

Haryana Municipal (Control of Vehicles and Carts Drawn By Animals) Bye-laws, 1978

HARYANA

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Rule

HARYANA-MUNICIPAL-CONTROL-OF-VEHICLES-AND-CARTS-DRAWN BY ANIMALS, 1978

- Published on 17 February 1978
- Commenced on 17 February 1978
- [This is the version of this document from 17 February 1978.]
- [Note: The original publication document is not available and this content could not be verified.]

Haryana Municipal (Control of Vehicles and Carts Drawn By Animals) Bye-laws, 1978Published vide Haryana Government Notification No. GSR 18/HA24/73/Sections 200 and 214/Amd(1)/78 dated 17.2.1978

1.

(1)These bye-laws may be called the Haryana Municipal (Control and Vehicle and Carts Drawn by Animals) Bye-laws, 1978.(2)They shall apply to all the municipalities.

2.

In these bye-laws, "vehicle" means any vehicle or cart drawn by one or more animals including horses, mules or bullocks.

3.

No person shall keep any vehicle or ply if for hire or allow any vehicle of which he is the owner to be kept or plied for hire within the municipality except under a licence granted in this behalf by an officer duly authorised by the committee (hereinafter called the licensing officer).

4.

(1)An application for a licence under bye-law 3 shall be made in a form to be prescribed and supplied free of charge by the committee.(2)Licence shall be issued in form A appended to these bye-laws on payment of fees prescribed in bye-laws 6 and subject to the conditions specified in bye-laws 9 and 10.(3)A licence under bye-law 3 shall not be issued unless the following conditions are fulfilled:-(i)that it is in good order in every respect and capable of comfortable drawn by the animal;(ii)that it is provided with suitable lamps in good condition;(iii)that the harness of the animal is complete and serviceable;(iv)that the animal to be used to draw it is in good health and fit for and thoroughly broken for the work required of it, free from vice, not under three years of age and not less than 130 cms. in height provided that the licensing officer may pass an animal under 130 cms. if, in his opinion, it is strong and has the capacity to draw the vehicle it is required to draw.

5.

For the purpose of licences, vehicles shall be divided into the following 3 classes, namely;Class I - Bagghis and Victorias drawn by two horses.

Class II - { (i) Bagghis and Victorias(ii) Tongas with rubber tyers } Drawn by one horse

Class III - Carts, Gaddas, Thelas, Rehras and other goods carries driven by one or more than one animals.

6.

(1)A separate licence shall be obtained for each class of vehicle.(2)[The fees payable for the issue and renewal of licences shall be as given in the table below, namely] [Bye-law 6(2) substituted vide Haryana Government Notification No. GSR 52/..../Amd II/79, dated 18th May, 1979.] :-Table

Serial No. Class of Vehicle Fee

1	2	3
1.	Class I	[one rupee]* per annum
2.	Class II	[one rupee]* per annum
3.	Class III	[one rupee]* per annum

*Substituted by Haryana Notification No. S.O.62/H.A.24/1973/Sections 214 and 200/2007. Dated 13.7.2007.

7.

In case a licence is lost or destroyed, a duplicate licence shall be issued on payment of a fee of [one rupee] [Substituted for the words 'five rupees' by Haryana Notification No. S.O.62/H.A.24/1973/Sections 214 and 200/2007. Dated 13.7.2007.].

8.

The maximum rates to be charged for the hire of licensed vehicles shall be fixed by the committee from time to time with the prior approval of the Deputy Commissioner.

9.

(1) The maximum number of persons and the maximum load to be carried by licensed vehicles shall not exceed those as shown in the table below :Table

Class of vehicle	Number of permissible persons	Permissible load
1	2	3
Class I	Seven persons including the driver and syce	500 Kg.
Class II	Six persons including the driver and syce	400 Kg.
Bagghi and Victoria Tonga	Five persons including the driver	340 Kg.
Class III	Two persons including the driver	1000 Kg.

Explanations. - (1) The combined weight of the passengers and luggage, if any, which may be carried at a time shall not exceed the maximum weight specified in column 3 of the table given in clause (1).(2) For the purpose of clause (1), two children under twelve years of age shall be considered to be one person.(3) For the purpose of clause (2) every passenger of the age of twelve years and above shall be considered to weigh 60 kilograms and that under 12 years of age to weigh 30 kilograms :Provided that no account shall be taken of children under three years of age.

10.

