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MP-5921-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 11th OF MARCH, 2026MISC. PETITION No. 5921 of 2025*RAM MILAN RAI**Versus**REGIONAL TRANSPORT AUTHORITY (RTA) AND OTHERS*

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Appearance:

*Shri Ashish Rawat - Advocate for the petitioner.**Shri Mayur Gulati - P.L. for the State.**Shri Brajesh Kumar Dubey - Advocate for the respondents.*
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ORDER

By way of this petition, challenge is made to the order Annexure P-9 passed by the STAT in revision No.56/2025, whereby the STAT has allowed the revision filed by the respondent No.2 and cancelled the permit granted to the present petitioner.

2. Counsel for the petitioner had vehemently argued that the respondent No.2 had no locus to challenge the grant of permit to the petitioner, because the respondent No.2 became route operator only on 05.05.2025, because he lifted the permit on 05.05.2025, whereas the petitioner had already lifted the permit on 02.05.2025. Therefore, the date when permit had been granted to the petitioner, the respondent was not a rival route operator and therefore, he did not have any locus to submit application/objection to object grant of permit to the petitioner and once he



did not have any locus to object to grant of permit to the petitioner, then he also does not have any locus to file revision against grant of permit.

3. It is further argued that the reason assigned by the STAT in cancelling the permit that the bus of the petitioner does not fall within the requisite parameters of stage carriage, because it is having seating capacity of only 36 persons though it should have a minimum capacity of 37 persons is also not proper.

4. *Per contra*, counsel for the respondent had vehemently argued that though the petitioner had lifted the permit on 02.05.2025, but actually the application for permit was filed by the respondent No.2 much before the application having been filed by the petitioner. Even the hearing on application of the respondent No.2 took place on 11.3.2025 whereas the hearing on application of petitioner took place on 22.04.2025. It is further argued that the grant order was passed in case of petitioner on 29.04.2025 though the grant order in favour of the respondent No.2 had already been passed much prior on 08.04.2025. On these grounds, it is contended that the petitioner has no legs to stand and the respondent No.2 remains the rival route operator as on the date of grant order, which was 29.04.2025, because there was already a grant order in favour of the respondent No.2 on 08.04.2025.

5. Heard learned counsel for the parties at length and perused the record.

6. In the present case, the question of locus is not so much relevant, because the STAT has cancelled the permit of the petitioner on the ground



that his bus does not fall within the purview of Rule 77 (1-A) of M.P. Motor Vehicle Rules, 1994, which provides in terms of Rule 77 (1)(a)(iv)(1) as under:-

*Deluxe Air Conditioned Bus not less than 35+2 seats *[including] driver and conductor.*

**Subs. for the word "excluding" by No.21, Dt. 10.2.2014.*

7. The aforesaid rule would clearly infer that for a Deluxe Air Conditioned Bus, which is the bus in the present case, the minimum seating capacity should be 35+2, which means that 35 would be the passenger capacity and 2 seats would be driver and conductor. This is the minimum seating capacity as required under the M.P. Motor Vehicle Rules, 1994.

8. As against this registration certificate of the bus in question clearly mentions that it is having a seating capacity of 36 in all. The registration certificate clearly mentions the seating capacity as 36 (in all). Therefore, it would mean that the seating capacity including driver and conductor would be 36 whereas seating capacity as per the Madhya Pradesh Rules should be 37, i.e. 35+2. Petitioner at this stage argued that it is not compulsory to keep a conductor in the bus. However, this Court cannot countenance this argument, because Rule 77 clearly mentions that there have to be 35+2 seats and the plus 2 seats are for driver and conductor, which clearly imply that there has to be a conductor in the bus. Even otherwise, a bus operating in route as a stage carriage necessarily should have a conductor 17 (1) (xiii) of M.P. Rules of 1994. Infact, without the Conductor, the Driver is barred from plying the bus. Rule 17 (1) (xiii) is as under :-

17. Duties and conduct of Drivers of Stage carriages and Contract carriages.-

(1) The driver of a stage carriage or a contract carriage,



other than a motor cab-

(xiii) shall not, ply a stage carriage unless there is a duly licensed conductor on duty in the vehicle;

9. The Counsel for respondent has further brought to attention of this Court the provisions of Rule 164 of the Rules of 1994, which mention as under:-

"164- Width of Doors and Fitment of Emergency exit Window/door.

