

**GOVERNMENT OF TRIPURA**

**LAW DEPARTMENT**

**SECRETARIAT: AGARTALA**

No. F.8(17)-Law/Leg-I/2014

Dated, Agartaia 15<sup>th</sup> October, 2014

The following Act of the Tripura Legislative Assembly received the assent of the Governor on 12-10-2014 and is hereby published for General Information.

**D. M.JAMATIA**

**L. R. & SECRETARY, LAW.**

**GOVERNMENT OF TRIPURA**

**THE TRIPURA RICKSHAW REGULATION ACT, 2014.**

**AN**

**ACT**

**Tripura Act No. 17 of 2014**

to provide for a comprehensive legislation to replace existing "The Rickshaw Niyamak Act, 1357 T.E".

**WHEREAS**

The Tripura Rickshaw Niyamak Act, 1357 T.E, is an Act enacted by erstwhile Tripura king and a considerable period has been elapsed thereafter, without making a comprehensive legislation to cater the abruptly changed scenario in respect to means and manner of transportation;

**AND WHEREAS**

taking into account the changes in the road transport technology, pattern of passenger and freight movements, developments of the road network in the state and particularly the improved techniques in the transportation management, it is now necessitated to enact a comprehensive legislation to replace the existing Rickshaw Niyamak Act, 1357 T.E;'

**BE** it enacted by the Tripura Legislative Assembly in the Sixty-fifth year of the Republic of India, as follows:-

**1. Short title and commencement**

(a) This Act may be called the "The Tripura Rickshaw Regulation Act, 2014";

(b) This shall come into force on and from the date of its publication in the State Gazette.

## 2. Definitions

In this Act, unless the context other requires-

(a) "area", in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;

(b) "certificate of registration" means the certificate issued by a competent authority, prescribed by the Government, to the effect that a rickshaw has been duly registered in accordance with the provisions of the Act;

(c) "dealer" includes a person who is engaged-

(i) in the manufacture of rickshaw; or

(ii) in building bodies for attachment to chassis; or

(iii) in the repair of rickshaw; or

(iv) in the business of hypothecation, leasing or hire-purchase of rickshaw;

(d) "driver" includes, in relation to a rickshaw, other than a three-wheeled cycle-rickshaw driven manually, the person who acts as a steersman of the drawn rickshaw;

(e) "driving licence" means the licence issued by a competent authority, prescribed by the Government, authorising the person specified therein to drive, a rickshaw other than a three-wheeled cycle-rickshaw driven manually;

(f) "Government" means the State Government;

(g) "invalid carriage" means a rickshaw, specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;

(h) "owner" means a person in whose name a rickshaw stands registered, and where such person is a minor, the guardian of such minor, and in relation to a rickshaw which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the rickshaw under that agreement;

(i) "permit" means a permit issued by an authority, prescribed by the Government in this behalf, authorising the use of a rickshaw;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at

which passengers are picked up or set down by a rickshaw or any other stage carriage;

(l) "registering authority" means an officer, prescribed by the Government, empowered to register a rickshaw;

(m) "rickshaw" means any class of rickshaw and includes a three-wheeled cycle-rickshaw driven manually or a battery operated rickshaw or a e-rickshaw, by whatever name it is called or known, and also includes a mechanically propelled communication device adapted for use upon roads which does not come under the purview of Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) and the Rules made there under, but does not include an invalid carriage as defined under sub-section (f) of this section;

(n) "traffic signs" shall have the same meaning as assigned to it under the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988);

### **3. Registration and use of rickshaw**

(1) Every owner of a rickshaw, shall produce his rickshaw, within such period and after expiry of each such period, as may be prescribed, to the office of such authority, as may be prescribed, and shall have the same registered and obtain a licence;

(2) No person shall drive or draw a rickshaw and no owner of a rickshaw shall cause or permit the rickshaw to be driven or drawn in any public place or in any other place unless the rickshaw is registered in accordance with this Act and the Rules made thereunder and the certificate of registration of the rickshaw has not been suspended or cancelled and the rickshaw carries a registration mark displayed in the prescribed manner:

(3) The conditions, subject to which the provisions of sub-section (1) & (2) shall not apply shall be as such, as may be prescribed by the Government.

