

Auto Rickshaw Regulation In Vadodara

A Reality Check

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Joining the profession of auto rickshaw driving in the city of Vadodara is not an easy option to explore. And if you are the kind of person who goes by the rulebook, God help you.

The actual procedure to be followed if you want to run an auto rickshaw is quite clearly mapped out in the Central Motor Vehicles Act, 1989 and Gujarat Motor Vehicles Act, 1989 and is followed all over Gujarat. It is quite a lengthy procedure; but that is nothing new where the government is concerned.

Since the buying of auto rickshaws is pretty much between the owner to-be and private companies, I will concentrate on simply the licensing procedure and routine regulation of auto rickshaws, which is the main source of worries to our hardworking auto rickshaw drivers.

To understand the proper procedure for obtaining a license for driving an auto rickshaw, I made a visit to the RTO (Road Transport Organisation) office of Vadodara. This office started operations in 1940 and from the look of it, it doesn't seem that many changes have been made in it. Earlier, the rules given in the Bombay Motor Vehicles Act of 1959 were being followed for the licensing.

The first thing that you are struck by when you reach the RTO office is the long lines of people emanating from different rooms in the building and you thank god that you are not here to get your own license but simply to obtain some information. But that too, it seems, is not easily obtained. In any case, making your way through the confusion you wander from room to room until you stumble into the PRO's (Public Relations Officer's) office, and, thankfully, he is willing to talk. (He seemed to be very grateful for the break from his daily routine and didn't mind putting his work on hold for some time to satisfy my curiosity.)

The Paperwork Saga

Starting right at the beginning, it is necessary to obtain a learner's license before getting a license to drive a public transport vehicle, or the applicant must have a license for driving a Light Motor Vehicle (LMV) not more than 5 years old. The procedure for acquiring a learner's license is:

Learner's license:

A number of forms have been prescribed for applicants in the ruling Act and have been blandly named Form No. 1, Form No. 2 and so on. These forms are available for free from the RTO office. A novice applying for a learner's license will have to fill up the mysterious Forms No. 1 and 2, which on analysis turn out to be a medical certificate of fitness from a qualified doctor and an application to the government for a learner's license, respectively. The fees to be paid officially is Rs10 only.

Permanent license

When at least six weeks have elapsed since the issue of the learner's license, the applicant can give a driving test for which fees is Rs 100 and also the TVA test, (the full form of which the inhabitants of the RTO office did not seem to be aware of); which is basically a test of geographical knowledge of the applicant (fees Rs 30).

After passing these tests another numbered form takes prominence, this time the number being 8, along with which the learner's license or the LMV license is to be attached. It also seems that a driving certificate issued by a recognised driving school is to be attached to the form but officials somehow ignored this little detail in explaining the procedure to me.

Then a *pucca* license for driving a public transport vehicle (medium weight) is issued to the applicant, which for reasons known to no one is called a “smart card,” for a fee of Rs 200. The official cost of obtaining an auto rickshaw drivers license comes to be not more than Rs 350, but according to the auto rickshaw drivers, these days no less than an amount of Rs 1000 is required to procure a license.

Those who do not have an LMV license and simply a learner’s license; may be failed in the test, but, interestingly, the test fee will not be refunded to them. Around 3 percent of the applicants are failed in the test and are allowed to give the test once again after one week and most applicants pass. I did not come across any cases of applicants being denied licenses.

Applicants who apply for the learner’s license and are below the age of 20 years are issued an auto rickshaw NT (non transport) license which they would use as an LMV license when they once again follow the above mentioned procedure to get a smart card when they are 20 years of age. (!!!!)

Apart from this lengthy licensing procedure, the auto rickshaw drivers also have to go through more of paperwork and trouble to obtain the other documents that they as drivers of public service vehicles have to keep; namely, documents for registration, permit, fitness and taxes.

Registration

For the registration of a new auto, the applicant has to fill up and submit Form no.20 within 7 days of taking delivery of the vehicle and has to submit along with this Forms no.21 and 22, which have to be filled up by the dealer of the vehicle. The ink print signature and seal of the manufacturer are required in the latter. Fees be submitted is Rs 200 and other documents to be submitted are: a valid insurance certificate, a proof of address of the applicant, for which most drivers use ration cards, temporary registration, if any and a certificate of fitness from the RTO itself. The applicant also has to submit ‘life tax’ of Rs 2500 at the time of registration, but the advantage of this is that he doesn’t have the burden of paying road tax regularly anymore.

