CHAPTER – VII

FINDINGS, RECOMMENDATIONS AND CONCLUSION

7.1 Introduction

The agenda for improving the quality of life cannot be complete without the ‘Transport’ component. Passenger vehicles form a vital part of the economic and social fabric of villages and towns, enabling people to work, to shop, to get to educational institutions, to socialise and to perform many other activities. The Government has a moral obligation to promote and protect the road transport passenger service, it being a public utility service. Factors like road network, number of passenger vehicles, regulatory framework etc are the very basic essentials of an efficient passenger service. But the explosive growth in the population of motor vehicles, disregard of social responsibilities of business and service, stood in the way of delivering an efficient passenger transport service.

The present chapter highlights the findings of the study and recommendations to improve the road transport passenger service based on the regulatory framework to make certain the ever-increasing mobility needs of the people in the state of Kerala.
7.2 Findings

The important findings relating to phases of development of roads, vehicle and passenger service, regulatory Mechanism and adherence to it, redressal mechanism and its effectiveness and passenger service environment are specified under the following heads.

7.2.1 Phases of Development - Passenger Service

1) The growth of road development in India during the post-independence period was not in line with the long-term plans because the increase in the crucial categories of roads like National Highways and the density of roads were only marginal.

2) There were clear imbalances in the development of different categories of roads. 40 percent of the total traffic in the country is carried by National Highways having less than 2 percent of the total road net work in the country. Moreover only 5 percent of the National Highways in the country are four- lanced.

3) India, in spite of having developed her road network of 25.26 lakhs kilometers at the end of 1999, has about 3 lakhs villages yet to be provided with road access. Out of over 589117 villages in India just about 274088 villages have been connected by permanent all-weather roads. This constitutes only 46.52 percent of the total villages.

4) The real vehicle revolution in India was in the decade from 1981 to 1991. There was a quadruple increase in the number of vehicles during this period.

5) The share of buses in the public sector has increased from 31.6 percent in 1960-61 to 49 percent in 1975-76. Thereafter it showed a declining trend. By 1996-97, it came down to one-fourth of the number of the entire passenger buses in India.
6) There is not much difference in the growth rate of roads in Kerala and growth rate at the national level. The road length of Kerala increased from 93080 km to 148341 km. The growth index in 1998-99 was 159 where as the corresponding index at the national level was 170.

7) Though there has been a notable increase in roads in Kerala in terms of length and density and in comparison with many other states, category wise analysis reveals that the road development in the state is not satisfactory when compared to the national level. The length of NH in Kerala constitutes only 0.92 percent of the total roads, where as it is 1.97 at the national level.

8) The number of passengers travelling with KSRTC, has been steadily increasing since 1985. But the operational statistics of the Corporation compared with all-India figures reveals that the performances of KSRTC in fleet utilisation, vehicle productivity, crew productivity, fuel efficiency etc. were below the national average.

9) The private sector dominates the field of passenger transport in Kerala right from the beginning of the passenger service history and today they accounts for about 80 percent of the public road transport system.

10) The private bus service in the northern districts of Kerala showed a higher growth rate than in the southern districts. For instance, Kollam, Pathanamthitta, Alappuzha, Kottayam Idukki etc. registered only about 100 percent growth over the period of the last 3 decades, where as northern districts like Palakkad, Malappuram, Kozhikkode, Kannur etc. showed about 300 to 400 percent increase during the same period. Moreover the proportion of private buses was very high in northern districts compared to the south. More than 70 percent of the private buses were running in the northern districts including Ernakulam. About
57 percent of the private buses in the state operate in 5 districts situated in the middle area of Kerala viz. Ernakulam, Thrissur, Palakkad, Malappuram and Kozhikode.

7.2.2 Regulatory Mechanism


2) The three important agencies involved in the regulation of road transport passenger service are Motor Vehicle Department, State Police Department and Judiciary.

