

SIKKIM



EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Saturday 16th April, 2011

No. 193

**GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANGTOK**

No. GOS/UD&HD/ 6(376)08/ 9899

Dated:16/ 04/ 2011.

NOTIFICATION

In exercise of the powers conferred by section 8 of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985 (10 of 1985) and in supersession of Notification No.186 dated 23.12.1985, the State Government hereby makes the following rules for issue, control and regulation of trade licences in the State of Sikkim, namely:-

**Short title extent
and
commencement.**

1. These rules may be called the Sikkim Trade License and Miscellaneous Provision Rules, 2011
 - (2) They shall extend to the whole of Sikkim.
 - (3) They shall come into force at once.

PART II

Definitions.

2. (1) In these rules, unless there is anything repugnant in the subject or context:
 - (a) "Act" means Sikkim (Repeal and Miscellaneous Provisions) Act, 1985;
 - (b) Annexure: - means annexure appended to these rules;
 - (c) "Biodegradable garbage" means the wastes or garbage as defined in clause (a) of section 2(a) of the Sikkim Non-biodegradable Garbage (Control) Act, 1997;
 - (d) "Brand" means and includes any item/ business which is the product of a particular firm or producer (namely: ADDIDAS, TITAN, MARUTI, VLCC etc)
 - (e) "Building" includes a house, out house, lodging house, stable, privy, urinal, shed, hut, wall (other than a boundary wall, not exceeding 3.05 meters in height), balcony, chajja, sun shed, stair case and any others such structure, whether of masonry, bricks, wood, mud, metal or any other materials, whatsoever but does not include temporary shed erected on religious or ceremonial or festive occasions;

(f) "Competent authority" means the Secretary, Urban Development and Housing Department or any other Officer of the Urban Development and Housing Department authorized by him;

(g) "Dangerous disease" means:-

(i) Cholera, plague, small-pox, cerebra-spinal meningitis and diphtheria; and

(ii) any other disease which the State Government may, by notification declare to be dangerous disease for all or any of the purpose of this Act;

(h) "Department" means Department of Urban Development and Housing Department;

(i) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use but does not include a drug within the meaning of clause(b) of section 3 of the Drugs and Cosmetics Act, 1940;

(j) "fine" means a sum of rupees to be paid by the offender as prescribed under the rule;

(k) "food" includes every article used for food or drink by man other than drug or water and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionery, flavouring and colouring matters and spices and condiments;

(l) "Form" means a form appended to these rules;

(m) "grocery" means food grains, spices and other edible items for consumption;

(n) "hawker" means any person selling items door to door or moving from one place to other within the notified town, bazaars and rural marketing centers.

(o) "hotel" means any premises, establishment, lodges, resorts, home stay, dhabas, tents, inn, snack bars, restaurants and bar, café, village tourism, etc where lodging with or without board or other services like facilities for convention/ conference etc. provided for a monetary consideration;

(p) "local" means a person holding a Sikkim Subject or Certificate of Identification;

(q) "residential certificate" means the residential certificate issued to the person residing in Sikkim prior to 1975 by the Land Revenue and Disaster Management Department, Government of Sikkim;

(r) "lodging house" means a house in which tourists or other persons are harboured or lodged for hire or reward for a single night or for some other short period and where there is ordinarily a community eating or sleeping accommodation;

(s) "manihari" means all other house hold goods (in small quantity) excluding grocery;

(t) "market" includes a slaughter house or any place where persons assemble for the sale and purchase of any living thing, food or any articles of food;

(u) "Non-biodegradable garbage" means the garbage as defined under clause (e) of section 8 of the Sikkim Non-biodegradable Garbage (Control) Act, 1997;

(v) "Notification" means a notification published in the Official Gazette;

(w) "premises" includes lands, buildings, vehicles, tents, vans, structure of any kind, stream, lakes, drains, ditches or places open, covered or enclosed, whether built on or not and whether public or private, and whether natural or artificial and whether maintained or not under statutory authority;

(x) "seasonal item" means the agriculture products available for sale in different seasons of the year;

(y) "Secretary" means the Secretary to the Government of Sikkim in the Urban Development and Housing Department;

(z) "sublet" means leasing the licence by the licensee to a third party and include running of any commercial establishment by a person other than the licensee or his family member;

(aa) "trade" means any economic or business activity with or without the purpose of making profit.

2. Words and expressions used in these rules and not defined in the rules but defined in the Act shall have the same meaning respectively assigned to them in the Act.

PART III

Requirement of a trade/ hawker licence.

3. (1) No person shall impart education, skills or any other training on medical or legal or any other practice on any discipline like accountancy, architecture etc for profit making and manufacture, store, sell exhibit for sale, use any place for the purpose of trade of any goods or commodity or operate /run business of banking, insurance company, non – banking financial institution as enumerated in Schedule I, Schedule

II or Schedule III, as the case may be, except under a licence issued under these rules.

(2) The licensee after obtaining licence from any other Departments should obtain trade licence from Urban Development and Housing Department for carrying on any trade and business.

**Authority to issue
a licence**

4. The authority to issue licences in Form III, Form IV, Form V, as the case may be, shall be the Secretary or any other Officer of the Urban Development and Housing Department/any other Government Officer/ Local Bodies authorized by him in his behalf.

**Procedure and
eligibility for
obtaining trade/
hawker Licence**

5. (1) Every person who desires a license under these rules shall make an application in Form No. I and Form II, as the case may be, to be obtained from the Urban Development and Housing Department/other authorized Department/Local Bodies on production of Bank Receipt of Rs.50/- deposited under Head 0045-80-01-other taxes and duties, trade license fee or any other Head which may be assigned for this purpose from time to time.

(2) Every person making an application for a licence shall submit 4 (four) passport size photographs along with the application Form.

(3) Every person applying for licence shall comply with the provisions of these rules and shall also abide by the conditions as laid down in Form Nos. I and II as the case may be.

(4) Outside the Bazaar area, licence may be issued giving preference to local inhabitants.

