Chapter V

Legal Frame-Work For APT Business, For Safeguarding Interest of Operators, Passengers and Society (General Public)
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Legal Frame-Work For APT Business:
For Safeguarding Interest Of Operators,
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Introduction:

The chapter accounts the significant provisions of Motor Vehicle Act, 1988, applicable to APT Business. There is a need to control this business by giving due regard to:

(i) advantages offered to the public, trade and industry;
(ii) desirability of coordination with other means of transportation;
(iii) avoiding cut-throat competition amongst the operators;
(iv) providing adequate measure for road safety.

Accordingly, the Government has introduced the legal framework for APT Business. The legal framework so created is not without demerits. The chapter takes a critical review of the same and also insists for improved measures on the basis of existing.

Control by Regional Transport (RTA), State Transport (STA) Authorities and State Government:

RTA and STA:

Though Indian Constitution under Articles 19(1) (9) permits any one to engage APT Business, the State is empowered to regulate or restrict this business in the interest of public and their welfare. The Motor Vehicle Act, 1988 restricts or regulates the
right to ply auto-rickshaw on public roads for conservation, prevention of congestion, safety and public welfare. The freedom to operate auto-rickshaw for business is subjected to the provisions of Articles 302 to 307 of the Constitution.

Section 68 of Motor Vehicle Act of 1989 empowers a State Government to constitute State Transport Authority (STA) and Regional Transport Authority (RTA) for considering and deciding all questions relating to grant or refusal of permission to use a auto-rickshaw for trade or business. These transport authorities are semi-judicial in nature and they are empowered to make, amend or rescind the bye-laws for regulating APT Business. However, they have to get approval of the State Government for the same. Issue or refusal of permit to operate auto-rickshaw for business entails discretion based on bonafide and best interest of the society. In a way RTA or STA are the custodians of public trust and confidence, specially when it comes to the issue of permit to operate auto-rickshaw. Also it owes an obligation in the society to select appropriate person to operate auto-rickshaw. While selecting person STA or RTA is guided by considerations such as public safety, public health, public peace, viability of operation, character of operator etc.
These authorities, while issuing permit for APT business, are also required to adhere to the principles of natural justice regarding every procedure they follow and every decision they make.

The State Government as per section 67 of the Motor Vehicle Act 1988 is empowered to control auto-rickshaw operation having regard to -

(a) the advantages offered to the public, trade and industry by the development of APT Business;

(b) the desirability of co-ordination with other modes of transport;

(c) the desirability of preventing the deterioration of the road system;

(d) the desirability of preventing uneconomic competition among holders of permits.

The State Government time to time instructs the STA or RTA on the following matters:

(i) Fixation of fares or freight charges for auto-rickshaw.

(ii) Specifying routes or jurisdiction for the APT Business.

(iii) Issue of permits.
Legal Formalities to be completed:

A person who intends to undertake APT business has to complete number of formalities which are as discussed ahead:

(a) Driving Licence for Auto-rickshaw:

No person shall drive a auto-rickshaw in any public place unless he holds an effective driving licence issued to him to drive the same (Section 3). Before setting driving licence a person is required to obtain learning licence (Section 8). Minimum age fixed for auto-rickshaw driving for business is 20 (Section 4). The driver of auto-rickshaw so receiving licence is not permitted to hand over his vehicle for driving to person who does not meet the requirements of Section 3 and 4 of Motor Vehicle Act of 1988. As per Section 15 of the above Act the driving licence is subjected to renewal. If any disease or disability noticed in licence and which likely to affect transportation system, the driving licence given for auto-rickshaw may be revocated. The section 19 empowers the revocation of driving licence for APT business when auto-rickshaw driver:

(i) is found as criminal or habitual drunkard or addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic drugs and Psychotropic substance Act, 1985 (61 of 1955); or
(ii) has used a auto-rickshaw in the commission of a cognizable offense; or

(iii) has previous record showing his driving dangerous to public; or

(iv) has obtained driving licence for auto-
rickshaw by fraud or misrepresentation; or

(v) has committed any such act which is likely to nuisance or danger to public; or

(vi) has failed to give driving tests referred to in Sub-section (3) of Section 22;

(b) Public Service Vehicle Authorization (PSV):

After procuring driving licence, a person desiring to undertake APT business with his own or hired vehicle has to get PSV. One who is 20 years of age and having driving licence with two years experience of driving is eligible for applying for PSV.

The PSV is given by RTA after making enquiries into the character and antecedents and after verification of the driving skill of the applicant. If the licensing authority is satisfied that applicant is a fit and proper person in all respect to drive auto-rickshaw, the PSV authorization is endorsed on.
the driving licence itself. Under Rule 4(8) of Motor Vehicle Act 1988 the PSV authorization is to be renewed after application. The medical fitness is required for the same.

(c) Permit to Ply Auto-rickshaw for APT Business:

A person intending to get permit for APT business is required to go through the specific procedure. He has to complete the following documents –

(i) Prescribed Application duly completed in all respects.

(ii) Proforms of Declaration containing part A, part B and part C.

(iii) Information of home address, parking arrangement for vehicle, letter of finance vehicle etc.

RTO after receipts of application as above, conducts the enquiries to find bonafides of the application made. After the enquiries, RTO sends the application to RTA for consideration and approval.

Under section 63 (read with Rule 83 of BMV Rules 1959), a permit granted by RTA for APT business is valid in the particular jurisdiction only. Section
makes provision for the issue of temporary permit valid for the period of 4 months only (Section 87).

The holder of permit may, with the permission of the authority replace the vehicle covered by the permit by any other vehicle.

Section 82 specifies about the transfer of APT business permit as :-

a) Permit shall not be transferred from one person to other unless the same is permitted by RTA.

b) If vehicle covered under permit is transferred, the new owner of vehicle does not have a right to use permit.

c) After demise of permit holder, the legal heir for the vehicle ownership may use the permit for the period of three months as if it had granted to him. In this case the person possessing vehicle has to inform the RTA within 30 days about the demise of original permit holder.

d) The RTA after application and giving full thought on the merit of case, may transfer the permit to the person succeeding the possession of the vehicle covered under permit.
The following conditions (Section 84) attached to permit given for APT Business:

(i) Auto-rickshaw covered under permit should have certificate of fitness under Section 56.

(ii) Vehicle driving speed should not exceed as stated time to time for different places.

(iii) Fare and freight should be in accordance with Section 67.

(iv) The vehicle should not trusted un-eligible person for driving as prohibited by Section 3.

(v) The limits of weight to be carried should be observed (Section 113).

(vi) The driving of auto-rickshaw by a single person as per rules should not exceed 12 hours per day.

(vii) The provisions of chapter X (liability without fault in certain cases), XI (insurance of auto-rickshaw against Third Party Risks) and XII (Claims Tribunals) of Motor Vehicle Act 1988 are applicable to permit holders to the extent that they need.
(viii) Name and address of operator shall be kept inside the vehicle.

A RTA may cancel or suspend the APT business permit -

(i) on a breach of provisions of Section 84 as stated above, or

(ii) using auto-rickshaw in any manner not authorised by the permit, or

(iii) if the holder of the permit ceases to own the vehicle covered under permit,

(iv) if permit is obtained by fraud or misrepresentation.

(v) if the holder of permit acquires the citizenship of any other foreign country.

Before suspending the permit, RTA give sufficient opportunity to plead the case.

