

Bihar Cycle-Rickshaw (Regulation of Licence) Act, 1979

JHARKHAND

India

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Act 6 of 1979

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Bihar Cycle-Rickshaw (Regulation of Licence) Act, 1979 Act 6 of 1979 [Dated 3rd February, 1979] Received assent on 3.2.1979 and published in Bihar Gazette, Extraordinary No. 216, dated March 1, 1979. An Act to regulate the issue of licences to the owners and drivers of Cycle-Rickshaws plying in any Municipal Area in the State of Bihar for their better management. Be it enacted by the Legislature of the State of Bihar in the Twenty-ninth year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Bihar Cycle-Rickshaw (Regulation of Licence) Act, 1979. (2) It shall come into force on such date and in such municipal area or areas as the State Government may by notification appoint and different dates may be appointed for different municipal areas.

2. Definitions.

- In this Act unless the context otherwise requires,- (a) "Cycle-rickshaw" means a three-wheeled cycle-rickshaw driven by manual labour and includes all its components and accessories; (b) "Municipal area" means any area covered by any Municipality or Corporation or Notified Area Committee established under any law for the time being in force; (c) "Municipal authority" means and includes any authority of the municipality or corporation or Notified Area Committee established under any law for the time being in force.

3. Certificate of registration for cycle-rickshaws.

- (i) Notwithstanding anything contained to the contrary in the Jharkhand Municipal Act, 2000 or the Ranchi Municipal Corporation Act, 1951 or any rule or order or bye-laws made thereunder or any other laws for the time being in force, no owner of a cycle-rickshaw shall be granted any

certificate of registration nor his certificate shall be renewed by any municipal authority after the commencement of this Act unless the rickshaw is to be plied by such owner by himself.(ii)A certificate of registration granted or renewed prior to the commencement of this Act shall stand revoked if it does not conform to the provisions of this Act.

4. Exemptions.

- (i) Notwithstanding anything contained in the Act, a certificate of registration of a cycle-rickshaw may be granted or renewed by the municipal authority to a widow or to a disabled person to be plied by another person if this is the only source of her or his livelihood and in such a case it shall be lawful for Municipal authorities to grant a driving licence to a person other than the owner of the cycle-rickshaw, giving full particulars of the owner and the driver engaged to ply it with a photograph of the driver.(ii)A certificate of registration of a cycle-rickshaw may also be granted or renewed by a municipal authority to an institution to be plied through another person, if the institution has to ply it not for hire but to meet its own requirements of conveyance and transportation and in such a case it shall be lawful for the municipal authorities to grant a driving licence to a person other than the owner of the cycle-rickshaw giving full particulars of the owner and the driver engaged to ply it with a photograph of the driver.(iii)The body of a rickshaw covered by sub-section (ii) above will be painted yellow.

5. Penalties.

- (i) Any person who is found to be in possession of a cycle-rickshaw without a certificate of registration conforming to the provisions of this Act or plies or causes it to be plied by a person without a valid driver's licence issued under any law for the time being in force or plies or causes to be plied a rickshaw not meant to be plied for hire without painting the body thereof in yellow shall be punishable with imprisonment which may extend to three months.(ii)Notwithstanding anything contained to the contrary in the Code of Criminal Procedure, 1973 (Act II of 1974), the offences under this Act shall be cognizable.

6. Forfeiture of the rickshaw.

- (i) If any person is convicted of an offence in respect of a cycle-rickshaw the court shall declare such cycle-rickshaw to be forfeited to the State Government.(ii)If the owner of a cycle-rickshaw cannot be traced, the court before whom the cycle-rickshaw is produced shall declare it to be forfeited to the State Government.(iii)The State Government may hand over any cycle-rickshaw forfeited under sub-section (i) or sub-section (ii) to the municipal authority within whose area the offence was committed.

7. Power to make rules.

- The State Government may make rules for carrying out the purposes of this Act.

8. Repeal and saving.

(1)The Bihar Cycle-Rickshaw (Regulation of Licence) Second Ordinance, 1978 (Bihar Ordinance No. 99 of 1978) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.