EXPLANATION For the purpose of these rules, inhabitant' means inhabitants settled in the locality prior to 1961.

(5) The licensee shall not engage any other person except the members of his family to run the business.

(6) The trade licence for business/manufacture where sufficient parking storage is required shall not be issued unless the applicant has sufficient parking space and storage facilities of his own.

(7) The licensees or proprietors of the registered industries, companies and business enterprises shall employ local residents of the State and, in cases where none are available locally to work at the prescribed wages; only those, whose antecedents have been verified through the Sikkim Police and registered with the Labour Department shall be employed.

(8) No person shall be issued license under these rules, if the application for a license is for manufacture, storage or sale of any

article of food, unless the person first obtains necessary license from the licensing authority appointed under the Sikkim Prevention of Food Adulteration Rules, 1991.

(9) No person shall be issued license under these rules, if the application for a license is for running a Nursing Home, Medical and Dental Clinic, Optical Center, Pathology laboratory, Diagnostic Laboratory, X-ray Laboratory and allied Laboratories, unless the person first obtains necessary license from the Licensing Authority, Drugs Cell, Clinical and Establishment Cell of the Health Care, Human Service and Family Welfare Department.

(10) No person/ Company shall be issued license under these rules, if the application for a license is for running a business of banking, insurance company, non – banking & financial institution unless the person/ Company first obtains necessary license from the Reserve Bank of India, Foreign Exchange and Regulatory Authority, Insurance Regulatory and Development Authority and enlistment of Company from Law Department, Government of Sikkim.

(11) No person shall be issued license under these rules, if the application for a license is for running a private school and tutorial institution within the State unless the person first obtains necessary Certificate of registration of Schools, tutorial institutions issued by the Registering Authority of Human Resource and Development Department.

(12) No person shall be issued license under these rules, if the application for a licence is for Cyber Café unless the person first obtains No Objection Certificate from the Crime Branch, Sikkim Police.

(13) No person shall be issued license under these rules, if the application is for F.M/ Radio Services unless the person first obtains No Objection Certificate from the Ministry of Information and Broadcasting, Government of India.

(14) No person shall be issued license under these rules, if the application is for Brand items unless the person produces Agreement/ Franchise drawn/ obtained from the concerned Company and the party.

(15) No person shall be issued license under these rules, if the application is for vehicle parking for commercial purpose unless the person maintains proper security, first aid, toilet, drinking water facilities and install fire fighting equipments.

(16) No person shall be issued license under these rules, if the application is for petrol pump unless the person produces licence from the Indian Oil Corporation.

(17) No person shall be issued license under these rules, if the application is for sale of cigarette or any tobacco product unless proposed premises is outside the radius of one hundred yards of any educational institution.

(18) License fee shall be charged as prescribed in the respective Schedule.

(19) Every person applying for trade license should have attained the age of 18 (eighteen) years on the date of application for the trade license. For the purpose of ascertaining the date of birth, any of the following documents should be furnished, namely:-

- (i) School Certificate showing the date of birth.
- (ii) Birth Certificate issued by the Registrar of Birth and Death or appropriate authority as notified by the Government from time to time.

***Inspection of
Premises before
issue of licence***

6. (1) In case the application for a license is for manufacture, storage or sale of any one of the articles of food, the authority having power to grant such a licence shall inspect the premises and satisfy himself that premises is free from sanitary defects and feasible for the above purpose.

(2) In case the application for a license is for automobile and two wheeler workshop, grill-fabrication and scrap, the authority having power to grant such a licence shall inspect the premises and satisfy himself that premises is 100m away from the centre of the road, is not in the main market area, which does not disturb the traffic and have the sufficient space and is free from sanitary defects.

(3) In case the application for a license is for hotel with lodging, home stay, resort, lodges, the authority having power to grant such a licence shall inspect the premises and satisfy himself that premises has a sufficient parking space, is free from sanitary defects and feasible for the above purpose.

(4) In case the application for a license is for Nursing Home, Medical and Dental Clinic, Optical Center, Pathology Laboratory and other investigative Laboratory, inspection of the premises shall first be carried out by the Licensing Authority, Drugs Cells, and Clinical and Establishment Cell of the Health Care, Human Service and Family Welfare Department to certify that the premises fulfill the minimum standard required.

Issue of trade licence

7. (1) On receipt of an application and subject to the provision of these rules:-

- (a) a trade license may be issued in Form III in respect of items enumerated in Schedule I;

(b) a trade licence may be issued in Form IV in respect of seasonal items enumerated in Schedule III;

(c) every application made under rule 5 shall be disposed off within a period of one month from the date of receipt of application, unless, reasons to be recorded for delay of proceeding.

(2) The application for trade license should be accompanied by the following documents, namely:-

(a) No Objection Certificate from the House Owner in the prescribed Form X where the business is intended to run;

(b) Occupancy Certificate issued by the Town Planning Cell, Urban Development and Housing Department of the building/house where the trade is intended to be run;

(c) Sikkim Subject Certificate/Certificate of Identification/Citizenship Certificate issued under provisions of Sikkim (Citizenship) Order 1975 as amended vide Sikkim (Citizenship) Amendment Order 1989, Mutation Certificate or Parcha Khatiyan within the State.

(d) Residential Status Certificate

(e) Recommendation of the Member of Legislative Assembly of the Constituency

(f) Recommendation of Councillor where the business is intended to be run in Form VII.

(g) Clearance of the Forest Department if the business proposed is for sale of or manufacture of forest products.

(h) Under taking of the applicant in Form VIII .

(3) Notwithstanding anything contained above, the licenses to the local applicants for rural areas shall be issued on submission of the following documents, namely:-

(a) Sikkim Subject Certificate of the applicant or Certificate of Identification of the applicant

(b) The Purga Khatiyan of the landed property recorded in the name of applicant in rural area.

(c) Recommendation of the Member of Legislative Assembly of the Constituency where the business is intended to be run.

(d) Recommendation of the Gram Panchayat in Form VI..

(e) Undertaking of the applicant in Form VIII.

