

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

State: Sikkim

Details of city permit procedures are as follows:

In Sikkim Permits for contract carriages are regulated by Sikkim Motor Vehicle Rules, 1991 and Motor Vehicles Act 1988. So permits for auto Rickshaws are also regulated by Sikkim Motor Vehicle Rules, 1991 and Motor Vehicles Act 1988. Following are the procedures of Auto rickshaw as per Motor Vehicles Act 1988.

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. The Transport Department Officials is the regulatory authorities for the implementation of Motor Vehicles Act. Permits are issued by Regional Transport Authority or the secretary of Regional 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:

For an auto Rickshaw, permit for the vehicle and license for driver is needed. Permits are issued for the vehicle but license is issued to a person to drive a vehicle. A taxi meter is to be attached with the vehicle. Application shall be submitted in the prescribed Form with prescribed fees and the permit fees of and also produce the necessary documents.

Authority issuing City Permit:

Regional Transport Authority is the authority to grant Permits.

Documents Required:

Documents of registration, fitness certificate, insurance certificate etc is required.

Permit Fees:

As per the information provided in the website of the Motor Vehicles Department of Government of India, the fees in respect of permits for contract carriages is Rs.100/-

Renewal Of permits:

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 period so as to synchronise 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.

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 Plying any vehicle without payment of tax due on such vehicle, without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle; Plying any vehicle On any unauthorized route and 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.

Terms and conditions:

One is supposed to follow the section 74 of Motor Vehicles Act 1988.

Penalty:

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.