

Regional Transport Authority Malappuram

Held on 01 February 2019

Minutes – Item No. 138

Present:

1. Sri. Amit Meena IAS, District Collector, Chairman RTA
2. Sri. Pratheesh Kumar IPS, District Police Chief, Member RTA
3. Sri. M.P. Ajithkumar, Deputy Transport Commissioner CZ -1, Member RTA.

Item No. 138

1. This is to re-consider the report of scientific study conducted by NATPAC on revised traffic re-arrangements for public transport services in Manjeri town forwarded by the Traffic Regulatory Committee, Manjeri based on the opinions sought from the public as per the decision of RTA Malappuram held on 25.09.2018 in Additional Item 31 and the modifications suggested thereon.

2. This authority has considered the report of NATPAC, major representations filed by the public on the report, the recommendations of the field officer, the arguments of the learned counsel appeared for the Manjeri Municipality and also the submissions of Senior Counsel appeared for the Bus Operators Organizations. Verified the submissions given by the operations at the open hearing of this authority and connected files. We have also verified the directions contained in the judgments of Hon. High Court of Kerala in various connected writ appeals.

3. The traffic regulations with respect to stage carriages in Manjeri Municipality on the establishment of a new bus stand namely Indira Gandhi Bus Terminal (hereinafter referred to as IGBT) has been in question before this authority from way back in 2013. The contention of a cross section of stage carriage operators was that, as per the traffic regulations proposed by Manjeri Municipality, they have been forced to halt at the IGBT and are not permitted to go into the Manjeri town. There were also a number of representations before this authority against the decision taken by the Manjeri Municipality in this regard. As is evidenced from the connected records, this authority has deliberated on the issue many a time and has considered the proposals of the Traffic Regulatory Committee and Manjeri Municipality, and various bus operators' associations who were operating stage carriages in the area. This authority has also considered the proposals and suggestions of various authorities who are conferred with

the powers with the duties to preserve law and order and maintain public order including traffic regulations. This authority has always given paramount consideration to the public order and general safety of public and hence the decisions were always taken within a democratic framework.

4. Way back in 2013 in a judgment of Hon High Court of Kerala in WP(C) No. 4633 of 2013 Dtd. 18.02.2013, Hon. High Court has directed the Regional Transport Authority, Malappuram to consider the representations on this matter and take a decision as RTA is the appropriate authority to consider and decide appropriate action on matters related to traffic regulations. Further, in Writ Appeal No. 344 of 2013 in WP(C).4633/2013 Dtd. 01.03.2013, Hon. Division Bench of Hon. High Court of Kerala has directed this authority to take a decision considering not only the representations of the appellants (Malappuram District Bus Operators' Association) but also the parties who are likely to be affected. In this judgment Hon. High Court has clearly pointed out that Regional Transport Authority (RTA) is the authority to consider and pass orders matters related to traffic regulations pertaining to the stage carriage operations. Again, in a verdict of Hon. High Court of Kerala in WP(C) No. 23037 of 2013; Dtd. 21.10.2013, it was categorically pointed out that the petitioners (Malappuram District Private Bus Operators' Association) ought to operate their stage carriages in consonance with the orders of the RTA. We have also considered the directions contained in the judgment of Hon. High Court of Kerala in WP(C) No. 31567 of 2015 Dtd. 16.10.2015 which also directs this authority to consider and take a decision on issues pertaining to traffic regulations in Manjeri Municipality. Thus, by interpreting the provisions contained in Motor Vehicles Act and Rules Hon. High Court has categorically stated and affirmed that this is the apt legal authority to delve deep in to the matter and take a final decision on this issue pertaining to the traffic regulations at Manjeri Municipality.

5. This authority has given enough opportunity to the Traffic Regulatory Committee, Manjeri to formulate a draft a plan on traffic regulations pertaining to stage carriage operations in Manjeri Municipality after the setting up of IGBT at Manjeri after hearing all the stakeholders and affected parties in this regard. Thus, as per the suggestion of this authority held on 06.01.2016 in Item No. 156 Traffic Regulatory Committee held on 20.09.2016 in Item No. 7 and proposed a modified plan for stage carriage operation in Manjeri Municipality.