Fitness Certificate to Auto-rickshaw:

While issuing fitness certificate to the auto-rickshaw, the following provisions have to comply:

(i) Auto-rickshaw needs a lamps at front and back side.
(ii) An electric or manual horn is to be fixed for giving audible and sufficient warning of the approach or the position of vehicle.

(iii) The silencer, for escaping of exhaust gases and reducing noise is required to be fitted to the vehicle.

(iv) Internal mirror giving distinct vision of traffic approaching from rear is to be set near the driving wheel.

(v) Front glass must be clearly transparent.

(vi) All the pneumatic tyres of vehicle should be properly aired.

(vii) Machine part of the vehicle should not emit any smoke visible vapour, sparks, ashes, cinders or oil substance etc.

(viii) Speed-meter and fare meter must be at visible place and capable of indicating accurately.

(ix) Driver should have enough place for driving.

(x) Only the permitted number of persons should have provision to seat inside the vehicle.
(d) Insurance:

Insurance is a system for sharing risks which enables large losses suffered by individuals to be made good by small contributions, from all the members of the group. It is possible to estimate in advance the size of the individual contribution on the basis of law of average. From the view point of the individual, insurance is a necessary protection against huge losses arising from unpredictable but possible events. This protection can be purchased for a relatively small sum within the means of individual.

Insurance is usually transacted in the form of a contract. The auto-rickshaw insurance policy indemnifies the insured as well as any person driving the vehicle with the permission of the insured and possessing valid driving licence. The insured can be either the owner or the hirer of the vehicle.

The auto-rickshaw insurance policy contains three sections. Section I covers the loss or damage to the vehicle. Section II covers the liabilities to the third parties in the respect of personal injuries and property damages. Section III provides that the policy will be operative when it is towing a disabled vehicle.
Section I covers the damages to auto-rickshaw by :-

(a) Accidental external means;
(b) Fire, lighting, self-ignition, burglary, house breaking and theft;
(c) malicious act, and
(d) riot, strike and flood.

The policy excludes consequential loss, depreciation, wear and tear, mechanical or electrical breakdown, damage caused by overloading or by explosion of engine. Loss or damage to accessories of auto-rickshaw is also excluded unless the vehicle itself is stolen.

Chapter X of the Motor Vehicle Act, 1988 containing Section 140 and 141 deals with no fault compensation to insured vehicle. Chapter XI containing Sections 145 to 164 states the provisions relating to insurance of auto-rickshaw against third party and Chapter XII containing Sections 165 to 176 deals with constitution of claims Tribunals, making an application for compensation etc.

Duties of Auto-rickshaw Operator/Driver:

The duties of auto-rickshaw operator carrying APT business are numerous and stated at appropriate
places in Motor Vehicle Act and Rules. All such duties are summarised ahead:—

- Operator shall stay near the cab and move the vehicle as vacancies occur in the stand or as desired by the passengers.

- Operator shall keep the proper distance in between his and other vehicle.

- Disabled auto-rickshaw shall not be kept at stand.

- No operator shall prevent the first auto-rickshaw on the stand from being hired.

- No operator shall keep his vehicle on the stand for its engagement at some future time.

- A driver of auto-rickshaw shall in the absence of reasonable cause or instruction from the passengers shall proceed to the destination desired by the hirer by the shortest and quickest route.

- No driver allows his vehicle for the furtherance of prostitution.

- No driver is permitted to terminate the hiring on his own.
: Driver shall take the fare as stated by meter.

: Driver should not shout or use any other instrument or decorate his vehicle for attracting the passengers.

: A driver at all time shall exercise all reasonable care and diligence to maintain his vehicle in fit and proper condition. He should not drive unfit vehicle.

: He shall not smoke while on driving or on duty.

: He shall behave in civil and orderly manner with passengers and others.

: He should be cleanly uniformed/dressed as specified by RTA.

: Vehicle should be kept in a clean and sanitary condition.

: Overloading of vehicle shall not be undertaken.

: He should have only one PSV authorization.

: If at any time, PSV authorization or driving incense is suspended or revoked by RTA or RTO.
or by the court, the driver shall within seven days surrender the badge to the authority by which it was issued.

: No auto-rickshaw driver shall cause or allow to enter into or to be placed or carried in the vehicle, any person whom he knows or has reason to believe that he is suffering from any infections or contagious disease. If at all he has to carry such person, he may take the permission of medical practitioner. After the travel or transporting of the above noted person, the vehicle is required to be disinfected in such manner as the medical officer specifies.

: A driver of the vehicle has to disinfect his vehicle with D.D.T. or any other liquid insecticide, approved for the purpose by the medical officer.

: The necessary register showing disinfection so done shall be maintained by the driver and be kept in the vehicle.

: A driver shall carry his driving licence, insurance document, and permit with his for inspection by the rank Assistant Inspector of Motor Vehicle or above it or by Police Officer.
: After every journey, a driver of auto-rickshaw has to make reasonable search in the vehicle for anything left by any passenger and shall take into custody anything so found for its subsequent handover to the nearest police station.

: Without the permission of permit owner, the driver of auto-rickshaw shall not allow any other to drive the vehicle trusted to him by the owner.

: A driver of auto-rickshaw, whenever vehicle approaches in unguarded level crossing, shall cause it to be stopped, and after ensuring that no train is approaching in either direction, shall proceed to cross it.

: A auto-rickshaw fare metre shall be set motion as soon as vehicle is hired for journey by the passenger (An auto-rickshaw shall be considered to be hired from the time has been engaged or if called from a distance from the time of such call).

: If auto-rickshaw is not in working condition, the driver shall at once lower the flag to "Stopped" position and shall not re-start his meter until such time as the defect is remedied.
Fare meter shall not be covered under any circumstances.

Driver cannot refuse to let the cab for hire when the metre flag is in a vertical position.

**Realities:**

It is interesting to observe that the permit holder or driver of auto-rickshaw tries his best to get escape from the conditions, procedure etc. laid down by Motor Vehicle Act and rules thereunder. So also the police and RTO officials from their end try to impose all the restrictions on the vehicle drivers or permit owners as stated in the Act. While doing this there may be infringement of stated or desired practices, both by the vehicle operators or by the police or RTO officials.

The following infringements are noticed in execution of Motor Vehicle Act/Rules:

(i) STA or RTA, while issuing permit to ply auto-rickshaw for APT business shall be guided by consideration such as public safety, public health, public peace, viability of operation, character of operator and natural justice. However, this is not frequently observed.

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(ii) The State Government (as empowered by Motor Vehicle Act 1988, Section 67) does not control the auto-rickshaw operations either in the interest of operators or passengers. There are frequent grievances either from the public or from the operators.

(iii) A person who intends to undertake APT Business has to complete the number of legal formalities such formalities need inordinate delay.

(iv) A much time is required in getting learning and subsequent driving licence for auto-rickshaw.

(v) A driver of auto-rickshaw having licence is often tempted to give his vehicle to others for driving by infringing the provision of Section 3 and 4 of the Motor Vehicle Act.

(vi) A revocation of licence given for auto-rickshaw driving is undertaken by some RTD official without any reasonable ground.

