

RULES AND REGULATIONS GOVERNING CITY PERMITS FOR AUTO RICKSHAWS IN RAIPUR

State: Chattisgrah

Details of city permits are as follows:

The Motor Vehicles Act, 1988, is the principal Central legislation governing the transport system in the country, and as such, is also the source of most of the laws applicable to all Transport systems in India.

The MV Act in section 2(7) defines "contract carriage" as a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorized by him in this behalf on a fixed or an agreed rate on a time basis, whether or not with reference to any route or distance or from one point to another. It also includes maxi cabs. So an auto rickshaw also comes under contract carriages.

Necessity for permits:

As per section 66(1), No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place without a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorizing him the use of the vehicle in that place

Application Procedure:

As per the section (73),of the central Act an application for a permit in respect of a contract carriage shall contain the following particulars, namely:-

1. the type and seating capacity of the vehicle;
2. the area for which the permit is required;
3. any other particulars which may be prescribed

According to the section (74,) the grant of permit is as follows:

A Regional Transport Authority may, on an application made to it under section 73, grant a contract carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit: Provided that no such permit shall be granted in respect of any area not specified in the application. The

Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may be made under Motor Vehicles Act.

Permit Procedure in Raipur:

In Raipur, anyone licensed to drive an auto rickshaw is eligible to apply for a permit. The procedure for obtaining a permit is fairly simple.

As per the RTI Reply, The vehicle permit is for authorizing the vehicle where as driving license is for authorizing the driver. It is mandatory for the auto-rickshaw drivers to obtain their driving license and also obtain a permit from the transportation department. On the completion of the formalities (of a quasi-legal nature), permits are issued. In some exceptional cases of non-issuance, complete information can be obtained from the office and can complete the formalities. After completion of all formalities, and an application to related Area Transport Officer or Secretary Area Transport Authority through quasi-legal procedures and they are considered for permit.

Permit Procedure:

After the applicant submits the filled application, it will be decided by the board through a structured process if the applicant can be given a permit or not.

Regulatory Body:

Area Transport Officer, Raipur is the authorizing officer for issuing Permits.

Transfer of permits:

As per section (82) a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not, without such permission, operate to confer on any person to whom a vehicle covered by the permit is transferred without any right to use that vehicle in the manner authorized by the permit.

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. The permit has to be renewed on an application made not less than fifteen days before the date of its expiry.

Penalty:

Under the Vehicles Act 1988 and State Transport authority, auto rickshaws are given permits. If found without a permit, the owner of the vehicle is liable for a stipulated amount of fine under the vehicles act 1988 under section 200.the violator can also be punished under section 86 of the Motor vehicles Act.

An amount of Rs.2000/- will be collected as Compounding fees for vehicles without 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.