6. The proposed plan suggested by the Traffic Regulatory Committee, Manjeri was considered by this authority held on 25.10.2016 in Item No. 154 and the decision was:
“*Heard.*

...In the light of the above observations and findings, this authority is of the view that the regulatory committee, Manjeri has to revisit the said decision from a different perspective. We are of the opinion that traffic regulatory committee, Manjeri shall formulate a viable proposal for the traffic re-arrangements with respect to stage carriages in the town and discuss the same among its members, the representatives of KSRTC and all other aggrieved parties thereof; shall reach a consensus and submit before this authority for final approval before implementation. Till then the status quo has to be maintained as on 16.07.2016 and the decision of this authority held on 06.01.2016 in Item No. 156 has to be implemented.

The Secretary, RTA has to communicate the said decision of this authority to the Chairman of Traffic Regulatory Committee, Manjeri as early as possible and the District Police Chief, Malappuram will see that the said decision is enacted and implemented with immediate effect.

This decision is subject to the disposal of various writ petitions before the Hon. High Court of Kerala on this matter.”

Meanwhile, the decision of RTA was further clarified by the Hon. High Court of Kerala in an interim order issued in WP(C) No. 33358 of 2016 Dtd. 19.12.2016 that the decision of the Traffic Regulatory Committee shall be effective only after the approval of RTA.

7. As an alternative step, District Collector and the Chairman RTA has conducted a meeting of selected members from various sectors to explore further on this issue on 05.01.2017 and entrusted Sub-Collector, Perinthalmanna to submit a detailed proposal on the traffic regulations in Manjeri Municipality. Major suggestions in his report were:

1. The buses coming from Nilambur, Areacode, Elankur, Wandoor and going to Malappuram, Tirur, Vengara, Perinthalmanna via Manjeri should halt at Jaseela Junction, Kozhikkode road and go via Thurakkal Junction to IGBT stand so on.
2. The buses which are passing buses from Perinthalmanna, Malappuram via Manjeri to their destination should halt at IGBT, Thurakkal Bypass, Girls High School and go to SHBT via. Central Junction

3. The buses which are coming from Malappuram, Perinthalmanna, Tirur, Parappanagadi etc. to Manjeri will end their services at IGBT and return from IGBT to Malappuram, Perinthalmanna etc.
4. The buses which are coming from Pandikkad and going to Malappuram, Perinthalmanna should halt at Chamayam Junction and route through IGBT via. Jaseela Junction and Thurakkal Junction.
5. The buses which are coming from Panthalloor, Pallippuram, Perimbalam, Vettekkode etc. should operate from Old Bus Stand.
6. The buses coming from Kizhisseri, Pukkootoor should go to old bus stand via. Cosmos Junction, Kozhikkode road and operate from there to MCH- IGBT road.
8. The report was considered by the RTA held on 25.01.2017 in Item no. 184 and the decision was adjourned with a direction to the Traffic Regulatory Committee, Manjeri to publish these suggestions of Sub-Collector, Perinthalmanna inviting objections, if any from the affected parties; discuss the same in their next meeting and present a detailed viable proposal before this authority for approval.

There was also a direction to discuss the proposal in a meeting with the representatives of KSRTC and all aggrieved parties and shall reach a consensus proposal and get the approval of the RTA before implementation.

The decision was communicated to the Chairperson of Manjeri, Municipality and they have submitted a proposal for further consideration in the RTA.

9. The suggestions were taken by the Municipal Council held on 20.01.2017. The suggested options were as follows:

1. Buses coming from Perinthalmanna, Malappuram, Tirur, Parappanagadi should operate (start & halt) service from I.G.B.T. Bus stand
2. Buses to and from Perimblm, Pookkotoor, Pullancherry, Kizhisserri should operate from Old Bus stand (via) I.G.B.T.
3. Operate Town service connecting all three bus stands and by-pass roads
4. Buses operating to Kozhikkode, Pandikkad, Melattur, Nilambur, Wandoor, Areacode should operate (start & halt) service from Seethi Haji Bus stand.