(vii) Some drivers having driving licence for auto-rickshaw driving are found criminal, liquor or drug addicts, involved in cognizable offenses, indulging in dangerous driving, and committing acts emitting nuisance or danger to public. This is against the Motor Vehicle Act. There is a need to check the same.
(viii) In order to get PSV authorization an intending applicant may need more than six months. Many times such authorization is issued by the RTD to un-fit person having bad character or antecedents. The medical fitness is not properly checked while giving PSV auto-rickshaw driving authorization.

(ix) It is rather difficult to get permit to ply auto-rickshaw for the APT business, even though the applicant satisfies all the statutory requirements of the RTD or RTA.

(x) Some permit holders give their permit to others for the use by charging price for the same. This is illegal, however, it is difficult to detect such Acts.

(xi) The transfer of permit after the demise of permit holder is difficult. Many times genuine legal heir suffers on account of delay in such transfer.

(xii) A permits though belonged to different persons may be controlled or possessed by a wealthy person against some un-authorised consideration. Poor permit holders frequently come into grip of such person.
(xiii) Some people obtain permits by fraud or misrepresentation, or they are staying in foreign countries or using the vehicle in a manner not authorised. These people and their unlawful practices are difficult to be traced out.

(xiv) Fitness of vehicle is not properly observed after its annual passing by RTQ.

(xv) Vehicle insurance is a protection against the losses arising from unpredictable but possible events. This protection is purchased for relatively small sum within the means of auto-rickshaw owner. As a result of this, when any insurance claim is entitled to the owners of the vehicle for damages, the same is realised only after giving some benefits to Police or RTQ or to insurance agents.

(xvi) There are number of incidences of demanding excess fares from the passengers. While attracting the passengers many tactics are used. Shouting or sending agent for passengers is common. Vehicles are uncleaned and insanitary and often overloaded. Rude or arrogant operators are frequently found. Criminal practices and furtherance of prostitution are attempted by few operators. As response to condition to display badge and name plate, very few operators abide to the same. The transportation of
dangerous or hazardous materials is made by some operators for extra care.

1. Operators many times stand away from the vehicle, when it is parked on the busy-stand. This is knowingly done to get passengers of their choice.

2. The condition of keeping proper distance between auto-rickshaw and other vehicle is frequently overlooked and same causes accident.

3. Many disabled auto-rickshaws are found parked on stand for passengers.

4. When auto-rickshaw operators park their vehicles at busy stand, they try to bargain for fare.

5. There is a common practice to use the longest route or slowest route when the passengers in the vehicle are strangers to city.

6. Furtherance of prostitution is thought profitable by many operators.

7. Sometimes the driver terminates the hiring on lonely route by pleading fuel inadequacies or loss of load pulling capacity of vehicle. This is done for extra money.

8. Meter-fare is charged only when peak hour operations take place in busy residential or commercial areas. Opportunities of charging the fare with-
out meter are always taken by operators when passengers want to go remote areas from the city main complex.

Legal Provisions: Execution, Action, Re-action and Satisfaction:

1. The Motor Vehicles Act, 1988:

1. The Motor Vehicles Act, 1939 (4 of 1939), consolidates and amends the law relating to motor vehicles. This has been amended several times to keep it up to date. The need was, however, felt that this Act should, now inter alia, take into account also changes in the road transport technology, pattern of passenger and freight movements, development of the road network in the country and particularly the improved techniques in the motor vehicles management.

2. Various Committees like National Transport Policy Committee, National Police Commission, Road Safety Committee, Law Powered Two-wheelers Committee, as also the Law Commission have gone into different

1. This Act of Parliament received the assent of President on the 14th October 1988 and published in the Gazette of India (Extraordinary) Part II, Section I, dated 17th October, 1988.
aspects of road transport. They have recommended updating, simplification and rationalization of this law. Several Members of Parliament have also urged for comprehensive review of the Motor Vehicles Act, 1939, to make it relevant to the modern-day requirements.

3. A Working Group was, therefore, constituted in January, 1984 to review all the provisions of the Motor Vehicles Act, 1939 and to submit draft proposals for a comprehensive legislation to replace the existing Act. This Working Group took into account the suggestions and recommendations earlier made by various bodies and institutions like Central Institute of Road Transport, Automotive Research Association of India, and other transport organizations including the manufacturers and the general public. Besides, obtaining comments of State Governments on the recommendations of the Working Group, these were discussed in a specially convened meeting of Transport Ministers of all States and Union territories. Some of the more important modifications so suggested related to taking care of —

(a) the fast increasing number of both commercial vehicles and personal vehicles in the country;
(b) the need for encouraging adoption of higher technology in automotive sector;

(c) the greater flow of passenger and freight with the least impediments so that islands of isolants are not created leading to regional or local imbalances;

(d) concern for road safety standards, and pollution-control measures, standards for transportation of hazardous and explosive materials;

(e) simplification of procedure and policy liberalization for private sector operations in the road transport field; and

(f) need for effective ways of tracking down traffic offenders.

4. The supreme Court in M.K. Kunhimohammed Vs. P.A. Ahmedkutty (A.I.R. 1987 S.C. page 2158), has made certain suggestions to raise the limit of compensation payable as a result of motor accidents is respect of death and permanent disablement in the event of there being no proof of fault on the part of the person involved in the accident and also in hit and run motor accidents and to remove certain
disparities in the liability of the insurer to pay compensation depending upon the class or type of vehicles involved in the accident. The above suggestions made by the Supreme Court have been incorporated in the Bill.

5. The proposed legislation has been prepared in the light of the above background. Some of the more important provisions of the Bill provide for the following matters, namely:

(a) rationalization of certain definitions with additions of certain new definitions of new types of vehicles;

(b) stricter procedures relating to grant of driving licences and the period of validity thereof;

(c) laying down of standards for the components and parts of motor vehicles;

(d) standards for anti-pollution control devices;

(e) provision for issuing fitness certificates of vehicles also by the authorised testing stations;
(f) enabling provision for updating the system of registration marks;

(g) liberalised schemes for grant of stage carriage permits on non-nationalised routes, all-India Tourist permits and also national permits for goods carriages;

(h) administration of the Solatium Scheme by the General Insurance Corporation;

(i) provision for enhanced compensation in cases of "no fault liability" and in hit and run motor accidents;

(j) provision for payment of compensation by the insurer to the extent of actual liability to the victims of motor accidents irrespective of the class of vehicles;

(k) maintenance of State registers for driving licences and vehicle registration;

(l) constitution of Road Safety Councils.

6. The Bill also seeks to provide for more deterrent punishment in the cases of certain offences.
7. The Notes on clauses explain the provisions of the Bill.

8. The Bill seeks to achieve the above objectives.

The Act contains the following chapters:

I  Preliminary (Sec. 1 to 2)

II Licensing of drivers of motor vehicle  
(Sec. 3 to 28)

III Licensing of conductors of state carriage  
(Sec. 29 to 38)

IV Registration of motor vehicle

V Control of transport vehicle  
(Sec. 39 to 65)

VI Special provisions relating to state transport undertaking (Sec. 66 to 96)

VII Construction, equipment and maintenance of vehicle (Sec. 109 to 111)

VIII Control of traffic (Sec. 112 to 138)

IX Motor vehicle temporarily leaving or visiting India (Sec. 139)
X Liability without fault in certain cases (Sec. 140 to 144)

XI Insurance of motor vehicle against third party risks (Sec. 145 to 164)

XII Claims tribunals (Sec. 165 to 176)

XIII Offence, penalties and procedure (Sec. 177 to 210).

