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SECTION 3, SUB-SECTION (i)]**

**MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**

**New Delhi, the      April, 2016**

**NOTIFICATION**

G.S.R.....(E) - The following draft rules which the Central Government proposes to make in exercise of the powers conferred by sub-section (14) read with sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988) is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration after expiry of a period of forty-five days from the date on which the copies of this notification as published in the Gazette of India are made available to the public;

Objections or suggestions, if any, may be sent to the Joint Secretary (Transport ), Ministry of Road Transport and Highways, Transport Bhawan, 1, Parliament Street, New Delhi-110 001;

Any objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period aforesaid shall be considered by the Central Government.

**DRAFT RULES**

**1. Short title, extent, commencement and exemption. —**

- (1) These rules may be called the Motor Vehicles (All India Authorisation for Tourist Bus Permit) Rules, 2016.
- (2) They extend to the whole of India.
- (3) They shall come into force on the date of their final publication in the Official Gazette.
- (4) The conditions prescribed in rules 82 to 85A of the Central Motor Vehicle Rules, 1989 and the Motor Vehicles (All India Permit for Tourist Transport Operators) Rules, 1993 shall not apply to the permits granted under these rules.

**2. Definitions. —**

- (1) In these rules, unless the context otherwise requires, —

- (a) “Act” means the Motor Vehicles Act, 1988(59 of1988);
- (b) “All India Authorization for Tourist Bus Permit” means a permit issued by transport authorities to a tourist bus operator authorising him to operate throughout the territory of India;

- (c) “Form” means a Form specified in these rules;
- (d) “luxury tourist buses” means the buses designed for a high comfort level and individual seats and adjustable seat backs , improved ventilation and pleasing interiors;
- (e) “ordinary tourist buses” means-
  - (i) buses designed for basic minimum comfort level; or
  - (ii) buses designed for a slightly higher comfort level and with provision for ergonomically designed seats;
- (f) “rule” means rule of the Central Motor Vehicle Rules, 1989;
- (g) “section” means section of the Act;
- (h) “super luxury tourist buses” means Deluxe Buses which are air conditioned;
- (i) “Tourist Bus Operator” means a company or firm or an individual engaged in a business of promotion of tourism by providing tourist transport buses;
- (j) “transport authorities” means the authorities which are authorised under the Act to grant a permit in respect of a tourist bus;

3. **Issue of All India Authorisation Permit.**—The All India Authorization for Tourist Bus Permit shall be issued only to a tourist bus operator.

4. **Form, contents, duration etc. of the All India Authorization Tourist Bus Permit.-**

- (1) Every application for the issue of an All India Authorization Tourist Bus Permit shall be made to the concerned Transport Authorities in Form 1.
- (2) Every All India Authorization Tourist Bus Permit shall be issued in Form 2 and shall be valid for a period of one year.
- (3) The All India Authorization Tourist Bus Permit may be renewed on an application made in Form 1 not less than fifteen days before the date of its expiry.

5. **Fee for issue of All India Authorization Tourist Bus Permit. —**

Every application for the issue of an All India Authorization Tourist Bus Permit shall be accompanied with a consolidated fee of rupees fifty thousand for ordinary tourist buses, seventy-five thousand rupees for luxury tourist buses and one lakh rupees for super luxury tourist buses, to be deposited in the All India Authorization Tourist Bus Permit account for issue of a permit to operate throughout the territory of India.

*Explanation:* For the purpose of this rule, the expression “All India Authorization Tourist Bus Permit account” means an account to be maintained by the Central Government and notified in the Official Gazette.

**6. Distribution of consolidated All India Authorisation Tourist Bus Permit fee among States and Union Territories. —**

The distribution of consolidated fee, collected in the All India Authorisation Tourist Bus Permit account specified in rule 5 of these rules, among the States and Union territories shall be as per the formula given below:

$$\begin{aligned} SR_n &= SS_n \times (\text{Actual revenue of month for the country}) \\ SR_n &= \text{Actual State Revenue for the month for nth State} \\ SS_n &= \text{State share of nth State} \\ &= \frac{\text{Average estimated revenue for each State for preceding three financial years}}{\text{Average estimated revenue of the country for preceding three financial years}} \end{aligned}$$

*Note:* The base year shall be the average of the last three financial years and the share of each State and Union Territory shall be notified by the Central Government from time to time.

