

**CYCLE RICKSHAW (Protection of Livelihood, Promotion of Sustainable and
Eco-friendly mobility) ACT, 2017.**

Act for the promotion of livelihood of cycle rickshaw pliers, encourage mobility of cycle rickshaws and achieve the objective of having a pollution-free environment.

CHAPTER -I

DEFINITIONS

1. This Act may be called the Cycle Rickshaw (Protection of Livelihood, Promotion of Sustainable and Eco-Friendly Mobility) Act, 2017.
2. It extends to the whole State of Jharkhand/Bihar.
3. **Definitions:** (1) In this Act unless the context otherwise requires –
 - a) “Committee” means: The Grievance Redressal Committee established under Section 17 of this Act;
 - b) “Cycle Rickshaw” means: passenger rickshaw pulled or pushed by a cycle, with two or more wheels, pneumatic or otherwise, and which is primarily propelled by human power with or without mechanical assistance, with a chain and pedal, used for public transport or goods carriage;
 - c) “Cycle Rickshaw Authority” means: Authority constituted under Section 9 by the State Government;
 - d) “Cycle Rickshaw Pliers” means: a person who plies a cycle rickshaw on rent, from the owner of the cycle rickshaw, for public transport or carriage of goods;

- e) “Grievance Redressal Committee” means: Committee constituted under Section 20 of this Act, by the State Government;
- f) “Local authority” means: Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under Section 47 of the Cantonment Act, 2006 or such other body entitled to function as a local authority in any city or town to provide civic services and regulate NMVs and includes the “planning authority” which regulates the land use in that city or town;
- g) “Official” means: Any public servant as per Section 21 of the India Penal Code, 1860;
- h) “Owner” means: person, company or cooperative that owns one or more cycle rickshaw for plying as a means of public transport or carriage of goods;
- i) “Regulation” means: regulation made by the Cycle Rickshaw Authority/Committee under this Act, by notification in the official Gazette;
- j) “Rules” means: rule made by the Cycle Rickshaw Authority/Committee under this Act by notification in the official Gazette;
- k) “Year” means: year commencing on the 1st day of April and ending on 31st March of the following year.

CHAPTER-II

PROHIBITION OF HARRASMENT

- 4. Prohibition of Harassment:** (1) Notwithstanding anything contained in any other law for the time being in force, no cycle-rickshaw plier shall be prevented from exercising

such rights by any person or police or any other authority exercising powers under any other law for the time being in force. This includes:

- a) no obstruction in pursuit of livelihood
- b) prohibition of abuse of any form, verbal/physical or otherwise or violence
- c) prohibition of harassment on non-registration
- d) Prohibition of harassment on allegations of traffic violations, unregistered vehicle or plier, etc.
- e) prohibition on impounding, destruction, seizure and deforming cycle-rickshaws
- f) Prohibition of plying in any part of the city or town, as the case may be.

(2) Any conduct of the Official, in violation of clause (1) under this provision, shall be punished with fine, amounting to double the loss occurred to the cycle rickshaw plier, due to the conduct of the official or imprisonment for a period of 6 months or both.

5. Enhanced punishment for subsequent conviction: Any Official, having already been convicted of an offence under this Act, is convicted for second offence or any offence subsequent to the second offence, shall be punished with imprisonment for a term which shall not be less than two years, but which may extend to the punishment for that offence.

CHAPTER-III

RIGHT TO LIVELIHOOD

6. Applicability of Workmen Compensation Act, 1923: All cycle rickshaw pliers shall be considered as workmen under the Workmen Compensation Act, 1923.

Notwithstanding anything contained under this Act, the owner of the cycle rickshaw shall be considered as the Employer under this section, and the cycle rickshaw plier shall claim his right under this section from the owner.

7. 3rd Party Insurance: (1) It shall be the duty of the owner to insure all the cycle rickshaws that he owns and uses for plying as a means of public transport or carriage of goods.

(2) The cycle rickshaw plier is entitled for 3rd Party Insurance in case of any death or injury occurred during the course of occupancy, against the owner as well as the Insurance Company where the owner has insured himself.

