

Chandigarh Hand Cart (Control and Regulation) Bye-laws, 1975

PUNJAB

India

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Rule

CHANDIGARH-HAND-CART-CONTROL-AND-REGULATION-BYE-LAWS of 1975

- Published on 2 September 1975
- Commenced on 2 September 1975
- [This is the version of this document from 2 September 1975.]
- [Note: The original publication document is not available and this content could not be verified.]

Chandigarh Hand Cart (Control and Regulation) Bye-laws, 1975 Published vide U.T. Gazette Extraordinary dated 2-9-1975 No. UT-2460-F2-72/13365. - In exercise of the powers conferred by sections 188 and 199 of the Punjab Municipal Act, 1911 as amended by the Punjab Municipal (Chandigarh Amendment) Act, 1974, Act 59 of 1974, read with section 7A of the Capital of Punjab (Development and Regulation) Act, 1952 and after previous publication as required under section 200 of the Punjab Municipal Act read with section 21 of the Punjab General Clauses Act (Punjab Act I of 1898), the Chief Administrator hereby makes the following bye-laws for the purpose of controlling and regulating hand-carts in Chandigarh :-

1. Short title and commencement

. - (1) The bye-laws may be called the Chandigarh Hand Cart (Control and Regulation) Bye-laws, 1975. (2) They shall come into force on such date as the Chief Administrator may by notification in the Chandigarh Administration Gazette appoint after confirmation of these bye-laws under section 201 of the Punjab Municipal Act, 1911.

2. Definitions

- In these bye-laws, unless the context otherwise requires :- (1) "Authorised parking place" means the area notified by the Chief Administrator from time to time to be used for parking of handcarts. (2) "Authorised parking site" means a site in an authorised parking place which is allotted on licence basis in Form F to an individual. (3) "Handcart" means a cart driven manually or mechanically and used for hawking articles of sale. (4) The expressions "road" and "Street" include berm, footpath and pavement. (5) "Licencing Officer" means the officer appointed by the Chief

Administrator for the grant, renewal, revocation, suspension of licences and for discharging other functions under these bye-laws.(6)All other words used in these bye-laws but not defined shall have the meanings given to them under the Capital of Punjab (Development and Regulation) Act, 1952, and the rules, made thereunder.

3. Handcart Licence

- No person shall use a handcart unless he has obtained under these bye-laws :-(i)a licence in form 'A', and(ii)a driving licence in form 'C'.[Provided that in case of hand carts made for selling ice cream only, licence in form "A" may be held by manufacture's supplier of ice cream and the driving licence in form "C" may be held by the (sic) a (sic) driving the hand carts.] [Added vide U.T. Gazette Extraordinary dated 6.6.1978.]

4. Prohibited trades.

(1)No handcart shall be used for carrying on the trade mentioned in sub-clause (2) and such other trades as the Chief Administrator, may from time to time by notification in the official gazette specify in this behalf; provided that the Chief Administrator shall not specify any trade under this bye-law unless the same is likely to be harmful to the health, hygiene or sanitation of the general public or is otherwise against the interest of the general public.(2)Sale of raw meat or raw fish.(3)Cooking of meals and serving the same shall be permissible only if the licensee does not keep any stove, angithi, any other heating apparatus, tub, tin or any other article except on handcart itself and otherwise keeps the surrounding of his handcart neat and clean.

5. Design of Handcarts.

(1)No handcart shall be licensed under these bye-laws unless :-(i)it has pneumatic tyre wheels ; and(ii)it conforms to one of the standard designs approved by the Chief Administrator.(2)Handcarts which have already been licensed shall be suitably changed so as to conform to one of the Standard designs approved by the Chief Administrator within a period of six months from the coming into force of these bye-laws.

6. Ceiling on number of handcarts.

- The Chief Administrator may, subject to republication, by notification in the Official Gazette, from time to time, with the prior approval of the Government specify the maximum number of licences that may be issued for the use of handcarts in Chandigarh and in any authorised parking place of any trade or trades. In fixing the maximum number of licences, regard shall be had to the volume of traffic, the nature of the roads and the space available for parking, the problems of sanitation and other relevant factors.

