

The Punjab Cycle-Rickshaws (Regulation of Licence) Act, 1976

PUNJAB

India

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Act 41 of 1976

- Published on 15 November 1976
- Commenced on 15 November 1976
- [This is the version of this document from 15 November 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Cycle-Rickshaws (Regulation of Licence) Act, 1976 Punjab Act 41 of 1976 Received the assent of the President of India on the 15th November, 1976 and was first published in the Punjab Government Gazette Extraordinary, dated the 22nd November, 1976 for general information. An Act to regulate the issue of licence in respect of cycle- rickshaws plying in any municipal area in the State of Punjab. Be it enacted by the Legislature of the State of Punjab in the Twenty- seventh Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Punjab Cycle-Rickshaws (Regulation of Licence) Act, 1976. (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 within the jurisdiction of a municipal committee or notified area committee established under any law for the time being in force; (c) "municipal authority" means and includes any authority of municipal committee or notified area committee established under any law for the time being in force.

3. Licence for cycle-rickshaws.

(1) Notwithstanding anything contained to the contrary in the Punjab Municipal Act, 1911, or any rule or order or bye-law made thereunder or any other law for the time being in force, no owner of a

cycle-rickshaw shall be granted any licence in respect of his cycle- rickshaw nor his licence shall be renewed by any municipal authority after the commencement of this Act unless the cycle-rickshaw is to be plied by such owner himself.(2)Every licence in respect of a cycle-rickshaw granted or renewed prior to the commencement of this Act shall stand revoked on the expiry of a period of thirty days after such commencement if it does not conform to the provisions of this Act.

4. Exemption.

(1)Notwithstanding anything contained in this Act, a licence in respect of a cycle-rickshaw may be granted 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 the municipal authority 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.(2)A licence in respect of a cycle-rickshaw may also be granted or renewed by a municipal authority to an institution to be plied through any other 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 authority 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 photograph of the driver. The body of such a cycle-rickshaw will be painted yellow.

5. Penalties.

(1)Any person who is found to be, in possession of a cycle-rickshaw without a licence 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 cycle-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.(2)Notwithstanding anything contained to the contrary in the Code of Criminal Procedure, 1973 (Act II of 1974), an offence under this Act shall be cognizable.

6. Forfeiture.

(1)If any person is convicted of an offence under section 5, the Court shall declare the cycle-rickshaw in respect whereof the offence is committed to be forfeited to the State Government.(2)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.

7. Power to make rules.

(1)The State Government may by notification make rules carrying out of purposes of this Act.(2)Every rule made this section shall be laid as soon as may be after it is made before the House of State Legislature while it is in session for a total period ten day which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so

laid or the successive session aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.