(4) Issue of trade license to Private Companies will be subject to submission of Certificate of Enlistment under Registration of Companies Act, Sikkim 1961 issued by the Law Department.

1) On receipt of an application in Form II -

**Issue of Hawker
Licence**

8. (i) A Hawker license may be issued in Form V in respect of items enumerated in Schedule II.

(ii) No person shall be issued hawker license under these rules if the application for a license is for sale of any article of food, unless the person first obtains necessary license from the licensing authority appointed under the Sikkim Prevention of Food Adulteration Rules, 1991.

(iii) Every application made under Rule 8 (i) shall be disposed off within a period of one month from the date of receipt of application, unless, reasons to be recorded for delay of proceeding.

2) The application for hawker license should be accompanied by the following documents, namely:-

(a) Sikkim Subject Certificate/Certificate of Identification/Citizenship Certificate issued under provisions of Sikkim (Citizenship) Order 1975 as amended vide Sikkim (Citizenship) Amendment Order 1989

(b) Recommendation of the Member of Legislative Assembly of the Constituency

(c) Recommendation of Gram Panchayat/ Councilor where the business is intended to be run in Form VI or VII as the case maybe.

(d) Under taking of the applicant in Form IX .

**Conditions running
a Hawker business**

9. (i) A Hawker license shall not be issued for more than four bazaars.

ii) Issue of Hawker license shall be subject to the availability of space in a particular bazaar.

(iii) A licensee shall confine its trade within the specified market area.

(iv) A licensee shall not occupy more than the space earmarked by the Department for exposing his goods for sale.

(v) A licensee shall not raise any structure for exposing his goods for sale.

(vi) The licensee shall not engage any person except member of his family to hawk his business.

Validity of Licence.

10. (1) A trade license issued under these rules unless suspended or cancelled earlier shall be in force for a period of five years for towns/ bazaar areas and two years for rural area.

(2) A hawker license issued under these rules unless suspended or cancelled earlier shall be in force only till the end of the financial year during which it is issued.

Licence fee

11. The annual fee in respect of a trade license or hawker licence for trade in the items enumerated in Schedule I, Schedule II or III shall be such as specified against each item enumerated in the respective Schedule:

Provided that such fee is subject to revision by the State Government every five years from the date of previous revision or as and when necessitated.

Conditions for renewal of licence

12. (1) (a) The licensee shall surrender the trade/hawker license in original for renewal.

(b) The licensee shall deposit the prescribed annual fee to be paid for renewal of licence.

(c) The licensee shall clear the toll tax payable to the Bazaar Contractor, Shop room rent and the ground rent payable to the Urban Development and Housing Department and sanitation fee.

(d) The licensee shall submit the No Objection Certificate of the house owner,

(e) The license should be renewed within 45 days from 1st April of a year or within the notified date of renewal, whichever is earlier.

(2) An application for renewal of a license shall be made before the expiry of validity of license and the licence submitted after the period of 3 (three) years in case of trade license and 2 (two) years for hawker license from the date of validity shall not be renewed at all and shall be cancelled automatically

Provided that any application for renewal of a license submitted after the period prescribed in these rules shall be accompanied by a late fee of Rs.5/- for every day of delay.

Cancellation of licence

13. (1) A license, issued under the provision of these rules shall be cancelled :-

(a) if the licensee fails to abide by the conditions laid down in the license and if the licensee fails to renew license for a consecutive

period of 3(three) years (in case of trade licence) or two years (in case of hawker licence) from the date of its last validity as the case may be;

(b) if the business premises, manufacturing units, Clinics, Nursing Homes, Laboratories has been shifted without the approval of the Government;

(c) if the licensee carries on or permits to be carried on, any other trade in the licensed premises, except the trade mentioned in the licence;

(d) if it becomes evident that the running of the trade has created a public nuisance and polluted the vicinity;

(e) if it becomes evident that the information submitted in Form I, or Form II is a misrepresentation of fact;

(f) if it is found that the trade/ hawker license has been sublet;

(g) if it is found that licensee is carrying on his business in an unapproved building;

(h) if it is found that licensee is not carrying on trade/operation or keeping articles of food, in accordance with the Central rules or the Statrules framed in exercise of the powers conferred by the Prevention of Food Adulteration Act, 1954 (Central Act 37of 1954);

(i) if the licensee dies before expiry of the date of validity of the license;

(j) if the legal heir of licensee fails to produce the documentary proof or succession certificate from the Competent Court and other required documents under rules;

(k) if it is found that the licensee is not issuing cash memo to the consumer for sale of commodities;

(l) if the licensee is found to be in unlawful possession or under his control of any explosive substance of a nature likely to endanger life or to cause serious injury to the property;

EXPLANATION: Explosive substance shall be deemed to include any material for making any explosive substance, any apparatus, machine, implement or materials used, or intended to be used or adopted for causing, aiding in causing, any explosion in or with any explosive substance, or, any part of such apparatus, machine or implement and also as defined in the Arms Act.

(m) if the licensee is found running illegal business and/ or other prohibited business under the law;

(n) if the licensee has been declared an insolvent by a Court of Law and has not been discharged.

(o) if it is found that the licensee is charging rates of non-essential commodities beyond reasonable limits;

Explanation: For the purpose of these rules reasonable limits means those rates which are higher than the rate which otherwise is chargeable after taking into consideration all the factors in determining the rates.

(2) No order of cancellation shall be made unless the licensee has been given opportunity of making representation

Refusal to grant licence

14. (1) The competent authority may refuse to grant a license for any trade or business under these rules if he/ she is convicted of any offence under any law providing for licence prevention of hoarding, smuggling or profiteering or adulteration of food or drug under Chapter XIII and XIV of the Indian Penal Code, 1860 and that three years have not been elapsed since the expiry of any sentence imposed upon him/ her.

(2) No application for the grant of licence shall be refused or cancelled unless, the person applying for issue of licence/ grant of license is to be cancelled has been afforded a reasonable opportunity of being heard by giving notice.