CHAPTER-IV

WELFARE OF THE CYCLE RICKSHAW PLIERS

8. Welfare: (1) The State Government in consultation with the Cycle Rickshaw Authority shall establish funds on the lines of Building and Other Construction Workers Act, 1996 with the sources being:

- a) registration fees of cycle-rickshaw pliers
- b) Funds received from State Government and Local Authority

(2) The State Government in consultation with the Cycle Rickshaw Authority, must utilize the funds for welfare activities of the pliers on the lines of the Building and Other Construction Workers Act, 1996, including housing, health, education, insurance, purchase of cycle-rickshaws, alternate livelihoods, and any other allied policies.

3) Duty of the State Government and Local Body to formulate and implement schemes for health, education and sanitation for pliers

- a) The State Governments shall dole out health and insurance schemes to secure the lives of cycle-rickshaw pliers (or get Central Government health schemes)
- b) The Health Insurance shall cover accident costs, and health hazards arising from the working conditions of the plier.

(4) The State Government shall, in consultation with the Cycle Rickshaw Authority, ensure that adequate safety equipment like mask (for protection against air pollution), shoes (while cycling), night reflectors (for cycle rickshaws, to avoid accidents at night), first-aid kits for every cycle-rickshaw, and a washing kit (comprising of hand soap, towel, etc.) is provided to all the pliers.

CHAPTER-V

REGISTRATION

9. Registration of the Cycle Rickshaw Pliers: (1) Each cycle rickshaw plier shall be entitled to get himself registered under this Act.

(2) A cycle rickshaw pliers' registration shall be granted by the local authority on demand to a person on his application made in the prescribed form within the time limit as may be determined by Cycle Rickshaw Authority/Committee from time to time by regulations made in this behalf.

- (3) Subject to the provisions of this Act, any person may apply for a cycle rickshaw pliers registration at the locations determined by Cycle Rickshaw Authority/Committee by regulations made under this Act.
- (4) The cycle rickshaw pliers registration will be granted on the submission of a duly filled up prescribed application form within two working days as stipulated in regulations.
- (5) A cycle rickshaw pliers registration shall be in the form of a photo identity card issued by the Appropriate Authority, as prescribed in the regulations.
- (6) In case of loss of a plier's registration-cum-photo identity, the Appropriate Authority shall provide a new registration-cum-photo identity card on payment of a fee that will not exceed the actual cost of such card, as determined by Cycle Rickshaw Authority from time to time.

Notwithstanding anything contained under this section, non-registration of the cycle rickshaw plier does not bar him from claiming the rights under this Act or under any other policies introduced by the State Government.

10. Assistance of local organisations and institutions: Nothing under this chapter, bars any local organisations or any registered body, in assisting the cycle rickshaw pliers in getting them registered under this Act.

- 11. Computerization of Cycle Rickshaw Pliers registration.** - Each puller registration record shall be computerized and made available to public through a dedicated website.

CHAPTER-VI

CYCLE RICKSHAW AUTHORITY/COMMITTEE

- 12. Cycle Rickshaw Authority/Committee:** The State Government shall constitute a Cycle Rickshaw Authority in each of the Districts of the State.

- 13. Constitution:** The Cycle Rickshaw Authority will be constituted of the following members:

- a. Each of the Cycle Rickshaw Authority will be headed by the District Collector as the Chairperson.
- b. Head of the Traffic Department of each District
- c. Officer in-charge of State Urban Livelihood Mission
- d. District Social Welfare Officer
- e. One representative from the Union of the cycle rickshaw pliers

Provided, if there are more than one Union in the District, representation in the said authority will be based on the proportion of the Unions or there shall be 2 representatives from the Unions in the said authority and the representation will be based on the rotational basis, if there are more than two Unions, whichever mechanism the District Collector deems fit.

- 14. Functions:** The Cycle Rickshaw Authority/Committee shall perform the following functions:

- a. Issuance of registration of all the cycle rickshaw pliers
- b. Regulation of fares
- c. Determination of routes
- d. Supervise the survey of cycle rickshaw pliers
- e. Conduct trainings on traffic rules, welfare schemes and on any other issues, which the said Authority deems fit
- f. Frame policies for implementation of this Act
- g. Accounts to be published quarterly
- h. And perform such other functions as prescribed by the District Collector of the respective Districts, under which the Authority is established.