They have further submitted that IGBT bus stand is not operational for long time and this is affecting the income of the Municipality. There are a number of individuals who have taken the shop rooms in the bus stand on lease are also in trouble. They have

also obtained an order from the tribunal. Operationalising the said bus stand is for the benefit of the travelling public and also a development concern of the Municipality.

10. The matter was further considered by the RTA held on 30.05.2017 in additional item 14 and the decision was :

“Heard.

.....However, upon considering this item in the open hearing on 30.05.2017; there were vehement objections from various walks of public including people’s representatives, common public, merchant association representatives, bus operators, representatives of various Government and Non-Government institution. Representatives from three neighboring Grama-Panchayaths strongly objected the suggestions incorporated in the proposal and they have openly expressed their contentions in this regard. This authority cannot ignore these objections raised by a cross section of the traveling public. Thus we are of the view that implementing the suggested traffic regulations as it is in Manjeri Town will affect badly the travelling public and will become a law and order issue. It is clear from the public outcry against the proposal that the agency could not reach a consensus and thus this authority cannot accept and approve the suggested proposal ignoring the public uproar.

The traffic congestion in Majeri Town has been an issue for some time and the newly constructed bus stand also needs to be fully operational. However, that should be in a public friendly manner and with the co-operation of representatives from various stakeholders of the society. Further, Manjeri Traffic Regulatory Committee can approach this authority with a viable and public friendly proposal to reduce the traffic congestion of the city and making the newly constructed bus stand fully operational. Till the approval is obtained, the present status-quo has to be maintained.”

11. Meanwhile Mr. KunhimammedKunhippa , Pakkezamanzil, Karakkunnu P.O. has produced a judgment from Hon. High Court of Kerala in WP(C) No. 33358 of 2016 (T) Dtd. 23.10.2017. Hoh High Court of Kerala has disposed of the writ petition recording that the interim order passed by the Court (maintaining the status quo) will be in force till such time a final decision is taken in respect of the traffic regulation made as per the order dated 20.09.2016. Thus Hon. High Court has further clarified that RTA is the authority to take a final decision on this matter.

12. Further, The Chairperson and Secretary, Manjeri Municipality has submitted the decisions taken by the traffic regulatory committee held on 14.11.2017, before the District Collector, Malappuram for consideration and approval.

The matter was considered by the RTA held on 10.01.2018 in Supplementary Item 1 and the decision was:

“.....Learned counsel appeared for Manjeri Municipality has submitted that Municipality has spent Crores of rupees to complete the newly built bus stand and it has not yet been fully operational. Moreover the traffic congestion in Manjeri Town has to be resolved. The new scheme proposed by the Municipality is public friendly and can reduce the present traffic block existing in Manjeri Municipal limits.

There were a series of representations submitted before this authority against the scheme at the time of consideration of this item in the open hearing. The President of Thrakkalangaode Gramapanchayath submitted that travelling public from his Panchayath will face difficulty in reaching Manjeri Medical College, N S S College, Yatheemkhana Higher Secondary School, Korambayil Hospital and also for return public has to reach Jassela Junction. Malappuram District Private Bus Operators Association, Manjeri has submitted the following:

- As per the existing scheme, stage carriages which are traversing from Jaseela Junction to SHBT via C.H. By-pass have to travel a distance of 2.5 Kms. As per the proposed scheme, stage carriages have to travel an additional distance of 5 Kms to travel from Jaseela Junction to SHBT. So the major contention is additional fuel consumption in the new scheme.*
- They have also stated that for covering a distance of 5 Kms through Majeri town an additional time of about 20 Minutes is required in order to operate service as per the new scheme. The entire time schedule issued will be collapsed.*
- The proposed scheme will be against public interest and will adversely affect the travelling public who are traveling from various satellite towns to Yatheemkhana School, NSS College, Govt. Girls High School, Science Institute.*

Kerala Vyaparivyavasayi Ekopana Samiti, Manjeri Municipal Unit Committee has also submitted objections against the proposed traffic regulations of the regulatory committee. There were 39 objections received from the existing stage carriage operators against the scheme proposed for consideration of this authority.