PART IV

Duplicate licence

15. (1) The authority empowered to issue a licence may, for sufficient reasons, issue a duplicate trade license on payment of Rs.500/- (Rupees five hundred) due to loss and Rs.300 (Rupees Three Hundred) due to natural calamities and issue hawker licence on payment of Rs.200/- due to loss and Rs.100 (Rupees One Hundred) due to natural calamities with the word "Duplicate" appearing prominently therein.

(2) Documents to be submitted for issue of duplicate Licenses are :-

(a) Copy of FIR lodged in the nearest Police Station.

(b) NOC from house owner.

(c) A copy of authentication from the Competent Authority. if the licence is lost/damaged due to natural calamity, fire accident etc.

(d) Verification report of the business premises by the authorized official of the Department:

Provided that the F.I.R. shall be lodged within one month of the loss of the Trade Licence.

- (3) The duplicate Licence shall be issued only twice on valid ground as specified above. No duplicate licence shall be issued if the licensee is found to have obtained 2(two) duplicate licences from the Department.

Restriction in keeping breadstuff, etc. otherwise than in cover receptacles and restriction manufacturing/ storing within bazaar area/ or on road reserve .

16. (1) No bread-stuff, cake, sweetmeat, confectionary or any other articles of food intended or commonly used for human consumption without further preparation by cooking shall be sold, exposed, kept, hawked about or stored for sale unless they be kept properly covered or otherwise guarded in a proper manner so that they shall be protected from dust, dirt, and flies.

(2) No manufacturing activity like furniture item, grill fabrication, motor/ two wheeler garage and dynamo repairing shall be allowed within the bazaar/ road reserve area.

(3). No trade license holder shall use the road reserve of any road for storing the materials for trade/business.

Power to close shop or market in case of dangerous disease.

17. The Government may, for a specified time, with a view to preventing the spread of any dangerous disease, order that any market, hotel and lodging house in a market area shall be closed, or forbid any person to under any such market, to lodge in such lodging or in such hotel.

License and control of mela

18. The State Government or any person authorized by it may require every person intending to establish a fair or a mela in any market to apply for a license and such license may be granted on payment of a fee as specified in Schedule I.

Restriction of sale of diseased animal or whole some articles intended for human consumption

19. No person shall sell or expose for sale;
- (a) any living thing intended for food; or
 - (b) any other article of food or drug intended to be used for human consumption, which is diseased, unsound, or unfit for consumption.

Power to inspect business places where food etc. intended for human consumption is stored

20. (1) The Secretary or any officer of Urban Development and Housing Department /other authorised Department/ Local bodies not below the rank of Under Secretary or equivalent may:-

(a) at all reasonable time enter into and inspect any place in which any living things, food or any article of food or any drug is deposited for the purpose of sale or consumption;

(b) inspect and examine any living thing, food or any other article of food or any drug intended for human consumption which is being hawked about for sale;

(c) inspect the premises without any search warrant from the Magistrate or court of law;

(d) enter, inspect and seize in the premises, if the complaint is received in writing for involvement of any offence defined under these rules without search warrant.

PART- VI

Power of Seizure and impose fine

21. (1) Whosoever commits any offence by contravening or failing to comply with any provision of the Act or of these rules or any direction lawfully given to him or any requisition lawfully made upon him under the provision of the Act or under these rules, shall be punished with fine which may extend to Rs.20,000/-

(2) If a shop or any kind of institution is opened and business is carried out without obtaining a valid trade license issued by the licensing authority the shop shall be closed forthwith duly imposing the prescribed fine under sub-rule(1).

(3) Any Officer not below the rank of Under Secretary or equivalent shall have the power to impose fine and seal the shop on the spot as per sub rules (1) and (2) above.

Safe custody of the Seized Article(s)

22. After the seizure of the seized articles, it shall be kept in safe custody of the authority empowered to issue licence hereinafter referred to as the Licensing Authority or may be forwarded to the police for the next course of action as the case may be:

Provided that if no application is presented, claiming the rightful ownership of the seized article within forty five (45) days from the date of seizure, the ownership of such article shall vest with the Government. The Licensing Authority shall have the power for public auction of such seized articles and the revenue so collected shall be credited in the exchequer of the Government.

Supply of Seizure Memo.

23. After the seizure, a copy of the seizure memo shall be supplied to the licensee from whom the article was seized in Form XI.

Procedure for proceeding.

24. The Licensing Authority may issue summons and show cause notice to the offender by giving at least fifteen days time to file their show cause and thereafter, the Licensing Authority will hear the matter in person and shall pass an order accordingly of his finding. The summon and show cause shall be issued by way of registered post service or by way of service personally with acknowledgement of the Receipt through the authorized person of the Licensing Authority.

Provided that no order shall be passed without giving an opportunity of being heard and in the default of the appearance of the offender, the Licensing Authority may pass ex-parte order against the offender.

Appeal.

25. (1) An appeal against the order of the licensing authority refusing to issue, a licence, canceling license, revoking a license, shall within a period of 30 days lie with Appellate Authority to be appointed by the State Government by notification:

Provided that an appeal filed after the expiry of the said period of 30(thirty) days may be entertained if the appellant satisfies that he was prevented by sufficient cause from not filing the appeal in time.

Stay of enforcement of order

26. Where an appeal is preferred from an order of the licensing authority issuing a licence the appellate authority may stay the enforcement of that order for such period and on such condition as he deemed fit.

Time and place for hearing the appeal

27. On receipt of the application for appeal the appellate authority shall appoint for hearing time and place and shall give notice thereof to the appellant and dispose of the appeal as per these rules.

Procedure in appeal

28. An appeal preferred under these rules shall be in writing, shall set forth concisely the grounds of objection to the order appealed against, and shall be accompanied by a copy of order.

