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PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

TRANSPORT DEPARTMENT

NOTIFICATION

No. 1940-WT/3M-80/2013.—16th May 2014.—Whereas, a Reciprocal Transport Agreement was executed between the States of West Bengal and Bihar in 1988, in accordance with sub-section 3B of Section 63 of the Motor Vehicles Act, 1939 and the same was published *vide* Notification No. 6195-WT dated 23rd May, 1988, the said Notification having been published in *The Calcutta Gazette Extraordinary* on 27th May, 1988 ;

And whereas, subsequently, after the creation of the State of Jharkhand, one Reciprocal Transport Agreement was executed between the States of West Bengal and Jharkhand in 2004, whereby many Inter-State routes which were existing in the above-mentioned Reciprocal Transport Agreement, 1988, between the States of West Bengal and Bihar, were included in the agreement executed between West Bengal and Jharkhand with modified fleet strength as agreed upon ;

And whereas, subsequently during March, 2010, additional 24 (twenty four) different routes were mutually agreed upon in accordance with Section 88(7) of the Motor Vehicles Act, 1988, for operation of stage carriages between the States of West Bengal and Bihar ;

And whereas, from the pattern of movement of people and prayers of transporters of both the States, it is felt that the need of Inter-State bus services has increased manifold since 1988 ;

And whereas, during preliminary discussions between the two States, both the States have expressed necessity of a fresh Reciprocal Transport Agreement ;

Now, therefore, the agreement between the States of West Bengal and Bihar is published hereby in draft in accordance with Section 88(5) of the Motor Vehicles Act, 1988. Any representations giving suggestions/objections which may be submitted within thirty days from the date of publication of this Draft Notification in *The Official Gazette* before the Joint Secretary, Transport Department, Paribahan Bhaban, 12, R. N. Mukherjee Road, Kolkata-700001, Ground Floor, will be heard by the said Joint Secretary, Transport Department within thirty days thereafter.

This draft agreement, on final publication observing required procedures in accordance with law, shall supersede earlier Reciprocal Transport Agreement executed in 1988 between the States of West Bengal and Bihar as well as the mutual concurrence of the two reciprocating States, accorded in March, 2010 under Section 88(7) of the Motor Vehicles Act, 1988 for operation of stage carriages on 24 (twenty four) routes. The existing permits issued by the States of West Bengal and Bihar on the basis of the earlier agreement between the two States shall remain in operation within the coverage of this agreement, after its finalisation. This Reciprocal Transport Agreement shall remain valid till it is replaced by another agreement by mutual consent for reasons to be given in writing by either of the State Governments. This agreement shall be subject to periodical revision at the instance of either State by way of supplementary agreements.

DRAFT RECIPROCAL TRANSPORT AGREEMENT BETWEEN WEST BENGAL AND BIHAR
SCHEDULE

(The terms and conditions of the Reciprocal Transport Agreement)

(A) Stage Carriage Permits :—

- (i) The list of the routes as agreed upon in the Draft Reciprocal Transport Agreement between the States of West Bengal and Bihar for providing state carriage services are placed at **Annexure**.
- (ii) The routes mentioned in the Annexure indicate the route alignment, total number of permits allotted to each State, as agreed upon under this agreement.
- (iii) The fares and freight chargeable by the operator in the reciprocating State shall be as approved by the countersigning authority of that State. The tickets issued in one State shall be valid in the reciprocating State.
- (iv) For the safety and convenience of passengers, a stage carriage shall be allowed to ply on the Inter-State routes against the vehicles only complying with the emission norms as directed by the Government of India and as per provisions of the Motor Vehicles Act, 1988 and CMV Rules, 1989.
- (v) The time table of every service shall be fixed by the permit issuing State, avoiding clash of timings of other operators on the same route or the route having maximum alignment overlapped with the said route.

The initial time table shall be fixed by the permit issuing State on a purely provisional basis for three months which is to be countersigned by the reciprocating State. This provisional time table will be final after the expiry of the provisional period on meeting the objections, if filed any.

