

Explanation: "Structural fitness" shall be deemed to include-

- (a) the existence of a floor made of stone, cement or other impervious material;
- (b) possession of walls and ceiling properly plastered and lime-washed;
- (c) adequate provision of light and ventilation;
- (d) suitable drains; and
- (e) no connection of licensed premises with any room used as sleeping room.

2. That the licensee shall not sell any ice or aerated water obtained from any ice or aerated water factory which he knows or has good reasons to believe that the same is not approved by the Municipal Medical Officer or Health or any other officer authorised by the committee in this behalf.

3. That the licensee shall keep all ice and aerated water in receptacles made of metal (glass in case of aerated water) or wood lined inside with zinc sheeting and provided with close fitting covers.

4. That the licensee shall not employ or permit to be employed any person to handle ice and aerated water-

- (a) unless he had been inoculated against typhoid with two doses of T.A.B. vaccine (certificate of inoculation shall be exhibited on the licensed premises);
- (b)(i) unless he produces a certificate of medical fitness; and
- (ii) if he is suffering from any contagious or infectious disease or from loathsome sores or shall recently have been attending any person so suffering and that he has not permitted such person to enter or remain upon the licensed premises; provided that any person shall be so employed as worker only after he has produced a certificate of medical fitness from a Registered Medical Practitioner (certificate of medical fitness shall be exhibited on the licensed premises).

5. That the licensee shall keep the licensed premises and aerated water and ice containers in a state of thorough cleanliness.

6. That ice and aerated water shall be carried from the ice and aerated water factories to the licensed premises in clean covered receptacles or packed in suitable wrappers.

7. That he shall permit the Municipal Medical Officer of Health or such other officers as the committee may authorise in this behalf or any officer of the State Health Department to inspect the premises at all reasonable times and comply with the orders in this connection.

SCHEDULE

The actual room or rooms in which the sale of ice and aerated water is to be carried on should be described in cases where the whole of the building is not to be used for such sale.

Haryana Municipal (Immovable Encroachment) Bye-laws, 1978

Published vide Haryana Government Notification No. GNR 1081/78, dated 20.10.78.

1. (1) These bye-laws may be called the Haryana Municipal (Immovable Encroachment) Bye-laws, 1978.

(2) They shall apply to all the municipalities.

2. In these bye-laws unless the context otherwise requires-

(a) "Act" means the Haryana Municipal Act, 1973;

(b) "immovable encroachment" shall include erection or re-erection or commencement of erection or re-erection of balcony, verandah, chhajja, verandah-cum-chhajja, colonnade, sun-shade, steps or any other projection or encroachment either on the ground level of any street or on, over or under any sewer, drain or watercourse or any other immovable overhanging structure projecting into or over a street, at any point above the ground level;

(c) "licensee" means a person to whom permission has been granted under these bye-laws; and

(d) words and expression not defined in these bye-laws shall have the same meaning as in the Haryana Municipal Act, 1973.

3. (1) Permission may be granted by the committee under sub-section (1) of section 181 of the Act, only in the circumstances and subject to the conditions contained in Appendix 'I' to these bye-laws and such other conditions as the committee may consider necessary or proper to impose in each case.

(2) While granting permission, the committee may require the modification of the projection or encroachment.

4. No immovable encroachment or projection shall be permitted, if the committee is of the opinion that due to the structural condition of the building, such encroachment or projection will not be in the interest of public safety or convenience.

5. (1) The committee may grant the permission for a period of one year and may, from time to time, extend such period. On the expiry of the period so specified or the extended period, if any, the [entire licensed structure] shall be deemed to be unauthorised.

(2) When permission is granted by the committee without specifying any period, it may at any time after expiry of the period specified in clause (1), revoke such permission and on such revocation, the entire structure shall be deemed to be unauthorised.

(3) Without prejudice to any other action that may be taken for the breach of any of these bye-laws or the conditions subject to which the permission is granted the committee may revoke the permission after giving an opportunity, by stating his case to the licensee.

(4) When such structure becomes unauthorised under clause (1) or clause (2) or clause (3), as the case may be, or when permission is otherwise revoked as hereinafter provided, the committee may, by notice in writing, require the owner to remove or demolish such structure within a period of three months of the receipt of such notice and on his failure to comply with the notice, the committee may get the said unauthorised structure and all super-structures thereon demolished. No person shall be entitled to claim any compensation for any damage which he may sustain in consequence of such removal or demolition.