(5) The period of validity of an All India Authorization Tourist Bus Permit shall not exceed one year at a time.

**7. Procedure of applying for issue of All India Authorization Tourist Bus Permit.—**

(1) An application for an All India Authorization Tourist Bus Permit may be made on any working day to the transport authorities concerned.

(2) The transport authorities shall not ordinarily refuse to issue an All India Authorization Tourist Bus Permit applied for under these rules.

(3) The transport authorities may reject the application made under sub-rule (1) for good and sufficient reasons to be recorded in writing, or where the authorities is of the opinion that this would have the effect of increasing the number of All India Authorization Tourist Bus Permits limited in terms of sub-section (3) of section 74:

Provided that the All India Authorization Tourist Bus Permit applied for shall be issued or refused within a period of thirty days from the date of receipt of application by the transport authorities.

(4) A web based system shall be developed to facilitate the application online payment and grant of permits.

**8. Transfer of Permit.—** (1) Save as otherwise provided in sub-rule (2), an All India Authorization Tourist Bus Permit shall not be transferable from one person to another except with the permission of the transport authorities which issued the All India

Authorization Tourist Bus Permit and shall not, without such permission, confer on any person to whom a vehicle covered by the All India Authorization Tourist Bus Permit is transferred, any right to use that vehicle in the manner authorised by the All India Authorization Tourist Bus Permit.

(2) Where the holder of an All India Authorization Tourist Bus Permit dies, the person succeeding to the possession of the vehicles covered by the All India Authorization Tourist Bus Permit may, for a period of three months, use the All India Authorization Tourist Bus Permit from the date of death of the holder and on his own intention to use the All India Authorization Tourist Bus Permit:

Provided that no All India Authorization Tourist Bus Permit shall be so used, except after its renewal, after the date on which it shall have ceased to be effective in the hands of the deceased holder.

(3) The transport authorities may, on an application made to it within three months of the death of the holder of the All India Authorization Tourist Bus Permit, transfer that said certificate to the person succeeding to the possession of the vehicle covered by the All India Authorization Tourist Bus Permit:

Provided that the Transport Authorities may entertain an application made after the expiry of the said period of three months, if it is satisfied that the applicant was prevented from making an application within the specified time.

9. **Replacement of vehicle.**—The holder of an All India Authorization Tourist Bus Permit may, with the permission of the transport authorities by which the All India Authorization Tourist Bus Permit was issued, replace any vehicle covered by the All India Authorization Tourist Bus Permit by any other vehicle of the same nature.

*Explanation.*— For the purpose of this rule, the expression “the vehicle of same nature” means having the same seating capacity for which permit has been granted and composite fee paid and such a replacement vehicle could be of any other make or model.

10. **Appeals.**— Any person aggrieved by-

(a) the refusal of the transport authorities to issue an All India Authorization Tourist Bus Permit or by any condition attached to an All India Authorization Tourist Bus Permit issued by him; or

(b) the order of revocation or suspension of the All India Authorization Tourist Bus Permit or by any variation of the condition thereof; or

(c) the order or refusal to transfer the All India Authorization Tourist Bus Permit under rule 8 of these rules; or

(d) the order of refusal to renew an All India Authorization Tourist Bus Permit: or

(e) any other order which may be made,

may within a period of thirty days from the date on which the said order is communicated to the applicant, appeal to the State Transport Appellate Tribunal constituted under sub-section (2) of section 89 of the Act, who shall, after giving such person and the transport authorities an opportunity of being heard, give a decision thereon and it shall be binding on the parties.

11. **Authorisation Fee.**— The fee for the issue of an authorisation certificate shall be one thousand rupees per annum and every application for the issue or renewal of the same shall be accompanied by a bank draft for the said amount in favour of the transport authorities.

12. **Seating capacity.**— Subject to the provisions of rule 128 of the Central Motor Vehicles Rules, 1989, other than sub-rule (11) of the said rules, an All India Tourist Bus Permit shall be issued only in respect of buses with a seating capacity of not less than twenty one and not more than thirty nine, excluding the driver and the conductor shall also apply to the tourist buses.

13. **Age of the Tourist Buses.**—

An All India Tourist Bus Permit shall be deemed to be invalid from the date on which the bus covered by the said permit completes eight years.