XIV Miscellaneous (Sec. 211 to 227).

The above chapters in Act are to be read with Maharashtra Motor Vehicles Act, 1989 consisting of the legal provisions and rules provided in Motor Vehicle Act of 1989 having direct or indirect concern to APT business.

The Act safeguards the interest of General Public on priority with reasonable care of business of operators their vehicles, public safety and such other aspects. Attempts are made ahead to delineate with various pivot sections and rules of the Act upto the extent to which they are instrumental in effecting APT business. A special care is taken to highlight numerous details of execution, action, re-action and satisfaction about the legal provisions having concern to APT services.
All the provision of Act are directly or indirectly related to business operations and source to (i) increase or decrease the cost of operations, (ii) satisfying or dis-satisfying general public, (iii) satisfying or dis-satisfying operators or owners, and (iv) generating effects on profit. Hence, it is thought appropriate to have critical evaluation of salient features of Act of 1989.

Allowing unauthorised persons to drive vehicles:

When the owner or person in charge of a auto-rickshaw, causes, or permits, any other person who does not satisfy the provisions of Section 3 or Section 4, to drive the vehicle is punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. (Section 180)

Some owners over-rule the above and hand-over the vehicle on rent to inexperienced or unauthorised persons. They eke benefits after meeting some unauthorised claims of RTO officials or policemen. Since the punishment is heavy, the guilty owner is ready to pay considerable amount to controlling authorities of public transport. Frequently absentee owner operators are allured to such practices.
Driving vehicles in contravention of
Section 3 or Section 4:

When any person drives auto-rickshaw in
contravention of Section 3 or Section 4 is punishable
with imprisonment for a term which may extend to three
months, or with fine which may extend to five hundred
rupees, or with both (Section 181).

During the experience survey it is noticed
that there are some persons who venture to go against
section 181. In cities like Beed, Parbhani. These
types of illegal operations are frequently noticed.
In Pune or Aurangabad or in such big cities there are
rare examples of driving by contravening the section 3
or section 4.

Offenses related to licenses:

Auto-rickshaw operator may be disqualified
by RTO officials as per Act for holding or obtaining a
driving licence. Inspite of this, he drives auto-
rickshaw in a public place or in any other place, or
he applies for a driving licence free endorsement
without disclosing the endorsement made on a driving
licence previously held by him. In such offence, he is
punishable with imprisonment for a term which may
extend to three months, or with fine which may extend
to five hundred rupees or with both, and any driving
licence so obtained by him stands as no effect. (Section 182)

The above offences when they are related to licences are difficult to find out by Policemen or RTD officials. There are very few such ill-practices and if the investigation is instituted by the inspecting officers, all the auto-rickshaw operators have to face the enquiries to enable the inspecting officers to find out defaulted operators.

Driving at excessive speed:

1. Whoever drives a auto-rickshaw in contravention of the speed limits referred to in Section 112 is punishable with fine which may extend to four hundred rupees, or, if having been previously convicted of an offense under this sub-section is again convicted of an offense under this sub-section, with fine which may extend to one thousand rupees.

2. Sometimes owner of vehicle or passengers inside the vehicle asked the auto-rickshaw driver to drive the vehicle in contravention of the speed limits referred to in section 112. In such circumstances the owner or passenger (and not drive driving auto-rickshaw) is punishable with fine upto Rs. three hundred. If the same offence is committed second time, the fine extends upto Rs.500/-. 

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(3) No auto-rickshaw operator is convicted of an offense punishable under sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical device.

In actual practice such mechanical device is rarely at the disposal of inspecting officer and, hence, he alleges the auto-rickshaw operator with his own estimation of speed of vehicle on road. As a result there are almost rare incidences of punishing auto-rickshaw operator for excessive speed. In actual practice when auto-rickshaw operator is found contravening section 112, is held guilty for some other causes such as not keeping documents with him, uncleaned dress or vehicle etc.

(4) Sometimes owner or hirer of auto-rickshaw, insists his employed driver to complete the journey or part of a journey within a specified time and, if in the opinion of the Court the same is not practicable without contravening the speed limits referred to in Section 112 be prima facie evidence that the owner or hirer who insists the specific speed has committed an offence punishable under sub-section. (Section 182).
It is noticed that many auto-rickshaw operators are motivated by the hirer or owner to drive with speed for completing the task in specific time. For example, for going to railway station or ST stand or school or to office, the passengers insist for speed contravening unknowingly the section-112. This is, though satisfactory for passengers is dangerous to public safety. Inspecting authorities, however, reported that such ill practices are difficult to detect and send in the court of law.

Driving dangerously:

When auto-rickshaw operator drives his vehicle at a speed or in a manner which is dangerous to the public is punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees and for any second or subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both. (Section 194).

The realities in the respect of the above are different. It is difficult to detect the driver who drives the auto-rickshaw dangerously or by contra
vending the section 112 and place his case in the court of law for punishment. In actual practice the inspecting officer should be allowed to judge the merit of case on the spot and be empowered to endorse his act on his driving licence. After completion of six such endorsements by different officers during the subsequent period, the case of defaulting auto-rickshaw operator shall be considered for severe punishment.

Driving by a drunken person or by a person under the influence of drugs:

When driver, is driving auto-rickshaw —

(a) has, in his blood, alcohol in any quantity, however small the quantity may be, or

(b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the auto-rickshaw, is punishable for the first offence with imprisonment for a term which may extend to six months, or, with fine which may extend to two thousand rupees, or with both and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both. (Section 185).
For the purposes of above section, the drug or drugs specified by the Central Government in this behalf, by notification in the official gazette, is deemed to render a person incapable of exercising proper control over a motor vehicle.

Although there are many incidences of driving auto-rickshaw by operator after having been consumed small doses of liquor etc. They are difficult to detect. During night time, the auto-rickshaw drivers are frequently found as drunk with small quantity of liquor on the plea that they have to protect themselves from cold. The policemen at rare occasions take the cognizance of liquor drunken driver. Infact there is need to find out the liquor addict drivers for their rehabilitation.

Driving when mentally or physically unfit to drive:

When auto-rickshaw operator drives the vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, is punishable for the first offence with fine which may extend to two hundred rupees and for a second or subsequent offence with fine which may extend to five hundred rupees. (Section 186).
This type of operator is difficult to locate. It is observed that three out of ten drivers of auto-rickshaw are caught in disease or disability which may be source of danger to the public. Hence, there is a need to have intensive health checking and medical treatment at free of cost by charging some premium for health insurance with the vehicle insurance.

Punishment for offences relating to accident:

When auto-rickshaw operator fails to comply with the provisions of clause (c) of sub-section (1) of Section 132 or Section 133 or Section 134 is punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both or, if having been previously convicted of an offence under 187 section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. (Section 187).

1. Driving when mentally or physically unfit to drive.

2. Duty of owner of auto-rickshaw to give information

3. Duty of driver in case of accident and injury to a person.
This section has utility from the point of view of public safety. However, it takes long time to punish defaulted driver and, hence, the total seriousness of the case gets diluted.

**Punishment for abetment of certain offences:**

Whoever abets the commission of an offence under Section 184, 185 or Section 186 shall be punishable with the punishment provided for the offence.

