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**General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.**

NOTIFICATIONS BY GOVERNMENT

HOME DEPARTMENT

DRAFT RULES

TAMIL NADU MOTOR VEHICLES
(REGULATION AND CONTROL OF SCHOOL BUSES)

SPECIAL RULES 2012

[G.O. (Ms) No. 643, Home (Tr.VII) Department , 31st August 2012.]

No. SRO A 23(b)/2012.

The following draft of certain special rules which it is proposed to make, in exercise of the powers conferred by clause (xxxiii) of sub-section (2) of section 96, sections 111, 138 (2)(i) of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (1) of section 212 of the said Act.

Notice is hereby given that the draft Rules will be taken into consideration on or after the expiry of a period of fifteen days from the date of publication of this notification in the Tamil Nadu Government Gazette and that any objection or suggestion that may be received from any person with respect thereto before the date of such expiry will be considered by the Government of Tamil Nadu.

Objection or suggestion, if any, should be addressed in duplicate to the Principal Secretary to Government, Home, Prohibition and Excise Department, Secretariat, Fort St. George, Chennai-600 009.

DRAFT RULES

1. Short title and commencement.—

(1) These rules may be called as "Tamil Nadu Motor Vehicles (Regulation and Control of School Buses) Special Rules, 2012"

(2) The provisions of these rules shall come into effect on and from the date of publication in the Extraordinary issue of *Tamil Nadu Government Gazette*.

(3) These rules shall apply to School Buses as defined in rule 2(8) of these rules.

(4) These special rules shall be in addition to and not derogatory of the relevant provisions contained in the Motor Vehicles Act, 1988, Central Motor Vehicles Rules, 1989 and Tamil Nadu Motor Vehicles Rules, 1989.

2. Definition.— In these rules, unless the context otherwise requires,

(1) "Act" means the Motor Vehicles Act, 1988 (Central Act 59 of 1988)

(2) "Appropriate Authority" means the Authority which is authorized under the Act to grant a permit.

(3) "Attendant" means any person appointed by the School concerned to perform duties specified in rule 5 of these rules.

(4) "District Level Inter-Departmental Committee" means a committee constituted under rule 11 of these rules to monitor the implementation of provisions of these rules in District Level.

(5) "Educational Authority" means the Authority empowered by the State Government or Central Government to control and regulate the functioning of the School concerned.

(6) "Parent Teacher Association" for the purpose of these rules means the Association formed under rule 9 of these rules to ensure the safety of those students who are transported by the school buses.

(7) "School Authority" includes the Correspondent or Secretary of the School Management Committee and the Head Master or the Principal of the School concerned.

(8) "School Bus" means an omni bus which stands registered in the name of a school recognized by the State Government or Central Government or in the name of any other person with whom the management of the school has entered in to an agreement of lease and has obtained a permit in the name of the school for the purpose of transporting students and staff of the school only in connection with school activities.

(9) "School Level Transport Committee" means the committee constituted under rule 10 of these rules to monitor the implementation of provisions of these rules in School Level.

(10) "Special Cell" means the Cell constituted under rule 8 of these rules for testing and inspection of School Buses for the purpose of issue and renewal of the fitness certificate.

(11) Words and expressions used but not defined herein shall have their respective meanings, as assigned to them in the Act and the rules made thereunder.

3. Necessity of Permit.—

(1) No School Bus shall be used in any public place, whether or not such vehicle is actually carrying any students, without obtaining necessary permit from the appropriate authority in accordance with section 76 of Motor Vehicles Act, 1988 read with sub-rule (2) of this rule.

(2) Guidelines for the grant of School Bus permit:

(i) An application for the grant of School Bus permit shall be made in format as specified in rule 170 of Tamil Nadu Motor Vehicles Rules, 1989 to the appropriate authority in whose jurisdiction the School is functioning together with the order of approval from the Educational Authority and such other documents as required by the appropriate authority.

(ii) On receipt of an application the appropriate authority shall make such verification as deemed necessary and issue sanction order granting permit in accordance with rule 181(a) of Tamil Nadu Motor Vehicles Rules, 1989. Upon receipt of the aforesaid documents the appropriate authority shall issue the permit in the format as prescribed in Rule 171 of Tamil Nadu Motor Vehicles Rules, 1989. In the event of the School Authority failing to produce the aforesaid documents within the time specified, the appropriate authority shall revoke the sanction in accordance with rule 181(b) of Tamil Nadu Motor Vehicles Rules, 1989.

(iii) The permit shall be normally valid for a period of five years and the permit will cease to be effective unless the Approval or recognition of the institution is got renewed. The School Authority shall produce to the appropriate authority necessary orders of renewal of recognition from the Educational Authority.