### **4. Prohibition to drive or draw a rickshaw without registration**

(1) No person, shall drive or draw a rickshaw in any public place, unless his name is registered as a driver or drawer by the registering authority, and unless he holds an effective licence, issued to him by an authority as prescribed by the Government in that regard, authorising him to drive or draw the rickshaw;

(2) The conditions subject to which the provisions of sub-section (1) shall not apply shall be as such, as may be prescribed by the Government.

### **5. Power to cancel or suspend the registration**

The registering authority shall, in case of any contravention of any provision of this Act or the Rules made thereunder, cancel or suspend the registration of any rickshaw.

### **6. Age limit in connection with driving of rickshaw**

(1) No person under the age of eighteen years shall drive or draw a rickshaw in any public place;

(2) The owner of a rickshaw shall not have the same driven or drawn by a person of less than eighteen years of age;

(3) No licence or driving licence shall be issued to any person to drive or draw a rickshaw of any class, unless he is eligible under this section.

### **7. Use of rickshaw on road**

When driving or drawing a rickshaw, the driver or drawer of such rickshaw finds any other conveyance coming from the direction in front of him, he shall move away to his left side. He shall keep his rickshaw to the extreme left side of the road when he has to stop the movement of his rickshaw for the purpose of giving a lift to passengers.

### **8. Use of light**

Bright light shall be affixed to the outside as well as the back-side of the rickshaw, if it is to be driven or drawn before sun-rise or after sun-set.

### **9. Use of signalling device**

No person shall drive or draw any rickshaw on a street without having affixed a bell or such type of horn or signals or signalling device, as may be prescribed by the Government.

### **10. Leaving rickshaw in dangerous position**

No driver or drawer of a rickshaw shall sleep or sit on a rickshaw on a street in such a manner as to cause obstruction to the traffic of conveyance.

### **11. Licence Fee**

The licence fee shall be paid according to the rates as may be prescribed by the Government;

Provided that the State Government may, by general or special order, exempt any rickshaw owner or driver from payment of licence fee, on any ground, to be recorded in writing, on an application made by such owner or driver to the licensing authority, in such manner, as may be prescribed;

Provided further that, the Government may cancel such exemption, if it is satisfied that, the exemption was obtained by fraud or misrepresentation, or that such owner or driver has failed to comply with the terms and conditions imposed or directions issued to him in that regard.

### **12. Rates of fares**

(1) Any rickshaw shall be hired either by time basis or according to distance, and this shall be determined at the very time of hiring such rickshaw. Where nothing has been settled, the fares shall be paid by time. The fares shall be paid according to the rates, as may be prescribed by the respective registering authority, by order and different rates may be fixed for different areas and such rates are subject to change, from time to time;

(2) The full list of the rates of fares shall be carried with each rickshaw and shall also be produced to the passengers on demand.

### **13. Duty to produce licence, certificate of registration etc.**

The driver or drawer of a rickshaw, in any public place, shall produce for examination, on demand by any police officer in uniform or any person authorised by the concerned registering authority, his licence and or certificate of registration and or any other document, which are mandatorily required to be obtained from the appropriate authority, in accordance with this Act or the Rules made thereunder;

Provided that the driver or drawer may, if his licence has been submitted to, or has been seized by any officer or authority under this Act or any other law for the time being in force, produce in lieu of the licence a receipt or other acknowledgment issued by such officer or authority in respect thereof and thereafter produce the licence within such period and in such manner, as the Government may prescribe.

### **14. Duty to Obey Traffic Signs**

Every driver or drawer of a rickshaw shall drive or draw the rickshaw in conformity with any indication given by mandatory traffic signs and shall comply with all directions given to him by any police officer for the time being engaged in the regulation of traffic in any public place.

### **15. Power to restrict the use of vehicles**

If the State Government or any authority authorized in this behalf by the State Government, is satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by a general or special order, prohibit or restrict, subject to such exceptions and conditions, as may be specified in such order, the driving or drawing of rickshaw or of any specified class or description of rickshaw in a specified area or on a specified road, for a period not exceeding seven days;

Provided that, where any prohibition or restriction under this section is to remain in force for a period exceeding seven days, notification thereof in the Official Gazette shall be published by the Government.

### **16. Limit of maximum numbers of passengers**

The registering authority, with the approval of the Government, may by a general or special order, issued in this regard, fix the limit of maximum numbers of passengers to be carried at a time in a rickshaw.

### **17. Rate for letting out on hiring**

Where an owner of a rickshaw has let it out to the driver or drawer, he may claim a hire at a rate, as may be prescribed by the Government in that behalf.