7. Restrictions as to time and areas.

(1)The Chief Administrator may, from time to time by notification in the official gazette specify the time during which hand-carts may be parked and/or used for carrying on trade and different time may be specified for different trades.(2)No handcart shall be parked except during the specified time and in the "authorised parking site" and "authorised parking place" allotted to an individual licensee.(3)Except as provided in sub-clause (2) above, no handcart shall be kept standing on any road, street or other public land in order to wait for or cater to customers.(4)No handcart shall be taken over the pavements, footpaths or passages in front of or in between the shops or booths nor shall the same be parked except in authorised parking places.(5)No handcart shall be taken or used for carrying on trade in any area mentioned in Schedule I to these bye-laws.(6)The Chief Administrator may, with the prior approval of the Government, and by notification in the Official Gazette, from time to time, specify areas to be included in the said Schedule. In specifying areas to be included in the said Schedule, the Chief Administrator shall have regard to the volume of traffic, the nature of the roads, space available for parking and the problems of sanitation and other relevant factors.

8. Duration of Licences.

- Every licence issued or renewed under these bye- laws shall expire on the 31st day of March next following the date of issue or renewal.

9. Consequences on default in renewal.

(1)If any person fails to get his licence renewed within a period of fifteen days of its expiry, the Licensing Officer shall refuse to renew the Licence unless he is satisfied that the applicant was prevented for good and sufficient cause from presenting the application, for renewal in time.(2)The renewal, where permissible, shall be on payment of additional fee laid down in Bye-law 12 of these bye-laws.

10. Production of handcart.

(1)The Licensing Officer or any other official authorised by the Licensing Officer in writing shall be competent to inspect the hand-cart and the licences issued under these bye-laws at the spot at all reasonable times with a view to finding out that the provisions of these bye-laws are being complied with.(2)Every licensee shall bring the hand-cart to the office of the Licensing Officer or such other place as may be specified by the Licensing Officer in this behalf for inspection once a year.

11. Fees for grant and renewal.

(1)The following fees shall be charged for the issue and renewal of licences under these bye-laws:-

Rs.

- (a) Licence fee for issue of handcart licence 2.00
- (b) Licence fee for the renewal of handcart licence 2.00 p.a.
- (c) Licence fee for the issue of driver's licence 3.00
- (d) Licence for fee the renewal of driver's licence 3.00

Duplicate licence. - (2) If the handcart licence or driver's licence issued or renewed under these bye-laws is lost, mutilated or destroyed, the Licensing Officer may, if so desired, issue a duplicate licence on payment of the following fees :-

Rs.

- (a) Handcart licence 3.00
- (b) Driver's licence 1.00

12. Late fee for Renewal

. - Subject to the provisions of rule 9, where application for renewal of a licence is licence and handcart license respectively shall be paid. Provided that the maximum late fee payable in respect of any licence shall not exceed Rs. 25 in the case of Drivers' license and Rs. 50 in the case of Handcart licence. Explanation. - The provisions of the above bye-law are without prejudice to the penalty prescribed under bye-law 2 of these bye-laws.

13. Licensing fee for parking site.

- The Licensing Officer may on application in Form 'E' allot to a licensee of handcart authorised parking site. (2) The licence fee for authorised parking site shall be such as may be fixed by the Chief Administrator by notification in the official Gazette from time to time. Different rates of licence fee may be fixed for different authorised parking areas. (3) Licence fee shall be paid in advance by the 10th of the month to which it relates. (4) In case of default in the payment of the licence fee for any three months, the Licensing Officer, may, after giving the defaulter an opportunity of being heard cancel the license in respect of the authorised parking site and may allot such site to another person who is otherwise eligible under these bye-laws.

14. Application for licence.

(1) Every application for obtaining a handcart licence shall be made to the Licensing officer in form 'B' appended to these bye-laws. (2) Subject to these bye-laws, all applications shall be entertained and dealt with on the basis of first come first served. Provided that persons who had been given licences under the Chandigarh Handcart (Control and Regulation) Bye-laws, 1967 shall be given preference over those who had not obtained such licences: [Provided further that where the Licensee of a handcart dies or becomes incapable of driving the handcart on account of old age, infirmity, invalidity or any physical handicap, the Licensing Officer may, for reasons to be recorded in writing, grant a licence out of turn to his son or any other person, who was/is dependent on such licensee.] [Substituted vide U.T. Gazette Extraordinary dated 18.6.1978.] (3) In order to ensure a fair and reasonable distribution, the Licensing Officer shall not issue or renew licence for more than one hand-cart to one person, and (a) to a person who is himself carrying on any business or trade in any

shop or booth or having an interest in such business or trade; and(b)to a person who was holding a licence for hand-cart and has subsequently been allotted alternative commercial site/booth from the date of completion of construction of the shop/booth made on the site. Vide U.T. Gazette Extraordinary Date 25.5.1978. Page 263.