15. Access to Road: The Cycle Rickshaw Authority/Committee, in consultation with the cycle rickshaw pliers, cycle rickshaw pliers union, urban designers, urban planners, and any other concerned authorities shall plan and implement Policies, based on following grounds –

- a. Separate lanes for cycle rickshaws
- b. Cycle rickshaw friendly roads, in order to ply on all lanes, streets and roads, especially in major corridors and school zones
- c. Plan to improve signage on roads for cycle rickshaw pliers
- d. Encourage in manufacturing of multiple-gear cycle rickshaws, so as to ease the manual effort of the pliers
- e. Establish night-halt spaces and parking zones near offices, railway stations, schools, all markets, and shopping centres

- f. Facilities like drinking water, public toilets, shelters, canteens, cycle repair centres should be established specifically for the cycle rickshaw pliers.

16. Disqualifications for membership. – A person shall be disqualified for being a non-official member of the Authority, if –

- (a) he/she is not a citizen of India; or
- (b) he/she is an un-discharged insolvent; or
- (c) he/she is of unsound mind and stands so declared by a competent court;
- (d) he/she has been sentenced for an offence involving moral turpitude

17. Executive Officer and other employees of Cycle Rickshaw Authority/Committee:

- (1) The State Government shall appoint a person from amongst its officers not below the rank of Joint Secretary, to be the Executive Officer of the Cycle Rickshaw Authority/Committee.
- (2) The Executive Officer of the Cycle Rickshaw Authority/Committee shall act as its Secretary.
- (3) The Executive Officer in consultation with the Chairperson shall execute the decisions of the Cycle Rickshaw/Authority and perform such other functions as may be prescribed:

Provided that in the case of any difference of opinion within the Cycle Rickshaw Authority, the Executive Officer shall bring the matter to the notice of the State Government whose decision thereon shall be final.

- (4) The Cycle Rickshaw Authority/Committee shall, with the previous sanction of the State Government, employ such officers and other employees, as it deems necessary to carry out the purposes of this Act.

(5) The term of office and conditions of service of officers and other employees shall be such as may be prescribed.

18. Vacancies not to invalidate proceedings. - No Act or proceeding of the Authority shall be called in question on the ground merely of the existence of any vacancy, or any defect in the constitution of the Authority.

19. Funds of the Cycle Rickshaw Authority/Committee: (1) The Cycle Rickshaw Authority/Committee shall receive financial grant from the local authority and the State Government to meet its expenses on implementation of this Act, pay and allowances to its officers and employees and also for meeting the accommodation, stationery, equipment and other allowances/expenses. It shall levy fees and fines as per rules.

(2) The Cycle Rickshaw Authority/Committee may open bank account/s for the purpose and its accounts shall be audited annually through the appropriate Government agency.

CHAPTER-VII

GRIEVANCE REDRESSAL MECHANISM

20. Cycle Rickshaw Grievance Redressal Committee: The State Government shall constitute a Cycle Rickshaw Grievance Redressal Committee, functioning within the jurisdiction of each Cycle Rickshaw Authority/Committee.

21. Constitution: (1) The Grievance Redressal Committee shall consist of 2 members, appointed by the State Government in consultation with the Cycle Rickshaw Authority of a particular district.

(2) The Grievance Redressal Committee shall consist of a person who has been a sub-judge or a judicial magistrate or an executive magistrate and such other persons having experience in the area of cycle rickshaw or urban planning as may be prescribed by the State Government.

22. Functions: (1) The Grievance Redressal Committee shall receive complaints from cycle rickshaw pliers, persons performing allied cycle rickshaw activities, including mechanics, assemblers, manufacturers and others.

(2) The Grievance Redressal Committee can adopt any mode of receiving the complaints, along with having the mechanism to receive complaints in the form of writing or orally.

(3) The Grievance Redressal Committee shall address the issues raised in the complaint, within 10 days from the receiving of that particular complaint.

Provided, if the Grievance Redressal Committee is not in a position to address the issue within the time prescribed under section 15 (c), the matter has to be referred to the Cycle Rickshaw Authority/Committee, with the reasons as to why the issue in the complaint was not resolved within the said time period.