**Using vehicle in unsafe condition:**

When auto-rickshaw operator drives auto-rickshaw while it has any defect, and when operator knows or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the auto-rickshaw, a source of danger to passengers and other vehicles using roads, he is punishable with fine which may extend to two hundred and fifty rupees or if as a result of such defect an accident is caused causing bodily injury or damage to property, with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) If auto-rickshaw operator violates the standards prescribed in relation to road safety, control of noise and air-pollution is punishable for
the first offence with a fine of one thousand rupees and for any second or subsequent offence with a fine of two thousand rupees.

(3) Auto-rickshaw operator, when violates the provisions of this Act or the rules made thereunder relating to the carriage of goods which are of dangerous or hazardous nature to human life is punishable for the first offence which may extend to three thousand rupees, or with imprisonment for a term which may extend to one year, or with both, and for any second or subsequent offence with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to three years, or with both (Section 190).

Although in section 190 prohibits to drive vehicle in un-safe condition, 4 out of 10 operators violates provisions of this Act and rules made thereunder. This is done to save repairs and maintenance expenses or earning more than scheduled. This act is source of dis-satisfaction to passengers and general public also. The measures of road safety, control of noise and air-pollution are attended by the auto-rickshaw operator carelessly and this troubles the passengers in particular and people in general.
Using vehicle without registration or permit:

(1) Some auto-rickshaw operators drive vehicle in contravention of the provisions of Section 39 or without the permit required by sub-section (1) of Section 66 or in contravention of any condition of such permit (relating to the route on which or the area in which or the purpose for which the vehicle may be used or to the maximum number of passengers and maximum weight of luggage that may be carried on the vehicle). These operators are punishable for the first offence with fine which may extend to two thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months or with fine which may extend to three thousand rupees, or with both (Section 192).

(2) Nothing of section 192 apply to the use of auto-rickshaw 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. However, the auto-rickshaw operator has to report such use in advance to the Regional Transport Authority within seven days from such use. The majority number operator are unaware of this sort of legal provisions.
(3) Where a person is convicted of an offence under Section-192, section, the Court suspends permit for a period not exceeding six months or cancel it.

(4) Auto-rickshaw operator may go in high court against above. The Court to which an appeal lies from any conviction in respect of an offence of the nature specified in sub-section (1) of Section 192 may set aside or vary any order of suspension or cancellation made under sub-section (3) by the Court below and the Court, to which appeals ordinarily lie from the Court below, may set aside or vary any such order of suspension or cancellation made by the Court below, notwithstanding that no appeal lies against the conviction in connection with which such order was made. This (4) assists the auto-rickshaw operator to prolong the execution of punishment or its cancellation.

Driving vehicle exceeding permissible weight:

(1) When auto-rickshaw operator drives his vehicle in contravention of the provisions of Section 113 or of the conditions prescribed under that section or in contravention of any prohibition or re-

1. Limits of weight and limitations of use.
restriction imposed under Section 113 or Section 115 is punishable for the first offence with fine which may extend to two thousand rupees, and for any second or subsequent offence with fine which may extend to five thousand rupees.

(2) Any auto-rickshaw operator who refuses to stop and submit his vehicle to weighing after being directed to do so by an officer authorised in this behalf under Section 114 or removes or causes the removal of the load or part of it prior to weighing is punishable with fine which may extend to three thousand rupees.

Despite the provisions of section 194, 6 out of 10 auto-rickshaw operators do not miss an opportunity to drive vehicle exceeding permissible weight for higher freight charges. The inspecting officers do not take care of this.

Imposition of minimum fine under certain circumstances:

(1) Auto-rickshaw operator having been convicted of an offence under Motor Vehicle Act or

1. Power to restrict the use of vehicle.
2. Power to have vehicle weighed.
the rules made thereunder, commits a similar offence on a second or subsequent occasion within three years of the commission of the previous offence, no court, except for reasons to be recorded by it in writing, imposes on him a fine of less than one-fourth of the maximum amount of the fine impassable for such offence.

(2) Nothing in sub-section (1) above is construed as restricting the power of the court from awarding such imprisonment as it considers necessary in the circumstances of the case not exceeding the maximum specified in this Act in respect of that offence. (Section 195)

The section 195 (1) provides some sympathetic treatment which is, however, suspended by section 195(2) and permits the court to use its discretion.

Taking auto-rickshaw without authority:

(1) Whoever takes and drives away auto-rickshaw without having either the consent of the owner thereof or other lawful authority is punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both:

Provided that no person is convicted under this section if the Court is satisfied that such
person acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefore.

(2) Whoever, unlawfully by force or threat of force or by any other form of intimidation, seizes or exercises control of a auto-rickshaw is punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(3) Whoever attempts to commit any of the acts referred to in sub-section (1) or sub-section (2) in relation to any auto-rickshaw, or abets the commission of any such act, is deemed to have committed an offence under sub-section (1) or, as the case may be, sub-section (2). (Section 197).

The section 197 prohibits any person to use auto-rickshaw for any cause. This section prohibits the illegal use of auto-rickshaw.

Unauthorized interference with vehicle:

Whoever otherwise than with lawful authority or reasonable excuse enters or mounts any stationary auto-rickshaw or tampers with the brake or any part of the mechanism of a motor vehicle is punishable with
fine which may extend to one hundred rupees. (Section 198).

Power to arrest without warrant:

(1) A police officer in uniform may arrest without warrant any auto-rickshaw operator who in his presence commits an offence punishable under Section 184 or Section 185 or Section 197:

Provided that auto-rickshaw operator so arrested in connection with an offence punishable under Section 185 is, within two hours of his arrest to be subjected to a medical examination referred to in Sections 203 and 204 by a registered medical practitioner failing which, he is to be released from custody.

(2) A police officer in uniform may arrest without warrant:

(a) any auto-rickshaw operator who being required under the provisions of this Act to give his

1. Driving dangerously.
2. Driving by a drunken person or person under influence of drug.
3. Taking vehicle without authority.
5. Laboratory test.
name and address refuses to do so, or gives a name or address which the police officer has reason to believe to be false; or

(b) any person concerned in an offence under this Act or reasonably suspected to have been so concerned, if the police officer has reason to believe that he will abscond or otherwise avoid the service of a summons.

(3) A police officer arresting without warrant the driver of a auto-rickshaw, may consider proper for the temporary disposal of the vehicle. (Section 202).

This section gives highest power to police officer and, hence, the auto-rickshaw operator seeks the mercy of even an ordinary policemen who his got delegation of officer's power to him. It is no wonder to watch that such Policemen are indulged in catching the guilty operator and taking money from him. The reports go that the policemen exploit even the operators who have not committed an offence.
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Breath tests for detecting liquor consumption:

(1) A police officer in uniform may ask any auto-rickshaw driver driving vehicle in a public place to provide one or more specimens of breath for breath test there or nearby, if the police officer has any reasonable cause to suspect him of having committed an offence punishable under section 185.

(2) If an auto-rickshaw is involved in an accident in a public place and a police officer in uniform has any reasonable cause to suspect that the auto-rickshaw who was driving. The vehicle at the time of the accident, had alcohol in his blood or that he was driving under the influence of a drug referred to in Section 185 he may require the person so driving the motor vehicle, to provide a specimen of his breath for a breath test.

1. Explanation: For the purposes of this section, "breath test", means a test for the purpose of obtaining an indication of the presence of alcohol in a person's blood carried out, on one or more specimens of breath provided by that person, by means of a device of a type approved by the Central Government, by notification in the official Gazette, for the purpose of such a test.