(1) Licences under bye-law 3 shall be subject to the following conditions, namely :-(i) that the licensee shall keep the licensed vehicle clean and in good repairs and that he shall keep the harness and lamps complete and in serviceable condition;(ii) that he shall not use or suffer to be used any animal to draw the licenced vehicle, which has not been approved by the licensing officer or any animal which is lame or has sores or is otherwise unfit for work;(iii) that he shall not demand any fare in excess of the maximum fare fixed under bye-law 8;(iv) that he shall not carry or permit to be carried in or on the licensed vehicle persons or load in excess of the number of persons or the load prescribed in bye-law 9;(v) that he shall not permit the licensed vehicle to be driven by any person who has not been licensed as a driver of such vehicle under bye-law 12;(vi) that he shall give the licensed vehicle on hire together with the necessary animal or animals and a driver to any person demanding it at any reasonable time. He shall not refuse to do so except for good and sufficient reason the burden of proving which shall lie on him;(vii) that he shall cause to be affixed to the licensed vehicle on a conspicuous place, the licence granted in respect of such vehicle for the current year and copy of the authorised table of fares printed in Devnagri script and Roman figures. He shall keep the number and class of the license granted in respect of such vehicle clearly painted on a conspicuous place on either side of such vehicle;(viii) that he shall not carry or permit to be carried in the licensed vehicle any article which projects more than three feet from the rear of such

vehicle;(ix)that he shall not carry or permit to be carried in the licensed vehicle any person whom he knows or has good and sufficient reason to believe to be suffering from any infectious or contagious disease or the corpse of any person who has died of such disease, except with the permission in writing of the Chief Medical Officer/or the Medical Officer of Health or Office-in-Charge of the Hospital or the nearest Health Centre or Dispensary in which case he shall cause the licensed vehicle to be disinfected to the satisfaction of the Health Officer before the vehicle is used to carry any other person for hire or otherwise;(x)that he shall cause to be deposited at the nearest police station any property found left in the licensed vehicle;(xi)that he shall cause the licensed vehicle together with the animal or animals which draw it to be produced for inspection whenever required to do so by the licensing officer;(xii)that every licensed vehicle of Class I or Class II shall carry between the sun set and sun rise, two lights one on each side and a vehicle of Class III one light on right side of a pattern and in the manner specified by the committee in this behalf;(xiii)that when plying after dark, the vehicles shall have four cat's eye or red reflectors fixed on the back side and two cat's eye or red reflectors fixed on the front side. These reflectors should -(a)be kept clean at all times; and(b)not be covered by luggage or other goods in the vehicle.(2)For breach of any of these conditions, the licence may be suspended or revoked by the licensing officer.

11.

(1)No person shall drive a licensed vehicle for hire within a municipality except under a licence granted, in this behalf, by the licensing officer for driving that class of vehicle. A person may be granted a licence for plying more than one class of vehicles, on payment of necessary fees.(2)The committee shall also provide with a metal badge along with each licence.(3)An application for a driving licence shall be made in the form and to be supplied free of charge by the committee.(4)A driving licence shall be issued in form A.

12.

A licence under bye-law 11 may be granted to any person of not less than 18 years of age on payment of fees prescribed in bye-law 13 and subject to the conditions specified in bye-law 14.

13.

(1)The fees payable for a driving licence shall be as follows :-

Class I and II vehicles ... [one rupee]* per annum

Class III vehicles [one rupee]* per annum

*Substituted by Haryana Notification No. S.O.62/H.A.24/1973/Sections 214 and 200/2007. Dated 13.7.2007.(2)In case a driving licence is lost, mutilated or destroyed a duplicate licence shall be issued on payment of a fee of [one rupee] [Substituted for the words 'three rupees' by Haryana Notification No. S.O.62/H.A.24/1973/Sections 214 and 200/2007. Dated 13.7.2007.].

14.