Fitness certificate

Every auto rickshaw driver has to obtain a certificate of fitness from the ‘inspecting officer’ in RTO, which costs an additional Rs200. According to the act, everything from spark plug to lights to exhaust emission has to be checked by the inspector, but all that *is* checked is the chassis no. and the engine no. This certificate has to be renewed every year by getting the same ‘inspection’ done and the same fee has to be given.

To obtain this certificate, the drivers first have to go to a recognized testing institute, which in this case is the technological faculty of the M.S.University to get their ‘meter fitness’ certified. The official cost for this testing is Rs 230. What exactly is checked in the faculty is not clear, as the drivers simply leave their vehicles there for a few hours and return to collect it along with the certification (though the act specifies a long list of requirements). This document has to be submitted for the annual fitness certificate.

Permit

A permit is a document issued by the transport authority to the vehicle driver, specifying the area in which he is allowed to ply his vehicle and authorising him to use it for public transport. To obtain a permit from the RTO, an application has to be made through a form titled Form P.Co.P.A under rule 70(1) for the issue of a permit, along with which a fee of Rs 50 is to be paid. The documents required for this procedure are ration card, registration certificate, tax certificate and insurance clearance.

The permit has to be renewed after the expiry of the period mentioned in the permit itself for which the fee is Rs 25 and the previously mentioned documents have to be submitted. Extending the validity

of the old permit itself does the renewal. But among the auto rickshaw drivers I interviewed, none had got their permits renewed, and did so only when they had to change their area of operation.

Insurance

This is one formality that none of the auto rickshaw drivers mind going through, as they know how important it is for their trade. They have to obtain both comprehensive as well as third party insurance as the latter is a requirement for the paperwork but the former is more beneficial in case of accidents. The comprehensive insurance is based on vehicle valuation, and the value is depreciated every year by 10 percent. They have to pay Rs 1400-1600 for the 'third party' insurance.

License renewal

After all that tiring paper work, when the harassed driver finally gets a chance to earn some money on the roads, more problems are awaiting him. There is a requirement of license renewal after every three years, which according to the smooth PRO should actually take one day but takes at least a week. The weary forms make an appearance again, this time being No.1 and No.9 (No.9 being an application for renewal). The official fee for the procedure is Rs 200 but normally an extra "grease" of Rs 300-Rs 500 is required.

On the road to corruption?

What actually happens is that none of the drivers even consider going through the whole process without outside "help". This help comes from people who are called RTO 'agents' by the applicants. These 'agents' (read touts), like all true professionals, take the money and get the work done in due time. The applicant simply has to sign a few documents and provide the 'agent' with a proof of residence, like a ration card, and a few passport size photographs. Even the all-important Form no.1 is taken care of without the unwanted intrusion of any medically qualified professionals.

Be it any difficulty in the life of the long suffering auto rickshaw drivers, these agents are there to help them out, whether it is a matter of claiming insurance, getting the license renewed or reclaiming a vehicle picked up by the traffic police. Not just the licensing, but anything involving paperwork, including registration, permit, getting insurance etc., is all done by the agents at more or less fixed rates. On an average, they charge anywhere between Rs200-1000 for their services, depending on the job.

I came across one such incident where a certain 'Dawood bhai's' auto had been picked up and according to the 'agent', a sum of no less than Rs 5000 would suffice for regaining the vehicle, which had been picked up for being plied with an expired license.

Very much intrigued by the powers of these agents, I of course wanted to meet them and was referred by our friends, the auto rickshaw drivers, to, (surprise, surprise!): one of the driving schools nearby!!

It came to light that, when going through the process of getting a license made, a driving certificate from a recognised driving school attached to the learners license issued initially helps, hence the employees of these driving schools 'help' the auto rickshaw drivers along in other matters also, having developed good contacts in the RTO office. I tried to talk to one such gentleman standing outside the RTO office with a briefcase opened in front of him, who mistook me for a prospective client, but on understanding the actual purpose of my visit, said that he was simply working to 'serve the poor'!!