- (vi) The distance mentioned against each route along with alignment thereof is considered as shortest and direct route. Any discrepancy discovered later in the distance shown in the said Annexure shall be promptly corrected through correspondences between the two State Transport Authorities and this shall not be treated as modification of this Agreement.
- (vii) If necessity arises, temporary permits shall be issued under Section 88(7) of the Motor Vehicles Act, 1988, on mutual concurrence of both the reciprocating States on agreed route with an equitable number of permits for both.
- (viii) Unless a temporary/permanent permit granted by the home State is countersigned by the reciprocating State, no further permit/renewal of permit on the same route shall be granted to the permit holder except in circumstances beyond the control of grantee. The permit holder while making application for subsequent grant/renewal of permit, shall submit copy of previous countersignature duly authenticated.
- (ix) Where the total distance of the route is 200 kms. or more, two vehicles can be allowed under a single permit subject to the conditions that the permit holder shall pay double the scheduled permit fees, as applicable in the permit issuing State and also that each of the two vehicles shall ply only a single trip (either UP or Down) per day. Where the total distance of the route is less than 200 kms., single vehicle shall be allowed under a single permit. Number of trips shall be determined by the permit issuing State keeping conformity with the speed limit of stage carriage as well as working hour of a driver as laid down in Section 91 of the Motor Vehicles Act, 1988.
- (x) **Bi-lingual boards**—The stage carriages plying on inter-State route between Bihar and West Bengal should carry destination board in both Bengali and Hindi languages.
- (xi) Holder of the Permanent/Temporary stage carriage permit, whenever wants to discontinue the service, shall surrender the permit before the primary permit granting authority and intimate the fact to the countersigning authority. The primary permit granting authority shall also intimate the fact of surrender of permit to the reciprocating State for records.
- (xii) Both the reciprocating State shall allow the Stage Carriages of the other State to pick up and set down the passengers from their respective notified bus terminal.

- (xiii) Any extension/curtailment/variation of route shall be accorded by the permit issuing State in accordance with the relevant provisions of the Motor Vehicles Act, 1988 subject to the concurrence of the reciprocating State.
- (xiv) Where the route/routes incorporated in this agreement traverses through the State of Jharkhand exceeding a distance of more than 16 (sixteen) kms, the related permit is to be got countersigned by the State of Jharkhand on payment of Taxes, fees etc. as applicable in that State.
- (xv) The terminating point of the Buses shall be the point as prescribed by the State Transport Authority of the reciprocating State in consultation with the Regional Transport Authority within whose jurisdiction the point falls.

Where ever the terminating/originating point in West Bengal of any route incorporated in this agreement has been shown as KOLKATA and/or Howrah, it would be at a terminus as shall be decided and recorded in the respective permit by the permit issuing/countersigning authority of the State.

- (xvi) No standees shall be allowed on any stage carriage.
- (xvii) All the bus services operating on the route which are 100 kms. or more shall operate as Express Bus Services and those on the routes which are below 100 kms. shall operate either as Express or Ordinary bus service in accordance with the directions of the concerned State Transport Authority in respective jurisdiction.

(B) Special Permits :-

- (a) There shall be no restriction on special permits to be issued under sub-section (8) of Section 88 of the Motor Vehicles Act, 1988 (Act 59 of 1988) by the State Transport Authority of either State in respect of Tourist/Marriage/Jatra Parties.
- (b) Such permits shall contain lists of passengers approved and authenticated under proper seal and signature by the permit issuing authority alongwith approved detailed programme of tour shown in order and places to be visited by the party.

Such lists must be in duplicate, one for the upward journey and the other for the return journey which shall be suitably affixed to the permit while the short description such as number of travelers, place(s) of visit and the programme, etc. must be indicated on the permit. Any permit without such particulars shall be treated as no permit. The manner and mode of remittance of the Fees/Taxes etc. together with the details of the Payee must be indicated on the permit.

(C) Private Service Vehicle (Substantive Permit) :-

- (i) Private Service Vehicles permits recommended for countersignature by the State Transport Authority of either State is to be countersigned by the State Transport Authority of the reciprocating State without any restriction on their number subject to compliance of the provision of Section 76 of the Motor Vehicles Act, 1988 and Rules in this behalf of the reciprocating State.
- (ii) Recommendation for countersignature in respect of private service vehicles shall be made after a thorough scrutiny of the bonafide of the business of the applicants in other State.
- (iii) Such vehicle shall not be used as intra-State transport within the jurisdiction of the countersigning State.