*Explanation.*—For the purpose of this rule, the period of eight years shall be computed from the date of initial registration of the tourist bus concerned.

14. **Distinguishing mark.** — Every bus under the All India Authorization Tourist Bus Permit issued under these rules shall exhibit the words ‘All India Tourist Bus Permit’ on the back of the vehicle in contrasting colour, so as to be clearly visible.

15. **List of Tourists.**— A Tourist Bus plying under an All India Tourist Bus Permit shall at all times carry a list of tourist-passengers in respect of each trip, and the list shall be produced on demand by the officers authorised to demand production of documents by or under the Act or the Rules made there under.

16. **Quarterly Returns to be filed by an All India Tourist Bus Permit Holder.**—

An All India Tourist Bus Permit holder shall file a quarterly return, in respect of the bus covered by these rules, in Form 3 to the transport authorities of the State by which the All India Authorization Tourist Bus Permit is granted and the said authorities, in turn, shall forward copies thereof to the appropriate authorities of other States concerned.

17. **Conformity to mass emission standards.** — The Tourist Bus Operator shall not engage or use any vehicle for the purpose of journey, the origin and destination of which falls within the National Capital Region, unless such vehicle conforms to the prescribed mass emission standards.

**Form 1**

*[Refer rule 4(1)]*

**FORM OF APPLICATION FOR ISSUE OF AN ALL INDIA AUTHORIZATION  
FOR TOURIST BUS PERMIT**

To

The Transport Authorities

.....

I/We\*, the undersigned, hereby apply for the issue of an All India Authorization Tourist Bus Permit valid throughout the territory of India/in the State of .....(Here, write the names of the States applicable).

1. Name of the applicant(s) in full (starting with surname, if any)
2. Name of the company or firm  
.....
3. Name of father or husband (in the case of an individual)
4. Complete address
5. Registration mark of the bus
6. Engine number of the bus
7. Chassis number of the bus
8. Original permit number of the bus
9. Permit issuing authorities of the bus
10. Make of the bus
11. Registered laden weight of the bus

- 12. Unladen weight of the bus
- 13. Year of manufacture of the bus.....
- 14. Seating capacity of bus.....
- 15. Period for which the authorization certificate is applied for .....
- From .....to.....

I/We\* enclose the receipt towards payment of fee of Rs. 50,000/- for ordinary tourist buses / Rs. 75,000/ for luxury tourist bus / Rs. 1,00,000/- for super luxury tourist bus\* as Annual Consolidated Tourist Bus Permit fee.

Date.....

Signature or thumb impression of applicant(s) or of the authorized signatory with official rubber stamp.

\*Strike out whichever is not applicable.

**Form 2**  
*[Refer rule 4(2)]*

**ALL INDIA TOURIST BUS AUTHORIZATION CERTIFICATE**

**This All India Tourist Bus Authorization Certificate is valid throughout the territory of India**

1. Name in full of the individual or company (starting with surname, if any)
2. Complete Address
3. Registration mark of the bus
4. Engine number of the bus
5. Chassis number of the bus
6. Permit number of the bus
7. Name of the permit issuing authorities
8. Make of the bus
9. Registered laden weight of the bus
10. Unladen weight of the bus
11. Year of manufacture of the bus
12. Period of validity of the authorization certificate      From.....to.....

(Seal of the transport authorities)

Signature of the transport authorities

(on the \_\_\_\_\_)

Certificate of payment of Annual consolidated Tourist bus permit fee

Sl. No.	Type of Tourist Bus	Amount paid	Particulars of bank draft and date	Date of payment	Period for which paid
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					

Place.....

Signature and seal of the transport authorities

Date.....

**Form 3**

[Refer rule 16]

**Form of Quarterly Returns to be filed by an All India Tourist Bus Permit Holder**

1. Name and complete address of the All India Tourist Bus Permit Holder
2. Registration mark of the bus
3. Registration number of All India Tourist Bus Permit Holder

**Summary of trips made during the quarter**

<b>Month</b>	<b>Total distance covered in the State of*</b>	<b>Total distance of operation</b>	<b>Remarks</b>
<b>(a)</b>			
<b>(b)</b>			
<b>(c)</b>			

Date .....

Signature of the All India Tourist Bus Permit Holder

\*Mention the name of the State applicable

*Note* : In the remarks column, state reasons for low or high running in any particular State or States and any other factors which caused low or high operation.

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