

## **HYDERABAD MUNICIPAL CORPORATION LICENSING OF HAND CARTS BYE LAWS, 1973**

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## **HYDERABAD MUNICIPAL CORPORATION LICENSING OF HAND CARTS BYE LAWS, 1973**

In exercise of the powers conferred by Section 586 (2) of the Hyderabad Municipal Corporations Act, 1955, (Hyderabad Act II of 1956), the Municipal Corporation of Hyderabad makes the following bye-laws.

### **1. Short title, and commencement :-**

(a) These bye-laws may be called the Hyderabad Municipal Corporation Licensing of Hand-carts Bye-laws, 1973.

(b) They shall come into force from the date of their [publication in the Andhra Pradesh Gazette.]

### **2. Definitions :-**

(a) In these bye-laws, unless the context otherwise requires-

(i) 'Act' means the Hyderabad Municipal Corporations Act, 1955 (Hyderabad Act II of 1956);

(ii) 'Hand-Cart' means a vehicle for the conveyance of goods pulled, pushed or propelled by one or more men;

(iii) 'Section' means section of the Act.

(b) Words used but not defined in these bye-laws shall have the meaning assigned to them in the Act.

### **3. Prohibition to keep Hand cart Without Licence :-**

(i) Every person wishing to drive a hand-cart or keep a hand-cart for hire shall apply to the Commissioner in the form in Annexure I to these bye-laws, thirty days before for the commencement of the financial year for which the grant of fresh licence for the year or renewal thereof has been sought for, provided that belated applications, with an additional fee as mentioned below may be however received on reasonable grounds.

(a) upto 60 days 25% of the licence fee.

(b) over 60 days 50% of the licence fee.

(ii) Subject to the provisions of Section 240 of the Act and the rules and bye-laws made thereunder, no person shall keep a hand-cart within the Municipal limits of Hyderabad and Secunderabad except under a licence granted in that behalf by the Commissioner or any other officer authorised by him in this behalf on payment of such tax as may, from time to time, be fixed under sub-section (1) of Section 239 read with Section 186 of the Act.

(iii) No person shall act as a driver of hand-cart except under a licence granted in that behalf by the Commissioner or any other officer authorised by him in this behalf, on payment of such fee as may, from time to time, be fixed by the Commissioner with the approval of the Corporation.

(iv) When a licence is refused, the applicant will be entitled to a refund of 2/3 of the fee paid by him, and the same, less the money order commission, will be remitted to him by money order after expiry of fifteen days from the date of refusal provided that no petition for reconsideration is pending at that time. Where a petition for reconsideration has been rejected, the amount due will be refunded immediately thereafter.

### **4. Condition for Grant of Licence :-**

Licence in the form in Annexure II to these bye-laws for keeping a hand-cart for hire may be granted by the Commissioner or any other officer authorised by him, in this behalf, to the keeper thereof on condition that he shall hire it only to a person who-

(a) is not less than 18 years of age;

- (b) is not suffering from a contagious or infectious disease;
- (c) knows how to ply and control the hand-cart in a public street and is in all respects a fit person for the job; and
- (d) knows the rules of the road and understands traffic control signals.

**5. Period of Licence :-**

Every licence granted under Bye-law 4, shall expire on the 31st of March of the financial year for which the licence has been granted next following.

**6. Number to be assigned along with the Licence :-**

- (a) While granting a licence, the Commissioner or any other officer authorised by him in this behalf, shall assign a number which shall be painted on a conspicuous part of the hand-cart.
- (b) The painting of the number shall be of such pattern, design and colour as the Commissioner may decide for any year and a sum of 50 paise shall be charged therefor.
- (c) The number shall be painted by a person appointed for the purpose or by the approved contract, at such place as may be specified by the Commissioner or any other officer authorised by him in this behalf.
- (d) A fresh sum of 50 paise shall be charged for repainting the number when such repainting becomes necessary for any reason.
- (e) The owner of the hand-cart is responsible for getting the licence number painted only.

**7. Licence not Transferable :-**

Any licence granted under these bye-laws shall not be transferable.

**8. Conditions of licence :-**

Every licence granted under Bye-law 4 shall include the following conditions, namely:-

- (i) the hand-cart shall not be hired to a person in a state of intoxication;
- (ii) The body of the hand-cart shall always be kept clean and in good repair, and all boards shall be strong and properly secured;
- (iii) the wheels shall be strong and sound;

(iv) the licence number shall not be removed, altered, defaced or obliterated.

**9. Conditions of driving and hand cart :-**

(1) The maximum load to be carried on hand-cart shall not exceed 466 kilograms at any time;

(2) all load carried on a cart shall be properly fastened and secured so as to prevent any portion of the load falling from the cart and no part of any load on a hand-cart shall project beyond the limits of the hand-cart unless special permission is granted by the Commissioner or any official authorised by him in this behalf;

(3) cart laden with bamboos, iron rods, pipes, timbers and other materials of similar character, projecting beyond the cart must be in charge of not less than 3 men of whom one shall go in front and another behind. Red flags shall be fixed at the extreme projected ends of the loads so carried and one extra red light shall be fixed at each such projected end after sunset;

(4) a light visible from every side shall always be provided in a conspicuous place in the hand cart while plying in a public street after the lighting up time;

(5) every driver or puller in charge of a cart shall drive his cart on the extreme left of the road in a line with and in rear of any other cart proceeding in the same direction and he shall not make any attempt to overtake and pass the cart or any other vehicle moving immediately in front of his cart;

(6) while loading and unloading in a public street, the hand-cart shall be kept parallel to and as close as possible to, the outer edge of the footpath, and parallel to the extreme edge of the public street if there be no foot-path;

(7) the hand-cart shall not be parked, when waiting for hire at any place on a public street except at the place specified for the purpose;

(8) the person in charge of the hand-cart shall, while plying the hand-cart, keep with him the licence for the hand-cart and shall produce it when asked to do so by any official of the corporation authorised in this behalf, a Municipal Magistrate, a Police Officer;

(9) the license shall attend in person whenever called upon to do so

by the commissioner;

(10) the hand-cart shall be brought to such place as may be specified by the Commissioner for examination, whenever required for the purpose.

**10. Seizure and Detention of Unlicensed Hand cart :-**

Unlicensed hand-carts whether private or taxi, shall be seized, detained, and sold in accordance with the provisions of Section 275 of the Act. If the sale proceeds do not cover fully the arrears to tax, the fees and the expenses incidental to the seizure, detention and sale of the property, the balance due may be recovered from the person responsible as arrears of property tax.

**11. Punishment for Breach :-**

Whoever commits a breach of any of the provisions of bye-laws 6 (a) and 9 shall be punishable.

(a) with fine which may extend to rupees one hundred and in case of a continuing breach, with fine which may extend to rupees ten for everyday during which the breach continues, after conviction for the first breach.

(b) with fine which may extend to rupees ten for everyday during which the breach continues after receipt of a written notice from the Commissioner or any Municipal Officer duly authorised in this behalf to discontinue the breach; and

(c) in addition to the imposition of such fine, be required to remedy the mischief so far as it lies in his power.

**12. Provision for the Transitions Period :-**

A period of six months from the date of coming into force of these bye-laws shall be allowed for adaptation of existing registered hand-carts so as to bring them into conformity with the provisions of the Bye-law 3.