23. Powers: The Committee shall have all the powers of a Civil Court while trying a suit under the Code of Civil procedure Code, 1908 (Central Act 5 of 1908) in respect of the following matters, namely-

- a. Summoning and enforcing attendance of any person and examining her/him on oath
- b. Requiring the discovery and production of any document or any other material which can be produced as evidence
- c. Requisitioning any public record or copy thereof from any court or office

24. Appeal: Any person who is aggrieved by the decision of the Committee can prefer an appeal before the Cycle Rickshaw Authority/Committee, within 30 days from the decision made by the Committee.

CHAPTER - VIII

GOVERNMENT CONTROL

25. Power of State Government to give directions to Cycle Rickshaw Authority/Committee: The State Government may give Cycle Rickshaw Authority/Committee such advice as in its opinion is necessary or expedient in connection with expenditure for carrying out the purposes of this Act.

26. Power of State Government to remove any person on staff of Cycle Rickshaw Authority/Committee: The State Government shall have the power to remove by

following due process any official or non-official member whom it may deem unsuitable from the service of the Cycle Rickshaw Authority/Committee.

27. Power of State Government or authorized officer to call for records, etc.: The State Government or any officer authorized by the State Government in this behalf may call for records of any proceedings which are pending before, or have been disposed of by, Cycle Rickshaw Authority/Committee for purpose of satisfying itself as to the legality of such proceedings or of any order made therein and may pass such orders in relation thereto as the State Government or such officer may think fit:

Provided that, no order adversely affecting any person, shall be made under this section without giving such person a reasonable opportunity of being heard.

28. Accounts and Audit of Cycle Rickshaw Authority/Committee: The Cycle Rickshaw Authority/Committee shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

29. Annual Report to Local Authority: (1) It shall be the duty of the Cycle Rickshaw Authority/Committee to present annually to the Local Authority a report as to the work done by the Cycle Rickshaw Authority/Committee within six months of the close of the year under report.

(2) Every Annual Report submitted by the Cycle Rickshaw Authority/Committee under sub-section (1) to the Local Authority shall be submitted to the State Government.

CHAPTER-XI

MISCELLANEOUS

- 30. Members of authorities to be public servants:** Every member of the authorities referred to in Chapter V and VI and every other officer exercising any of the powers conferred by them, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.
- 31. Delegation of powers:** The Cycle Rickshaw Authority/Committee may, by order, direct that any power or duty which by this Act or by any rule or regulation made under this Act is conferred or imposed upon the Cycle Rickshaw Authority/Committee shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by such officer of the Cycle Rickshaw Authority/Committee.
- 32. Power to make Rules:** (1) The State Government shall lay down the Rules, within 30 days from the date of passing of this Act, in the Legislative Assembly, which may provide for all or any of the following matters, namely:-
- a) the time, place and procedure of the meetings (including the quorum at such meetings) of the Cycle Rickshaw Authority/ Committee;
 - b) Allowances to be received by the Chairperson and the members nominated for the Cycle Rickshaw Authority/Committee;

- c) The term of office and conditions of service of officers and other employees of the Cycle Rickshaw Authority;
- d) Fees and allowances for members of Cycle Rickshaw Authority/Committee, not being officers of the Government or of any corporation, constituted by the State Advisory Board;
- e) Terms and conditions of the members of the Cycle Rickshaw Authority/Committee;
- f) Time and manner of the meetings of the Cycle Rickshaw Authority/Committee;
- g) Deciding remuneration of various functionaries and pay scales of Employees;
- h) Fixing charges, fees, fines to be levied in furtherance of the implementation of this Act;
- i) Employment of persons on terms and conditions to be decided by the Regulations;
- j) Form and manner of the accounts and other records to be maintained by Cycle Rickshaw Authority/Committee;
- k) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

33. Overriding, Repeal and Saving: (1) The provisions of this Act shall have effect, notwithstanding anything inconsistent therein contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

(2) On the commencement of this Act, the bye-laws, rules, or regulations, applicable to the cycle rickshaws shall stand repealed.

(3) Notwithstanding such repeal, anything done or any action taken under the said bye laws shall be deemed to have been done or taken under the provisions of this Act.

34. Removal of difficulties: (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that, no such order shall be made under this section, after the expiry of one year, from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislative Assembly.