3) No Motor Vehicle Rules were fully adhered to by crews in the stage carriages. Motor Vehicle Rules relating to cleanliness in the vehicle, behaviour of crews, boarding from authorized stops, punctuality, alternative arrangement or refund of fares on breakdown of vehicle, exhibition of proper destination board, carrying goods that foul the interior of the vehicle, carrying more than the permitted weight of luggage etc. were adhered to the level of more than 50 percent. But adherence is comparatively low (below 50 percent) regarding the rules concerning smoking/chewing pan/using alcohol during the journey, picking up passengers having infectious deceases, maintaining the vehicle in a fit condition, replenishing fuel when passengers are there in the vehicle, safety to the luggage of passengers etc.

4) There is no significant variation in the adherence of MVRS by the crews in private and KSRTC buses.

5) State Police Department holds the major share in the detection of motor vehicles offences. Out of the total 1075214 cases detected during the last
five years, 926513 cases (86.17 percent) were detected by the Police Department alone. And only the remaining (13.87 percent) were detected by RTAs.

6) There is a wide disparity among the different districts in the detection of motor vehicle Offences. Kannur district stands first in motor vehicle petty offences with 15 percent share, followed by Thrissur district with 12.16 percent and lowest (2.08 percent) is in Pathanamthitta district. Detection of motor vehicle offences in passenger service sector is also not uniform in the different districts in Kerala. In Kannur district the proportion of offences are 15 percent, where as it is only two percent in Pathanamthitta district.

7) The comparatively lower number of motor vehicle offences reported in certain districts in Kerala, are not due to the absence of violations of MVRs but due to non-detection. Violations of the law in the road transport sector, particularly in the passenger transport sector, is much more than the number of offences reported and it means that a good number of violations are left undetected.

8) The number of passenger related offences are more compared to the total offences. Passenger vehicles, which constitute 18 percent of the total vehicles accounts for about 33 percent of the detected offences.

9) Private buses including contract carriages are the major lawbreakers in the passenger service sector. 75012 offences were detected from 71966 private buses, registering the ratio of offences to the total number of vehicles as 104: 100. It shows that, on an average, one private bus is booked more than once in a year for violation of motor vehicle rules. Only 42 percent of the KSRTC buses are booked in a year for violation of Motor Vehicle Rules.
10) The number of offences detected in KSRTC buses is low compared to private buses. But the study revealed that the comparatively lower number of offences reported about KSRTC is not due to the absence of violations rather due to non-detection.

11) The passenger transport vehicles are largely involved in accidents in the general transport sector in Kerala. The state average of total accident to the total vehicles was only 1.66 percent in 2002, where as the state average of accidents in passenger vehicles was 3.51 percent of total passenger vehicles.

12) Although the rate of accident increase steadily, the detection of offences in passenger vehicles shows a declining trend during the period under study. It reduced from 25.25 percent to 24.24 in Kannur district and from 38.52 percent to 31.53 percent in Thiruvananthapuram district.

13) The fare level in Kerala is significantly higher than the neighbouring states. The rate per kilometer for travel in Kerala in ordinary service was 28 paise in 1999, whereas in the neighbouring states viz. Tamil Nadu and Karnataka it was 22 and 24 paise respectively.

14) The distance between two adjacent fare stages has significantly decreased below the standard (2.5 Kms). The fare stage fixation, over the years has been turned detrimental to the interest of passengers. In the majority (83 percent) of the fare stages, the stipulated distance of 2.5 km between two adjacent fare stages is not adhered to.

15) Due to the unscientific insertion of notional charges, the short distance travellers especially those who travel less than 7.5 Km are charged heavily. It is estimated that passengers are exploited to the tune of an average of 3.79 paise per kilometer due to the fare stage anomaly alone.

16) The cost of operation, which should be the basic criterion for fare fixation, is not considered while fixing the fares. The fare increases at a
high proportion, compared to the cost of operation. When the cost of operation (as per KSRTC standard) is increased by about 1.6 times, the price charged increased by 1.9 times.