Disposal of appeal

29. Every appeal shall be disposed of by the appellate authority as expeditiously as possible.

Finality of orders

30. Every order made by the appellate authority shall be final and shall not be questioned in any court of law.

Power and procedure of the authority and the Appellate Authority

31. (1) The Licensing Authority and the Appellate Authority shall have the power of a Civil Court under the Court of Civil Procedure 1908 (5 of 1908) in respect of the following matter, namely:-

- (i) summoning and enforcing of attendance of the complainant and as required in connection therewith;
- (ii) compelling the production of any document;
- (iii) examining witness on oath; and

- (2) The Licensing Authority or any other person authorized by him on this behalf not below the rank of Under Secretary to inspect at all reasonable times the premises. The Licensing Authority may or may not inform the licensee of the programme of such inspection.

PART - VII

Miscellaneous:

***Disposal of mad and
stray dogs and
animals.***

32 (1) The State Government may, authorize any person to destroy or cause to be destroyed or confine, or cause to be confined, for such period as the State Government may direct, any dog suffering from any loathsome disease or from rabies, or bitten by any dog or other animal suffering or suspected to be suffering from rabies.

(2) No damage shall be payable by the Government or by any person authorized under these rules in respect of any dog or stray animal confined, destroyed or otherwise disposed of under these rules.

***Classification of
Bazaar***

33 For the purpose of determining the rates of trade license fee, the bazaars in of Sikkim shall be classified in Schedule IV.

By order

**TOBJOR DORJI
COMMISSIONER - CUM - SECRETARY
URBAN DEVELOPMENT AND HOUSING DEPARTMENT**

FORM NO. 1
(see rule 5)
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANGTOK SIKKIM

A passport
size
photograph to
affix here

To
The Secretary,
Urban Development and Housing Department,
Government of Sikkim,
Gangtok.

Sir,
I/ We on behalf of M/s request you to grant licence to carry on
trade or to keep the articles stated below at the premises situated at
..... District.....for the year

The details are as under:-

1. Name of Applicant/ Applicants (Block Letter):
2. Name of Firm/ Company/ Society with registration no.
(i) Name of the Managing Director/ Director/ President (In case t:
3. Age of the applicant/applicants:
4. Father's/Husband's name:
5. Residential address: (Permanent)
.....
.....
Post Office/ Police Station/ District
(Mention House No, Street/Road/Locality)
6. (Present Address)
.....
.....
Post Office/ Police Station/ District
(Mention House No, Street/Road/Locality)
- 7 Purpose for which licence is required (Fill against the relevant column with details of items)
 - (a) Manufacture :
 - (b) Sale:
 - (c) Supply:
 - (d) Educational / Vocational Institute:

- (e) Hotel:
- (f) Others:
(Give details)
7. Description of the premises where the manufacture/ trade etc is proposed to be carried out:
a) Name of the house owner:
b) House No:

b) Street/Road/Locality:
c) Post Office /Police Station:
d) District:
8. Address of godown/ warehouse where the articles are to be stored
9. If Hotel business - give details
(i) No of rooms
(ii) Whether parking facility available
(iii) Whether restaurant available
(iv) Whether tours & travel available, etc
10. If franchises give the details of parent Company along with documents
11. If Educational Institute/ Tutorial whether registered with HRDD along with registration No

UNDERTAKING

- a) I am not employed in any Government organization.
- b) I abide that the license shall be exhibited in a conspicuous place and shall be produced for verification by the Government in this behalf as and when demanded:
- b) That in case of contravention of any of the aforementioned and any provisions of the Rules, the Government may cancel the licence;
- c) I abide by all the conditions laid down in the licence. That all the information given are true to my knowledge and belief.

Yours faithfully,

Dated.....

Signature

DOCUMENTS SUBMITTED

1. SSC/ COI/ Landed Parcha/ Residential Certificate
2. Occupancy Certificate
3. Recommendation of Panchayat/ Councilor
4. No Objection Certificate of House Owner
5. For firm/ Company/ Society : Registration Certificate, Memorandum of Article
6. PFA Licence, Health Care, Human Service and Family Welfare
7. NOC Animal Husbandry
8. NOC Fire & Emergency Service
9. NOC from Crime Branch (for Cyber Café)
10. NOC from Traffic Police
11. Any other

FORM NO.II
(See rule 5 and 8)

To

The Secretary,
Urban Development & Housing Department,
Government of Sikkim,
Gangtok.

A Passport size
Photograph to
affix here.

Location..... District.....

Sir,

I, Mr/Mrs/Miss.....request you to grant hawker license
for the following items stated below from door to door or on haat days of following bazaars for the
year.....

1. Name of applicant (in block letters).....
2. Father's/Husband's name.....
3. Age of the applicant.....
4. Permanent Residential Address
 - (a) House No.....
 - (b) Street/Road/Locality.....
 - (c) Post Office./Police Station.....
 - (d) District.....
5. Present Residential Address
 - (a) House No.....
 - (b) Street/Road/Locality.....
 - (c) Post Office./Police Station.....
 - (d) District.....
6. Items requested for:
 1.
 2.
 3.
7. Name of Bazaars where the applicant proposed to hawk his/her business
 1.
 2.
 3.
 4.

UNDERTAKING

- a) I am not employed in any Government organization.
- b) I abide that the license shall be exhibited in a conspicuous place and shall be produced for verification by the Government in this behalf as and when demanded:
- c) That in case of contravention of any of the aforementioned and any provisions of the Rules, the Government may cancel the licence;
- d) I abide by all the conditions laid down in the licence. That all the information given are true to my knowledge and belief.

Yours faithfully,

Dated.....

Signature.

DOCUMENTS SUBMITTED

- 1. SSC/ GOI/ Landed Parcha
- 2. Recommendation of Panchayat/ Councillor
- 3. PFA Licence, Health Care, Human Service and Family Welfare
- 4. NOC Animal Husbandry
- 5. Any other

FORM NO. III (See rule 4 and 7)(1) (a)
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANGTOK SIKKIM

A passport
size
photograph
to affix here

TRADE LICENCE

License No...../ File No.....Dated.....

Shri/ Smt/ Sushri
S/o D/o W/o
R/o
District.....