The RTO officials are aware of the agent system but give it no importance, simply saying that the driving school people 'help' the auto rickshaw drivers, as they do not want to do the paperwork.

But this is not all. The everyday check on auto rickshaw drivers is not kept by RTO officers but by the traffic police of Vadodara. The traffic police officers are the ones extorting money from the

drivers on a nearly daily basis. The traffic police have to keep a check on the auto rickshaws as they would on other vehicles, making sure they don't violate traffic rules and carry their documents, but these auto rickshaw drivers are more vulnerable to them as their vehicles are the source of their livelihood. A separate inspection is supposed to be done by RTO inspectors, of the documents and the condition of the auto, which is seldom carried out, as the inspectors are busy with other matters.

According to regulations, auto rickshaw drivers are required to carry the documents of their insurance, registration, fitness, taxes, Pollution Under Control along with their license and badge. But in reality they hardly ever carry anything except their badges and photocopies of these documents, as they simply need to provide the '*kharcha-paani*' of traffic police officers to escape fines or memos. A bribe anywhere between Rs25 and Rs75 is enough to satisfy the queries of the dutiful officers. Officially, if an auto rickshaw is being plied without these documents, then the traffic police officer is supposed to give a memo to the driver specifying a date to appear in the district court where the fine will be decided. The fine can be anything between Rs 75 to Rs 300.

On talking to traffic police officers, I found out that, on an average, a traffic cop issues 10 such memos in a day and there are 250 traffic police officers that are on duty on the roads. Thus, about 2500 memos are issued in a day. The district courts certainly have a lot to thank the traffic police for! The fact is that Vadodara is a city with hardly any traffic rule followers. A large number of people do not have licenses and break traffic rules openly, but the Auto Rickshaw wallahs are the ones who pay most, due to their vulnerability. If they do not appear in court then arrest warrants are issued against them, so nobody dares to do that.

On enquiring about the RTO inspectors who are *supposed* to check these documents and other things like seating capacity, condition of meters and so on (this information being supplied from one of the inspectors sitting in the RTO office), I found out that they don't bother the auto rickshaw drivers too much, because, I was told rather cynically, they go for the "big fish"; like the taxi drivers and the bus drivers.

Case study

Bhagwan Das

To find out about the problems of auto rickshaw drivers in the city of Vadodara, I spoke to one Bhagwan Das who has been a member of this profession for more than 20 years. He got his license made in 1979 and had to pay Rs 200 to the agent at that time. Since inflation does not spare mysterious RTO agents, these days the rate is somewhere around Rs 1000.

But his bribe paying days are far from over, as he has to pay Rs 500 every three years for the renewal of his license.

This apart from the almost weekly bribes to the traffic police officers who always manage to find some fault with the documents he is carrying or in the condition of his vehicle so that now he has stopped bothering with the procedures and simply pays the officer without asking any questions.

Raju bhai

This man has a master's degree in Economics from Gujarat University but started plying an auto after he found it impossible to get a job. He has been an auto rickshaw driver in Vadodara for the last ten years. In 1994, he had to pay Rs 3500 to an agent to obtain his registration, tax clearance and insurance papers. He also got his permit renewed at the same time as he had shifted from the Kheda region to the Vadodara region. For this he had to pay an additional Rs 250, though the official cost of changing location in a permit is only Rs 20.

For buying a new auto at that time, he had to apply the 'pull' of a member of parliament to get a loan from SBI for financing his vehicle.

He earns about Rs 6000 in a month, out of which at least Rs 2500 is used for fuel. He also has to pay the hospital bills for the treatment of his wife who has a mental illness. As if these were not enough, he also has to pay bribes to the traffic police officers to park in any lucrative area, as he lives at the outskirts of the city.

He showed me a simple but revealing calculation. The station area is one of the most sought after parking areas for auto rickshaw drivers, where at least 5000 drivers fight for parking space at the mercy of the traffic police. The police officials take a fixed amount from these drivers every week, which is just about Rs 10-15. Thus, in one area of the city, with a radius of about 1Km, at least Rs 50,000 is extorted every week.