17) The operational expense in KSRTC is more than in private buses. The total expense for conducting one Km of service in KSRTC was 1530.9 paise in 2001, where as it was only 1017.2 paise in private buses. The reason was due to the difference in the salary structure of the employees. In KSRTC, the proportion of salary on total cost was 46.6 percent but it was only about 19.66 percent in private buses. Fare revisions in Kerala were, to an extent, made to commensurate with the strikes / pressure of private bus operators.

18) Among the different Motor Vehicle Rules set for passengers, no rules are fully adhered to. Motor Vehicle Rules regarding entering or alighting from the vehicle through other ways than the door provided for the purpose, smoking in the vehicle, distracting drivers attention by speaking to him or directly asking to stop the vehicle and ringing the bell to start or stop the vehicle without the consent of conductor are adhered to in most cases. But, rules regarding the observing of queue while entering the vehicle, begging, selling or offering for sale any article in the bus, travelling intoxicated causing inconvenience to other passengers are very rarely or seldom adhered to.

19) The Motor Vehicle Rules concerning the construction and maintenance of passenger vehicles were not fully adhered to by service providers of private stage carriages. The adherence is more than 50 percent in the rules relating to distance between two seats, height of guardrails, width of entrance and exit, etc. But the adherence is below 50 percent in rules relating to the size of seat, steps of stage carriages, size of cushions on seats, audio-video devices in stage carriage etc. The percentage of
adherence is zero or almost zero in rules relating to fire extinguishers in stage carriages, uniforms for doorkeeper in stage carriages, complaint book in stage carriages etc. The adherence to Motor Vehicle Rules as regards the construction and maintenance of passenger vehicles by the providers of KSRTC buses is fairly high. In about 64 percent rules, adherence is above 50 percent.

20) Majority of the complaints (63.42 percent) lodged with MACT are from the accident victims from the passenger service sector.

21) Ninety two percent of the total accident victims lodged complaints with the various MACTs for compensation.

22) The rate of filing of MACT cases varies from district to district. Ernakulam district stands foremost in the number of MACT claims and the lowest number of filing of MACT cases are in Kasargod district.

23) The percentage of accidents is steadily increasing but the number of complaints lodged in MACT for motor accident claims shows a decreasing trend. The number of accidents in the state increased by 55 percent since 1998 but its reporting to MACT decreased by 11 percent.

24) The number of pending cases in different MACTs in Kerala as per 2001 statistics was 1,50,000. The important reasons identified for pending cases were lesser number of MACTs and judges, insufficient staff, insufficient number of ‘Neethi Melas,’ non submission of necessary documents, procedural delay, provision of incorrect information by police and RTA officials, indifferent attitude of advocates etc.

7.2.3 **Redressal mechanism**

1) The number of complaints lodged with CDRFs is on the decline from year after year in almost all the districts in the state. The total number of complaints lodged with all CDRF in Kerala has gone down from 9854 in
1997 to 6983 in 2002 indicating a 29.13 percent decline in the number of complaints lodged.

2) The volume of passenger related cases coming up in consumer courts are very low compared to the total number of cases. Out of the total 53610 complaints lodged in all CDRFs in Kerala only 396 (about one percent) were passenger related cases.

3) The passenger related cases reported in various CDRFSs are showing a diminishing trend year after year. The total number of passenger cases decreased from 72 in 1997 to 45 in 2002.

4) The major deficiencies against which complaints were filed in various CDRFs were excess fare (20 percent), not stopping the vehicle at proper stops (17.68 percent), and non-payment of balance of fare (17.17 percent) etc.

5) Among the different service providers, KSRTC is the most unsatisfactory one because 54.55 percent of the total complaints reported in various CDRFs were related to KSRTC buses. This is followed by private stage carriages, contract carriages and other passenger vehicles, which accounts for 23.99, 9.85 and 11.61 percent of the complaints, respectively. The state owned KSRTC buses stand deeper in complaints like non-payment of balance of ticket and not stopping at proper bus stops etc.