2. Driving by a drunken person or by person under the influence of drug.
Provided that an auto-rickshaw operator need not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) If it appears to a police officer in uniform, in consequence of a breath test carried out by him on any auto-rickshaw operator under sub-section (1) or sub-section (2), that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer may arrest that auto-rickshaw operator without warrant except while that auto-rickshaw operator is at a hospital as an indoor patient.

(4) If an auto-rickshaw operator, required by a police officer under section (1) or sub-section (2) to provide a specimen of breath for a breath test, refuses or fails to do so and the police officer has reasonable cause to suspect him of having alcohol in his blood, the police officer may arrest him without warrant except while he is at a hospital as an indoor patient.
(5) A auto-rickshaw operator arrested under this section may while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(6) The results of a breath test made in pursuance of the provisions of this section are held admissible in evidence.

Laboratory Test:

(1) An auto-rickshaw operator, who has been 

1 arrested under Section 203 may, be asked by a police 
officer to provide a specimen of his blood for a 
laboratory test if, –

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood of such auto-rickshaw operator, or

(b) such auto-rickshaw operator, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so.

(3) The results of a laboratory test made in pursuance of this section are held admissible in evidence. (Section 204)

Power of police officer to impound document:

(1) Any police officer may, if he has reason to believe that any identification mark carried on a motor vehicle or any license, permit, certificate or registration, certificate of insurance or other document produced to him by the driver or person in charge of an auto-rickshaw is a false document within the meaning of Section 464 of the Indian Penal Code, (45 of 1860) seize the mark or document and call upon the driver or owner of the auto-rickshaw to account for his possession of or the presence in the vehicle of such mark of document.

(2) Any police officer may, if he has reason to believe that the driver of an auto-rickshaw who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence and the

1. Explanation: For the purposes of this section, "laboratory test" means the analysis of a specimen of blood made at a laboratory established, maintained or recognized by the Central Government or a State Government.
said Court may, on the first appearance of such driver before it, return the licence to him in exchange for the temporary acknowledgement given under sub-section (3).

(3) A police officer seizing a licence under sub-section (2) has to give temporary acknowledgement therefore and such acknowledgement authorises the holder to drive until the licence has been returned to him or until such date as may be specified by the police officer in the acknowledgement, whichever is earlier:

Provided that if any magistrate, police officer or other person authorised by the State Government in this behalf is, on an application made to him, satisfied that the licence cannot be, or has not been returned to the holder thereof before the date specified in the acknowledgement for any reason for which the holder is not responsible, the magistrate, police officer or other person, as the case may be, may extend the period of authorization to drive to such date as may be specified in the acknowledgement.

Auto-rickshaw operators, by and large, complain that the Policemen have developed a practice of seizing the vehicle documents, for which no acknowledg-
edgement is given. This causes much inconvenience to operators. The cases are also reported that policemen issue false acknowledgements to auto-rickshaw drivers for enabling them to run the APT business on par with genuine document holders (Section 206).

**Power to detain vehicles, used without certificate of registration permit, etc.**

(1) Any police officer may, if he has reason to believe that a auto-rickshaw vehicle has been or is being used in contravention of the provisions of Section 3 or section 4 or Section 39 or without the permit required by sub-section (1) of Section 66 or in contravention of any condition of such permit relating to the route on which or the remain which or the purpose for which the vehicle may be used, seize and detain the auto-rickshaw, in the prescribed manner and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:

1. Necessity for driving licence.
2. Age limit for driving auto-rickshaw.
3. Necessity for registration.
4. Control of transport vehicles.

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Provided that where any such officer or person has reason to believe that a auto-rickshaw has been or is being used in contravention of Section 3 or Section 4 or without the permit required by subsection (1) of Section 66 he may, instead of seizing the auto-rickshaw, seize the certificate of registration of the vehicle and shall issue an acknowledgement in respect thereof. (Section 207)

Power to levy fee :

Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, counter-signatures, authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary :

Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of
auto-rickshaw operator from the payment of any such fee either in part or in full.

**Offences for the purpose of Section 208:**

The offences for the purpose of sub-section (1) of Section 208 shall be -

(a) Driving during the period of disqualifications (Section 23);  
(b) Failure to stop the vehicle when it is involved in an accident (Section 132);  
(c) Obtaining or applying for a driving licence without giving particulars of endorsement (Section 182);  
(d) Driving dangerously (Section 184);  
(e) Driving while under the influence of drinks or drugs (Section 185);  
(f) Abetment of an offence under Section 184 or Section 185 or Section 188;  
(g) Taking part in unauthorised race or trail of speed of any kind (Section 189);  
(h) Altering a driving licence or using an altered licence;  
(i) Any other offence punishable with imprisonment in the commission of which a motor vehicle was used.

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1. Summary disposal of cases.
Additional rules for Drivers of Auto-rickshaw fitted with taxi-meters:

In addition to the rules specified in rule-21, the auto-rickshaw operator has to observe the following, when his vehicle is fitted with taxi-meters.

(a) The driver of every auto-rickshaw fitted with a taxi-meter shall not set meter in motion before it is hired and shall stop it immediately the auto-rickshaw arrives at the destination.

Note: A auto-rickshaw is considered to be hired from the time has been engaged or if called from a distance from the time of such call;

(b) If the driver of any auto-rickshaw fitted with a taxi-meter which is hired by any person is unable to proceed owing to any defect in the mechanism or the tyres of the auto-rickshaw, he has to lower the flag to "stopped" position and re-starts his meter until such time as the defect is remedied;

(c) no auto-rickshaw operator is permitted to cover the face of a fare-meter under any circumstances or at any time; and
(d) no auto-rickshaw operator without reasonable excuse refuse to let the cab for hire when the flag is in a vertical position. (Rule 22).

Although the Rule 22 works in favour of passengers, the auto-rickshaw operators do not care for the same. Keeping the fare metre in motion before vehicle hired, masking the metre by cloth and, refusing to accept fare when the metre flag is set vertical position are common on the part of auto-rickshaw operator.

Badges of drivers of auto-rickshaw :

(1) A metal badge is issued to every auto-rickshaw driver who has been granted an authorization to drive a public service vehicle subject to the condition that he satisfies the authority about his topographical knowledge of the area of operation and working knowledge of Marathi and anyone of the languages commonly spoken there. The badge as illustrated in the second schedule of these rules is, in the case of an omnibus driver, circular in shape and in the case of an auto-rickshaw driver, triangular in shape and contains the name of the head-quarter of the authority which has granted the authorisation, the category of the motor vehicle that is to say, whether

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it is an omnibus or auto-rickshaw and an identification number, inscribed thereon.

(2) The auto-rickshaw operator has to display on the left "chest", the requisite metal badge issued under sub-rule (1). No auto-rickshaw driver holds more than one badge of the same type, since it is illegal.

(3) The fee for the issue of a badge as aforesaid is of ten rupees. If the badge is lost or destroyed a duplicate badge is issued by the authority by which it was issued on an application made in Form D.T.V.B. of the First Schedule to these rules accompanied by a fee of twenty rupees. In case the original badge is later found, upon the return to the issuing authority of the duplicate badge, the driver auto-rickshaw operator is entitled to a refund of five rupees.

