

## **RULES AND REGULATIONS GOVERNING THE CITY PERMITS FOR AUTO RICKSHAW IN JAIPUR**

**State: Rajasthan**

### **Details of licensing are as follows:**

As per Section 66 of Motor Vehicles Act 1988, permit is necessary. Motor Vehicles Act 1988 is the legislative directions towards the issue of permit. License relates to driver whereas permit relates to the control of operation of Motor Vehicle. Permits are issued to ply on certain routes Authorized by the Transport Authorities. The Transport Department Officials is the regulatory authorities for the implementation of Motor Vehicles Act. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle Auto Rickshaws are regulated by the RTO (Regional Transport Office) on the basis of motor Vehicles Act 1988 and Rajasthan Motor Vehicle Rules 1989.

### **Permit Procedure:-**

Every application for the permit has to be made in the form " R.S.5.3" The application shall be made to the State Transport Authority or the Regional Transport officer as the case may be. The application has to be submitted in the office of the Secretary/ Executive Officer and it shall be accompanied by the documents required.

The secretary of the transport authority shall scrutinize the application. If any application is not complete, the applicant shall be required to make the correction. All such applications found complete shall be entered date wise in a separate register. The secretary shall dispose the application on behalf of the Transport Authority where the powers to deal these has been delegated to him. In case where an application is required to be considered by the Regional Transport authority, the secretary shall submit the application received from 1<sup>st</sup> to 15<sup>th</sup> of each month with a factual report regarding correctness of the application, whether the proposed route or area is overlapped or not by nationalised route and all other matters based on the documents submitted by the applicant before 22<sup>nd</sup> of the same month likewise the complete applications received from 16<sup>th</sup> to the last date of the month shall be submitted before the Regional transport Authority by the 7<sup>th</sup> of the next month.

The applications submitted found complete by the State Transport Authority / Regional transport Authority shall be disposed off within two months from the date of receipt. Before rejecting the application the state transport Authority / Regional Transport Authority shall issue a show-cause notice to the applicant to appear before him on the appointed date, place and time, either in person or through authorized representative. After giving him an opportunity of being heard or in case no body appears on the mentioned in the notice, he shall decide the application on the merit. If the application is rejected, reasons for rejecting the application should be given in writing immediately.

In the case of applications Where the number of permit for contract Carriage which was fixed under the Act has been exhausted, the regional transport authority shall notify this fact on the notice board of its office and may decline to receive any further application for permit in respect of a class of vehicles in the area or on the route aforesaid.

The Secretary / Executive officer State Transport Authority / Regional Transport Authority shall intimate the applicant within seven days from the date of order of the State Transport Authority / Regional transport authority regarding grant or rejection of the

application and on receipt of the prescribed obtained form for the permit shall be issued in the prescribed form.

Except in the case of temporary permit, every permits shall be in two portion 'A' and 'B'. One Copy of part A only shall be issued. One copy of Part B shall be issued in respect of every vehicle authorised by the permit and where a permit relates to more than one vehicle each such copy shall carry, in addition to the number of permit a separate serial number contained Brackets after the number of permit. Each such copy shall be sealed and signed by the authority by which the permit is issued and by the authority by which the permit is countersigned.

The holder of a permit shall cause the relevant copy of part 'B' thereof or the Temporary permit, as the case may be, to carried in Glassed Frame or other suitable container in or fixed to the interior of the vehicle in such a way as to maintain it in a clean and legible condition, readily available for inspection at any time by the authorized person

#### **Documents Required:**

1. proof of residence
2. In the case of the Scheduled Caste or Scheduled Tribe applicants, the proof in regard of that from a competent authority is also needed
3. A self-addressed envelope for intimation
4. Prescribed fees
5. Registration Certificate
6. Fitness certificate
7. Driver Commercial license
8. Health certificate from any MBBS (Dispensary Doctor) is needed.

