

RULES AND REGULATIONS GOVERNING CITY PERMITS FOR AUTO RICKSHAW IN VIJAYAWADA

State: Andhra Pradesh

Details of licensing are as follows:

Auto rickshaws are regulated by the Andhra Pradesh Motor Vehicle Rules 1989 and Motor Vehicles Act 1988

As per an order produced by the transport department of Andhra Pradesh, every new Auto rickshaw plying in Municipal Corporations and Municipalities; unless exempted by the Regional Transport Authority, should be fitted with a fare meter (Normally digital meters) as approved by the Transport Authority. No permit will be granted and transferred for a rickshaw without meter. The vehicle shall not ply for hire unless the fare meter bears the seal of legal metrology department to indicate that the fare meter has been tested and is in working order.

Permit Procedure:-

Application for the permit for Auto rickshaw has to be made in the Form "PCVA" (Expansion) as prescribed under Andhra Pradesh Motor Vehicle Rules. The Regional Transport Authority may grant a permit in respect of an Auto rickshaw to ply as a contract carriage for an area lying within a radius of 60 kilometers from the principle place of business of the registered owner; without the counter- signature of the Regional Transport Authority or Regional Transport Authorities of the other region or regions in which the said area may partly lie. Provided that the principal place of business is a municipal town or city the area to be permitted shall be computed from the limits of municipality as notified under the Andhra Pradesh Municipalities Act 1965.

A temporary permit will be granted to any registered owner of the vehicles or vehicle to be used on the approval of the state or the Regional Transport Authority will be decided by the concerned Regional Transport Authorities. The operators to whom the primary permit is issued may be granted temporary permit or permits by the Regional Transport Authorities of the adjoining district or districts through which the route extends to ensure un-interrupted service on the route as detailed in section 194.

As per section 190, Every copy of a permit shall be sealed and signed by the authority by whom the permit is issued and by the authority by which the permit is extended or endorsed and as per section 294, every Auto rickshaw, for which the contract carriage permit is granted by the Regional Transport Authority, shall be painted in yellow color over the body.

As per section 191, the holder of a permit or temporary permit shall carry the permit in the vehicle. The permit or temporary permit or the acknowledgement, as the case may be, shall be produced by the driver for inspection on demand by any person authorized to stop the vehicle under Rule 286 or 288.

Fees:-

The Fees for the grant of a permit for an Auto Rickshaw other than a temporary permit is Rs.300 as per Motor vehicle rules. The fee can be paid directly in the office or in the bank through a Treasury challan.

Documents Required:-

For city permit, necessary document are:

1. Registration Certificate of the vehicle.
2. Fitness Certificate.
3. Proof of payment of tax for the current quarter.
4. Insurance Certificate.

Renewal procedure: -

Application for the renewal of permit shall be made to the Transport Authority by which the permit was issued and shall be accompanied by the permit. The application shall state the period for which the renewal is desired and shall be accompanied by the fees. As per Motor vehicle rules the Fees for the renewal of a permit for an Auto Rickshaw is Rs.150. Provided that a fee of Rs.175 /- shall be levied in respect of the renewal of permit under the circumstances specified in sub-section (3) of Section 81.

The Transport authority sanctioning an application for the renewal of permit shall call upon the permit holder to produce the registration certificate or certificate of fitness and insurance, the evidence of the payment of tax to the vehicle and endorse the renewal in the permit and return them to the holder. The transport Authority may revoke its sanction of the application for renewal if the permit holder fails to produce the documents as aforesaid within thirty days from the date of receipt by him of the order requiring the production of the records.

Documents Required:

Documents to be enclosed to the application are:

1. Original Permit
2. Registration Certificate.
3. Insurance Certificate.
4. Proof of payment of tax for the current quarter.
5. No object certificate from the financier if the vehicle concerned is covered by HPA / Lease / Hypothication.

(www.aptransport.org)

Grant or renewal of contract carriage permits-guiding principles:-

In addition to the conditions specified in Section 74, the transport authorities will grant or refuse to grant a contract carriage permit on the basis of the following matters:

The applicants shall first be screened and those who are found to be unsuitable on one or more of the following principles, shall be disqualified reasons being given in such decision of the transport authority, whenever an applicant is disqualified.

If the history sheet is not clean and contains more than six entries relating to offence of overload, running without permit, of fitness certificate or without payment of tax or using the vehicle unauthorized as a stage carriage, committed within twenty four months preceding the date of consideration of the application by transport authority. Provided nothing in this clause shall apply to applications for renewal of permits. If there is an evidence stating that the application has been trafficking in permits either benami or otherwise. If the applicant has on behalf of others in order to avoid rules.