(1) Every public service vehicle, private service vehicle, contract carriage and educational institution vehicle shall be fitted with separate entrance and exit doors located on the left side of the vehicle, and having at least 53 centimeters width and of sufficient height :

Provided, that the said provision shall not apply to a motor cab, a vehicle constructed under rule 128 of the Central Motor Vehicle Rules 1989, and a vehicle having thirty-two or less seating capacity (excluding driver and conductor).

(2) Every public service vehicle, private service vehicle, contract carriage and educational institution vehicle other than those constructed under rule 128 of Central Motor Vehicles Rules, 1989, shall be fitted with either an emergency exit door or an emergency exit window located in the back or right side of the vehicle having specifications as provided under rule 128(4) of the Central Motor Vehicles Rules, 1989.]"

10. It was contended that as per the aforesaid rules. Every stage carriage has to have at least two doors on the left side, one of which would be entrance and another would be the exit door and there should be one emergency door on the right side or in the back side. But in the present case, the bus in question only has one entry-cum-exit door on the left side, though it may be having emergency door in the right or back side.

11. As the STAT has not passed any order on this ground, therefore, this Court does not intend to go into that question. However, one thing is clear that the permit in question has been granted in violation of Rule 77 by granting deluxe/air-conditioned stage carriage bus permit to a vehicle having



36 seats in all whereas the rules mandate the vehicle to have 35+2 or 37 seats in all. Thus, the bus in question does not fulfill the requirements for a valid stage carriage permit.

12. Therefore, no interference is warranted in the impugned order passed by the STAT. The petition fails and is **dismissed**.

13. Before parting with the matter, it is observed that one thing was pointed out to this Court, that the bus in question did not have separate entrance and exit doors on the left side. As per Rule 164 of M.P. Rules, it is mandatory to have separate entry and exit doors on the left side and emergency door on right or back side of the vehicle. This applies for all public service vehicles, private service vehicles, contract carriages and educational institution buses. The only exception is only for emergency doors for the Tourist vehicles, that are separately dealt with under Rule-128 of Central Motor Vehicle Rules ("Central Rules"). The exception is not saving of entire Rule 128 of Central Rules, but only Rule 128 (4). Rule 128 (3) is not saved, that provides that in Tourist vehicles, there shall be one common passenger entry-cum-exit on left side. Rule 128 of Central Rules is as under :-

128. Tourist vehicles other than motor cabs, etc.—A tourist vehicle other than motorcab, taxicab, campers van house trailer, shall conform to the following specifications, namely:—

[(1) The dimension shall conform to the dimensions specified in rule 93.]

(2) Structure.—Structure of the tourist vehicle should be sturdy and strong structural frame work using suitable material of adequate sectional area and an aerodynamical shape. For exterior panelling,



aluminium sheet or good quality panelling material should be used. As regards interior panelling it should cover the entire interior roof, sides, back and bulk head portions. The body should be made completely leakproof and dustproof. The vehicle should also be rattle proof. Sound deadening should also be done for all panelling including the floor.

[(3) Passenger entrance and exit.—The passenger entrance-cum-exit door shall be located on the left side of the vehicle and minimum door width shall be 685 millimetres. The door handle should be capable of being handled from inside as well as from outside. The door may be operated pneumatically or hydraulically or electrically with suitable locking devices.]

[(4) Emergency exit.—The emergency exit provided on the tourist vehicle shall meet the following requirements, namely:—

- (i) be clearly marked "EMERGENCY EXIT" in bold letters on the inside and the outside of the tourist vehicle;*
- (ii) be so designed as to open from inside and the outside of the tourist vehicle;*
- (iii) be equipped with a fastening device which can be quickly released but so designed as to offer protection against accidental release;*
- (iv) be easily accessible to persons of normal height standing on the ground outside the vehicle;*
- (v) be easily accessible to the passengers;*
- (vi) be such that no seat or other object placed in the vehicle shall restrict the passage to the emergency door;*
- (vii) be located either at the back or on to the right hand side of the vehicle; and*
- (viii) emergency exist may be provided in the form of a window with breakable glass. In such cases, a suitable device shall be provided at a convenient place to break open the glass in the event of an emergency.]*

(5) Driver entry and exit.—A separate door with suitable sliding window shall be provided for the driver near the driver seat.