#### **Requirements:**

1. Driver's Dress(Uniform)
2. Commercial license
3. Registration
4. Fitness certificate
5. Meter
- 6.

#### **Permit Fees :**

The fees for permit is Rs.210/-

#### **Renewal procedure: -**

As per Section 81 of The Motor vehicles Act 1988 which deals with the duration and renewal of permits, A permit other than a temporary permit issued under section 87 or a special permit issued under sub-section (8) of section 88 shall be effective from the date of issuance or renewal thereof for a period of five years. Provided the counter-signature where the permit is countersigned under sub-section (1) of section 88, shall remain effective without renewal for such required period so as to synchronies with the validity of the primary permit.

The Act also says that the permit may be renewed on an application made not less than fifteen days before the date of its expiry. Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be,

entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

Applicant can renew his permit up to 1st April to 10 April by the remitting the permit renewal fees of Rs.285/- and Fitness renewal fees of Rs.200/- As per the section (4) Of the section 81 of the Motor Vehicles Act 1988, The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit on one or more of the following grounds, namely:-

1. The financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;
2. The applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely:-
  - a. Plying any vehicle without payment of tax due on such vehicle and without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle or on any unauthorized route;
  - b. Making unauthorized trips:

Provided that in computing the number of punishments for the purpose of clause (b), any punishment stayed by the order of an appellate authority shall not be taken into account: Provided further that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.

In the case of the permits which has been renewed after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refused.

#### **Conditions:**

As per the Rajasthan Motor Vehicle Rules 1990, the following are the conditions for contract carriage permit:

1. No driver authorized to drive the public service vehicle shall drive the vehicle without written authorization by the permit holder, if he is not himself a permit holder. He should also produce such authority, on demand by the concerned officers who empowered to check the permit.
2. The number of the persons to be carried in the vehicle shall not exceed the number which may be specified in the registration certificate or permit.
3. In case of contract carriage, having seating capacity more than 12 in all, the vehicle shall carry a list of passengers traveling therein in the prescribed form in respect of each trip and such list shall on demand be produced before the officer of the Transport Department not below the rank of Motor Vehicle Sub- Inspector.

#### **Extension of the area of the validity of permits:**

The Regional Transport Authority can extend the area of the validity of the permit to any other region within the Rajasthan and may attach additional conditions. The authority can

vary the conditions of the permit in different regions provided always that the vehicle to which the permit refers are normally kept within the region of the regional Transport authority and subject to the provisions of rules and regulations.

The original Transport Authority can issue permit valid in any other region in accordance with any general or special resolution recorded by any other Regional Transport Authority and any permit so issued shall be of like effect in the region of the other transport Authority as if it were issued by the Transport Authority. The original Transport authority may issue a contract carriage permit to be operative in any other region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport authority under contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire when outside that region.

The original transport authority which issues permit with effect in any other region shall send a copy to the authority of the other region. Nothing in this rule shall effect the right of the holder of any permit to apply to any Regional Authority for countersignature of a permit.

**Penalty:**

The minimum is 1.5% per month of the permit fees and the Maximum is Rs.200/- If applicant does not collect the permit in 6 month, he has to again pay Rs.210/- If any Auto Rickshaw Driver does not have permit or any essential document, the District Transport Office will punish him in form of Chalan. Minimum penalty is levied, If candidate collect his license within 6 month and after that candidate has to pay Rs.210/- minimum challan fee is Rs.500/- in this matter Regional Transport Officer fix composition amount and maximum fee up to Rs.10,000/- it is depend on situation .

As per Section 192A of The Motor Vehicles Act 1988, using vehicle without permit is punishable. The act says that Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than three months or with fine which may extend lo ten thousand rupees but shall not be less than five thousand rupees or with both. Provided that the court may for reasons to be recorded, impose a lesser punishment. Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or for the transport of food or materials to relieve distress or of medical supplies for a like purpose: Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

As per Section 200, any offence whether committed before or after the commencement of this Act punishable section 192, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf. As per subsection (2) of section 200, an offence which has been compounded under sub-section (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.