After eliminating the applicant in the manner laid down above, marks shall be assigned for assessing the different qualifications of the applicant for the grant of permits. No person shall be granted or shall hold or shall process more than five contract carriage permits at any time. Applications finalized as above shall be then disposed of according to the provisions of Sections 74.

Conditions for permit holders:

1. The vehicle shall not be used on any public road unless the tax due in respect of such vehicle has been paid.
2. No any goods in which the conveyance of it contravening the provisions of any law or any rule, by law or not be present in the vehicle either when it is stationary or when it is in motion regulating the import or export transport of such goods or mica for which royalty has not been paid.
3. The holder of the permit shall report cases of accidents direct to the Insurance Company with which the vehicle is insured, to the Secretary of the Transport Authority concerned and the nearest Police Station or outpost within two days from the date of accident ;
4. The permit of the vehicle shall be carried in the vehicle unless it is sent to the Transport Authority in which case the transport authority acknowledgement shall be carried in the vehicle ;
5. The vehicle shall not be replaced by another vehicle of the same nature except with permission of the Transport Authority which granted the permit;
6. The permit shall not be transferred from one person to another except with the permission of the Transport Authority that granted the permit
7. The change of address shall be intimated to the the transport authority which issued the permit within 14 days from the date of change of address. Copies of the intimation shall also be sent to the transport authority if any that have counter signed the permit ;
8. When an alternation is made in the vehicle so as to contravene any of the conditions of the permit, the holder of the permit shall at the time of reporting

- the registering authority under Section 52 (4) forward a copy of the report to the transport authority. If the Transport Authority declines to vary the permit in accordance with the alternation, the permit holder shall provide substituted vehicle within such time as the transport authority may specify
9. If the Transport Authority decides to vary the conditions of the permit or to attach further conditions, the permit holder shall produce the permits on demand by the Transport Authority within the time fixed by it
 10. Certificate of registration and certificate of fitness or a valid receipt containing the particulars of fitness certificate issued by the authority before whom the registration certificate was filed shall at all times be carried in the vehicle and the vehicle maintained to comply the requirements of the Act and Rules made thereunder and the vehicle shall not be driven at a speed exceeding the speed permitted under the Act
 11. The name and address of the operator shall be painted or otherwise firmly affixed to every vehicle (other than motor cab) to which the permit relates in the extension of the body on both sides thereof in a colour or colours vividly extracting to the colour of the vehicle centered as high as practicable below the window line in bold letters ;
 12. The vehicle to which the permit relates shall at all times be so maintained as to comply with the requirements of Chapter VII and rules made there under,
 13. In addition all Public Service Vehicle is required to carry a first aid box
 14. The permit holder shall maintain a trip register in Form TR correctly and legible in manner prescribed under rules;
 15. No corpse of person who is or is believed to be suffering or has been suffering from any infectious or contagious disease shall be caused or allowed to enter into or to be placed or carried in the vehicle or vehicles in regular course of service.

In addition permit holders of contract carriages has to follow the following conditions:

1. Receipts shall be issued when so required by the hirer for the hire charges paid.
2. The vehicle shall be parked at such stands as may be determined by the Transport Authority when it is not engaged and it shall be available for hire there at: Provided that the contract carriages other than motor cabs shall not be parked within a reasonable distance from the bus stations authorized for the stage carriages namely 3 kilometers in a municipal city, 2 Kilometers, in a municipal town and one kilometer in other places;
3. It shall be a condition of every permit of contract carriage motor cab and auto rickshaw, that the vehicle shall not be allowed or caused to be allowed to participate in a strike or withdraw from service causing inconvenience to the public without prior notice of at least seven days in case of a strike and three days in other case ;
4. The owner of every auto rickshaw shall maintain a record sheet in duplicate in a bound book in Form R.S.A with a copy to be kept with auto rickshaw ;
5. The driver and the owner of motor cab, auto rickshaw shall exhibit or caused to be exhibited a card inside the motor cab, taxi cab and auto rickshaw on the position between the driving seat and the passenger seat in a manner visible to the passengers from the seat containing the name of the driver, registration

number of the vehicle and the tariff fare. The plate shall have dimension of not less than 20 centimeters in length and 20 centimeters, in width with black background and white letters. The dimension of each letter written shall not be less than 3 mm. in length and 3 mm in breadth.

6. The vehicle shall be used only on the routes or area specified in the permit and not otherwise;
7. The vehicle shall not carry more number of persons than the seating capacity of the vehicle.

Permit-delivery on expiry:-

As per section 219, Within fourteen days of the expiry of any permit by the efflux of time, the holder shall deliver it to the Transport Authority by which it was issued and the Transport Authority receiving any such permit shall intimate the fact to the authority or authorities by which it was endorsed or extended if such endorsement or extension was in force on the date of the expiry of the permit.