(iv) The school bus shall be registered in the name of the school and not in the name of the Trust or Society conducting the school.

4. Qualification and duties of Driver of School Buses.—

No person shall drive or no School Authority shall allow any person to drive any School Bus unless such person possesses the following qualifications.

(1) He must have a valid Driving License to drive such class of vehicle.

(2) He must have a minimum driving experience of atleast 5 years in similar category of vehicles.

(3) He should not have been challaned more than twice in a year for offences like red light jumping, violation of lane discipline or allowing unauthorized person to drive.

(4) He should not have been challaned even once for the offence of over speeding, drunken driving and dangerous driving involved in fatal accident.

(5) He should undergo driving skill test before the School Level Transport Committee once in a year. He should also undergo eye test at that time.

(6) The driver must maintain a log book. He must point out any defect noticed while driving the vehicle, on day to day basis and also he must ensure that the defects noticed in the log book are rectified and mentioned the same in the log book.

(7) While on duty he should be dressed in a distinct uniform viz., Khaki Slack and Khaki Pant as specified in rule 37(iv) of the Tamil Nadu Motor Vehicles Rules, 1989 and also display on his left chest pocket a white Plastic Plate of size 8cm x 2cm inscribed with his name in bold black letters of size 0.5cm both in English and in Tamil with badge number and the name of the district as specified in rule 21 of Tamil Nadu Motor Vehicles Rules, 1989.

(8) He shall not drive the vehicle in contravention of the speed limit prescribed for that class of vehicle.

(9) He shall carry his Identity Card issued by the School Authority in Form AVT prescribed under rule 12 of Tamil Nadu Motor Vehicles Rules, 1989 and certified by the Regional Transport Officer.

(10) Utmost care should be taken by the driver of the School bus to follow the Rules of Road Regulations, 1989 as notified in Government of India Notification No. S.O. 439(E) dated 12.6.1989.

5. Duties and responsibilities of the Attendant in School Buses.—

(1) In every School bus there shall be an attendant while transporting students. He should possess valid conductor license granted under Chapter III of the Tamil Nadu Motor Vehicles Rules, 1989.

(2) The attendant shall not be less than 21 years of age and not more than 50 years of age. He/she should be medically fit to get down first from the bus at each stopping point to facilitate the embarkation and disembarkation of school children.

(3) The attendant should have been adequately trained to handle the young children to attend to their needs and ensure their safety while traveling in the vehicle.

(4) In case of the children, on the return journey from the school, the attendant shall properly hand over the children to the parent or to the authorised person, at the bus stop where the child gets down.

(5) At the School Bus stops, the attendant shall get down from the bus at first, stand outside the bus near the steps, help the students to embark and disembark safely and ensure that their parents or authorised person are present to take care of the children.

(6) In the case of vehicles carrying exclusively girl students, there shall be a female attendant present in the vehicle.

6. Construction and Maintenance of the School Buses.—

(1) Type of Body: Every School Bus shall be of semi-saloon type with steel body and no vehicle shall be covered with canvass hood.

(2) Painting: Every School Bus shall be fully painted as follows as specified in rule 349A of Tamil Nadu Motor Vehicles Rules, 1989

(a) Every School Bus shall be fully painted in yellow colour.

(b) The inscription "School Bus" (பள்ளிப் பேருந்து) shall be painted in the front and rear top of the vehicle, as the case may be, in bold and clearly visible letters.

(c) On both exterior sides of the vehicles in a circle of 60 centimeter diameter and on both the front and rear exterior sides in a circle of 20 centimeters diameter, the following diagram shall be painted, in dark blue colour with yellow back-ground in school buses.



(d) The particulars of name and address of the School, contact phone number, mobile phone number etc., shall be painted on exterior of the body of the vehicle on the left rear side.

(e) The name of the School shall be written conspicuously at the top of the front and rear ends and on both sides of the body of the vehicle and the writing shall be horizontal.

(f) In rear right side of the vehicle the contact number of Transport Officer in-charge of the School, local Regional Transport Officer and Police authority should be painted. A separate e-mail ID shall be created and displayed for registering the complaints.

(3) Entrance-cum-exit: In every School bus there shall be one entrance-cum-exit in the front left side of the vehicles. Hand rails shall be fixed firmly along the steps in the front entrance cum exit. It shall be provided with suitable door.

(4) Doors: In every School bus the door in the entrance cum exit shall be well maintained to ensure safe locking and also easy unlocking.

