

F.No.RT-23019/29/2012-T
Government of India
Ministry of Road Transport & Highways

Transport Bhawan,
1, Parliament Street,
New Delhi,
Dated: February 14, 2013

To

Principal Secretary(Transport)/Secretary(Transport) & Commissioner(Transport) of all States/UTs(as per list attached).

Subject: Advisory to the States/UTs on the issue of frequent strikes by the Unions of auto rickshaws and taxis – reg.

Sir/Madam,

It has been brought to the notice of the Ministry that a large number of instances relating to movement of autorikshaws and taxis without legal permits, overcharging and misbehavior with commuters, refusing to carry passengers etc. are reported by the commuters from time to time. These not only cause undue harassment to the commuters but also bring adverse publicity for the transport enforcement authorities. In many cases, the owners and drivers of such autorikshaws and taxis may also have some genuine requirement of increase in fare.

2. Adequate enabling provisions are already available in the Motor Vehicles Act, 1988 to deal with the following common complaints by the commuters, relating to auto rickshaw and taxi drivers:-

i) **Necessity for Permits** : Section 66 of the Motor Vehicles Act, 1988 provides for necessity of obtaining permit from the Regional or State Transport Authority or any prescribed authority authorising the use of vehicle, including auto rickshaws and taxis, in a place and in a manner in which the vehicle is to be used.

Section 192A provides for penalty or punishment or both to any person who drive the motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of obtaining permit under Section 66.

ii) **Overcharging of fare** : Section 84 (c) of the Motor Vehicles Act, 1988 requires permit holders of vehicles to charge fares or freight fixed by notification under powers vested with the State Government under Section 67.

The concerned Transport Authority has power under Section 86 (1) (a) to cancel the permit or suspend it for such a period as it thinks fit on breach of any condition specified in Section 84 of the Act.

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iii) **Refusing to carry passengers** : Section 74 (2) (xii) provides that, except in the circumstances of exceptional nature, the plying of the vehicle or carrying of the passengers shall not be refused.

3. The autorikshaws and taxi owners and drivers may also have a need for increase in the passenger fares with the increase in fuel prices and other inputs linked to inflation. The State Transport Authorities have the powers to notify the passenger fares. These grievances of the owners and drivers should also be kept in mind for notifying the passenger fares. Continuous engagement with the passengers as well as the owners and drivers of such autorikshaw and taxis should be carried out by the State Transport Authorities.

4. This issues with the approval of Secretary, Ministry of Road Transport & Highways.

Yours faithfully,



(Nandan Singh)

Deputy Secretary to the Government of India

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