

RULES AND REGULATIONS GOVERNING THE CITY PERMITS OF AUTO RICKSHAW IN NAGPUR

State: Maharashtra

Details of city permit procedures are as follows:

Auto Rickshaws are regulated by the RTO (Regional Transport Office). The Regional Transport office issues the permits. One needs a permit to ply regularly in the district for offering auto Rickshaw on hire or rewards permit in the form 'PCOP' which is valid for five years and for temporary purposes (visit places outside the region or state) temporary permits are issued.

Permit Procedure: -

Every application for permit shall be in the form pco.P. As per the section 72 of Maharashtra Motor vehicle Rules 1989, every permit shall be signed and sealed by the transport authority by which permit is issued. The Countersigning Transport Authority must do the countersigning of the permit. He shall sign and seal the permit.

As per the motor vehicle rules, no permit shall be issued until the registration mark is not entered in the vehicle. If an applicant fails to produce the registration certificate within the stipulated time, the Regional Transport Authority may withdraw the sanction of permit.

Fees: -

Subject to the Provisions of the Maharashtra Motor Vehicle Rules 1989, the fees in respect of application for the grant and renewal of a permit or a countersignature for the metered cab is Rs. 100, for the grant and renewal of a permit or a countersignature for the non metered motor cab is Rs.150 and for the grant and renewal of a permit or a countersignature for the maxi cab is Rs.150 and for the grant and renewal of a permit or a countersignature for the contract carriage other than the above is Rs. 200.

The fees in respect of an application for a temporary permit or a countersignature on a temporary permit shall be Rs.50 for each calendar month or part thereof in respect of each vehicle.

Documents Required: -

For city permit (PCOP) necessary document are

1. Filled PCOP form.
2. Copy of the latest property tax paid receipt in proof of ownership
3. Auto rickshaw valid motor driving license with public service badge,
4. Fitness certificate
5. Registration Certificate of the Vehicle.
6. Insurance - vehicle insurance
7. Pollution under control certificate.

Time Prescribed:

There is no time limit for the processing of permit as per the law.

Renewal procedure: -

An application shall be made to the transport authority that have issued permit and shall be accompanied by the permit. The application shall state the period for which renewal is desired and shall accompanied by the fees prescribed. The renewal fee is same as for a new one. Renewal procedure is the submission of the filled renewal form to RTO (Regional Transport office) before 15 days of the expiry date of permit. As per the motor vehicles act and rules a permit will be valid for five years.

Conditions:

As per the Maharashtra Motor Vehicle Rules 1989, the following are the conditions for contract carriage permit:

1. The permit cannot be driven in any public place except by a permit holder or a licensed driver holding an authorisation to drive a public service Vehicle and duly authorized by the permit holder in writing shall be carried by the driver when driving and produced on demand by any Police Officer or Officers of the Motor Vehicle Department. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit .No advertisement can be exhibited in the vehicle
2. A permit for public service vehicle shall subject to condition that the holder shall make provision for the conveyance of a reasonable quantity of passenger's luggage with efficient means for securing it and protecting it against rain
3. The holder of permit shall comply with all provisions of act and rules
4. The carriage of goods is prohibited except in the conditions mentioned in section 80

Extension of the area of the validity of permits:

The extension must comply with section 74 of the Maharashtra Motor vehicle Rules. The Regional Transport Authority can extend the area of the validity of the permit to any other region within the state in accordance to additional conditions attached for different regions. The extended are shall be kept with the vehicle to which the permit relates shall be normally kept within the region of the Original Transport authority. The original Transport Authority can issue permit valid in any other region in accordance with any general or special resolution recorded by any other 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 to be operative in other regions, shall send a copy to the Transport Authority in such regions.

Suspension and Cancellation:

The holder of any permit may at any time surrender the permit to the Transport Authority by which it was granted and the authority shall forthwith cancel any permit so surrendered. The holder shall surrender the permit immediately and the suspension or cancellation shall take effect. The holder can cancel any permit so surrendered. When a regional Transport Authority suspends a permit, it shall be intimated to the Transport Authority by which the permit has been countersigned with effect to the time of suspension or cancellation and to any authority by which the validity of the permit has been extended. Upon the cancellation of any permit or a counter signature of a permit, the holder shall also surrender the certificate of registration and plates bearing the registration mark.

The holder of the permit shall within the fourteen days of the expiry of any permit by efflux of time, the holder shall deliver the permit to the Transport Authority by which the permit was issued and the Transport authority receiving any such permit shall intimate the fact to the authority or authorities by which it was countersigned with effect up to the date of expiry and to any authority by which the validity of the permit has been extended

The holder of permit shall, if so required by the Transport Authority intimate to it within twenty four hours of the receipt of the suspension order, the place where the vehicle in respect of which the order is passed shall be kept during the period of suspension or cancellation. Such holder shall not remove the vehicle from the place so intimated without the prior permission of the Regional Transport authority in whose region.

Transfer:

As per the section 91 of the Maharashtra Motor Vehicle rules, the permit holder along with the person he intends to transfer the permit has to jointly apply in prescribed form to the Transport Authority by which the permit was granted showing the reasons for the transfer. The transport authority may require the both parties to state in writing whether any premium, payment or other consideration arising out of the transfer, is to pass or has passed between them and the nature and amount of any such premium, payment or other consideration.

Without prejudice to any liable penalties, the authority may declare void any transfer and thereupon such transfer shall be void and of no effect if the transport authority is satisfied about any false information provided in application. The transport authority may summon both parties to the application to appear before it and may, deal with application as if it were an application for permit. If the authority is properly satisfied that the transfer of a permit may properly be made, it shall call upon the holder of a permit in writing to surrender the permit within seven days of the receipt of the order and shall like wise call upon the person to whom the permit is to be transferred to pay a sum of Rs. 100 as transfer fees.

The provisions of this rule shall not apply in respect of transfer of contract carriage permits issued for motor cabs.

In the case of the death of the permit holder, the person succeeding to the possession of the vehicle covered by the permit may within sixty days from the death of the permit

holder, inform the transport authority by which the permit was granted about the death and his intention to use the permit. The person has to apply in the prescribed form complying with provisions of section 92 of Maharashtra Motor Vehicle Rules.

Replacement of vehicle:

An application shall be made to the Transport Authority by which the permit is issued in the prescribed form stating the reasons for replacement. The holder shall produce the registration and vehicle details as mentioned in the section 88 of Maharashtra Motor Vehicle Rules 1989. On receipt of an application, the transport authority after ensuring that the conditions for granting permits are fulfilled, grant permission for replacement. The transport authority may reject an application if the holder of permit has contravened any provisions of the Act or Rule.

Change of the address:

If the permit holder change his address, he shall send fourteen days the permit to Transport Authority by which the permit was issued intimating the new address. The change should not be for a temporary period not exceeding three months. Upon 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.

Penalty:

Auto Rickshaws plying without valid permit will be charged compounding fees of Rs. 200/- under the section 200 of the motor vehicles act 1988. Punishment for operating auto rickshaw without license is Rs.300. Each for owner and driver

As per Section 192A of The Motor Vehicles Act 1988, using vehicle without permit is punishable. The act says that driving a motor vehicle or causing for that 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.