Is hereby permitted to carry on trade on the articles/items mentioned below subject to the terms and conditions stipulated hereinafter for the period w.e.f to

You shall run trade in the building/house/ premises of Shri/
Smt..... bearing Census house
No..... located at
District..... Police Station.....

SL. NO.	NAME OF ARTICLES OF TRADE	LICENSE FEE AMOUNT
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Total items.....

Total Amount.....

A sum of Rs..... (Rupees.....)
only has been received vide BR.No/ Challan No.....dated as license
fee .

Signature of Licensing Authority
(Seal)

**NOTE: THIS TRADE LICENCE IS NON- TRANSFERABLE AND ITS LOSS MUST BE REPORTED
IMMEDIATELY TO THE POLICE AND ISSUING AUTHORITY.**

SINo	Deleted Item	Additional Item	Amount	File No & Date	Signature & Seal

TERMS AND CONDITIONS OF TRADE LICENSE

1. That you shall not contravene any of the provisions of the Sikkim (Repeal and Miscellaneous) Provisions Act, 1985 and rules made there under;
2. That you shall abide by all instructions given by the Department from time to time;
3. That you shall display the original license in your place of business in a conspicuous manner and shall produce it for verification by the Departmental Officer as and when demanded;
4. That you shall not carry any other trade in the premises except the trade mentioned in the licence;
5. That you shall not carry any trade or manufacture in an unapproved building/premises.
6. **That you shall not sublet the licence to any other person.** If a person other than the licensee or his dependant is found on three Departmental surprise inspections, the intervening periods between the inspections being not less than two months, to be running the business it shall be presumed that the licence has been sublet and unless the licence holder proves that the person is an employee of the former with documentary evidence, the trade licence shall be cancelled within a month from the date of detection of subletting during which the person running the business shall dispose of the items of trade in the shop for closure;
7. That you shall allow any Officer of the Urban Development and Housing Department authorized by the authority empowered to issue licence to enter into any premises where manufacture and or sale of commodities is carried on;

8. That you shall produce your original copy of licence whenever required to do so by any Officer of the Department;
9. That you shall display a board specifying trade license No., name of the Proprietor, and Firm registration, if any;
10. That you shall issue a valid cash memo to the consumer for the sale of any item/commodity;
11. That you shall not display your goods/commodities on public thoroughfares;
12. That you shall keep the premises neat and clean and free from any sanitary defect;
13. That you shall maintain two empty bins for the disposal of bio-degradable and non-biodegradable waste products as per the provision of the Sikkim Non-biodegradable Garbage (Control) Act, 1997. In case the licence is for a clinical purpose a separate bin shall be maintained for disposal of bio-medical clinical waste;
14. That you shall pay toll tax as assessed in the Bazaar Contract Licence Agreement;
15. That you shall not sell any adulterated commodity as defined in the Prevention of Food Adulteration Act, 1954;
16. That, in case of licence for sale of cigarette or any tobacco products, you shall not sell cigarette or any tobacco to any person under 18 years of age and in an area within a radius of one hundred yards of any educational institution;
17. That in case of licence for hotel, guest house, lodge/resort you shall display a board specifying the category of rooms and tariff in the reception counter;
18. That you shall not deliver any goods or materials purchased or otherwise to any person, firm, shop, company or any other agency or organization in plastic wrappers or plastic bags;
19. That you shall not close business without the approval of Urban Development and Housing Department whether temporarily or permanently;
20. If the licensee contravenes any of the above terms and conditions, then without prejudice to any other action that may be taken against him/his license will be suspended or cancelled and he will be liable to a penalty not exceeding Rs.20,000/-.

**LICENCING AUTHORITY
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GOVERNMENT OF SIKKIM**

[FORM NO. IV
(See rule 4 and 7 (i) (b))
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANCTOK (SIKKIM)]

SL.No.....Book No.....

TRADE LICENSE

(NOT TRANSFERABLE)

License No..... Dated
To,

A passport
size photograph
to affix here

The Urban Development and Housing Department hereby grants to you this license for the use of or part of premises No..... at..... (indication of house address of the locality)..... for the purpose of carrying on trade/operation or keeping articles mentioned below subject to the terms and conditions mentioned overleaf and acknowledge to have received in consideration thereof the sum of Rs.....(Rupees:.....) only vide B.R.No..... dated..... being the license fee for the period from..... to.....

Name of trade/Name of seasonal items

1
2
3
4
5

**LICENCING AUTHORITY
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GOVERNMENT OF SIKKIM**

TERMS AND CONDITIONS OF TRADE LICENSE

1. That you shall not contravene any of the provisions of the Sikkim (Repeal and Miscellaneous) Provisions Act, 1985 and rules made there under;
2. That you shall abide by all instructions given by the Department from time to time;
3. That you shall display the original license in your place of business in a conspicuous manner and shall be produced for verification by the Departmental Officer as and when demanded;
4. That you shall not carry any other trade in the premises except the trade mentioned in the licence;
5. That you shall not carry any trade or manufacture in an unapproved building/premises.