We are of the opinion that the traffic congestion in Majeri Town has been an issue for long and the newly constructed bus stand also needs to be fully operational for the benefit of the travelling public.

From the above deliberations we come to the conclusion that the modified scheme submitted by the Manjeri Municipality is not a proposal with a common consensus of all affected parties. There are still contentions and objections from various corners of the society. We further feel that the issue needs to be studied further in a much scientific manner and with systematic tools and design. In this context, we direct the Traffic Regulatory Committee Manjeri to conduct a scientific study with the help of NATPAC on the suggestions proposed by them in the light of the contentions raised by the objectors and arrive at a final proposal. Then they can place the same before this authority for approval. Nevertheless to say that till then the present status quo on stage carriage service at Manjeri Municipality has to be maintained. Hence decision on this proposal is adjourned.”

13. In obedience to the direction of this authority, Municipality Manjeri has contracted NATPAC to conduct a scientific study on the traffic congestion in Manjeri Municipality. NATPAC has conducted a scientific study on the matter concerned and submitted a detailed report. The same has been considered by the Traffic Regulatory Committee, Manjeri held on 07.09.2018 and they have forwarded the report for further consideration.

14. The matter was placed before RTA held on 25.09.2018 in additional Item 31 and the decision was adjourned with a decision to publish the document for seeking public opinion on or before 10th October 2018.

The major objective of inviting opinions from public is to modify the routing pattern, if required, suggested by NATPAC. As explained in the final report, the objective of the study was to minimize traffic congestion inside the city and providing connectivity to all the traffic generating points. In order to achieve the same as per the scientific study, re-routing of stage carriages plying inside the city was the primary suggestion put forward by NATPAC by utilizing the IGBT Bus stand by halting buses at IGBT by reducing congestion at Central Junction. The alternative systems suggested were the introduction of prepaid auto counters at both IGBT and SHBT and also shared auto which could be managed by Traffic Police.

Routing Plan suggested by NATPAC are given below:

1. Anakkayam side – Manjeri Route

Onward – Anakkayam – Kacherippadi – IGBT

Return - IGBT – Kacherippadi - Anakkayam

2. Anakkayam side – Nellipparamba Route

Onward - Anakkayam – IGBT – Central Junction – SHBT – Chamayam Jn. - Jaseela Junction – Nellipparamba.

Return - Nellipparamba – Jaseela Jn. – Chamayam Jn. – SHBT – OBS- Kacherippadi Jn. – IGBT - Anakkayam

3. Kozhikkode Side – Manjeri route

Onward - Kozhikkode-Thurakkal Bypass – IGBT

Return - Same route

4. Kozhikkode Side – Nellipparamba route

Onward - Kozhikkode – Central Jn.-SHBT – Chamayam Jn.-Jaseela Jn.-

Nellipparamba.

Return - Same route

5. Nellipparamba Side – Manjeri route

Onward - Nellipparamba – Jaseela Jn. – C H Bypass – SHBT

Return - Same route.

15. This was published for public opinion and since there were more than 3700 individual as well as organizational responses, it is not practical to enlist all the responses and against the names rather major contentions and suggestions received from public are summarized as follows:

- The overall impression was the proposed routing plan will affect badly the interest of travelling public including student community. Representations from various educational institutions were received against the proposed routing plan stating that this will restrict the entry of stage carriages in to the city limits.
- Travelling public and students from Anakkayam, Mankada, Koottilangadi were have to pay additional auto fare to reach their destinations especially schools, hospitals and other institutions.
- Hiring autos to reach various institutions from these entry points was the alternative suggestion put forward by NATPAC and being as an expensive mode of travel, the same was rejected by the public and student community at large.