6) The success rate of passenger related complaints lodged in CDRFs is very low which is only 27.77 percent.

7) The major reasons for the dismissal of cases in CDRFs are settlement of disputes out side forum and absence of complainants, when the case is called in Court. (69 percent).
8) Women passengers are very reluctant in complaining about the deficiencies caused during journey. They constitute only 6.7 percent of the total complainants.

9) People residing in rural areas are more vigilant in responding to deficiencies in passenger service. 70.7 percent of the complainants in CDRF hail from rural areas.

10) Employed personnel including professionals and businessmen form about 68 percent of the total complainants in CDRFs.

11) Majority of the complainants in CDRF were passengers in stage carriages. (98.6 percent).

12) The main source of information about CDRF was the print media. According to 71 percent of Government employees it is the basic source of information. Majority of professionals were directed to CDRF by advocates.

13) Occupation-wise analysis of verdict in CDRF revealed that, majority (85.7 percent) of the professional degree holders got a favourable verdict.

14) The verdict on the complaints were more favourable in personalised mode of transport like taxi, auto rickshaw etc.

15) Expenses involved in conducting the cases in CDRF is not very high, according to the majority (71 percent) of the complainants.

16) The concept of ‘simplicity in the procedure’ and ‘speedy redressal of consumer grievances’ as envisaged in Consumer Protection Act are not properly honoured. About 25 percent of the complainants feel that the procedure in CDRF is simple but only 5.3 percent of them feel that the time taken is not much.

17) The execution of verdict of CDRF was felt to be complicated to majority (55.32 percent) of the complainants.
18) The proportion of women complainants, who have employed advocates for conducting their cases in CDRF is more than that of male complainants. About 90 percent of the women employed advocates. 

19) So far there are no direct appointments to fill the vacancies of the clerical staff in CDRF. They are deputed from the Civil Supplies Department to CDRF.

7.2.4 Passenger Transport Environment – Passengers

1) The most commonly used mode of transport is the stage carriage. About 81.4 percent of the passengers take to buses followed by 12.4 percent of the passengers depend on auto rickshaws.

2) There is a significant relationship between the mode of travel and occupation of passengers. Majority of the passengers, other than the employed group, use private bus for transport.

3) There is a significant relationship between the mode of travel and monthly income of passengers. The proportion of passengers who travel in private buses increases as the income level decreases and vice versa in KSRTC buses.

4) The length of journey of passengers indicates that a significant number (40 percent) of the passengers are short distance travellers.

5) About 96 percent of the passengers experienced deficiency in public transport system. ‘Misbehavior of crews’, ‘non-payment of balance of ticket fare’ and ‘not stopping at proper bus stop’ are common deficiencies in this sector.

6) There is significant relationship between the tendency for lodging complaints and educational qualification. The tendency for complaining about deficiency is comparatively lower in passengers with poor educational status.
7) There is significant relationship between the tendency for complaining and occupation of passengers. Among the different occupational groups, professionals and Government employees are in the forefront in complaining against passenger service grievances.

8) There is significant relationship between the tendency for complaining and income. Majority of the high-income group passengers (above Rs. 20,000) complained against deficiencies in passenger service and the proportion of passengers complaining regarding passenger-related deficiencies increases as their income level increases.

9) Lack of cleanliness is another important difficulty faced by passengers in the stage carriages. A great number of (96 percent) passengers experienced difficulty in this regard.

10) The major reason for not complaining by passengers is their lethargic attitude. More than 50 percent of the passengers did not file complaints due to the same reason. A significant number of passengers (23 percent) think that the procedure in CDRF is complicated and long drawn.

11) The place of complaint for majority (53 percent) of the passengers is the police station. A significant number (21 percent) of passengers filed complaints with the owner of the vehicle in the case of private buses and ATO / DTO in the case of KSRTC buses. Almost a similar proportion of passengers approached Regional Transport Authorities in this regard.