(5) Foot Board: In every School bus the first step of the foot-board shall be at a height not exceeding 250 mm from the ground and all steps shall be fitted with non-slip treads. In the case of vehicles used exclusively for the conveyance of differently abled students the steps shall be suitably constructed to suit their convenience.

(6) Drivers Cabin: In every School Bus grilled partition shall be provided to separate driver cabin.

(7) Seats: In every School bus all the seats shall be firmly fixed to the floor board by bolts or studs and nuts and fastened by some efficient device to the floor board so as to prevent them coming loose.

(8) Bag racks: In every School bus, suitable grilled provision shall be made for bag racks under the seat for keeping bags and other things of the students.

(9) Floor Board: In every School bus the floor boards shall be so fitted as to exclude as far as possible draughts and dust. If any part of the floor board caves in or weakens no patch work shall be done. Instead, the entire length and breadth of that stretch of the floor board shall be replaced by the new floor board.

(10) Windows: Every School Bus shall be provided with windows on either sides of size not less than 55cm x 70cm.

(11) Window grill: In every School bus three horizontal steel bars shall be fixed on the exterior of the bus along the windows in such a manner that the distance between adjoining bars does not exceed 5cm.

(12) Emergency exit:

(a) Every School Bus shall be fitted with an emergency exit door at the rear right side or at the rear wind screen with quick release latches mechanism which can be operated from inside and outside of the vehicle.

(b) The emergency exit shall be in the form of a frame fixed with a toughened glass with dimensions of 150cm x 120cm or in the form of a door with the same dimension hinged at the top, capable of being operated both from inside and outside. The words "EMERGENCY EXIT" shall be prominently inscribed in red colour on a white background both inside and outside of the emergency exit.

(13) Reflecting Tape: Every School bus shall have retro reflecting marking as specified in rule 104 of Central Motor Vehicles Rules, 1989.

(14) First Aid Box: In every School bus a first aid box containing articles as specified in rule 172(5) of Tamil Nadu Motor Vehicles Rules, 1989 shall be provided and replaced periodically.

(15) Fire Extinguisher: In every School bus two fire extinguisher of ABC type, capacity 2kg each bearing ISI mark shall be properly mounted.

(16) Fitment of Speed Governor: In every school bus speed controlling device (Speed governor) conforming to standards prescribed shall be fitted so that the speed of the vehicle does not exceed 40kmph within Corporation Limits and 50kmph in other places.

7. Permit Conditions:

In addition to the general conditions of permit specified in section 84 of the Act and rule 172 of the Tamil Nadu Motor Vehicles Rules, 1989 the following special conditions shall be attached to every School bus permit.

(1) No School bus shall be fitted with any pressure horn or any other device for producing tonal sound which is operated on air pressure drawn from the braking system.

(2) No School Bus shall carry more number of persons than the seating capacity mentioned in the certificate of registration.

Provided that in the case of such vehicle carrying the children below the age of twelve years, 1.5 times of the seating capacity can be permitted to carry.

(3) Log book must be maintained and kept available in school buses for inspection by the inspecting officers authorized under the Motor Vehicles Act, 1988

8. Special Cell for inspection and issue of fitness certificate.—

(1) Constitution: A Special Cell shall be constituted for each Regional Transport Office and the unit office under the Chairmanship of the Zonal Joint Transport Commissioner or the Deputy Transport Commissioner, as the case may be, with the following inspecting officers of Transport Department for the purpose of issue and renewal of fitness certificates for school buses:-

- (i) Regional Transport Officer of the region concerned
- (ii) Regional Transport Officer (Enforcement Wing)/Motor Vehicles Inspector Grade I / Grade II of Enforcement Wing
- (iii) Motor Vehicles Inspector Grade I of the concerned Regional Transport Office
- (iv) Motor Vehicles Inspector Grade II wherever available in the concerned Regional Transport Office

(2) Functions:

(i) The Zonal Joint / Deputy Transport Commissioner will prepare a schedule of inspection for the school buses in his jurisdiction so that all school buses can be inspected once in a quarter. The Regional Transport Officer (Enforcement) or Motor Vehicles Inspector Grade I/ Grade II of Enforcement Wing will participate in the joint inspection of school buses in such of the offices as directed by the Zonal Officer

(ii) The Special Cell shall conduct the testing and inspection of school buses according to the Chapter VII of the Motor Vehicles Act, 1988 and rules made thereunder as well as these Special Rules for School Buses.

(iii) No School Bus shall be used on public roads except with a valid fitness certificate obtained under section 56 of the Motor Vehicles Act, 1988 from the Special Cell constituted under these rules.

(iv) Every School shall produce their vehicles before the Special Cell once in three months from the date of issue or renewal of fitness certificate and obtain road worthiness certificate.

