

THE LIVELIHOOD REGULATIONS REPORT

AGARTALA



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

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PREFACE

The Livelihood regulations report aims at documenting the livelihood regulations and barriers in the informal sector. It was conducted in 63 cities across India where the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) is being implemented. This project was conducted by Centre for Public Policy Research, Cochin in partnership with Centre for Civil Society, New Delhi and is financed by Sir Dorabji Tata Trust (SDTT), Mumbai.

The report aims to unveil the laws applicable to entry-level professions like Auto Rickshaws, Barbershops, Dhaba's, Meat Shops and mobile/stationary street vegetable/fruit vendors. These documents will effectively draw public attention to the issues faced by the entry-level professions in the informal sectors

Agartala is the capital of the Indian state of Tripura. It lies on the Haora River and is located 2 km from Bangladesh. It has several temples and palaces. The population of Agartala was 367,822 in 2004 after the municipal expansion (189,327 in the 2001 census

As of 2001 India census, Agartala had a population of 189,327. Males constitute 50% of the population and females 50%. Agartala has an average literacy rate of 85%, higher than the national average of 59.5%; with 52% of the males and 48% of females literate. 8% of the population is under 6 years of age.

The present report on livelihood regulations in Agartala covers Cycle Rickshaw.

AGARTALA

The trades selected for study are regulated by the Agartala Municipal council. Application for information under the Right to Information (RTI) Act was filed in the council. However the best attempts by the researcher and the RTI applications did not yield in getting comprehensive information about the trades in Agartala. So the study in Agartala can provide only the details of cycle rickshaw.

CYCLE RICKSHAW

Cycle rickshaws are regulated as per the directions of AGARTALA MUNICIPL COUNCIL (REGULATION OF REGISTRATION, LICENSE AND TAX CARTS AND CARRIAGES) ORDERS 2000.

As per the act carriage means any wheeled vehicle, with springs or other appliances acting as springs, which is used for conveyance of human beings or goods and includes a Jin Rickshaw, a van Rickshaw and a cycle Rickshaw, but does not include a motor vehicle or a bi- cycle or tri- cycle or a paramulator of other form of vehicle designed for the conveyance of small children.

As per the byelaw, no person shall keep for hire or give to ply for hire or keep for private use a carriage within the limits of the municipal council unless the carriage is registered and a certificate of registration is granted. Provided that nothing in this order shall apply to carriage of the government or the municipality or any local body. No person can ply or give the carriage to ply without a license to ply the carriage.

Regulatory Body:

The executive officer of the council shall be the licensing Authority. The council may authorize any other officer of the council to act as a licensing authority.

Licensing Procedure:

A license to ply or pull a carriage and the certificate of registration shall be issued by the licensing Authority. An application for the registration of the carriage shall be made in the prescribed form to the licensing authority within seven days from the date of taking delivery or possession of the cart or carriage and shall be accompanied by the registration fees as prescribed. After verification of the documents and inspection of the carriage, the licensing authority shall issue the certificate of registration to the carriage in the prescribe form. The licensing authority shall issue to the owner of the carriage a certificate of registration in the prescribed form. The licensing authority shall assign to the carriage for display thereon a registration number. The licensing authority shall enter the particulars of the certificate in a register to be maintained in such form as may be specified by the chairperson of the council.

Documents Required:

An application for license to ply or pull a cart or carriage shall be made in prescribed form and shall be accompanied by

1. Copy of citizenship certificate or documents in support of citizenship status.
2. Proof of age
3. Medical certificate granted by a registered medical practitioner showing the fitness of the applicant to ply or pull a carriage
4. Proof of knowledge to ply a carriage
5. Receipt showing payment of the license fees

License Fees:

At present Rs.30 /- shall be charged as the registration fees for a carriage. As per the regulation, the fees for license to ply or pull a carriage or renewal thereof shall be Rs.3/- per annum. The price of the registration number plate shall be Rs.5/- , a registration book for a carriage shall be Rs.5/- and the fees for license book to ply a carriage shall be RS. 3/-

Renewal Procedure:

An application for the renewal of a license to ply or pull a carriage and registration of a carriage shall be made at least 30 days before the date of expiry of the license or registration, as the case may be. If an application for renewal of registration of a carriage is made after the expiry of the registration late fees at the rate of Rs.3/- per month or part thereof shall be charged. If an application for the renewal of a license to ply or pull a carriage is made after the expiry of the license, a late fee at the rate of Rs.1/- per month or part thereof shall be charged.

Transfer of license:

The license is not allowed to be transferable. When a licensee changes his occupation or transfer the possession or ownership of the licensed carriage, he shall report the changes or transfer and surrender the license to the licensing Authority within 15 days of such transfer. On surrender of the license, the licensing Authority shall refund such portion of the fees as relates to the unexpired period of the license. The original licensee shall liable as proprietor of the carriage until such transfer is reported and such name is substitute in the license.

