional Transport Authority or the officer authorised by him in this behalf, the Secretary or officers authorised by the Secretary, or the District Collector or the officer authorised by him.

(3) Facility shall be rendered at all times to the officer authorised by the Village Panchayat, the Secretary or the Officer authorised by him in this behalf, Public Health Officers of the Village Panchayat Department, the District Collector or the Officer authorised by him in this behalf, for the inspection of the cart stand.

(4) The breach of any of the provisions of the Kerala Panchayat Raj (Landing places, Halting places and Cart Stands) Rules, 1995 shall culminate in the forfeiture and cancellation of the licence.

Place: Secretary,

Date:

Village Panchayat Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purpose.) Section 227 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) empowers Village Panchayats to provide public landing places, halting places and cart stands and Section 228 empowers them to issue licence to private cart stands. It also empowers Government to make rules regarding the use of cart stands, etc., levy of fees forfeiture and sale of the concerned vehicles, animals or the portion of goods or load carried by it. This notification is intended to achieve the above purpose.