15. Number plate.

(1)The Licensing Officer shall supply on payment of one rupee a number plate to the owner of each handcart licensed under these bye- laws. In case the number plate supplied by the Licensing Officer is lost another number plate shall on application by the licensee be issued to him on payment of one rupee.(2)The owner of the hand-cart shall ensure that the number plate issued by the Licensing Officer is permanently affixed with nails or screws so as not to be easily removable from the handcart at a conspicuous place and same is not altered or defaced.(3)The name plate shall contain :- (a)the number of handcart licence ;(b)the number of driving licence ;(c)serial number of authorised parking site, if any; and(d)the number and sector of the authorised parking place, if any.

16. Form.

- Every application for a driver's licence shall be made in form 'D' and shall be accompanied by three passport size photographs of the applicant.

17. Conditions of eligibility.

- A driving licence shall not be issued unless the person satisfies the Licensing Officer that :-(1)he is more than 18 years of age at the time of making the application, and(2)he is physically fit to use or drive the handcart.

18. Non-transferability on licences.

- The licences granted under these Bye- laws shall not be transferable.

19. Production of driving licence.

- Every person authorised to use a handcart under these bye-laws shall keep with him his licence for the handcart as well as the driver's licence, and shall produce the same whenever required to do so by a police officer, the licensing officer and such other officer as may from time to time be authorised in writing by the Chief Administrator in this behalf.

20. General conditions of licences.

- (i) No licensee who has been allotted authorised parking site shall reside or use the parking site for sleeping, cooking of food or for any purpose other than that of carrying on his trade on the handcart and such a trade shall be carried only during specified hours.(ii)No licensee shall put up any

permanent or temporary structure nor fix any certain, tarpaulin, gunny bags or any other material in the authorised parking site :Provided that the licensee may provide himself and the rehri a cover affixed to the handcart;Provided further that such cover, curtain, tarpaulin, gunny bag or any other material shall not be fastened to anything except the handcart itself.(iii)No licensee shall stock any commodity, crate, packing, baskets or any other material around the handcart, and on the ground.(iv)The licensee shall not spread chairs, stools, tables cots, etc., around the handcart nor shall keep detached any angithi, chulha, tub, tin, khokha or any other article on the ground.(v)The handcart shall be maintained in good repairs to the satisfaction of the Licensing Officer.(vi)The licensee shall comply with such instructions as may be issued from time to time by the Medical Officer of Health, Chandigarh as to the manner in which articles of food and confectionery, if any, carried on the handcart are to be covered.(vii)The licensee shall not carry on any a trade which is prohibited under these bye-laws.(viii)No handcart shall be driven along any road or street from half an hour after sunset until half an hour before sunrise unless it carries a light in such a position as may be visible from a distance both from as well as the areas sides.(ix)The licensee shall be bound by the provisions of these bye-laws.

21. Cancellation and suspension of licence.

(1)Any licence issued under these bye-laws may be cancelled or suspended for reasons to be recorded in writing by the licensing officer for a breach of any of the conditions of licence or any of the provisions of the bye-laws.(2)Before cancellation or suspension, as the case may be, the licensing officer shall give the licensee concerned an opportunity, of being heard.(3)Pending action with regard to cancellation or suspension, the licensing officer may for reasons to be recorded in writing order interim suspension of the licence.

22. Appeal.

(1)Any person aggrieved by a decision or any order of Licensing officer made under Bye-laws 9, 3(4), 14(2), 17 and 21, may within 30 days from the date of such decision or order prefer an appeal to the Chief Administrator against such decision or order :Provided that the Chief Administrator may for good and sufficient reasons entertain an appeal after the expiry of the period of limitation prescribed under sub-bye-law (1) of the bye-law.(2)The decision of the Chief Administrator on the appeal preferred under sub-bye-law (1) shall be final.

23. Penalties.

(1)Any person who commits a breach or an abetment of a breach of any of the provisions of these bye-laws shall, on conviction by a Magistrate, be punishable with a fine which may extend to two hundred rupees ; and if the breach is a continuing one, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.(2)In lieu of or in addition to a fine referred to in sub-clause (1) of this bye-law the Magistrate may require the offender to remedy the mischief so far as is within his power.(3)Without prejudice to the generality of the foregoing sub-clauses of this bye-law, if any person is convicted for the breach or abetment of breach of bye-law 3 and it is proved that such person was convicted of a like offence on not less than

two previous occasions, then, the court, before which the third or subsequent conviction takes place, may order the confiscation of the handcart employed for hawking articles for sale.

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Areas where use of handcarts is prohibited :

1. Capital Complex.

2. Leisure Valley.

3. City Centre Sector 17 and Sub-City Centre Sector 34.

4. Dam on Sukhna Lake

Form 'A'[Bye-Law 3(1)]Licence For HandcartShri _____, son of _____ is allowed to use or papel handcart in Chandigarh from _____ to _____.