Verification and Seizure:

The assessor or any authorized officer of the council shall from time to time verify the documents of carriages to regulate within the council area and shall seize unauthorized carriages. If any carriage is seized by the assessor or any authorized officer on the ground that the license has not been renewed, the seized carriage shall be kept under custody of the assessor or the authorized officer for maximum period of 15 days within which the defaulting holder shall take back the seized cart or carriage on the payment of fine and production of valid documents failing which the cart or carriage so seized shall be sold by auction after defacing the carriage to the highest bidder having valid license to ply or pull a carriage by the Assessor and the auction money shall be deposited into the Municipal fund.

Conditions:

Every license issued and the registration granted shall be subject to the regulations detailed in the byelaws. Chief regulations are as follows:

1. The carriage must be kept in good conditions.
2. The refusal of a registered carriage for hire shall be only on reasonable cause.
3. Person in charge of carriage has to assist in loading and unloading.
4. Drinking, usage of drugs etc are not allowed while plying. Sleeping, usage of obscene language or gestures etc is prohibited while plying for hire and shall not make hindrances for traffic etc upon any public streets or places else where than any place which may be declared by the council as a stand for licensed cart or carriage and shall not refuse to give way to any cart or carriage when reasonably required to do so.

5. when loading or unloading a cart or carriage in a street or selling products displayed in the cart or carriage, the person in- charge thereof shall keep it parallel with and immediately at the edge of the street. Red reflectors must be fixed on the front and back side of the carriage. Bell also must be there. The reflectors shall be kept clear at all time.
6. While plying after sunset, the light must be attached to the carriages. No person of less than 18 years and more than 60 years must be employed to drive or to be in charge of the carriage. Licensee must obtain a Certificate showing the age and physical fitness of the employee from a medical practitioner.
7. In charge of carriage must all times keep the license while plying for hire. He is also supposed to produce it to the hirer or traffic Authority or any authorized office of the council.
8. The maximum load shall be 150 kilograms or two people for a carriage. No loads exceeding this can be loaded.
9. Licenses cannot be transferable.

Penalty:

Any person violating or abets the violation of any of the regulations shall be punishable with a fine which shall not be less than Rs.25/-or more than Rs.2000/- and if the breach is continuing one, with a further fine of Rs.10 /- for every day after the first offence during which the breach continues, subject to maximum of Rs.2000/- . Such fine shall be impose4d by the licensing authority or any other officer authorized in behalf of the council.

FINDINGS

General Findings:

1. No proper information on the rules and regulations which regulate the trades in Agartala. Application for information under the Right to Information Act also didn't yield a reply from the Agartala Municipal Council. So the study in Agartala can provide only the details of cycle rickshaw.
2. Cycle rickshaws are regulated as per the directions of AGARTALA MUNICIPL COUNCIL (REGULATION OF REGISTRATION, LICENSE AND TAX CARTS AND CARRIAGES) ORDERS 2000.
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5. No person can ply or give the carriage to ply without a license to ply the carriage.
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7. An application for the registration of the carriage shall be made in the prescribed form to the licensing authority within seven days from the date of talking delivery or possession of the cart or carriage and shall be accompanied by the registration fees as prescribed. After verification of the documents and inspection of the carriage, the licensing authority shall issue the certificate of registration to the

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 11. An application for the renewal of a license to ply or pull a carriage and registration of a carriage shall be made at least 30 days before the date of expiry of the license or registration, as the case may be.
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 14. The license is not allowed to be transferable. When a licensee changes his occupation or transfer the possession or ownership of the licensed carriage, he shall report the changes or transfer and surrender the license to the licensing Authority within 15 days of such transfer.
 15. On surrender of the license, the licensing Authority shall refund such portion of the fees as relates to the unexpired period of the license. The original licensee shall liable as proprietor of the carriage until such transfer is reported and such name is substitute in the license.
 16. The assessor or any authorized officer of the council shall from time to time verify the documents of carriages to regulate within the council area and shall seize unauthorized carriages.
 17. If any carriage is seized by the assessor or any authorized officer on the ground that the license has not been renewed, the seized carriage shall be kept under custody of the assessor or the authorized officer for maximum period of 15 days within which the defaulting holder shall take back the seized cart or carriage on the payment of fine and production of valid documents failing which the cart or carriage so seized shall be sold by auction after defacing the carriage to the highest bidder having valid license to ply or pull a carriage by the Assessor and the auction money shall be deposited into the Municipal fund.
 18. Any person violating or abets the violation of any of the regulations shall be punishable with a fine which shall not be less than Rs.25/-or more than Rs.2000/- and if the breach is continuing one, with a further fine of Rs.10 /- for every day after the first offence during which the breach continues, subject to maximum of Rs.2000/- .Such fine shall be impose4d by the licensing authority or any other officer authorized in behalf of the council.
 19. Every license issued and the registration granted shall be subject to the regulations detailed in the byelaws.