

Govt. of Himachal Pradesh
Local Self Govt. Department

NOTIFICATION

Dated Simla-2,

No. LSG-A(9)-8/81

In exercise of the powers conferred by Section 397 of the Himachal Pradesh Municipal Corporation, Act, 1979 (Act No. 29 of 1979) the Governor, Himachal Pradesh having approved the "Simla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws" framed by the Municipal Corporation Simla in exercise of the powers conferred by Section 395(j)(6) of the above Act is pleased to notify the same in the official Gazette.

THE MUNICIPAL CORPORATION, SIMLA (CONTROL AND REGULATION) HAWKERS BYE-LAWS.

Short title and commencement.

These bye-laws may be called "The Simla Municipal Corporation (Control and Regulation) Hawkers Bye-laws 1982."

1. They shall come into force after 30 days from the date of their publications in the official gazette.

2. In these byelaws unless the context otherwise requires:-

a) deposit means to place any articles on or above the surface of a public street for the purpose of sale;

b) "Hawkers" means a persons who deposits good for sale in a public street and includes a Behangiwalla, Khonchewala, and Pariwalla;

c) "Licencing Officer" means the officer appointed by the Commissioner for granting licence under these bye-laws.

3. No Hawker shall deposit or cause to be deposited goods for sale or other articles in any public street within Simla City except under the written permission granted by the Commissioner, Municipal Corporation, Simla or the licencing officer authorised by him in this behalf in the form of a licence in form annexed to these byelaws subject to the conditions contained in the said written permission.

The licence fee shall be decided by the Commissioner Municipal Corporation, Simla from time to time.

5. Such permission shall, unless, specified otherwise in the licence be valid for all public streets in Simla city subject to such conditions as may be imposed.

6. The Commissioner or the licencing officer may limit the time *during* which Hawkers may be permitted to operate

either generally or specially in respect of any class of articles or in any particular public street.

7. The license shall not be transferable except to a member of the family previously nominated or otherwise qualified with the permission of the Commissioner or licensing Officer authorised by him in this behalf.

8. The license shall not be granted to :-

- a) a person suffering from any loathsome, infectious or contagious disease;
- b) a person under the age of twelve years;
- c) a person convicted for unlawful sale or possession under the excise, opium or Dangerous Drugs Acts within three years of the date of conviction, or
- d) a person who has been found to have habitually committed to breach of these bye laws or of the terms of the license.

9. Subject to bye-laws 8, license to any person who applied in writing to the Commissioner or officer authorised by him in this behalf and tenders the prescribed fee shall be granted by that officer, unless for reasons to be recorded in writing by him, he considers the applicant not a fit person for the grant of such a license.

10. The license shall be liable to pay Teh-bazari in addition to the license fee at the rates to be decided by the Commissioner, Municipal Corporation from time to time, Teh-bazari shall be charged weekly in advance.

11. If the Commissioner or the officer duly authorised by him in this behalf is satisfied, after giving an opportunity to the person to whom the license has been granted to explain any circumstances appearing against him, that a breach of these byelaws or any of the conditions of the license has been committed, he may not withstanding any other penalty to which the person to whom the license has been granted may be liable under these byelaws or any other laws cancel or withdraw the license. In such case the license will have to quit and vacate the premises within the period given to him.

12. No substitutes and alternate accommodation will be provided by the Corporation.

13. In case the Teh-Bazari falls into arrears for a month, his license will be deemed to have been cancelled and he will

have to vacate the site and the teh-bazari dues shall be recoverable as arrear of taxes.

14. No licensee shall use the site more than the sanctioned one i.e. 1x1½ metre (one metre in breadth and 1½ metre in length) and if any extension is detected action against him will be taken by the Corporation Health Officer under section 247 and 427 of the H.P. Municipal Corporation Act, 1979.

15. The licensee will have to keep the site at all times in a clean and sanitary condition to the satisfaction of the corporation Health Officer. The licensee shall not dig or cause to be dug any pit upon the site for keeping refuse, rubbish etc. thereon.

16. The licensee will have to get the permission renewed after the expiry of each financial years.

17. The licensee may take care that there should not be any hindrance in the traffic due to his occupation of the site.

18. The licensee shall not arise any type of structure whatsoever at the site of his hawking.

19. Any person who committs a breach of these bye-laws shall, on conviction by a Magistrate, be punishable with fine which may extend to one hundred rupees and when the breach is a continuing breach with a fruther fine-which may extend to twenty rupees for every day after first during which the breach continues.