1. Address.

2. Token No.

3. Register Serial No.

4. Dated.

Licensing Officer, Chandigarh. Form 'B'[Bye-Law 14(1)]Application for Hand-Cart LicenceToThe Licensing Officer, Chandigarh. Sir, The applicant submits that he may be granted a licence for handcart. The necessary particulars are given below :

1. Name of the owner

2. Father's name

3. Full local address

4. Trade for which required

5. Last Year's Token No.

6. Last Year's register Serial No.

7. Period for which licence applied

8. Whether fresh licence or renewal

Yours faithfully, Signature of Thumb Impression of the applicant
Declaration I solemnly declare that the particulars furnished above are correct.
Yours faithfully, Signature or Thumb Impression of the Applicant.
For Office Use

1. (a) Specifications of the hand-cart checked and found fit for the issue of licence. Cashier to please accept a sum of Rs. _____ Ps. _____ as fee and charges for token plate.

Licence Inspector

2. Received a sum of Rs. _____ Paise _____ only, _____ vide receipt No. _____ Book No. _____, dated _____

Cashier Estate Officer

3. Licence be issued.

Licensing Officer, Chandigarh.

4. Received licence and token for my hand-cart.

Signature of the applicant with date. Form 'C' [(Bye-Law 3(2)) Hand-Cart Driver's Licence
Shri _____ is authorised to use or propel a hand-cart within the limits of Chandigarh from the 1st April, 19____, to the 31st day of March, 19____. Description of Licensee

1. Name

2. Father's name

3. Address

4. Register Serial No.

Licensing Officer, Chandigarh.-----Form 'D'[(Bye-Law 16)]Application for Driver's Licence To The Licensing Officer, Chandigarh. Sir, The applicant submits that he may be granted a licence to use or propel a hand-cart in Chandigarh. The necessary particulars are give below :

1. Name

2. Father's name

3. Local full Address

4. Permanent home Address

5. Age

6. The following documents are attached herewith :-

(i) A certificate from a registered medical practitioner certifying as to age, physical fitness to drive hand-cart and identification marks. (ii) Three passport size prints of the photographs of the applicant. (iii) A certificate of good character, obtained from a Gazetted Officer or a number of the Local Advisory Committee.

7. Last Year's Register Serial No.

Yours faithfully, Signature or Thumb Impression of the Applicant. For the Office Use

1. Cashier may please accept a sum of Rs. _____ for Driver's Licence.

Licence Inspector/Clerk.

2. Received a sum of Rs. _____ only, vide Receipt No. _____ dated _____, Book No. _____

Cashier, Estate Office.

3. Licence be issued.

Licensing Officer, Chandigarh.

4. Received licence and identity card.

Signature of the applicant with date. Form 'E' Application for the Allotment of Authorised Parking Site To The Licensing Officer, Chandigarh. Sir, I hold hand-cart licence No. _____ for the year _____ and request that an authorised parking site may be allotted to me in Sector _____ Authorised Parking Place. A sum of Rs. _____ as licence fee for the year _____ is enclosed. I shall abide by the Chandigarh Hand-cart (Control and Regulation) Bye-laws, 1975; as well as any other direction issued by the Chief Administrator/Licensing Officer. Yours faithfully, Name Address----- Form 'F' Authorised Parking Site Licence [See Bye-Law 2(2)] Shri _____ Hand Cart licence No. _____ is authorised to park his hand-cart in Authorised Parking site No. _____ in Authorised Parking Place, Sector _____ for the period from April _____ to March _____ on the terms and conditions laid down in the Chandigarh Hand-cart (Control and Regulation) Bye-laws, 1975, and such other directions as may be issued either generally or specially by the Chief Administrator/Licensing Officer. Licensing Officer, Chandigarh. Chandigarh Administration [The 2nd September, 1975] No. UT-2460-F2-75/13368. - In exercise of the powers conferred by section 201 of the Punjab Municipal Act, 191, as applicable to Chandigarh, the Chief Commissioner is pleased to confirm the Chandigarh Hand-cart (Control and Regulation) Bye-laws, 1975, framed by the Chief Administrator under sections 188 and 199 of the Punjab Municipal Act, 1911, read with section 7-A of the Capital of Punjab (Development and Regulation) Act, 1952, published, vide Chandigarh Administration notification No. UT-2460-F2- 75/13365, dated September, 1975, and is further pleased to direct that the said bye-laws shall come into force on 10th day of September, 1975. K.K. Mookerjee, Finance Secretary, Chandigarh Administration.