

From Thiru P.Shanmugam, I.A.S., Transport Commissioner, Chepauk, Chennai-600 005	To The Secretary to Government Home(Transport) Department, Secretariat, Chennai-9.
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Letter No. G3/52104/2002 Dated: .08.2004.

Sub: Motor Vehicles - Perm it for Private Service Vehicles grant of extension of
validity of permit to operate statewide - Clarification - Regarding.

Ref: Government letter No. 53986/Transport.VII/2001-14 Dated 19.07.2004.
(***)

I would like to state that, this subject is under prolonged correspondence with the Government. The Government express doubts or question on the suggestion furnished regarding to consider sanction of extension of validity of statewide operation of specific Private Service Vehicle of a Private Company in Tiruvallur Districts.

2. The Government have raised the following issues in the case:-

- (a) What is the validity period of extension of permits?
- (b) Can we levy fees for each trip outside the jurisdiction as per existing provisions.
- (c) Fee for each trip may be collected for plying the vehicle outside jurisdiction in order to track misuse of permit and augment revenue.
- (d) To workout quantum of fee that can be levied for District and Statewide extension of validity of permit.
- (e) To state whether the Motor Vehicle Act or Rules made thereunder prohibits issue of extension of validity permit every time.
- (f) If there is no legal objection, a fee structure for charging each trip may please be suggested. Whether charging for each trip would cause hardship to the companies where employees and companies are located in different regions/different State.
- (g) Whether the validity period needs to be reduced as 5 years, validity appears too long.

3. Though replies to the above queries were furnished to the Government, the other legal provisions in the Act and Rules regarding grant' extension of validity of permit of Private Service Vehicle .inadvertently omitted for consideration.

4. I have carefully reconsidered the matter with reference to relevant provisions of taken into consideration. I furnish following points and suggestions for consideration in order to avoid legal challenge by affected Private Service Vehicle permit holder Government Orders

(a) Government letter No. (MS) No. 799, Home (Transport.I) Department dated 3.9.02 area of operation of Private Service Vehicle limited to the District in which the company is located and also adjacent District if there is need so that the misuse of Private Service Vehicle Permit by the registered owner is checked.

(b) Government letter No. DI/987, Home (Transport.I) Dated OS.11.2001 that Statewide endorsement need not be granted to Educational Institution buses but only T.P U/s. 87(1)(c) be issued for educational tour within the State.

GRANT OF PRIVATE SERVICE VEHICLE PERMIT:

5. The word 'Private Service Vehicle" is defined in Sec. 2(33) of Motor Vehicles Act. Permit for such vehicle is issued U/s. 76 read with Tamil Nadu Motor Vehicles Rule 169 guidelines for grant of Private Service Vehicle permits. If the Regional Transport Authority decides to grant the permit, may impose as one of the conditions of the permit u/s. 76(3)(i) against item No.4 of FORM-PSVP, that the vehicle be used only in a specified area or on a specified route or routes. But, such area or route or routes shall be within Region of the Regional Transport Authority(District). The permit is not valid for use outside region unless the same is countersigned by the STA (Statewide) or Regional Transport Authority(S) neighboring District under the provisions of Sec. 88(1) read with TNMVR 197 (please see TNMVR 11S also for Stage Carriages). Other relevant TNMV Rules are 153, 154, 155 and 164 have to be followed.

6. Therefore, the powers of the Regional Transport Authority regarding use of the Private Service Vehicle is within the Area/ Route/ Routes u/s. 76(3)(i) is discretionary depending on the request of the Applicant made in FORM PSVPA (RULE 170) VIDE ITEM No.- 4 of the application. If the same vehicle desired to be used by the Applicant in other Regions / Statewide the procedure to be followed is explained in pre paragraph. The Applicant shall make an application in FORM PEA (rules 170 and 195) paying prescribed fee in TNMVR. 279.

7. The duration and renewal of all class of permits u/s. 81(1) including endorsement/extension of validity shall be 5 years. There is No discretion for the Regional Transport Authority to reduce this period.

8. As regards fees, for grant 'renewal/endorsement/extension of validity of permit of Private Service Vehicle is prescribed in TNMVR 279, definitely requires revision by increase suitably u/s 211 of the Act 1988. The present fee prescribed in different Chapters of TNMVR is from 1.7.1939. After period (15 years) there is considerable increase in the expenditure on establishment and periodical increase of postal rates and stationary. The fee is levy for matter involving rendering of any service by the Officers or authorities in the Act or any Rule. Therefore, u/s. 211 of the Act, it is correct time that the Government may consider to revise the existing Fee structure in various Chapters of TNMVR considerably for the reasons stated as above.

MOTOR VEHICLES TAX

9. As regards levy of Tax for Private Service Vehicle present rate is Rs. 150/- per seat / for a quarter from 01.04.2003. It is important to mention that the levy of Tax on Motor Vehicles is compensatory for using roads. Therefore, if a Private Service Vehicle is permitted to use outside the Region by grant of endorsement (one or limited Districts) or Statewide, the usage of road is more and more as there cannot be any restrictions of trips on such vehicle or there is no specified provision in the Act to restricted operation fixing maximum or minimum trips (including mileage) to be performed per day. It is considered necessary in such case, present rate of tax have to be revised depend on usage of such vehicle (i) within the area/route/routes in Primary Region and (ii) permitted to operate area'route/routes in other Regions or Statewide.

10. My apprehension is that, I have covered by my above remarks on the query of the Government in item Nos. (a) to (g) in para 2 of this letter

SUGGESTIONS FOR CONSIDERATION BY GOVERNMENT

11. In view of earlier decision of the Government in two references as mentioned under paragraph 4 above, my genuine submission is that there is no need to grant of extension of validity of Private Service Vehicle permit to operate Statewide. But, Endorsement of permit for neighboring Districts may be considered by the Regional Transport Authorities of respective Regions under sec. 88(1) read with TNMVR 197. For this purpose, general concurrence of the STA/RTAs in the State have to be evolved by

mutual consent u/s. 88(1) and to communicate to each other Regions by passing resolutions. The relevant TNMVR 182 pertain to grant of endorsement of permit of Stage Carriages for Private Service Vehicle or Educational Institution Buses, may be prescribed for Private Service Vehicle and Educational Institution Buses for Pucca Permits.

12. Temporary permit u/s. 87(l)(c) read with sec. 18S(7) may be issued not exceeding 14 days for a Private Service Vehicle to operate Statewide fixing number of trips to operate within the validity of T.P similar to Educational Institution Buses as decided by Government in letter No D1/987/ Home (Transport I) Department Dated 08.11.2001

13. Government may by a Notification u/s. 67(f) read with TNMVR 169, direct the Regional Transport Authorities for issue of Private Service Vehicle permits u/s. imposing condition specified in sub-sec.(3), that the Vehicle be used only within the Region/routes of their jurisdiction, since administrative instructions could not be issued to Quasi Judicial Authority.

14. As regard levy of fees for grant/renewal/endorsement Government to consider the suggestion made in paragraph 5 above early.

15. I request, that Government to decide on this suggestions early for smooth implementation.

Sd/ P.Shanmugam

TRANSPORT COMMISSIONER CHENNAI-5

Copv to:

1. The Joint Transport Commissioner and Regional Transport Authority, Chennai City
2. The Deputy Transport Commissioners in the State to communicate this letter to all Regional Transport Officers in their zones.