Variation or extension of route:-

As per section 160 of A.P Motor Vehicle Rules, the State Transport Authority may, on payment of the fees specified in Rule 195 grant a permit for a vehicle to ply on a route lying partly on a road specified in Rule 158 for a distance of more than one hundred and sixty kilometers and part by on any other road or roads. The State Transport Authority may, on payment of a fee of rupees ten, extend the validity of a permit. The provisions of the Act and of these rules relating to applications for permits and the grant, refusal, suspension or cancellation of permits and all matters connected therewith, including appeals shall, apply to extensions of the validity of such permits.

Suspension and Cancellation:

If the holder of a permit other than a temporary permit intends to surrender the permit for cancellation, he shall forward the permit to the authority, which granted the permit with a request in writing, stating the reasons for the intended surrender and an affidavit on a non-judicial stamp [paper duly sworn before the secretary of the concerned regional transport authority stating that no cases are pending, either against him or against the permit before any authority of court, and that no arrears of tax or any fee in respect of the motor vehicle covered by the permit is due. A copy of the request shall simultaneously be sent to the transport authority by which has countersigned the permit. provided that no such affidavit shall be necessary to be filed in the case of operators who own more than 500 vehicles covered by permits issued by transport authorities in state. the transport authority may take action to cancel the permit on basis of the provisions of subsection (2) of section 214 and refuse the application for surrender based on the provisions in subsection (3) of section 214. the transport authority shall make an order accepting the cancellation of permit if he satisfied with the conditions specified in sub-rule(3)

In deciding whether to suspend or cancel a stage carriage permit as a punishment the transport authorities the transport authority will consider the gravity of the offence,

commitment of same or similar offence in respect of the vehicle on one or more occasions previously and the details in the history sheet of the permit holder indicating that any lesser punishment in effect etc

Duplicate Permit:

In the case of the lost or destroyal of permit, the permit holder is obliged to intimate the fact to the Transport Authority by which the permit was issued. The transport Authority shall upon the receipt of an application in accordance with the Rule 227, issue of a permit, and to the extent that is able to verify the facts may endorse thereon certified copies of any endorsement to extension by other authority intimating the fact to the authority. A duplicate permit shall be clearly stamped "DUPLICATE" in red and the certified copy of any extension of endorsement by any other transport Authority on a permit made under Rule 228 shall be valid in the region of that authority as if it were an extension or an endorsement. The fees shall be Rs.100 /-

Documents to be enclosed to the application for duplicate permit:

1. A Certificate to the effect that the permit was lost irretraceable issued by the Station House Officer, Concerned.
2. Defaced or mutilated or completely written off in original if the Duplicate Permit is asked on the surrender of the said defaced/mutilated/completely written off permit.

Transfer:

When the holder of permit desires to transfer the permit to some other person under sub-section (1) of Section 82, he shall together with the person to whom he desires to make the transfer, make joint application in writing to the Transport Authority by which the permit was issued, setting forth reasons for the proposed transfer. Such joint application shall be accompanied by the prescribed fees.

Replacement of vehicle:

An application shall be made to the Transport Authority by which the permit is issued in the prescribed form accompanied by fees and the statement of reasons for replacement and produce the details as required by the authority as mentioned in rule 211 of Andhra Pradesh Motor Vehicle Rules. The transport authority may reject the application for replacement based on the instructions provided in section 212 of Andhra Pradesh Motor Vehicle Rules 1989. The granting of replacement shall be in consistent with the Rule 213.

Change of the address:

Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form under Rule 70 accompanied by the document as specified by the Transport Authority by which the permit or counter signature was granted. On the receipt of the intimation the authority after the verification may enter the address and shall intimate the changed address to the concerned Transport authority. Nothing in this

section shall apply where the change of address recorded in the permit is due to temporary change which is not intended to exceed three months in duration.

Penalty:

As per section 217 of Andhra Pradesh P Motor Vehicle Rules, The Transport Authority will determine the sum of money to be recovered in lieu of cancellation or suspension of different classes of permits based on the nature, gravity and frequency of the offence committed, the quantum of punishment that would otherwise have been imposed; and earning capacity with reference to the traffic potential of the route and passenger capacity in the case of stage carriage and average daily mileage of the vehicle and hire charges if any in respect of other classes of transport vehicles. Provided that the amount so recoverable in lieu of suspension or cancellation shall in no case be less than the minimum specified in the Rules. This minimum is Rs.10 /- per passengers for overloads in the case of Taxi Cabs and Auto rickshaw's in the case of overloads. Plying on route or area not authorized by the permits will charge Rs.500/-

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 subsection (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.