6. Every person intending to make, erect or re-erect any immovable encroachment, shall apply for permission to the committee in form 'A' appended to these bye-laws along with one copy on tracing cloth and one copy on blue art print of the following-

(a) a site plan showing the boundaries of the building to which the encroachment is attached, the precise situation of the building/buildings concerned in relation to the streets, buildings or lands adjoining it and the width of the adjoining streets for a distance of not less than 15.25 metres or upto the end of the streets on all sides whichever is less;

(b) detailed drawings of the proposed encroachment showing its dimensions, the section of the street, the floor level of the building and the drains, if any; and

(c) a specification describing the proposed encroachment in detail.

7. (1) The site plan shall be drawn to a scale of not less than one centimetre equal to one metre. The scale used shall be marked on the plan. The positions of the north point shall also be indicated.

(2) The detailed drawings shall be drawn to a scale of not less than one centimetre equal to half metre and the scale used shall be marked on the plan.

- (3) All plans shall be got prepared from the registered architect or draftsman and [signed/thumb-impressioned]¹ by the applicant and shall show-
- (i) the names of the owners of adjoining buildings or lands with the names of the lanes (Koochas) and house numbers, if any;
 - (ii) the proposed work by a distinctive colour;
 - (iii) the material proposed to be used;
 - (iv) an index to the colour used; and
 - (v) other details that will enable the committee or its officers to decide the suitability of the proposal.

8. If the application is accepted, a licence to make, erect or re-erect the encroachment shall be issued in form 'B' appended to these bye-laws, on payment of a fee at the rates shown in appendix II to these bye-laws.

9. In the case of the existing encroachments the licence fee will be charged only from the date of the issue of the notice for the encroachment by the committee.

10. Any person who commits a breach of 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.

11. All bye-laws on the subject applicable to the municipalities and which are in force 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 provision of these bye-laws.

APPENDIX I

[See Bye-law 3 (1)]

1.(1) Permission will be granted in respect of such encroachments only which are necessary.

(2) The necessity for an encroachment at ground level can be established only if there is such a public drain outside the building that it is difficult to find access to the building in the absence of the proposed encroachment.

(3) The alternative of providing a crossing over the drain at the expense of the owner of the building will be considered before the proposed encroachment is allowed.

2. Steps to provide access to building may be permitted if pinnis level of a building is more than 0.30 metre above the level of the street at the side edge of the drain subject to the following conditions :-

- (i) the steps shall be made of any suitable material and of the cantilever type, supported from the building;
- (ii) the steps shall not extend beyond the road side edge of any drain below them and shall not in any circumstances extend more than 0.46 metre from the face to the building;
- (iii) The vertical distance between the lower side of the lowest step and the street surface at the outer edge of the drain under it shall not be less than 0.23 metre;
- (iv) the distance between the external edge of the steps and the centre line of the street shall not be less than 1.52 metres in streets which have been declared by the committee to be residential streets and 2.44 metres in other streets;

1 Substituted for "signed" by Haryana Notification No. S.O. 258/EA, 24/1973/S. 214/2004, dated 17.11.2004.

- (v) the length of the steps shall be the minimum possible and shall not extend beyond the outer edges of the door in case of residential building by more than 0.30 metres on either side;
- (vi) the steps shall be of such strong material that there will be no likelihood of their collapsing; and
- (vii) the brackets shall not extend more than 0.10 metre below the underside of the step nor extend beyond it.

Note - When the building is non-residential, no encroachment outside it will be allowed in such manner that encroachment may be used except for purposes of access to an exit from it subject to the following conditions -

(a) the platform can be permitted on the roads in front of shops but its width will not be more than 0.90 metre from the face of the building and length not more than 2.44 metres or 0.30 metre on either side of the door of the shop, whichever is less, in such a way that the drain is clearable at any time and the distance from the road level to the bottom of the platform is not less than 0.46 metre clear.

(b) 0.23 metre high 0.30 metre deep step of not more than 0.60 metre length can only be permitted beyond 0.90 metre platform. For steps needed in high plinth level shops, steps may be given within 0.90 metre of the platform.