FORM-A

License to deposit goods for sale or other articles on a public place.

NOT TRANSFERABLE

No. _____

_____ Hawker is hereby permitted to deposit the following goods for sale or other articles from _____ A.M. to _____ P.M. subject to the conditions specified on the reverse.

Fee _____
 Name of goods _____
 Attested Photograph. _____
 Signature or thumb mark of the hawker. _____
 Date _____

Licensing officer.

CONDITIONS

1. The licensee shall keep his license with him and shall produce it on demand by the licensing officer or other officer authorised by the Commissioner of the Municipal Corporation or Police officials.
2. The licensee shall not deposit his goods for sale in a public street for longer hours than is necessary to effect the sale and in particular shall not deposit his goods for display when not actually attending to a customer.
3. The licensee shall not hawk any other articles not included in the license.
4. The licensee shall carry with him a receptacle for waste matter and shall deposit or cause to be deposited by his customers all waste matter from his goods therein.
5. The licensee shall not salt or deposit his goods for sale on any manhole, sewer gutter or grating.
6. The licensee shall protect with fly-proof cover all articles liable to attract flies.
7. The licensee shall on demand permit any sanitary Inspector to inspect or take any sample of any article of food or drink and such officer shall have the power to destroy irrespective of the permission, any article of food or drink which he deems to be unwholesome.
8. The licensee and the person or persons in his employ attending to the customers shall be cleanly clad and shall not be in any loathsome, infectious or contagious condition.
9. The licensee shall obey all such instructions as may be issued by the Commissioner of health department.

Char. No. _____

P. 15

Receipts

Charge

12/11/19...

P. 575

भारत का राष्ट्रीय प्रतीक

and cleanness or artlessness of food or drink.

10. Soliciting alms by the licensee or any person accompany him shall render the license liable to cancellation.

11. The licensee shall not carry or ring any bell or use any mechanical or other contrivance to attract customers.

12. Any breach of terms of the license of the byelaws shall render the license liable to cancellation or withdrawal without prejudice to any other penalty to which the person to whom the license has been granted may have rendered himself liable. In that case the licensee will have to quit and vacate the premises within the period given to him.

13. The licensee shall be liable to pay teh-bazari in addition to the licensee fee, at the rates to be decided by the Commissioner, Municipal Corporation, Simla from time to time. Tehbazari shall be charged weekly in advance.

14. No substitute and alternate accommodation will be provided by the Corporation.

15. In case the Tehbazari falls into arrears for a month, his license will be deemed to have been cancelled and he will have to vacate the site and the Tehbazari dues shall be recoverable as arrear of taxes.

16. No licensee shall use the site more than the sanctioned one i.e. 1 metre x 1 1/2 metre (one metre in breadth and 1 1/2 metre in length) and if any extension is detected action against him will be taken by the Corporation Health Officer under section 247 and 427 of the H.P. Municipal Corporation Act, 1979.

17. The licensee will have to keep the site at all times in a clean and sanitary condition to the satisfaction of the Corporation Health officer. The licensee shall not dig or cause to be dug any pit upon the site for keeping refuse or rubbish etc. thereon.

18. The licensee may take care that there should not be any hindrance in the traffic due to his occupation of the site.

68
67
:6:

shall not raise any type of structure
site of his hawking.

By order,

Secretary (LSG) to the
Govt. of Himachal Pradesh.

No. LSG-A(9)-8/81 dated Simla-2 the 4-4-83

Copy forwarded to :-

1. The Deputy Controller, Printing and Stationery H.P.
for favour of pu-blication in the extra ordinary Rajpatra.
A copy of the Rajpatra containing the above Notification
alongwith 4 spare copies may kibdly be supplied to this
Department.
2. The Divisional Commissioner, H.P. Simla for information
3. The Deputy Commissioner, Simla Distt. Simla for
information.
4. The Commissioner, Simla Municipal Corporation, Simla
infromation and necessary action with reference to
letter No. CS/CA/886/Govt.81-1464 dated 7.4.1982.

[Signature]
Under Secretary (LSG) to
Govt. of Himachal Pradesh

16

Incharge of
का नाम पता

सं०

अधि

शाहि

को

गई

अनु

12/4

20/9/82

Simla
Hakkar
H. K.

M.H.