I came across the case of one Dayanand bhai too, who had been issued a memo to appear in court on not being able to pay a bribe of Rs 75 simply because he didn't have that much money with him. An auto rickshaw driver earns around Rs3000 per month out of which at least Rs500 are used up for these "expenses" and the maintenance and fuel for the vehicle are added costs. Supporting a family on such a meagre income, earned after putting in much blood and sweat, must indeed be a daunting task. And our government simply goes on adding to the problems of these men through impractical regulations and corrupt practices.

Analysis & suggestions

The system adopted by the government for licensing of public transport vehicles is flawed in many ways and completely ignores the problems of the members of the profession. This enables agents to demand outrageous sums of money to get any work done. Ultimately it is the consumer who suffers as the unions of auto rickshaw drivers demand higher meter rates and recently the government has had to do the same.

The root cause of these problems is of course the government-controlled system of licensing and checking vehicles on the road.

As of now things are going on more or less smoothly but the day a new regulation is passed to curb the growing numbers of auto rickshaws, or the pollution, this system would be under the danger of breaking down. For example, most of the auto rickshaw drivers in Delhi were put out of business when the regulation requiring auto rickshaws to convert to CNG was passed, as the licensing procedure was simply too lengthy and impractical to be efficient.

The RTO office issues around 2000 auto rickshaw-driving licenses in a year. There are about 50,000 rickshaws in Vadodara out of which only 28,149 have licenses (up till March, 2003: RTO). As the numbers are growing, the government will sooner or later have to take stock of the situation.

The licenses for driving these auto rickshaws are non-transferable, which is one of the reasons why so many autos are being plied without licenses. Another reason is that a great number of autos are being plied not by their owners, but by people who hire them and pay rent on a daily basis (app. Rs 50 per day). About 30-40 % of the autos are being plied in this way. In itself this is a good thing for the auto market, but it once again shows the inefficiency of the traffic police and the RTO inspectors. The drivers don't bother to obtain licenses, as the vehicle is the responsibility of the owner. Third, there are hardly any auto rickshaws that are going off the roads, as the law is silent on any age limit for auto rickshaws. So, people with limited financial resources buy 10-20 year old autos for Rs20,000 or even less. (New autos cost about Rs 80,000).

A few measures, which would help to improve the situation, are:

- Such a lengthy procedure and tedious paperwork for less educated entry-level professionals is an open invitation for extortion by touts. The irony is: according to the Central Motor Vehicles act, 1989, the minimum educational qualification required for public transport (except for carrying dangerous goods) is simply passing in the fourth standard. Our government greatly

overestimates out educational system if it expects a person who is educated only till fourth standard to deal with all this lengthy paperwork. paperwork. who is educated only till fourth standard to deal with all this lengthy paperwork. And certainly the inhabitants of the RTO office couldn't be expected to help the applicants with the paperwork? What is the need of this lengthy procedure when a driving certificate from a recognised driving school and a proof of date of birth is quite enough to take care of the concerns of the government?

- The enormous amount of autonomy given to the traffic police officers should be reduced and a system of co-ordination between the traffic police and the RTO officers should be developed. Unity of command cannot help in the management of traffic; hence the traffic police should be answerable to the RTO inspectors as well.
- The RTO operations should be decentralized. Just one office for the licensing of all classes of vehicles in a fast expanding city such as Vadodara is extremely impractical. And that office too is in the interiors of the old city area and is quite difficult to reach for most people in the city. The number of vehicles in Vadodara has doubled in the last five years and is expected to keep growing. More RTO offices should be opened in areas with easier accessibility to make the licensing process easier.
- Apart from simplification of licensing procedure, why not allow the transfer of licenses, which would save any auto rickshaw buyer the trouble of going through the long drawn licensing procedure and would also help in reducing the number of auto rickshaws being plied without licenses.
- Once again, there is an abundance of rules, but implementation is missing. It is a clichéd suggestion, but the traffic police and RTO inspectors should start actually doing their jobs, for a change.

Currently, the attitude of the officials is placid and the auto rickshaw drivers are simply resigned to the reality of agents and paying 'hafta' (weekly bribe) to the traffic police. But it would be much better for the economy and the public of this growing city if these men were left alone to provide their services in peace, without the burden of extortion and red-tapism.

References

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