(c) no platform will be allowed within 1.50 metres from the corner of the building on either side at the crossing of roads;

(d) the platform shall be used only for access to or, exit from the shop and not for any other purpose;

(e) no construction to cover the platform or to erect a wall etc. on it will be allowed; and

(f) the platform shall not project over a street to a distance which will make a clear space between the external edge of the platform and the centre line of the street less than 2.44 metres.

3. A drain crossing may be permitted where access from a street to any premises is required for vehicles or otherwise subject to the following conditions :-

(i) the crossing shall be so constructed as not to interfere with the water way of the drain;

(ii) the length of the crossing shall be the minimum possible and shall not exceed 2.44 metres when provided for vehicles and 1.22 metres in other cases;

(iii) the crossing shall be constructed so as to be removable;

(iv) the crossing shall be made of cast iron reticulated gratings, grated or fabricated mild steel chequered plates suitably supported on cast iron or mild steel frames embedded in the concrete or brickwork on the side of the drain. Each section of grating etc shall be sufficiently light in weight so as to be removable by one Safai mazdoor; and

(v) the height from the bed of the drain to the lower side of the crossing shall be at least 0.23 metre or the full height of the drain whichever is greater provided that if the level of the premises to which access for vehicles is required is above the level of the road, any ramp required shall be within the premises and shall not extend over the drain or on the street and provided further that if the drain over the crossing has to be raised to permit of a clear water way as required under condition (i) a small ramp extending over the drain and on the street to the extent permitted by the committee may be allowed.

4. A sun-shade of pucca masonry may be allowed in front of door/windows in case of residential building subject to the following conditions:-

(a) the total width of the sun-shade projecting on the face of the building shall not in any case be more than 0.46 metre;

(b) the sun-shade shall not project over a street to a distance which will make the clear space between the external edge of such sun-shade and the centre line of street less than 1.83 metres; and

(c) the height of sun-shade will not in any case be less than 2.13 metres at its lowest and from the level of street.

5. A cornice not exceeding 0.23 metre in width may be allowed in front of the building in all the streets irrespective of the width of the street.

6. A chhajja of tin or wood may be allowed in front of the doors of shops subject to the following conditions -

- (a) total width of the chhajja projecting from the face of the building shall not be in any case more than 1.52 metres;
 - (b) the chhajja shall not project over a street to a distance which will make the clear space between the external edge of such chhajja and the centre line of the street less than 3 metres;
 - (c) the height of such chhajja shall not be less than 3 metres in any case from the bottom of the chhajja to the level of the street.
7. A projection of pucca masonry may be allowed in residential or commercial buildings subject to the conditions that :-
- (a) the height of the such projection shall not be less than 3.80 metres at its lower end from the road level;
 - (b) the distance between the external edge of such projection and centre line of street shall not be less than 1.52 metres;
 - (c) the projection shall in no case project beyond 0.90 metre from the face of the building and it shall not be covered in any case;
 - (d) the parapet on the projection will not be more than 0.90 metre high;
 - (e) projection shall be of the cantilever type and no support erected from ground level shall be allowed.

APPENDIX II

(See Bye-law 8)

Scale of Licence Fee

- (a) For steps, sunshade, cornices built strictly according to the bye-laws, no encroachment fee will be charged.
- (b) For platform built strictly according to the encroachment bye-laws, licence fee will be charged at the rate of ten rupees per square metre per annum.
- (c) For chhajja-projection built strictly according to the encroachment bye-laws, licence fee will be charged at the rate of ten rupees per square metre per annum.

Notes (1) To regularise the existing encroachment, which may not be according to the encroachment bye-laws; the licensing authority may regularise such encroachment, by charging composition fee with the approval of the Deputy Commissioner.

(2) For overhanging projections, one over the other, the maximum area encroached, by all such projections, on the street will be charged. In case of projection above the platform, these two will be charged separately according to the encroachment bye-laws.