(D) Goods Carriage (Temporary Permit) :-

The temporary permits may be issued for a maximum period of one month by the State Transport Authority of either State under Section 87 of the Motor Vehicles Act, 1988 for plying on the interstate routes between the two States without prior concurrence of the reciprocating State to perform one up one down trip service, subject to the following conditions :-

- (i) No goods shall be picked up or set down in between any two points lying wholly within the areas of the reciprocating State, i.e. such vehicles shall not be used as intra-State transport within the jurisdiction of the reciprocating State.
- (ii) Such temporary permit shall be used for direct and shortest route connecting the two termini and shall be subject to such other conditions as may be imposed by the transport authority of the reciprocating State.

(E) Taxation :-

- (i) Permits issued under the provisions of this Agreement shall be subject to the provisions of the Motor Vehicles Act, 1988. This shall also be subject to the Rules and Regulations for collection of taxes/additional taxes/fees etc. as may be in force from time to time in the respective reciprocating States.
- (ii) There shall be "double point taxation" on motor vehicles in respect of all categories of transport vehicles covered under this Reciprocal Transport Agreement. The "double point taxation" in respect of a motor vehicle means the liability of payment of all taxes applicable in the reciprocating State. The double point taxation will be applicable for the period of effect of countersignature by the reciprocating State.
- (iii) The Transport Authority of Home State granting permit shall assist the recovery of taxes/arrears of reciprocating State in all possible ways.
- (iv) At the time of renewal, replacement of vehicle or surrender of inter-State permits, the receipt of payment of taxes of the reciprocating State shall be verified by the permit granting state so that either of the States may not lose revenue.
- (v) The number and amounts of Demand Drafts through which taxes of the reciprocating State have been remitted together with the particulars of the payee shall be clearly endorsed on the forms of the Temporary Permits and Special Permits.
- (vi) Copies of all Temporary Permits and Special Permits, together with all relevant information shall be sent to the Secretary, State Transport Authority of the reciprocating State. Such copies alongwith Demand Drafts shall also be sent immediately to the authority in whose favour the Demand Drafts are drawn.

(F) General :

- (i) The vehicles owned by the Government of reciprocating State used for non-commercial purpose shall be totally exempted from payment of motor vehicles tax in the reciprocating State.
- (ii) Each State shall accord recognition to Tax Token, Registration Certificates, Fitness Certificate, Driving Licence, Conductor's Licence, Badges issued by the authority of reciprocating State.
- (iii) The restriction on laden weight of the vehicle or the restriction of wheel-base, seating capacity and such other matter as may be enforced by the respective State shall not be exceeded by the transport vehicles plying under this Agreement and such vehicles shall also abide by any other restriction(s) as existing in the reciprocating State and as may be enforced by the reciprocating State from time to time.

Routes

ANNEXURE

Sl. No.	Name of Routes	No. of Permits		Route distance in	Route distance in	Total distance	REMARKS
		W.B.	Bihar	West Bengal	Bihar		
	1	2(a)	2(b)	3(a)	3(b)	3(c)	
1	Siliguri of Raxaul via. Pratapganj, Darbhanga, Motihari	10	10	74 kms.	442 kms.	516 kms.	
2	Siliguri to Betiah via. Pratapganj, Darbhanga, Motihari	10	10	74 kms.	437 kms.	511 kms.	
3	Kolkata to Wazirganj to via. Burdwan, Durgapur, Asansole, Hazaribagh	10	10	215 kms.	218 kms.	433 kms.	
4	Siliguri to Motihari Via. Pratapgarh, Darbhanga	10	10	74 kms.	393 kms.	467 kms.	
5	Kolkata to Purnea via. Burdwan, Pakur, Bhagalpur	10	10	264 kms.	257 kms.	521 kms.	
6	Howrah to Patna via. Asansole, Gaya	10	10	215 kms.	361 kms.	576 kms.	
7	Howrah to Muzaffarpur via. Burdwan, Durgapur, Dhanbad	10	10	215 kms.	388 kms.	603 kms.	
8	Siliguri to Muzaffarpur via. Pratapganj, Darbhanga	10	10	74 kms.	312 kms.	386 kms.	
9	Siliguri, to Chapra via. Pratapganj, Darbhanga	10	10	74 kms.	393 kms.	467 kms.	
10	Kolkata to Rajgir via. Burdwan, Durgapur, Dhanbad, Hazaribagh	10	10	215 kms.	291 kms.	506 kms.	
11	Siliguri to Banka via. Purnia, Katihar	10	10	128 kms.	181 kms.	309 kms.	
12	Rampurhat to Katihar via. Farakka	10	10	136 kms.	93 kms.	229 kms.	
13	Malda to Sultanganj via. Ratua, Katihar	10	10	57 kms.	158 kms.	215 kms.	
14	Kolkata to Bhagalpur via. Burdwan, Dumka	10	10	264 kms.	146 kms.	410 kms.	
15	Kolkata to Bihar Sahariff via. Burdwan, Dhanbad, Hardiya	10	10	215 kms.	279 kms.	494 kms.	
16	Kolkata to Gaya via. Asansole, Dhanbad, Chakura	10	10	215 kms.	268 kms.	483 kms.	
17	Kolkata to Sasaram via. Burdwan, Dhanbad, Hazaribagh, Gaya	10	10	215 kms.	405 kms.	620 kms.	
18	Kolkata to Marhar via. Burdwan, Asansole, Dhanbad	10	10	215 kms.	315 kms.	530 kms.	
19	Kolkata to Khesar via. Burdwan, Dhanbad, Hazaribagh, Aurangabad	10	10	215 kms.	404 kms.	619 kms.	
20	Kolkata to Aurangabad via. Burdwan, Durgapur, Dhanbad	10	10	215 kms.	292 kms.	507 kms.	
21	Durgapur to Patna via. Dhanbad, Hazaribagh, Aurangabad,	10	10	183 kms.	161 kms.	344 kms.	