12) Passengers are not aware of their rights and status as consumer. And this could be the main reason for not filing complaints in CDRF, despite the deficiency in service.
7.2.5 Passenger Transport Environment – Service Providers

1) The owners of the passenger service vehicles are aware of the right of passengers as consumers because 90 percent of them are aware of Consumer Protection Act.

2) One hundred percent of the ATOs / DTOs in KSRTC are aware of Consumer Protection Laws despite the fact that deficiencies in service are very high there.

3) The average number of complaints received by the OPS are estimated to be five in a month.

4) The number of complaints received by and notices served by CDRF to the OPS is only four percent of the total OPS.

5) Among the different passenger-related problems faced by OPS, the most severe one is the compulsion to stop the vehicle in non-approved stops. Besides, the OPS experience difficulty due to the indecent behaviour of passengers and the occupying of seats for women by man passengers.

6) Among the different employee-related problems faced by OPS, the most severe one is competition and rash driving.

7) The most serious road-related problem faced by OPS is the improper maintenance of roads. Lack of width of roads due to various encroachments is the second major problem.

8) Of the different Government-related problems faced by OPS, the excess tax imposed is the top most one. The problem of discrepancy in time scheduling by the RTAs, which results in competitive running and accidents, is the next.

9) The awareness of employees in private stage carriages regarding Consumer Protection Act is comparatively high. Only 70 percent of the
crews of private passenger vehicles were aware that passenger is a consumer as per Consumer Protection Act.

10) There is significant difference regarding the awareness of Consumer Protection Act among the crews in KSRTC and private stage carriages. A good percentage of employees in the private buses were not aware of the status of passengers as consumers.

7.3 Recommendations

The passenger road transport sector is beset with problems. Ineffective laws/their poor implementation are the hallmark of the passenger road transport system in Kerala. The waves of globalisation and transition in the goals of various constituents in the passenger road transport system and the change in the orientation from being ‘service-centered’ to ‘profit-centered’ have significantly contributed to this phenomenon. Hence it is high time that a through revision in the laws in the passenger transport sector in the state is made. On the basis of the analysis made in this venture and interaction with the various parties in the passenger transport system, it is observed that the following suggestions would serve well even for a correction in the present regulatory set up. Relevant recommendations on the basis of the findings are given in the following heads.

7.3.1 Regulatory Mechanism

1. Strict enforcement of Motor Vehicle Rules through Police Department and Regional Transport Authorities is inevitable to bring down violation of motor vehicle rules, which affect the safety aspects in passenger service. The present infrastructure with the police and RTAs should be updated with modern electronic devices having the standard in developed countries.
2. Number of motor vehicle inspectors should be increased in proportion to the number of vehicles, so as to have more effective check on motor vehicle offences.

3. In order to popularise the Motor Vehicle Rules, it may be included in the curriculum at high school level.

4. Motor Vehicle Act and Rules may be amended to enhance the punishment for motor vehicle offences.

5. The driving license shall be cancelled immediately in the hit and run cases and on the cases of accident involving death due to driver's default/negligence.

6. Motor Vehicle Rules shall be strictly adhered to in issuing fitness certificate to passenger vehicles.

7. Special attention shall be given on the checking of motor vehicle offences of KSRTC buses, as the accident rates are more there.

8. More screening, if necessary, and new enactments shall be made while giving driving license to applicants so as to ensure that only the eligible persons secure driving licenses. One month's class on motor vehicle rules and allied subjects shall be arranged for applicants and only those who pass this course with the minimum 50 percent marks shall be considered for being given driving licenses. Special training and refresher course shall also be arranged periodically for drivers.

9. New provisions are to be included in the Motor Vehicle Rules so as to stop door keepers of private buses from standing on the footboard of the bus.

