

RULES AND REGULATIONS GOVERNING THE CITY PERMITS FOR CYCLE RICKSHAW IN BHODHGAYA

State: Bihar

Details of licensing procedures are as follows:

Cycle Rickshaws in Bhodhgaya are regulated as per the Byelaws for the regulation of cycle rickshaws in Patna Town.

As per the Bye law Cycle-rickshaw" means a three-wheeled vehicle propelled by a human being with the aid of mechanical contrivance and intends primarily for conveyance of human beings. No cycle-rickshaw shall ply for hire unless it has been previously registered.

LICENSING PROCEDURE:

There is no city permit required for the operation of a cycle rickshaw. A person desirous of operating a cycle rickshaw has to submit written application form. There are two types of licences issued for a cycle rickshaw. Owner's license and Driver's license are issued.

OWNER'S LICENSE:

The owner of cycle-rickshaw which is intended to be plied for hire shall make an application for registration the registering officer in Form "A". If a cycle-rickshaw is plied for hire without having a valid certificate of registration then the owner shall be liable to fine not exceeding twenty-five rupees and if he shall continue to ply or allow such cycle-rickshaw to be plied for hire shall be liable to a further fine of Rs.2/- for every day after the first conviction during which he is proved to have plied or allowed such cycle-rickshaw to be plied for hire.

The owner of a cycle-rickshaw shall, at the time of making an application for registration under bye-law 3 and for renewing the certificate of registration cycle- rickshaw under bye-law (8) and at such other time as the registering officer may direct, produce the cycle-rickshaw for inspection by the registering officer. The Corporation Mechanical Engineer or an officer authorised by the Chief Executive Officer in this behalf will be the expert to test the mechanical parts of the vehicle.

A cycle-rickshaw shall not be registered unless, in the opinion of the registering officer it is safe and otherwise fit for public use, and satisfies all the requirements as mentioned in the bye-law.

Requirements:

1. It is comfortable, clean, easy running, and is provided with a seat of 30" in length and 8" in width. The seat, cushion and back cushions are covered with feather or leather cloth, and are provided with adequate staffing and springs
2. It is provided with Water-proof hood and screens and transparent glass or zcolite view holes;
3. Wheels of 30'in diameter fitted with pneumatic tyres;
4. One conspicuous white light in the front and one red reflector on the off side showing to the rear;
5. a good brake and a bell
6. a foot mat or coir or other suitable material;
7. Manufacture's number and/or supported by purchase vouchers at the time of registration

Provided that the Corporation may also renew licences for cycle rickshaw class II" issued under the bye-laws framed by the ex-Patna City Municipality and the ex-Patna Administration Committee.

Grant of Certificate:

On receipt of an application under bye-laws 3, the registering officer shall if the cycle-rickshaws mentioned in the application satisfies the requirements of bye-laws 5 and on payment by the applicant of the yearly fee specified in Schedule I grant to the applicant a certificate of registration in Form B signed by the registering officer and bearing the seal of the Corporation

Duration of certificate:

Every certificate of registration granted under these bye-laws shall continue to be in force until that last day of the financial year in which it is granted, unless it is suspended or cancelled before that day for one or more of the following reasons;-

1. That the cycle-rickshaw is not maintained properly and kept in good order; and
2. That the owner fails to comply with the provision of bye-laws 27.

Renewal of Registration:

The owner of cycle-rickshaw in respect of which a certificate of registration has been granted shall produce the certificate of registration before the registering officer for renewal before the date of its expiry. The registering officer shall, on payment of the fee specified in Schedule I, renew the certificate of registration.

Provided that if the application for renewal is made more than one month after the date of the expiry of the certificate of registration which is being renewed, an additional fee amounting to one-sixth of the yearly fee shall be payable for each month or part of a month after the date of such expiry, unless there was, in the opinion of the registering officer, for

reasons to be recorded in writing, a reasonable cause for the delay or any part of the delay in making the application.

On sufficient cause being shown, the registering officer may at any time grant a duplicate certificate of registration on payment of a fee of eight annas and such certificate shall have the word "DUPLICATE" written thereon in red ink.

Transfer of ownership:

if the ownership of a cycle- rickshaw, in respect of which a certificate of registration has been granted, is transferred shall within a week of such transfer if he desires to use the same to ply for hire, before so using it, give to the registering officer a notice in writing of such transfer and shall produce before him the certificate of registration granted to the former owner, and shall pay a transfer fee of one rupee. If any such transferee, before complying with the provision of clause (a) uses such cycle-rickshaw to ply for hire, or allows it to be plied for hire, he shall be liable to a fine not exceeding ten rupees and if he continues to ply for hire, he shall be liable to a further fine not exceeding two rupees for every day after the first conviction during which he is proved to have used the cycle rickshaw to be plied for hire without complying with the said provision.