(6) Windscreen.—

(i) The front windscreen shall be of clear view and distortion free, with safety glass and shall be of full width of the tourist vehicle. If made in two halves, the width of the centre vertical joint, inclusive of the rubber glazing fitment of the front windshield shall be such as to enhance the elegance of the tourist vehicle.

(ii) Rear windscreen shall be of safety glass or laminated safety glass. It shall match with the windows provided on the vehicle. Sliding curtains shall be provided on the rear windscreen.

(7) Windows.—Windows of tourist vehicles should have a minimum space of 14.25 millimetres and shall be of safety or laminated safety glass. Windows shall be of double sliding type slider running smoothly in channels without rattle. All safety or laminated safety glasses used for windows should conform to standards laid down by the Bureau of Indian Standards. Windows shall be provided with sliding curtains.

(8) Ventilation.—Adequate arrangements shall be provided for ventilation for the passenger compartment as well as the driver compartment. All ventilators and windows shall be such that when closed they will not permit ingress of rain water or dust in the passenger or driver compartment.

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14. As per Section 96(2) (xiv) of Act of 1988, it is the State Government only that can frame rules for contruction, fittings and equipments of contract carriage and stage carriage. The relevant is as under:-

96. Power of State Government to make rules for the purposes of this Chapter.—

(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely:—

(xiv) the construction and fittings of, and the equipment to be



carried by, stage and contract carriage, whether generally or in specified areas.

15. Private service vehicle, public service vehicle, contract carriage, educational institution bus, Stage Carriage and tourist vehicle are defined in Motor Vehicles Act in different sub-sections of Section-2 as under:-

(7) “contract carriage” means a motor vehicle which carries a passenger or passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum—

(a) on a time basis, whether or not with reference to any route or distance; or

(b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes—

(i) a maxicab; and

(ii) a motor cab notwithstanding that separate fares are charged for its passengers;

(11) “educational institution bus” means an omnibus, which is owned by a college, school or other educational institution and used solely for the purpose of transporting students or staff of the educational institution in connection with any of its activities;

(33) “private service vehicle” means a motor vehicle constructed or adapted to carry more than six persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public purposes;

(35) “public service vehicle” means any motor vehicle used or adapted to be used for the carriage of passengers for hire or



reward, and includes a maxicab, a motorcab, contract carriage, and stage carriage;

(40) “stage carriage” means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;

(43) “tourist vehicle” means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf.

16. A public service vehicle, covered in Rule-164 of MP Rules would include a Public Service vehicle, that includes a contract carriage and stage carriage. A tourist vehicle is a contract carriage first. However, it is a very sorry state of affairs that many airconditioned buses, and even non-airconditioned luxury buses and sleeper buses, are not having two doors on left and an additional emergency door. Not only on the vehicle in question, but also in all the vehicles, commonly those are having only one common entry-cum-exit door on the left. A large number of lives and properties are being lost in fire accidents involving luxury buses is well known. The height of laxity is that the State has not ensured two gates on left side on almost any of the said vehicles, and permits are being issued indiscriminately.

17. It may be a situation that given one conductor, it may be difficult to control two doors, or it may result into loss of two seats. Be that as it may be, it is for the bus owner to take a decision as to the manner in which the doors are to be operated and he will get profitability, but a single door seriously compromises lives and properties carried in buses at the time of accidents and fire incidents. This Court is not sermonising the State, but is



only reminding it of the Rule framed by the State itself. The rules are framed for public safety, but they are being violated only to provide facility to bus operators, and putting safety of common man to stake.

18. This Court sitting in Article 227, in supervisory jurisdiction on actions of the RTA, RTA being a quasi-judicial body in the matter of grant of permits, cannot turn a blind-eye. Therefore, the respective Road Transport Authorities are directed to enquire as to whether there is violation of Rule-164 of M.P. Rules on any of the Stage carriages and Tourist buses in the State registered prior to 05.1.2012 i.e. when the amended Rule 164 was enforced, and if any of the buses is found violating Rule 164, then its operation shall be stopped within 45 days from today, till it complies Rule 164.

19. Let affidavit of Additional Chief Secretary/Principal Secretary, Transport Department be filed intimating the steps taken by the RTA/STA. In default of affidavit of that authority, affidavit of the Chief Secretary shall be filed. It is made clear that these authorities shall be at liberty to decide whether rule-164 is being violated in each case, on case to case basis. This Court has not given any opinion on any individual case.

20. List on **27.4.2026** under the caption "Directions".

(VIVEK JAIN)
JUDGE