- Activating all the four existing bypass roads available in the city for traffic
- Long distance KSRTC Buses may be operated from IGBT.
- Widening of road through the city especially from Nellipparamba to Jaseela Junction.
- Abolishment of OBS (Old Bus Stand)
- All Goods and other heavy vehicles to be re-routed through Bypass roads
- Expansion and renovation of Industrial road
- Take stringent action against unauthorized auto/taxi/private vehicles within the city especially in footpaths and road side.
- Most of the foot path vendors are encroached to the road and causing traffic congestion; action has to be taken against such vendors.
- Shifting of foreign liquor outlet by the Beverage Corporation
- Buses traversing through Valluambram to Manjeri has to pass through Thurakkal, Girls High School, Eranad Hospital, Municipal Town Hall, IGBT
- Buses to Nilambur, Kozhikkode, Pandikkad are to be operated from IGBT and buses to Malappuram and Perinthalmanna has to be operated from SHBT
- There are opinions received from public stating that the report is scientific and for the development of the city, it has to be implemented as it is.
- W.A. No. 433 of 2018 filed against traffic regulations in Manjeri Town before Hon. High Court of Kerala is pending disposal; therefore till the disposal of the case, present status-quo has to be maintained.

16. The opinions of the public on reducing the traffic congestions were verified and examined in the light of the recommendations and findings of NATPAC team. In the report, the traffic scenario of the city has been examined and analysed with statistical data based on 1. Distance Travelled, 2. Points of Conflict, 3.Average Velocity, 4.Coverage of terminals and 5.Traffic generating points. Based on these indices they have developed cost/benefit ratio and based on which they have suggested modifications on the stage carriage routing pattern.

17. However we are of the considered opinion that some of the suggestions put forward, especially with respect to the stage carriage operation, needs modifications as opinioned by the public. Also the alternative suggested by NATPAC like Hiring Autorikshaws were not public friendly. Shared auto service system is prohibited by law. Thus the suggestions were not practical and permissible by the existing legal

framework. Based on the statistical data collected and collated by NATPC apart from the indices used by them following qualitative indexes are also needs to be considered

1. Safety of passengers
2. Law and Order
3. Accessibility of general public to service centers (like Govt. Offices, Schools, Hospitals etc.)
4. Availability of alternative mode of public transport system
5. Time spent by each individual to reach destination.

Thus, a team consists of Motor Vehicle Inspectors has examined the suggestions of the public strictly in accordance to the modifications in routing plan suggested by NATPAC and submitting the following draft plan for the consideration of RTA as an initial step. Major recommendations are:

1. Nellipparambu – Nilambur – Pandikkad
Onward and Return – existing pattern of service has to be continued.
 2. Malappuram – Tirur – Perinthalmanna
Onward and Return – existing pattern of service has to be continued.
 3. Thrippanachi – Kizhisserri
Onward and Return – existing pattern of service has to be continued.
 4. Kozhikkode – Kondotty (passing through Manjeri)
SHBT-Medical College-IGBT-Thurakkal
 5. Kozhikkode – Kondotty (Halting at Manjeri)
Onward - Thurakkal – Halt at IGBT
Return - Same route
 6. Old Bus Stand has to demolished as per law and a bus bay with a waiting of at least 30 mts long has to constructed for the comfort of the passengers.
- All other suggestions and recommendations proposed by NATPAC and recommended by the traffic regulatory committee will remain as it is.
 - The revised proposal is based on the contentions/opinions received by the public and also with a view to reduce the traffic congestion inside the city limit.
 - As an initial step buses traversing to Kozhikkode side will be operated from IGBT so that passengers can be make use of buses from Anakkayam side to go in to the city and avail services from various institutions.

- By adopting this proposal the IGBT can be made operational and this will help the expansion of the city without additional burden to the travelling public.
- Traffic Regulatory Committee, Manjeri may have to adopt the suggestions and recommendations put forward by the public especially with respect to introduction of one-way system, restriction of heavy vehicles to the city, introduction of parking facilities inside the city.
- These modifications may be subject to the final disposal of all such pending cases before Hon. High Court of Kerala in this regard.