10. Spare wheel and sufficient tools shall be provided in KSRTC buses and adequate technical training shall be given to the drivers and conductors to repair the vehicle during break-downs. Moreover, the crews of the KSRTC buses shall be authorised to get the bus repaired locally to a
maximum repairing charges of Rs.500, if any break down occurs during the journey.

11. The RTA shall insist on the private bus operators to continue their service till 9 o’ clock in the night and this condition shall be attached to their permit. Uneconomic routes shall be identified and the Government shall give subsidy on such uneconomic routes, both for private and KSRTC buses.

12. Special training shall be given to the crews of the passenger vehicles, regarding the MVRs to be adhered to, as a pre-condition for the issuance and renewal of licenses to them. Orientation shall also be given to behave properly.

13. Since the main road related problem faced by providers of passenger service is improper maintenance of roads, legislation shall be made for the strict utilization of major portion (above 80 percent) of the road tax collected for the construction and maintenance of roads. In India it is estimated that only 48 percent of the amount collected from road related taxes are being ploughed back for the improvement and maintenance of roads. Moreover, the maintenance of stretches of roads (say five to ten Kms) shall be entrusted with private contractors having valid license and good reputation and guarantee shall be made for proper accountability.

14. As the tax on passenger vehicle is a heavy burden on service providers, it shall be restructured. For an equitable taxation, rate shall be increased on high-density city routes and reduce them on remote/rural/hilly routes.

15. In order to avoid fare stage anomalies and exploitation in the form of notional charges, the distance between fare stages shall be maintained as 2.5 Km. as specified in the statutes.
16. An independent agency with full autonomy shall be entrusted to study the cost of operation of passenger service and to fix and revise fares on the basis of the cost aspect.

17. All possible steps shall be taken for the disposal of cases in MACT within a reasonable time. Sufficient number of judges and staff shall be provided and sufficient number of ‘Neethi Mela’ is to be conducted at more frequently.

7.3.2 Redressal Mechanism

1. Consumer education programmes shall be initiated through Government machinery. More classes shall be started even at the Panchayat or ward levels.

2. To make known the role of CDRF as a redressal mechanism for settlement of passenger grievance, it shall be included as a compulsory subject in the curriculum of higher secondary students.

3. Consumer Protection Act shall be amended to incorporate the provision for prohibiting the service of professional advocates from CDRF.

4. Extra sittings like ‘Neethi Melas’ shall be arranged in CDRFs also to facilitate the settling of cases in time as envisaged in the Act.

5. For an efficient functioning of CDRF, its Staff shall be appointed directly under the Law Ministry instead of being deputed from the Civil Supplies Department. Moreover, they shall be given proper orientation also.

6. New enactments shall be made in the Consumer Protection Act for the speedy settlement of consumer complaints lodged by women complainants and to enable woman organisations or VCOs to represent lady complainants in CDRF.
7. Execution powers of CDRF shall be increased for effective implementation of the verdict.

7.3.3 Amenities and facilities

An ombudsman system shall be introduced in view of the large passenger population and mass violation of Motor Vehicle Rules, at the district level for the settlement of grievances of passengers, employees and service providers.

Proper upkeep and redesign of buses have to be made through the lowering of floor levels, providing wider doors, comfortable seats etc. for better passenger satisfaction.

7.4 Conclusion

In terms of user density and user diversities, passenger road transport system in Kerala is more than a facility and greater than a service. The observations on the efficiency of the existing laws in the passenger road transport system in the state may give an impression that the problems in this sector are insurmountable. The peculiar socio-economic status of the people in the state and the newer philosophies of globalization, call for a re-reading of the regulatory mechanism in passenger road transport system and a re-discovery of the needs of passengers and service providers. The problems in the passenger road transport sector in Kerala can be overcome if the Government, regulatory bodies, providers of passenger service, passengers and all other related groups in the passenger road transport system in Kerala are ready for a paradigm shift. It is expected that, the passenger road transport system in Kerala would meet the travel needs of people in all respects including economy, safety and comfort, in the years to come.