6. **That you shall not sublet the licence to any other person.** If a person other than the licensee or his dependant is found on three Departmental surprise inspections, the intervening periods between the inspections being not less than two months, to be running the business it shall be presumed that the licence has been sublet and unless the licence holder proves that the person is an employee of the former with documentary evidence, the trade licence shall be cancelled within a month from the date of detection of subletting during which the person running the business shall dispose of the items of trade in the shop for closure;
7. That you shall allow any Officer of the Urban Development and Housing Department authorized by the authority empowered to issue licence to enter into any premises where manufacture and or sale of commodities is carried on;
8. That you shall produce your original copy of licence whenever required to do so by any Officer of the Department;
9. That you shall display a board specifying trade license No., name of the Proprietor, and Firm registration, if any;
10. That you shall issue a valid cash memo to the consumer for the sale of any item/commodity;
11. That you shall not display your goods/commodities on public thoroughfares;
12. That you shall keep the premises neat and clean and free from any sanitary defect;
13. That you shall maintain two empty bins for the disposal of bio-degradable and non-biodegradable waste products as per the provision of the Sikkim Non-biodegradable Garbage (Control) Act, 1997. In case the licence is for a clinical purpose a separate bin shall be maintained for disposal of bio-medical clinical waste;
14. That you shall pay toll tax as assessed in the Bazaar Contract Licence Agreement;
15. That you shall not sell any adulterated commodity as defined in the Prevention of Food Adulteration Act, 1954;
16. That, in case of licence for sale of cigarette or any tobacco products, you shall not sell cigarette or any tobacco to any person under 18 years of age and in an area within a radius of one hundred yards of any educational institution;
17. That in case of licence for hotel, guest house, lodge/resort you shall display a board specifying the category of rooms and tariff in the reception counter;
18. That you shall not deliver any goods or materials purchased or otherwise to any person, firm, shop, company or any other agency or organization in plastic wrappers or plastic bags;
19. That you shall not close business without the approval of Urban Development and Housing Department whether temporarily or permanently;
20. If the licensee contravenes any of the above terms and conditions, then without prejudice to any other action that may be taken against him/his license will be suspended or cancelled and he will be liable to a penalty not exceeding Rs.20,000/-.

**LICENCING AUTHORITY
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GOVERNMENT OF SIKKIM**

FORM V
(See rule 4 and 8 (i))
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK

HAWKER LICENCE

R.P. No

Sl.No.

Hawker Licence No. UD&HD

Date:.....

Name of Hawker

S/o, D/o, W/o

Resident of

District

A passport
size
photograph
to affix here.

You are hereby authorized to carry on Hawker's business of
..... at the following Bazaars:-

(i)

(ii)

(iii)

(iv)

The business shall be only on haat days from 01st April to in
respect of the above mentioned item.

TERMS AND CONDITIONS

This Licence is liable to be suspended, cancelled or revoked if the licensee fails to abide by the conditions as under:-

1. That you shall not contravene any of the provisions of the Sikkim (Repeal and Miscellaneous) Provisions Act, 1985 and rules made there under;
2. That you shall confine your trade within the specified market yard;
3. That you shall not erect any structure for exposing goods for sale;
4. If it is found that you are operating on days other than specified mentioned days;
5. That you shall abide by all instructions given by the Department from time to time;
6. That you shall always carry the original license and produce it for verification by the Departmental Officer as and when demanded;
7. That you shall not carry any other trade other than that mentioned in the licence;

8. **That you shall not sublet the licence to any other person.** If a person other than the licensee or his dependant is found on three Departmental surprise inspections, the intervening periods between the inspections being not less than two months, to be running the business it shall be presumed that the licence has been sublet and unless the licence holder proves that the person is his immediate family member, the licence shall be cancelled within a month from the date of detection of subletting;
9. That you shall not display your goods/commodities on public thoroughfares;
10. That you shall keep the premises neat and clean and free from any sanitary defect;
11. That you shall pay toll tax as assessed in the Bazaar Contract Licence Agreement;
12. That you shall not sell any adulterated commodity as defined in the Prevention of Food Adulteration Act, 1954;
13. That you shall not deliver any goods or materials purchased or otherwise to any person, firm, shop, company or any other agency or organization in plastic wrappers or plastic bags;
14. If the licensee contravenes any of the above terms and conditions, then without prejudice to any other action that may be taken against him/his license will be suspended or cancelled and he will be liable to a penalty not exceeding Rs.20,000/-.

NOTE: THIS HAWKER LICENCE IS NON- TRANSFERABLE AND ITS LOSS MUST BE REPORTED IMMEDIATELY TO THE POLICE AND ISSUING AUTHORITY.

Amount deposited.

Rs./- (Rupees)only.

Bank receipt No dated

Signature of Licensing Authority

FORM VI

See rule 7(3) (d) and rule 8 (2) (c)

RECOMMENDATION OF GRAM PANCHAYAT

We, the Panchayat members of the _____ G.P.U do hereby certify that
Smt/Shri _____ s/o, d/o, w/o _____
a resident of _____ is the bonafide SSC/COI holder and bonafide resident of our
area.

We also certify that on verification we found that Smt/ Shri _____
_____ s/o, d/o, w/o _____
_____ is not employed in any Government Organisation and hence can operate
the business in his own house or from the rented or leased out premises of Smt/
Shri _____ s/o, d/o, w/o _____
being the owner of the house for running his/her business of _____ (to
indicate the name of the trade) at _____.

We also certify that the premises on which the proposed business is intended to be run does not
fall within road reserve and there is no encroachment of the forest land or Government land thereon
and in the event of licence being granted to him/her he/she shall run the business herself/himself and
shall not sublet the licence to any person/persons.

We, the Panchayat member hereby recommend for the issuance of trade licence in favour of
Smt/Shri _____ by the Department.

Dated:

Seal & Signature of
Panchayat Members
at least 3 members

FORM VII
(See rule 7(2) (f) and 8 (2) (c))
RECOMMENDATION OF COUINCILLOR

I, _____ Councilor, _____ Ward do
hereby certify that Smt/Shri _____ s/o, d/o, w/o _____
_____ a resident of _____ is the bonafide
SSC/COI holder and bonafide resident of our area.

I also certify that on verification I have found that Smt/ Shri _____
_____ s/o, d/o, w/o _____
_____ is not employed in any Government
Organisation and hence can operate the business in his own house or from the rented or leased out
premises of Smt/Shri _____ s/o, d/o, w/o _____
_____ being the owner of the house for running his/her business of
_____ (to indicate the name of the trade) at
_____ the owner of the
house for running his/her business of _____ (to indicate the name of
the trade) at _____.

I also certify that the premises on which the proposed business is intended to be run does not
fall within road reserve and there is no encroachment of the forest land or Government land thereon
and in the event of licence being granted to him/her he/she shall run the business herself/himself and
shall not sublet the licence to any person/persons.

I, the Councilor hereby recommend for the issuance of trade licence in favour of Smt/Shri
_____ by the Department.