### **18. Offences**

Any owner, driver or drawer of any rickshaw, who infringes any provisions of this Act or any rules made thereunder shall, upon conviction, be liable to rigorous

imprisonment for a term not exceeding six months or to a fine not exceeding five hundred rupees or to both.

### **19. Penalty for subsequent offence**

Whoever, having been convicted of an offence punishable under section 16 of this Act, if again found to be guilty of any such offence, shall on conviction, be subjected for every such subsequent offence, to the double of the punishment to which he would have been liable for the first commission of the offence.

### **20. Offence by whom triable**

Offences punishable under this Act shall be triable by any Magistrate, having jurisdiction in the place where the offence is committed.

### **21. Composition of offences**

(1) Any offence punishable under this Act, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf;

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

### **22. Penalty for causing obstruction to free flow of traffic**

(1) Whoever keeps a rickshaw on any public place, in such a manner, so as to cause impediment to the free flow of traffic, shall be liable for such periodical penalty, as the government may by order specify, till it remains in that position;

Provided that a rickshaw involved in any accident shall be liable for penalty only from the time of completion of inspection formalities under any other law, for the time being in force;

(2) The penalties under this section shall be recoverable by the prescribed officers or authorities.

### **23. Power to arrest without warrant**

(1) A police officer in uniform may arrest without warrant, any person -

(a) who in his presence commits an offence punishable under this Act, or

(b) who has committed an offence under this Act, if such person refuses to give his name and address, or

(c) who being involved or reasonably suspected to have been involved in an offence under this Act or if the police officer has reason to believe that he will abscond or otherwise avoid the service of summons;

(2) A police officer arresting a person under sub-section (1) shall, if the circumstances so require, take or cause to be taken any steps, he may consider proper for the temporary disposal of the rickshaw.

#### **24. Power to impound document**

(1) Any police officer or other person authorised in this behalf by the Government may, if such police officer or person has reason to believe that, any identification mark carried on a rickshaw or any licence, permit, certificate of registration or other document produced to him by the driver or drawer or person in charge of a rickshaw, is a false document, within the meaning of section 464 of the Indian Penal Code, seize the mark or document and call upon the driver or drawer or owner of the rickshaw to account for his possession of or the presence in the rickshaw of such mark or document;

(2) Any police officer or other person authorised in this behalf by the State Government may, if such police officer or person has reason to believe that the driver or drawer of a rickshaw, who is charged with any offence under this Act, may abscond or otherwise avoid the service of a summons, seize any licence held by such driver or drawer and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver or drawer before it, return the licence to him in exchange for a temporary acknowledgment;

(3) A police officer or other person seizing a licence under sub-section (2) shall give to the person surrendering the licence a temporary acknowledgment therefor and such acknowledgment shall authorise the holder to drive or draw until the licence has been returned to him or until such date as may be specified by the police officer or other person in the acknowledgment, whichever is earlier;

Provided that if any magistrate, police officer or other person authorised by the Government in this behalf is, on an application made to him, satisfied that the licence cannot be, or has not been, returned to the holder thereof before the date specified in the acknowledgment for any reason for which the holder is not responsible, the magistrate, police officer or other person, as the case may be, may extend the period of authorization to drive to such date as may be specified in the acknowledgment.

#### **25. General power to make rules**

(1) The State Government may, by notification in the official gazette, make rules generally to carry out the purpose of this Act;

(2) Every such rules made by the State Government under this Section, shall be laid as soon as may be after it is made, before the Legislative Assembly of Tripura.

#### **26. Protection of action taken in good faith**

No suit prosecution or other proceeding shall lie-

(1) against any officer of the Government, for anything in good faith done or intended to be done under this Act;

(2) against the Government, for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Act.

## **27. Repeal and saving**

(1) "The Rickshaw Niyamak Act, 1357 T.E" (Tripura Act No. 1 of 1357 T.E) is hereby repealed;

(2) Notwithstanding such repeal, any rules made or anything done or any action taken or any proceeding instituted or any order made or any notification issued under the Act so repealed, shall be deemed to have been made or done or taken or instituted or issued under the corresponding provisions of this Act;

## **28. Power to remove difficulties**

(1) If any difficulty arises in giving effect to the provisions of this Act, after its commencement, the State Government may, by order, published in the official gazette, make such provisions 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 two years 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 Tripura Legislative Assembly.

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