The registering officer, on receiving the notice and the fee specified in clause (a) shall make the necessary alteration in the register and in the certificate of registration.

Driver's licence-

No person shall drive cycle –rickshaw plying fore hire within the area of the Patna Municipal Corporation unless he is licensed in accordance with these bye-laws.

The owner of Cycle-rickshaw plying for hire within the limits of Patna Municipal Corporation on shall not allow any person who is not a licensed driver, under clause (a) to drive such cycle rickshaw. Licence for driving a cycle-rickshaw shall be granted to subsequent verification of antecedents by the police and in case the police report is against the character of the licensee, his license shall be cancelled. The cycle-rickshaw, driver must pass a driving test before licence is given and he shall also have a working knowledge of traffic rules. No licence for driving a cycle-rickshaw shall be granted to a driver unless he is declared medically fir by a Medical Officer of the Corporation for which a fee of one rupee shall be paid for such an examination by the applicant.

Application for licence:

Every application for a license to drive cycle-rickshaw plying for hire shall be made to the registering officer in Form C and shall be accompanied with two copies of a recent bust photograph of the applicant and a medical certificate of fitness from a Medical Officer of the Corporation.

Conditions:

Registering Officer may, on receipt of an application together with the copies of photographs of the applicant and a medical certificate of fitness as required under the preceding bye-law and on being satisfied that the applicant satisfied the following conditions, grant a licence.

1. Age-20-25 years (approximately),
2. Height – not below 5 feet
3. Weight-normal
4. Chest-in expiration minimum 30' with an expansion of not less than 2" on inspiration
5. Eye sight – good
6. Hearing –normal
7. He should be free from any contagious or infectious skin disease.
8. He should be in good health.

Documents required:

One copy of the applicant's photo will be affixed on his application and will be retained in Corporation office.

Driving ticket:

The registering officer shall at the time of granting or renewing a driver's licence deliver to the driver a metal ticket marked or engraved with a number corresponding in the number of the licence and showing the period for which the licence should remain in force. For each ticket granted under sub-clauses (a), a fee of (twenty five paise) shall be paid. A duplicate ticket may on payment of 1 anna (twenty five paise) be granted by the registering officer during the term of the license if the original ticket has been lost or stolen or the writing on it has been obliterated.

Provided that no such fee shall be charged if the driver concerned supplies at his own cost a metal ticket properly marked or engraved as required by clause (a) for a duplicate ticket being issued to him by the registering officer. Every driver shall at all times when driving a cycle-rickshaw carry such ticket exposed to view.

Numbering of Rickshaw:

The owner of cycle-rickshaw which has been registered under these bye-laws shall cause the number specified in the certificate of registration granted in respect of such cycle-rickshaw to be painted conspicuously at the back of the cycle-rickshaw.

Whenever an identification plate is lost or stolen, the owner of the cycle-rickshaw shall produce the certificate of registration before the registering officer and shall be entitled to receive a duplicate plate on payment of a fee of one rupee.

Parking of cycle-rickshaw:

The Patna Municipal Corporation may provide places for the parking of cycle-rickshaws plying for hire and may determine the number of such cycle-rickshaws to be parked at such places.

When such places have been provided and notified in such manner as the Chief Executive Officer thinks fit, cycle-rickshaws plying for hire shall be parked only at such places and no cycle-rickshaws plying for hire shall be parked only at such places and not cycle-rickshaw shall be parked at places provided and notified for the purpose, and the number of such vehicles to be parked at any place shall not exceed the number determined by the Chief Executive Officer of Patna Municipal Corporation for such places.

Identification plate:-

On granting a certificate of registration the registering officer shall deliver to the owner of the cycle-rickshaw a plate showing the number of certificate of registration which will remain unchanged as long as the cycle-rickshaw is serviceable.

The owner of the cycle-rickshaw shall cause the plate to be affixed to a conspicuous place on the back of the cycle-rickshaw and take steps to ensure that the writing on the plate does not become indistinct or obliterated

Other Directions:

Every driver's license granted shall be in Form D, signed by the registering office and shall be stamped with the seal of the Patna Municipal Corporation. A driving licence granted under these byelaws shall remain in force until the last day of the financial year in which it is granted and shall be produced before the registering officer for renewal before the date of its expiry. The applicant for renewal of license shall also have to produce a medical certificate of fitness from Medical Officer of the Corporation.

