

The M.P. Cycle-Rickshaw (Anugyaptiyon Ka Viniyaman) Adhiniyam, 1984

MADHYA PRADESH

India

The M.P. Cycle-Rickshaw (Anugyaptiyon Ka Viniyaman) Adhiniyam, 1984

Act 36 of 1984

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The M.P. Cycle-Rickshaw (Anugyaptiyon Ka Viniyaman) Adhiniyam, 1984M.P. Act No. 36 of 1984Statement of Objects and Reasons. - Cycle-rickshaws are an important means of Urban transport. Obviously pulling of cycle-rickshaw involves strenuous physical labour leading to ultimate breakdown of health in many cases. In view of the directive principles contained in Article 46 of the Constitution, it is proper to make provision for social justice to the Section of cycle-rickshaw-pullers in the State. One measure is to make provision that cycle-rickshaw-pullers should be owners of their cycle rickshaws. At present many of the rickshaws are owned by a person who hires them out to cycle-rickshaw-pullers. Consequently, major portion of the earnings out of the cycle-rickshaw-pullers' strenuous labour goes to such an owner who on the strength of his resources exploits the cycle-rickshaw-pullers. With a view to improve the lot of cycle-rickshaw-pullers and to eliminate exploitation of their labour it was considered desirable that a cycle-rickshaw-puller should invariably be the owner of his rickshaw.² It was, therefore, considered necessary to regulate the issue of licences to the owners and pliers of cycle-rickshaws on hire within the limits of any municipal area in the State.³ As the matter was urgent and the Vidhan Sabha was not in session, the Madhya Pradesh cycle-rickshaw (Anugyaptiyon Ka Viniyaman) Adhyadesh, 1984 (No. 20 of 1984) was promulgated for the purpose. It is, now proposed to replace the said Ordinance by an Act of the State Legislature.⁴ Hence this Bill.[Dated 17th November, 1984]Received the assent of the governor on the 17th November, 1984; assent first published in the "M.P. Gazette" (Extra-ordinary), dated 19-11-1984, at pages 3078-80.An Act to regulate the issue of licences of the owners and drivers of cycle-rickshaw playing within the limits of any municipal area for hire in the State of Madhya Pradesh for their better management.Be it enacted by the Madhya Pradesh Legislature in the Thirty-fifth Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Madhya Pradesh Cycle-rickshaw (Anugyaptiyon Ka Viniyaman) Adhiniyam, 1984.

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 and vehicles of similar construction or design plying for hire within the limits of a municipal area but does not include a rickshaw designed and used only for carrying goods;(b)"municipal area" means any area covered by any municipal corporation or municipality or notified area committee or Special Area Development Authority established or constituted under any law for the time being in force;(c)"municipal authority" means and includes any authority of the corporation or municipality or notified area committee or Special Area Development Authority established or constituted under any law for the time being in force.

3. Power of State Government to exempt class of owners of cycle-rickshaw from the provisions of this Act.

- The State Government may, by order for reasons to be recorded in writing exempt a class of owners of cycle-rickshaw from all or any or the provisions of this Act subject to such conditions as may be specified therein.

4. Grant of licence for cycle-rickshaw.

(1)Notwithstanding anything contained to the contrary in the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) or the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961) 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 licence nor his licence shall be renewed by any municipal authority after the commencement of this Act unless the rickshaw is to be plied or propelled by such owner by himself:Provided that two licences may be granted to the owner of a cycle-rickshaw for the purposes of plying or propelling the cycle-rickshaw where he engages another person as an attendant subject to the conditions and restrictions as may be prescribed.(2)A licence granted or renewed prior to the commencement of this Act shall stand revoked after six months of the coming into force of the Act if it does not confirm to the provisions of this Act.

5. Exemptions.

(1)Notwithstanding anything contained in this Act a licence of a cycle-rickshaw may be granted or renewed by the municipal authority to a widow or to a disabled person to be plied or propelled by another person if this is the only source of livelihood of such person and in such a case it shall be lawful for municipal authorities to grant two driving licences to each of such person giving full

particulars of such owner and the driver engaged to ply it alongwith a photograph of the driver.(2)A licence of a cycle-rickshaw may also be granted or renewed by a municipal authority to,-(a)an educational institution recognised by the Education Department; and(b)an institution the activities of which are social welfare and which is recognised by the Social Welfare Department, to ply or propel a cycle-rickshaw through another person if the institution has to engage 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 such owner and the driver engaged to ply it along with a photograph of the driver.(3)The body of a rickshaw covered by sub-section (2) above will be painted yellow.

6. Penalties.

- Any person who plies or propels a cycle-rickshaw, without a licence conforming to the provisions of this Act or causes it to be plied or propelled by a person without a valid licence issued under any law for the time being in force or plies or propels or causes to be plied or propelled a cycle-rickshaw not meant to be plied or propelled for hire under sub-section (2) of Section 5 or without painting the body thereof in yellow as required by sub-section (3) of Section 5 shall be punishable with imprisonment which may extend to three months or a fine which may extend to rupees two hundred and fifty.

7. Forfeiture of cycle rickshaw.

(1)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.(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.(3)The State Government may hand over any cycle-rickshaw forfeited under sub-section (1) or sub-section (2) to the municipal authority within whose area the offence was committed, which authority may settle it with the plier or a propeller.

8. Power to make rules.

(1)The State Government may make rules for carrying out the purpose of this Act.(2)All rules made under this Act shall be laid on the table of the Legislative Assembly.

9. Power to remove difficulties.

- The State Government may, for the purpose of removing any difficulties arising in giving effect to the provisions of this Act, give direction in writing as it may deem expedient, to the municipal authority.

10. Repeal.

- The Madhya Pradesh cycle-rickshaw (Anugyaptiyon Ka Viniyaman) Adhyadesh, 1984 (No. 20 of 1984) is hereby repealed.