FORM A

(See Bye-law 6)

(All entries on this side to be filled in by the applicant)

From

To

The Executive Officer/Secretary,

Municipal Committee

Sir,

I hereby apply under Section 181 of the Haryana Municipal Act, 1973 for permission to erect, re-erect an immovable encroachment as specified below situated in _____

I attach the plans, drawings and specifications in duplicate as required by the committee's bye-laws, on the subject.

posed for sale and any materials used in such sale or preparation or exposure for sale are kept:

- (e) that he shall cause the walls and ceiling of the licensed premises to be properly lime-washed at least twice a year or more often, if so required by the Licensing Officer;
- (f) that he shall not carry on, or permit to be carried on, any trade or occupation in licensed premises other than the sale or preparation or exposure for sale of meat, and that he shall not use, or suffer to be used any portion of the licensed premises as a living room or sleeping room.
- (g) that he shall not spit or smoke or suffer any person to spit or smoke within the licensed premises;
- (h) that he shall not keep, or suffer to be kept, in the licensed premises any bedding, soiled clothes or other things not required for the sale or preparation or exposure for sale of meat;
- (i) that he shall put up a notice on the licensed premises indicating thereon the type of meat he sells, i.e., whether "Jhatka" or "Halal" and further indicating the animal or animals whose meat he sells;
- (j) that he shall at all reasonable times permit the officer so authorized by the committee to inspect the licensed premises without notice;
- (k) that he shall comply with all notices issued by the committee or officers authorised by it in respect of sanitation;
- (l) that he shall install a deep freezer for the storage of meat within six months of the receipt of notice from the committee.

SCHEDULE

The actual room or rooms in which the sale or preparation for sale of meat is to be carried on should be described in cases where the whole of a building is not to be used for such sale or preparation for sale.

Licensing Officer

Haryana Municipal (Movable Encroachments Or Overhanging Structures) Bye-laws, 1976

Published vide Haryana Government Notification No. 271.../76, dated 17.12.76.

1. (1) These bye-laws may be called the Haryana Municipal (Movable Encroachments or Overhanging Structures) Bye-laws, 1976.

(2) They shall apply to all the municipalities.

2. An application for permission under section 182 shall be made in Form 'A' attached to these bye-laws.

3. On the acceptance of an application made under bye-law 2, the Executive Officer or the Secretary of the Committee, as the case may be, shall issue to the applicant a licence in Form B on payment of a fee at a rate not exceeding the rate shown below to be fixed by the Deputy Commissioner :-

A and B class Municipal Committee C Class Municipal Committee

(1) Ground level movable encroachments :- Rs. 1.00 per square foot
benches or hawkers

Rs. 1.00 per square foot

Site of building (name of street, sector, etc.) _____

Abstract of application _____

Received on _____
(Signatures of the Executive Officer or the Secretary).No. _____ Date: _____
Forwarded to _____ for report before _____
(Signatures of the Executive Officer or the Secretary).No. _____ Dated _____
Returned to the Executive Officer/Secretary with the _____ report as under :-
(Signatures of the Officer making the report).**Report of the Office**

The application is admissible under rules and complies with the bye-laws _____ submitted for orders.

(Signatures of the Executive Officer or the Secretary)

FORM 'B'

(Bye-law 4)

Licence for Immovable Encroachment)

This licence is granted to the _____ owner/occupier of _____ which, on all sides, is bounded by or adjacent to -

North _____

East _____

South _____

West _____

or is forming part of _____ for _____ (insert details of the particular permission granted in terms of clauses (a), (b), (c), (d) and (e) of section 182 of the Haryana Municipal Act, 1973 as the case may be).

2. This licence is subject to the provisions of Haryana Municipal Encroachments or Overhanging Structures Bye-laws, 1976 and the conditions which may be imposed by the Committee from time to time.

3. This licence, unless renewed further, is valid upto _____
Executive Officer or the Secretary
Municipal Committee _____Renewed upto _____
Executive Officer or the Secretary***Haryana Municipal (Stopping of Vehicles At Octroi Barrier)
Bye-laws, 1976****Published vide Haryana Government Notification No. GSR 466/76, dated 19th March, 1976.*

1. (1) These bye-laws shall be called the Haryana Municipal (Stopping of Vehicles at Octroi Barriers) Bye-laws, 1976.

(2) They shall apply to all the municipalities.

2. Every person incharge of motor vehicles, tonga, tum-tum, cart or any other conveyance shall, if signalled to do so, stop it at the octroi barrier by which he enters the octroi limits of a municipality for the purpose of allowing the officer or staff of the octroi department of mu-