(4) When an authorisation on a driver's driving licence entitling him to drive a public service vehicle is suspended or revoked by an authority or by any Court or ceases to be valid due to efflux of time, the driver has to surrender the badge (Rule No.24).
Fees for Licence, etc.:

The fee for the grant or renewal of licence or supplementary licence or for a duplicate thereof, is as below given:

(a) for grant of a licence Rs.200
(b) for grant of a supplementary licence or each additional establishment Rs.150
(c) for renewal of a licence if application is made in time -
   i) Principal licence Rs.100
   ii) Each supplementary licence Rs.15
(d) for renewal of a licence if application is made late -
   i) Principal licence Rs.150
   ii) Each supplementary licence Rs.25
(e) for issue of a duplicate copy of -
   i) Principal licence Rs.15
   ii) Each supplementary licence Rs.10

(Rule-127)

Fare Meter:

Fare meter is important devise in APT business for recording fare. It is noticed that these meters are often defective, not used properly, fitted without any care, kept unmaintained, repaired at unauthorised shop, etc. The auto-rickshaw operators complain that these metres are not of use, since the
fares are changed number of times. When fares change, there is a need to re-adjust metre. The same is difficult because very few shops are authorised to make any adjustment. Passengers complain that the fare metres are kept knowingly faulty for getting extra fare. 6 out of 10 auto-rickshaw have metres with some defects. Motor Vehicle Rules 1989, No. 136, 137, 138, 139, 140, 141 and 147 are made to protect the passengers from exploitation by the APT operators. Further they also endeavour to elevate the confidence of general public over correctness of fare charging. The following pages delineate with the rules, so made.

Auto-rickshaw Meters:

No auto-rickshaw required to be fitted meter, can be used in a public place unless, -

(1) it is fitted with a mechanical meter or an electronic digital meter of a type, which in the opinion of the Transport Commissioner complies with the provisions of rule 140, or is so designed or constructed that the constructional requirement as specified in rule 140 are substantially complied with;

1. Constructional requirement - method of indicating fare, etc.
(2) the provisions of rules 141, 142, 143 and 144 are complied with. (Rule 136).

Despite the above legal provisions for metre, few auto-rickshaw operators run the vehicle with defective metre or without metre. This disturbs the other operators who do thieves business honestly.

**Option for fitment of electronic digital meter:**

(1) New auto-rickshaw may be fitted as per the option of the auto-rickshaw owner with either an electronic digital meter or a mechanical meter; and

(2) If, for any reason it becomes necessary to replace any mechanical meter already fitted to a vehicle, it may, as per the option of auto-rickshaw owner, be replaced either by a mechanical meter or an electronic digital meter. (Rule 137)

Since the fare charges are frequently changed, it is difficult to manage the metre adjustment with change in fare schedule. Much delay is

1. Test of meter of approved type.
3. Requirements as to fitting, etc.
caused as the auto-rickshaw owner has to wait long que of operators demanding metre adjustment.

Approval of type of meters:

(1) An application for the approval of new modified type of meter is to be sent to the Transport Commissioner and be accompanied by two complete specimens of the meters and a detailed description with drawings of its mechanism. A working specimen, the flexible cable by which the meter will be driven shall also be forwarded along with the meters for the test.

(2) The Transport Commissioner, send the meters to the Victoria Jubilees Technical Institute, Bombay or any other Institution approved by the State Government for the purpose of testing the meters, where they are subjected to an exhaustive test in order to ascertain whether they comply with the requirements specified in rule 140 and whether they would otherwise be suitable, at least one of the meters is opened and such parts removed as may be required for a comprehensive examination of the mechanism.

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1. Constructional requirements - methods of indicating fares, etc.
(3) After the test, one metre is retained at the Victoria Jubilee Technical Institute, Bombay or the other Institute, as the case may be, as a sample metre and the other is returned to the Transport Commissioner.

(4) After considering the report received from the Victoria Jubilee Technical Institute or any other approved Institute, as the case may be, the Transport Commissioner may, if he is satisfied that the meter complies with the requirements specified in rule 140 and is suitable for the purpose, approve the meter. He informs the applicant of his decision.

Revocation of approval:

If on receipt of a complaint from any member of the public or a report submitted by the Secretary Regional Transport Authority or an Inspector of Motor Vehicles or a police officer not below the rank of a Sub-Inspector, the Transport Commissioner is satisfied that the meter or any type approved by him under sub-rule (4) of rule 138 do not, record fares correctly or develop defects or go out of order at frequent intervals, or have ceased to confirm to the requirements of rule 140 he may, after giving the person on whose application such type of meter was approved reasonable
opportunity of being heard and after making such inquireries as he may deem fit by order revoke the approval given to such type of meter and shall inform the person aforesaid of his order and the reasons therefore:

Provided that, the order of revocation shall not apply to the meters of such type which are already sealed and in use on the date of such order. (Section 139)

Constructional requirements — Method of indicating fare, etc.:

(1) Every mechanical or electronic digital meter shall be so constructed as —

(a) to indicate upon the dial in suitable slots or on a suitable digital display consisting of light emitting diode (LEDs) as the case may be, the amount of fare calculated by time and/or distance in kilometers; and

(b) to have a flag showing its position or to have a window with illuminated words showing whether or not the meter is in action (that is "Hired" or "For Hire" or "stopped").

(2) The nature of the information given in each slot of a mechanical meter or digital display of an electronic meter shall be indicated by suitable
wording immediately above or below the slots or digital display, as the case may be. The words or signs denoting rupee or rupees and paise shall be placed immediately above, below or beside the appropriate disc of drum position.

(3) (i) The letters and figures shown in the slots of a mechanical meter or a digital display of an electronic meter shall be of a size which the Transport Commissioner considers to be reasonable and shall be so placed as to be easily read by the hirers.

(ii) All letters and figures required to be shown on meter and gear boxes shall be of such size, form and colour as would render them clearly legible.

(4) The flag of a meter shall be of suitable strength and shall bear the words "For Hire" in white letters of plain block type at least 50 millimeters in height and of proportionate thickness on a red colored ground so that they may be easily read from a distance. The arm lever which carries the flag shall be of such length that when it is kept vertical, the lower edge of the flag is above the highest part of the meter. If it is an electronic digital meter, it shall be provided with two switches that is meter-switch and stop-switch, for operating the meter and
shall also be provided with "Roof Light" synchronized, with the operation of the meter.

(5) The mechanism of meters shall be so designed that -

(a) (i) the words "For Hire" are indicated in the appropriate slot when the flag arm is vertical.

(ii) the word "Hired" is indicated when the arm has been depressed through 180 degrees and the time and distance gears are in engagement;

(iii) the word "STOPPED" is indicated when the arm is arrested in a horizontal positions at 270 degrees.

(b) the flag arm shall not normally remain in any position other than the three positions mentioned in clause (a);

(c) the fare the time ceases to be recorded when the flag is in the "Stopped" position;

(d) the fare by distance is recorded on the meter if the auto-rickshaw is driven with the flag in the "Stopped" position;

(e) the fare recorded is not obscured when the flag is in the "Hired" or "Stopped" position;

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(f) it is not possible - (i) to move the flag back from the "Hired" position to "For Hire", or (ii) to return the flag from "Stopped" position to "Hired" position;

(g) when the flag arm is raised to a vertical position that is the "For Hire" position, the previous record of fare is cleared and the various mechanisms are brought to their initial positions;

(h) before the flag can again be depressed, the full vertical position shall be reached, and a positive stop made there to ensure that the mechanism comes to rest and that the fare indication is obscured by a shutter;

(i) the mechanism for recording the time and distance cannot be engaged or disengaged except by the normal sequence of operation of the flag arm referred to in clauses (a) to (f), and

(j) the operation of the shutter of obscuring the fare synchronize with the engaging and disengaging of the time and distance mechanism of the meter.