Dated: _____

**Seal & Signature of
Councilor**

FORM VIII
(See rule 7(2)(h) and 7(3) (e)

UNDERTAKING FOR TRADE LICENCE

I, _____ s/o, d/o, w/o _____ resident of _____ having applied for the grant of a Trade/ Licence for the purpose of running a _____ from the premises of _____ located at _____ do hereby undertake that I shall run/operate the aforesaid business myself and that I shall not sublet the licence issued to me by the Urban Development and Housing Department, Government of Sikkim to any person/persons whatsoever and shall employ local resident of the State of Sikkim as the worker/staff in my business establishment as provided under rule 5 (7) of the Sikkim Trade Licence and Miscellaneous Provision Rules, 2011 as amended up to date.

Further, if the aforesaid licence is found to be sublet the issuing authority shall have the right to cancel the licence as per law. I have signed this undertaking on this the _____ day of _____ with my free will and consent.

Signature:

Name:

Address:

Witnesses: (Signature with full name & address)

1. _____

2. _____

FORM IX
(See rule 8(2)(d))

UNDERTAKING FOR HAWKER LICENCE

I, _____ s/o, d/o, w/o _____ resident of _____
_____ having applied for the grant of a Hawker Licence for the purpose
of hawking _____ in the following bazaars
_____ do hereby
undertake that I shall hawk the aforesaid items myself and that I shall not sublet the licence issued to
me by the Urban Development and Housing Department, Government of Sikkim to any person/persons
whatsoever as provided under rule 5 of the Sikkim Trade Licence and Miscellaneous Provision Rules,
2011 as amended up to date.

Further, if the aforesaid licence is found to be sublet the issuing authority shall have the right to
cancel the licence as per law. I have signed this undertaking on this the _____ day of
_____ with my free will and consent.

Signature:
Name:
Address:

Witnesses: (Signature with full name & address)

1. _____

2. _____

FORM NO X
(See rule 7(2) (a))

TO WHOM IT CONCERN

I, Mr/Mrs/MissS/o, w/o, d/o,
.....resident of
Police Station..... District..... have no objection, if
the Urban Development & Housing Department issues trade licence for operating the trade of
..... by Mr/Mrs/Miss
s/o, d/o, w/oresident
of Police station District
in my House/Premises located at

Signature of House Owner
Dated

Signature of Witness: (with name & address)

1.

2.

FORM NO XI
(See rule 23)
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANGTOK SIKKIM

SEIZURE MEMO/LIST

On the inspection of (Place & Description of
the Shop) on this the (Day) (Month) 20..... Shri/Smt/
Miss S/o./W/o./D/o. R/o.
..... is/ are found carrying on the business in contravention of
..... (Provisions of the Rules) and the following items/
documents have been seized under rule of the Sikkim Trade Licence & Miscellaneous Provisions
Rules, 2011:-

1., 2.,
3., 4.,
5., 6.,
7., 8.,
9., 10.,

in the presence of the following witnesses:-

- | | |
|----------------|----------------|
| 1. | 2. |
| Address: | Address: |

Name
Designation
Date

Place.....

(Seal)

SCHEDULE IV

(See rule 27)

EAST DISTRICT

Bazaar Class-I	:	Gangtok, Singtam.
Bazaar Class-II	:	Rangpo, Ranipool, Pakyong Rhenock, Tadong, Rongli.
Bazaar Class-III	:	Dikchu (E), Makha, Sang, Rorathang.
Rural Marketing Centers	:	Phadamchen, Kupup, Sherathang, Chanmari, Rongyek, Burtuk, Bhojoghari, Samdong, Ranka Central Pandam, Martam, Saramsa, Sumik Linzey, Tintek, Lingdong, Chandey Kyonglasla, Theguk, Lingthu, Jaluk, Sisney, Barapathing, Mamring, Machong, Chalisey, (Rhenock) Reshi(E), East Pandam, Kopchey, Dalapchand, Aritar, Chujachen, Rolep, Parakha, Penlong, Lingdok, Lingtam, Rumtek, Middle Camp. Lower Samdong, Duga Tshongu, Sirwani, Syari, Tathangchen.

NORTH DISTRICT

Bazaar Class-II:	:	Mangan, Chungthang, Dikchu (N), Phensong, Phodong.
Rural Marketing Center	:	Payong, Kabi, Namak, Ramthang, Singhik, Pakshep, Manuel, Naga Sangkalang, Hee-Gyathang, Pashingdong, Phidang, Tumlong, Phamtan, Bakcha, Lachen, Lachung, Linzya Tingbong.

SOUTH DISTRICT

Bazaar Class-II	:	Jorethang, Namchi, Melli, Ravongla.
Bazaar Class-III	:	Simchuthang (Manglay), Majhitar, Temi Bazaar, Damthang, Namthang, Kewzing, Yangang, Ralang.
Rural Marketing Centre	:	Nandugoan, Tenzor, Maniram Bhanjyang, Phungbhanjyang, Ratepaney, Tokal Bermoik, "O" Tarku, Ben Bazaar, Sadam, Melli Dara, Payong, Sukrabarey (Sadam), Sumbuk, Turuk, Kitam, Wok, Lingmoo, Lingi-Payong, Namphok, Manpur Gumpa Ghurpisey.

WEST DISTRICT

Bazaar Class-II	:	Gyalshing.
Bazaar Class-III	:	Legship, Reshi, Hee, Sambaria, Soreng, Daramdin, Dentam, Rinchenpong, Kaluk, Mangalbarey, Shreebadam, Barmiok, Tashiding, Chakung, Nayabazaar.
Rural Marketing Centre	:	Darap, Rimbi, Gerethang, Metli-Khechopery, Sakyong, Chongrang, Lingchom, Tashithang Chewabhanjyang, Timburbong, Dodak, Zoom, Ribdi, Okhrey Bhareng, Hilley, Budang, Tharpu Pureytar, Thingling, Begha, Rothak, Yukson, Uttarey.
Note	:	The Demarcation of the boundary of the individual Bazaar area shall be done subsequently by issuing separate notification.