18. The matter was further considered by this authority held on 01.02.2019. There were several discussions and deliberations for against the proposed re-routing plan for stage carriages in Manjeri Municipality. All objections were heard and considered as per law. Major objections were:

1. It will affect the timing of stage carriages traversing from Kozhikkode to Nilambur
2. NATPAC Study report is not scientific and more exploration is required in this regard.
3. People travelling from Kozhikkode to Manjeri town has to get down at satellite bus stand at IGBT and they have to take auto to enter Manjeri town.
4. There will be financial loss for the bus operators conducting service on the route Manjeri – Kozhikkode.

This authority has considered these objections elaborately and overruled the same. This authority will closely observe the changes in stage carriage operations due to the rerouting plan and the operators can raise their contentions after implementing the plan. If there is any additional requirement of timeslots for buses traversing to and from Kozhikkode to Nellipparamba side the same will be addressed as per law. This authority has considered the suggestions of NATPAC with due importance and modifications were suggested considering the public safety and convenience. IGBT is a satellite bus stand and insisting all buses to enter the city will definitely affect the traffic congestion inside the city, the aspect was scientifically studied and by this plan around 120 trips (NATPAC report table 6) can be reduced from the city limit. Alternatively passenger from Kozhikkode to Manjeri can very well avail enough public transport facility from IGBT Bus stand since there are more and enough buses (within a frequency of every minutes – 230 services) are traversing through IGBT bus stand to

Manjeri town. Hence the passengers from Kozhikkode to Manjeri in no way are going to affect with the proposed plan. We have also observed that we have not received any of the public representations against this plan in the open hearing of this authority held on 01.02.2019, which is published and notified much before the conduct of this meeting. The very fact shows that the proposal is public friendly and will not going to affect the public adversely.

19. Thus, this authority is in the considered opinion that the proposed re-routing plan suggested by the Secretary, RTA based on the scientific study report; the contentions of public and all affected parties received in writing will have the following benefits:

1. This is a public friendly proposal and will not restrict the travelling interest of the public.
2. This will be beneficial for the passengers from Nellipparamba side to Manjeri town so that they can access service points in a much easier way.
3. There will be a reduction in traffic congestion within the city limit
4. Halting buses at IGBT will be accelerate the development of the city

This authority has elaborately considered the matter with paramount importance to the public convenience and within the existing legal framework after considering all the objections from affected parties and also verified the observations made by the Hon. High Court in a series of Judgments and decided to implement the following decisions in Manjeri with respect to the traffic rearrangement suggested by the Traffic Regulatory Committee and Municipality Manjeri as an initial step from 4th February 2019 onwards:

1. All the stage carriages operating on
 1. Towards Kozhikkode – Kondotty (passing through Manjeri)
SHBT-Medical College-IGBT-Thurakkal
 2. Kozhikkode – Kondotty (Halting at Manjeri)
Thurakkal – Halt at IGBT
Return - Same route.

Manjeri Municipality in consultation with the Traffic Regulatory Committee has to implement the following with immediate effect:

1. Old Bus Stand has to demolished as per law and a bus bay with a waiting shed of at least 30 mts long has to constructed for the comfort of the passengers.

2. All other suggestions and recommendations proposed by NATPAC and recommended by the traffic regulatory committee will have to be implemented after vide public consultation (except those related to stage carriages).

3. The suggestions and recommendations put forward by the public especially with respect to introduction of one-way system, restriction of heavy vehicles to the city, introduction of parking facilities inside the city etc. mentioned above.

However, the public and/or any other affected parties are free to submit their contentions, if any before this authority and also these modifications are subject to the final disposal of all such pending cases before Hon. High Court of Kerala in this regard.

Sri. M.P. Ajithkumar, Deputy Transport Commissioner CZ -1, Member RTA – Sd/-

Sri. Pratheesh Kumar IPS, District Police Chief, Member RTA – Sd/-

Sri. Amit Meena IAS, District Collector, Chairman RTA – Sd/-