(6) The mechanism of an electronic digital meter shall be so designed that -
(a) (i) "for hire" window is illuminated with the meter switch in "off position" and the roof light (is) in "on position";

(ii) the "Hired" window is illuminated and the roof light is turned "off" when the meter switch" is pressed "on" and the time and distance modes are in engagement;

(iii) the "stopped" window is illuminated with the stop switch is pressed "on";

(b) it shall not be possible to set in any position other than the three positions in clause (a) in the meter;

(c) the fare by the time ceases to be recorded when the flag is not in stopped position;

(d) the fare by distance is recorded on the meter if the taxi cab is driven with the meter in "stopped" position;

(e) the rate recorded is not obscured when the meter is in hired and or in stopped position;

(f) when the meter switch is turned off, "for hire" window is illuminated, the roof light is
turned on and the previous recording of fare is acquired and the various mechanism of the meter are brought back to the initial position, and

(g) the mechanism recording time and distance cannot be engaged or disengaged except by the normal sequence of operation of switches referred to in clauses (a) to (f).

(7) Every meter shall be so constructed that it gives audible warning by means of a suitable bell or gong whenever the driver moves the lever which operates the recording mechanism.

(8) (a) After the meter has been tested and approved, every meter shall be capable of being sealed by seals of the type approved by the Transport Commissioner in this behalf.

(b) When the gear which operates the distance recording apparatus is not contained in the main part of the machine, the case or cover enclosing it shall be so made that it may be sealed either by the inset or wired-on type of seal.

(c) All meter cable connections shall be so made as to be capable of being sealed by means of inset or wired-on lead seals to prevent improper removal.
(9) In case of a mechanical meter, the mechanism driving, the distance recording gears and in case of electronic digital meters, the mechanism giving signals to the distance recording mechanism of the electronic meters shall be fitted not to the driving wheels of the auto-rickshaw but to the non-driving wheels of the chassis gear box attached to the auto-rickshaw.

(10) (a) A plate of a suitable size and pattern shall be attached to the meter or its gear box in such a manner that it cannot be removed without either removing the seals affixed by the testing institution or opening the meter or the gear box. The plate shall bear raised or sunken words or figures denoting the measurement of the effective circumference of the wheel by which the meter will be driven and by which its action and accuracy may be tested.

(b) The measurements shown on the plate shall be in accordance with the circumference of the wheels of minimum size normally attached to cabs.

Explanation: The effective circumference of the cab wheel to which the meter transmission gearing is attached and by which the meter is driven is the distance which the cab moves forward for one complete
revolution of the wheel and may be measured by making a mark on the tyre of the wheel where it touches the ground and pushing the cab in a straight line until the mark is again in contact with the ground, the auto-rickshaw being in its normal working condition and carrying two passengers. (Rule 140)

Further test of meters of approved type:

(1) A meter of any type approved under rule 138 shall, before being fitted to a auto-rickshaw be sent to the Victoria Jubilee Technical Institute, or other institution approved by the Regional Transport Authority in this behalf for a rough test whether the meter accurately registers time and distance and also for examination as regards its external appearance, general action and conformity with the approved type.

(2) Every meter in use shall be submitted for test at the Victoria Jubilee Technical Institute or other institution approved by the Regional Transport Authority under sub-rule (1) at least once in every twelve months in case of mechanical meters and once in every twenty four months in case of electronic meters and also whenever its seals are removed for any repairs or adjustments.
(3) If after test and examination, the meter is found to be suitable it shall be sealed at the Victoria Jubilee Technical Institute or institution, as the case may be, in such a manner that its interior parts cannot be reached without breaking the seal. (Rule-141)

Repairs and repairers:

(1) After it is sealed under rule 144, no repairs to any meter can be made except by a maker or repairer authorised by, and registered with, the Executive Officer, Regional Transport Authority.

(2) Any person applying for being authorised and registered as a maker or repairer under sub-rule (1) shall satisfy the Executive Officer, Regional Transport Authority, that -

(i) the applicant is of good character and of good business repute;

(ii) the applicant's financial position is sound;

(iii) the applicant maintains an efficient staff and suitable equipment at his premises and has a sufficient supply of spare parts for the repair of meters;
(iv) the applicant is generally a fit and proper person to undertake the repair or adjustment of taxi meters.

Such person has to agree that the premises where the work of repairs or adjustment of meters is to be carried on, is open at all reasonable times for inspection by officers of the Motor Vehicles Department and that he has to inform the Executive Officer of the Regional Transport Authority if the situation of the premises is at any time changed.

(3) The Executive Officer of a Regional Transport Authority may, in his discretion, cancel the registration of a market or repairs if it is proved that such person is unable to comply or has not complied with the requirement set out in sub-rule (2) or if the business is not carried on in accordance with these rules to the satisfaction of such Executive Officer. (Rule 147)

Fees:

The following are the maximum fees that may be charged by the Victoria Jubilee Technical Institute or other approved institutions for the different tests namely :-
I. Tests of new types:
   For a complete examination Rs. 500
   For testing a flexible staff Rs. 30

II. Rough tests approved types:
   For test of a single meter of Rs. 10
   approved type
   For re-tests Rs. 5
   (Rule-148)

Inspection of Auto-Rickshaw:

(1) Notwithstanding the renewal of registration of auto-rickshaws, other than the transport vehicles, if the registering authority has reason to believe that owing to the mechanical defects, any such vehicle, is in such condition that its use in a public place constitutes a danger to the public, or that it fails to comply with the requirements of Chapter VII of the Act or of the rules made thereunder, he may cause such vehicle to be inspected by an Inspector of Motor Vehicles and after giving the owner an opportunity of making any representation as required under sub-section (1) of section 53, suspend the certifi-

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1. Suspension of Registration.
cate of registration of the vehicle under the said section till such time as the auto-rickshaw is produced for inspection duly repaired.

(2) (a) On such inspection, if the Inspector of Motor Vehicles is satisfied that such auto-rickshaw is in a mechanically defective condition he shall issue to the owner a memorandum in Form M.V. Ins. of the First Schedule using such items thereof as are applicable to non-transport vehicles, and submit a copy thereof to the registering authority.

(b) If on receipt of a copy of such a memorandum, the registering authority has reason to believe that owing to the mechanical defects, the auto-rickshaw is in such condition that its use in a public place constitutes a danger to the public, or that it fails to comply with the requirements of Chapter VII of the Act or of the rules made thereunder, he may, after giving the owner an opportunity of making any representation as required under sub-section (1) of Section 53 of the Act, suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for re-inspection duly repaired.

(3) The registered authority shall record below the certificate of registration of the vehicle,
the date of every inspection and whether it was found in mechanically fit or defective condition.

(4) A fee for every such inspection shall be as prescribed by the Central Government and the same shall accompany the application referred to in sub-section (8) of section 41 of the Act. (Rule-193)

1. Registration, how to be made.