A licence to drive a licensed vehicle shall be granted subject to the following conditions:-(i)that the licensee shall always, when driving a licensed vehicle, carry with him his driving licence and shall, on demand, produce it for the inspection to any person hiring such vehicle or to any police officer or to any officer of the committee authorised in this behalf;(ii)that the licensee shall always, when driving a licensed vehicle wear on his arm a metal badge which shall be supplied to him by the committee along with the licence;(iii)that the licensee shall always, when driving a licensed vehicle, wear the uniform as may be prescribed by the committee and shall keep such uniform clean and tidy;(iv)that the licensee shall drive with due care and precaution and shall observe all rules of the road and all regulations for the control of traffic which may have been or may be issued by the police or by the District Administration, and in particular he shall before stopping a licensed vehicle indicate his intention of stopping by raising his hand and before turning to the right or left shall indicate his intention of so turning by extending his arm to the right or left, as the case may be;(v)that he shall keep the licensed vehicle, for which he may be incharge, clean and shall not put his feet on any seat of the vehicle and shall get it disinfected in accordance with the directions of any of the officers mentioned in bye-law 10(1)(ix);(vi)that he shall not cruelly beat, ill treat, overdrive or in any other way misuse any animal in a licenced vehicle and shall not drive any animal which has not been approved by the licensing officer or any animal which is lame or has sores or is otherwise unfit for work;(vii)that he shall not demand any fare in excess of the fares fixed under bye-law 8;(viii)that he shall not carry persons or load, in a licensed vehicle, in excess of that prescribed in bye-law 9;(ix)that he shall not derive a licensed vehicle while suffering from any infectious or contagious disease, and shall not, while incharge of a licenced vehicle, make use of insulting, abusive or obscene language or gestures;(x)that he shall not keep a licensed vehicle waiting for hire anywhere except at the places fixed by the committee as stands for licensed vehicles and that he shall comply with the orders of the police as to the manner in which licensed vehicles may wait on such stands;(xi)that he shall not, while, plying the hire, drive a licensed vehicle at a speed exceeding 13 kilometres per hour;(xii)that he shall immediately deposit at the nearest police station any property which he may find left in a licenced vehicle;(xiii)that he shall not carry or permit to be carried on a licensed vehicle, of which he is incharge, any article which projects more than one foot from the side or more than three feet from the front or rear of such vehicles;(xiv)that he shall not carry in a licensed vehicle any person whom he knows or has good and sufficient reasons to believe to be suffering from any infectious or contagious disease or the corpse of any person who has died of such disease, unless the permission in writing of the Chief Medical Officer or Medical Officer of Health or Officer incharge of the Hospital or the nearest Health Centre or Dispensary has been obtained for the use of such vehicle for such purpose and in such a case he shall not subsequently carry any other passenger in such vehicle whether for hire or otherwise until such vehicle has been disinfected to the satisfaction of the Health Officer;(xv)that he shall not without reasonable cause, the burden of proving which shall lie upon him, refuse to give on hire a licensed vehicle of which he is incharge to any person who demands it;(xvi)that no person while plying a cart or driving a vehicle shall be under the influence of drink or any intoxicating drug and shall not sleep;(xvii)that no person shall make use of any insulting abusive or absence language or gestures when plying a cart of driving a vehicle on hire.

15.

A licence granted under these bye-laws shall be valid up to the end of Financial Year i.e. up to the 31st day of March following the date of issue.

16.

(1)The licensing officer may grant or refuse a licence under these bye- laws. In case of refusal, the grounds therefor shall be recorded and communicated to the applicant within a week of such refusal.(2)The licensing officer may suspend or revoke and licence granted under these bye-laws, if he has reason to believe that the licensee has committed a breach of any of the conditions on which the licences was granted.(3)Any person aggrieved by an order of the licensing officer may appeal in writing to the committee, against the order within thirty days of the date of communication of the order, whose decision shall be final.[17. No licence issued under these bye-laws shall be transferable. When a licensee changes his occupation or transfers the possession of ownership of the licensed vehicle, he shall report such change or transfer, as the case may be, and surrender his licence for cancellation, to the committee within a period of seven days of such change or transfer. On surrendering the licence the committee shall refund to the licensee such portion of the fee as relates to the unexpired period of the licence.] [Bye-law 17 substituted vide Haryana Government Notification No. GSR 120/...../Amd (1)/78, dated 8th December, 1978.]

18.

Any person who commits a breach or abets the breach of these bye-laws shall on conviction by a magistrate be punishable with a fine which shall not be less than twenty-five rupees, and more than two hundred rupees, and when the breach is continuing breach, with a further fine of ten rupees for every day after the first during which the breach continues.

19.

Nothing in these bye-laws shall apply to the proprietors or drivers of vehicles and goods carriers coming from outside the municipal limits to the markets of grains, vegetables, fruits and other commodities within a municipality.

20.

Any bye-law relating to vehicles and carts drawn by animals in force in the municipalities immediately before the commencement of these bye-laws shall stand repealed :Provided that any order made or action taken under the bye-laws so repealed shall be deemed to have been made or taken under the corresponding provisions of these bye-laws.Form A(See Bye-laws 4 and 11)Licence to keep or to ply for hire or to drive a vehicle under the Haryana Municipal (Control of Vehicles and Carts Drawn by Animals) Bye-laws, 1977.Name of Municipality_____

1. No. _____

2. Date _____

3. Name _____

4. Address _____

is licensed to keep or to ply for hire or to drive a vehicle mentioned below under the Haryana Municipal (Control of Vehicles and Carts Drawn by Animals) Bye-laws, 1977.

Class of vehicles Purpose of the licence

5. The licence is valid up to _____

6. The licence is subject to the conditions laid down in the abovesaid bye-laws.

Signatures of the Licensing Officer Entries for Renewal