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Sl. No.	Name of Routes	No. of Permits		Route distance in	Route distance in	Total distance	REMARKS
		W.B.	Bihar	West Bengal	Bihar		
		2(a)	2(b)	3(a)	3(b)		
22	Siliguri to Patna via. Bakhtiarpur, Purnea.	10	10	82 kms.	206 kms.	288 kms.	
23	Balurghat-Katihar	10	10	156 kms.	72 kms.	228 kms.	
24	Siliguri to Jogbani via. Ararai, Naxalbari	10	10	46 kms.	134 kms.	180 kms.	
25	Siliguri to Saharsah via. Dalkhola, Purnea	10	10	135 kms.	140 kms.	275 kms.	
26	Siliguri to Muzaffarpur via. Purnea	10	10	128 kms.	331 kms.	459 kms.	
27	Rampurhat to Bhagalpur via. Dumka	10	10	14 kms.	164 kms.	178 kms.	
28	Raiganj to Katihar	10	10	148 kms.	72 kms.	220 kms.	
29	Suri to Bhagalpur via. Dumka	10	10	12 kms.	99 kms.	111 kms.	
30	Siliguri to Thakurganj	10	10	48 kms.	115 kms.	163 kms.	
31	Siliguri to Darbhanga	10	10	135 kms.	285 kms.	420 kms.	
32	Siliguri to Madhubani	10	10	135 kms.	319 kms.	454 kms.	
33	Siliguri to Motihari	10	10	135 kms.	441 kms.	576 kms.	
34	Siliguri to Chapra	10	10	135 kms.	387 kms.	522 kms.	
35	Siliguri to Patna via. Muzaffarpur, Purnea	10	10	135 kms.	361 kms.	496 kms.	
36	Siliguri to Siwan	10	10	135 kms.	450 kms.	585 kms.	
37	Siliguri to Rajgir via. Bihar Shariff, Bakhtiarpur, Purnea	10	10	135 kms.	329 kms.	464 kms.	
38	Siliguri to Katihar	10	10	126 kms.	72 kms.	198 kms.	
39	Bishanpur to Patna via. Bahadurganj	10	10	15 kms.	226 kms.	241 kms.	
40	Thakurganj to Patna	10	10	35 kms.	219 kms.	254 kms.	
41	Durgapur to Bhagalpur via. Asansole Niyamatpur, Mihijam	10	10	56 kms.	204 kms.	260 kms.	
42	Kishanganj to Purnea via. Dalkhola	10	10	17 kms.	25 kms.	42 kms.	
43	Kishanganj to Patna via. Dalkhola	10	10	17 kms.	202 kms.	219 kms.	
44	Thakurganj to Patna via. Purnea, Kishanganj	10	10	30 kms.	345 kms.	375 kms.	
45	Galaliya to Purnea via. Kishanganj	10	10	20 kms.	75 kms.	95 kms.	
46	Raiganj to Purnea via. Dalkhola	10	10	31 kms.	25 kms.	56 kms.	

By order of the Governor,
ALAPAN BANDYOPADHYAY,
Principal Secy. to Govt. of West Bengal