

RULES AND REGULATIONS GOVERNING THE CITY PERMITS FOR AUTO RICKSHAW IN SHILLONG

State: Meghalaya

Details of city permit procedures are as follows:

Auto Rickshaw when engaged in carriage of passengers from point to point distance are treated as transport vehicle. In Shillong it is mandatory to obtain permit from the prescribed authority (Regional Transport Authority -Shillong region). Permit may also be understood and interpreted as license to operate Auto rickshaw as transport Vehicle. Driving license is necessary. Permits will be granted in relation to a particular auto Rickshaw for plying in Shillong Region only.

As per Section 66 of Motor Vehicles Act, 1988; permit is necessary. The Transport Officials and Police Officials are the regulatory authorities for the implementation of Motor Vehicles Act. Permits are issued by Regional Transport Authority / State transport Authority for a transport Vehicle to ply on a public Road where as the licenses to drive vehicles are issued by the Licensing Authority / assistant Licensing Authority in the Transport department. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle

Permit Procedure:

Applications for permits are available in the office of the secretary S.T.A. and secretary R.T.A. The application for permit can be made at any time supported by the evidence of address and Election Photo identity card from Electoral Registration Officer. The permit application will be processed on the public representation highlighting the desirability and advantages likely to be afforded to the traveling public. Granting of permit is entirely depending upon the decision of Regional Transport Authority Board East Khasi Hills District Shillong. Rationing and quota in permits is in practice.

Permits are granted by the Regional Transport authority Board on an application made on consideration of the following factors:

1. The interest of the general Public
2. Advantages to the public of services of Auto Rickshaws
3. Benefit to only particular locality or localities likely to afford by in services of Auto Rickshaw
4. Inadequacy of other mode of Public services.

Different types of permit issued from the Transport authority:

There are different categories of permit:

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| 1. Contract Carriage | : Taxi Cab and Maxi Cab. |
| 2. Stage Carriage | : Line Bus, Mini Bus and City Bus |
| 3. Goods Carriage | : Carriage of goods on hire and carriage of owner's own goods. |

4. Casual Contract Carriage: partly for carriage of passengers and partly for carriage of goods

There are two types of permit. It is Periodic and Temporary. A permit other than a temporary permit shall remain effective for a period of 5 (five) years. The state transport authority is vested with powers to grant permit on inter state route to cover long distance goods traffic and passengers traffic. The State Transport Authority can also issue permit to transport vehicle for operation in route and areas falling under jurisdiction of inter regions. The regional transport authority is empowered to issue regional road permits to transport vehicle for operation in and within the jurisdiction of the regional authority. The Regional Transport Authorities can also issue / extend the operation of permits in other regions subject to countersignature by the R.T.A. of the regions concerned. In special occasion and circumstances, special road permits are granted for a very short duration on application made.

Authority issuing City Permit:

District Transport Officer, East Khasi Hills, District Shillong in relation to register of Auto Rickshaws as a transport Vehicles and the Regional Transport authority Board are the authorities involved in relation to granting of permit. Permit is granted by the Regional Transport Authority Board East Khasi Hills District Shillong.

Time for Processing:

There is no time prescribed in the Act for disposal of application for permit. Every one has the right to apply for permit from amongst whom the choice is made by the Transport Authority and only the suitable candidate is in order of suitability or merit is selected.

Documents Required:

Evidence of address and Election Photo identity card from Electoral Registration Office.

Issue of Permits:

The permit will be granted within 10 days after the approval of STA. In case of delay, the applicant may contact the concerned officials of this Department.

Permit Fees:

Only court fees stamp of Rs.25 / is needed to be affixed on the application form for permit and no other fees are required.

Permit Renewal:

Permits can be renewed on application made subject to compliance of the requirements. The permit has to be renewed as per prescribed I under Sub- Section (2) of Section 81 of the Motor Vehicles Act 1988. A permit may be renewed on application made not less than 15 days before the date of expiring.

Terms and Conditions:

The holders of permit are supposed to follow the following terms and conditions.

1. The Auto Rickshaw to which the permit relates shall be used in compliance of all the provisions of Act and Rules.
2. The Auto Rickshaw to which permit relates must carry the valid certificates of fitness, insurance certificate and certificate of registration with evidence of payment of Road Tax.
3. The driver performing the duty of driving must carry the valid and appropriate driving license.
4. The restrictions and prohibition imposed for public good and convenience are strictly adhered to.
5. Auto Rickshaw to which permit relates should be used or caused to be used in compliance of Traffic Rules and Regulations.
6. Auto Rickshaw to which permit relates shall carry with it the fare table and charge fare as per the rate fixed by the Government.
7. Auto Rickshaw to which permit relates shall be so maintained as to comply with the requirement of the Acts and Rules.

Penalty:

It is important to note that permits issued / granted are valid (subject to validity of the documents of the vehicles and compliance of all the conditions attached to permits). Using and permitting use of a transport vehicle in violation and contravention of the provision of the M.V. act and rules will attract penalty.

As provided in Section 66(1) of the act, if the concerned authority has the reason to believe that any motor vehicle has been or being used without a valid permit, it has the power to suspend the registration of the vehicle for a period not exceeding four months. As per the act, it can be punishable with both imprisonment and fine. After disposal of the offence case, it is subject to consideration and discretion of the Regional Transport Authority Board whether to grant permit or not. It is up to the owner to apply for permit or to submit representation before the Regional transport authority Board for deciding the case of regularization by way of grant of formal permit.

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 to 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.