Provided that the fee payable for such renewal shall be rupee one and if the application is made more than one month after the date of the expiry of the licence which is being renewed, and an additional fee shall be payable amounting to half the total fee payable for the year unless there was in the opinion of the registering officer, reasonable cause for the delay in making the application.

Provided further that if the registering officer refuses the application, the reasons for refusal shall be recorded in writing by him. Applications can be refused only if any of the conditions laid down in rule 15 is not fulfilled

A cycle-rickshaw registered under these bye-laws shall not carry more than two passengers and 25 seers of luggage or, in lieu of such luggage one child in arm: Provided that-

1. two children under 12 years of age shall be considered to be equal to one passenger, and
2. the combined weight of persons and luggage carried on the cycle-rickshaw shall not exceeds 3 maunds:
3. Provided in lieu of a passenger, as aforesaid, luggage not exceeding 11 maunds weight may be carried.

Fees:

The owner or driver of a cycle-rickshaw plying for hire shall be entitled to demand and take for such hire fare as specified in Schedule II Provided that the owner or driver of cycle-rickshaw shall not demand or receive over and above the said fare any sum for the return journey of the cycle-rickshaw for the place at which it is discharged. Any contract entered into to accept a fare lower than the fare so fixed shall be binding.

The owner of a registered cycle-rickshaw plying for hire shall keep a copy of the schedule of fares in such cycle-rickshaw in such form as the registering officer may direct and the driver of such cycle-rickshaw shall produce the same on the demand of any passenger.

i) Owner's license – Rs.20 per annum.

ii) Driver's license – Rs.4.50 per annum.

LICENCE DURATION AND ITS RENEWAL:

License is issued for one year (1st April to 31st March).The license must be renewed after the expiry.

Penalty:

Penalty for using vehicles without identification Plate:

If any cycle-rickshaw is let, used or plied for hire by the owner or with his permission, without having a proper plate duly affixed, as required by clause (b) of bye-law 10 or with a plate on which the writing is indistinct or obliterated, the owner concerned shall be liable to a fine not exceeding ten rupees.

Issue of new plate:

If any driver licensed under these bye-laws drives any cycle-rickshaw without a proper plate affixed as required by clause (b) of bye-law 10 or with a plate on which the writing has become indistinct or obliterated. He shall be liable to a fine not exceeding ten rupees.

Penalty for excess load:

If any cycle-rickshaw carried a large number of passengers, or a greater weight of luggage or greater combined weight of persons and luggage than is specified in the preceding bye-law, the driver shall be liable to a fine not exceeding ten rupees.

Penalty for not having license:

If a person drives a cycle-rickshaw for hire without having a subsisting licence, he shall be liable to a fine not exceeding ten rupees and to a further fine not exceeding ten rupees and to a further fine not exceeding one rupee for every day after the first conviction during which he is proved to have driven a cycle –rickshaw for the hire without a licence.

Penalty for lending licence:

If any person to whom a driving licence has been granted transfers or lends his license or the ticket delivered to him under bye-law 20 or allows the said licence, or ticket to be used by any other person, he shall be liable to a fine not exceeding ten rupees.

Penalty for the owner for permitting unlicensed driver:

If the owner of any cycle- rickshaw plying for hire permits or suffers any person not duly licensed as driver these bye-laws to drive or ply such cycle-rickshaw for hire, he shall be liable for every such offence to a fine not exceeding ten rupees and to a further fine not exceeding one rupee for every day after the first conviction during which he permits or suffers any person not duly licensed to drive or ply such cycle-rickshaw for hire.

Cancellation or suspension of a driver's licence:

The Chief Executive Officer or any officer not below the rank of Deputy Executive Officer specially empowered in this behalf in writing by him on receiving information of the commission of any offence specified in these bye-laws, and after such enquiry as he may think fit, may, in lieu of directing the prosecution of the driver, cancel or suspend his license for such period as he may think fit and may require by an order in writing the driver to deliver up his licence and metal ticket within a period to be specified in the order.

Any driver who being so required refuses or neglects to deliver up such licence and such ticket shall be liable to a fine not exceeding ten rupees.

The registering officer shall cause such order of suspension or cancellation to be noted in the register of licence and if the licence has been suspended shall, on application at the end of the period of suspension will cause the licence or ticket to be re-delivered to the person to whom it was granted.