(3) **Powers:** The special cell shall be empowered to exercise the powers to suspend / cancel the fitness certificate under rule 121 of Tamil Nadu Motor Vehicles Rules, 1989 and such other penal action under the provisions of the Motor Vehicles Act, 1988.

9. Formation of Exclusive Parent Teacher Association.—

(i) As regards the operation and maintenance of the school buses, the parents of those students who are being transported by the school buses have a major say and their views should not be rejected. In order to enable such parents to make any representations with regard to conduct of drivers/ attendants, maintenance of school buses and safety of the students, an Exclusive Parent Teacher Association headed by the Principal/Headmaster with such parents(whose children are being transported to school by these school buses) as members shall be formed in every school.

(ii) The Association shall meet once in a month. The views, suggestions and complaints made by the parents should be duly considered and recorded by the Principal/Headmaster. On the same day, the minutes of the meeting should be sent to the School Level Transport Committee specified in rule 10 of these rules.

(iii) The Principal/ Headmaster who is also the Chairman of the School Level Transport Committee shall convene the meeting of the School Level Transport Committee on the same day to consider the representation received from this Association and take necessary action to address the issues.

10. School Level Transport Committee.—

(1) Constitution: Every School shall have a transport committee to look in to the matters pertaining to safe transportation of school children. The committee shall be headed by the Principal/Headmaster of the School and consists of the following members namely:

- i. Police Official not below the rank of Sub-Inspector of Police of the area concerned.
- ii. An official from the Educational Authority concerned
- iii. The Motor Vehicles Inspector Grade I /Grade II of area concerned.
- iv. A representative from the Parent Teachers Association

(2) Functions:

(i) The committee shall meet atleast once in a month on the same day on which the meeting of the Parent Teacher Association is held. It shall discuss about the matters pertaining to safe transportation of the school children and evolve suitable plan of action. It shall verify the documents relating to the school buses viz. Certificate of Registration, Certificate of Fitness, Certificate of Insurance, Permit, Pollution under control Certificate, Driving License and ensure the provision of Fire Extinguisher and First Aid Kit.

(ii) The Committee shall consider the representation received from the Exclusive Parent Teacher Association and take necessary action to address the issues on the same day.

(iii) The committee shall send a report to the District Level Inter Departmental Committee constituted under rule 11 of these rules for necessary action.

11. District Level Inter - Departmental Committee.-

(1) Constitution: There shall be a District Level Inter-Departmental Committee for each district to discuss, decide and recommend the issues pertaining to safety of children and their transportation. The committee shall be constituted under the Chairmanship of local Revenue Divisional Officer / Sub-collector / Assistant Collector at district head quarters, as the case may be, with the following official as members:

- (i) Regional Transport Officer (Member Secretary)
- (ii) Deputy Superintendent of Police,

- (iii) Chief Educational Officer and District Educational Officer
- (iv) Motor Vehicles Inspector Grade-I/Grade-II.

(2) Functions:

- (i) The committee shall meet once in three months and evolve an action plan to conduct checking of school buses either in the premises of the school concerned or in such other places as to be decided so as to ensure whether the school buses comply with the provisions of these rules.
- (ii) The committee will function as a flying squad to enforce the provisions of these rules and they exercise the powers under section 207 as well as section 84 of the Motor Vehicles Act, 1988.
- (iii) The programme of checking shall be decided in such a manner that a particular school bus is checked by the committee atleast once in a year.
- (iv) Committee shall, at the time of check, verify the log book written by the driver of the vehicle and verify all records of the vehicle as to whether the defects pointed out by the driver in the log book are rectified or not.
- (v) Based on the committee's report, the Regional Transport Officer shall initiate appropriate action to suspend/cancel the fitness certificate under rule 121 of Tamil Nadu Motor Vehicles Rules, 1989 and such other penal action under the provisions of the Motor Vehicles Act, 1988.

EXPLANATORY NOTES

The Hon'ble Supreme Court of India have given certain guidelines to ensure safest journey of the students using the School Buses. Besides the Hon'ble High Court of Madras have given direction to the State Government to frame new rules and guidelines to ensure safety of school students traveling in School Buses. There is no specific rule provisions in the Motor Vehicles Act or the Rules made there under for enforcing these guidelines. Therefore special rule provisions are proposed to be made in the Tamil Nadu Motor Vehicles Rules 1989 for enforcing the guidelines issued by the Hon'ble Supreme Court of India and the Hon'ble High Court of Madras and also for prescribing uniform procedure for granting permits. The notification aims at achieving the above objective of ensuring safety of the school children travelling in the school buses.

R. RAJAGOPAL
Principal Secretary to Government.