

THE LIVELIHOOD REGULATIONS REPORT

AGRA



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

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PREFACE

The Livelihood regulations report aims at documenting the livelihood regulations and barriers in the informal sector. It was conducted in 63 cities across India where the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) is being implemented. This project was conducted by Centre for Public Policy Research, Cochin in partnership with Centre for Civil Society, New Delhi and is financed by Sir Dorabji Tata Trust (SDTT), Mumbai.

The report aims to unveil the laws applicable to entry-level professions like Auto Rickshaws, Barber Shops, Dhaba's, Meat Shops and mobile/stationary street vegetable/fruit vendors. These documents will effectively draw public attention to the issues faced by the entry-level professions in the informal sectors

Agra is a city on the banks of the Yamuna River in the northern state of Uttar Pradesh, India. It achieved fame as the capital of the Mughal emperors from 1526 to 1658 and remains a major tourist destination because of its many splendid Mughal-era buildings, most notably the Taj Mahal, Agra Fort and Fatehpur Sikri, all three of which are UNESCO World Heritage Sites.

As of the 2000 Indian census, Agra had a population of 1,800,000. Males constitute 53% of the population and females 47%. Agra has an average literacy rate of 65%, higher than the national average of 63.5%; with 76% males literate. 11% of the population is under 6 years of age. Hindi is spoken by virtually everyone. English & Urdu are also spoken.

The present report of the livelihood regulations in Agra covers vegetable sellers, fruit sellers, cycle rickshaw, barber shop and cycle repair shop

AGRA

The Trades under study are:

1. **Vegetable Sellers**
2. **Fruit Sellers**
3. **Cycle Repair Shop**
4. **Barber shop**
5. **Cycle Rickshaw**

Introduction:

The Municipal Corporation as per the directions U.P Nagar Mahapalika Adhiniyam regulates the trades in Agra. Prevention of Food Adulteration Act 1954 is also regulating the trades related to food items. UP Dookan Aur Vanijya Adhistan Adhiniyam 1962 is setting the timings for regulations. Auto Rickshaws are regulated by Motor Vehicles Act 1988.

According to U.P Nagar Mahapalika Adhiniyam no person without the license from the Mukhya Nagar Adhikari shall sell or expose for sale any animal or article in any Mahapalika Market and any one contravening this section may be summarily removed. The act also says that no person is allowed to carry on within the city or use any premises for the trade or operation specified in byelaws or which is dangerous with out the license granted by the Mukhya Nagar Adhikari. The commissioner has the power to grant license and add further conditions to it to with hold any such license and the licensee is supposed to keep the license in premises.

Trade wise details are as follows:

I.VEGETABLE SELLERS:

The licensing of vegetable shop is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself. Prevention of Food Adulteration Act is also applicable.

Licensing Procedure:

The vegetable vendors use a four wheeled cart. The procedure for starting a vegetable cart-vendor is simple. The four-wheeled cart does not require a license rather a registration. The cart can be bought by the vendor directly and get it registered in the Agra Municipality. The timing under which he has to operate is not stipulated anywhere, and so there is no any closing timing.

The registration procedure can be summarized as the following:

- Buy the cart from the market / hire an existing one. If hiring a vehicle, then the registration must already have been completed.

- Takes the new vehicle to the Municipality.
- Submit the same with an application on a plain paper stating the needs to register the same with them. Concerned official can be available in non-engined commercial vehicles department.
- He is given a registration number usually in two-three days (sometimes on the same day) and details are noted in register that the official has to maintain.
- This number is engraved on a steel plate and affixed on the lower end of the cart by the owner. His vehicle thus gets registered.

License Fees:

There is no registration fee but the municipality for plying on the streets of the city levies an annual vehicle tax. For a cart of the type described above it is Rs.40. This is levied annually after which a receipt is given. The receipt must be carried always by the vendors and produced when asked by a policeman or a Municipality Inspector.

Following is the rate of annual tax for various carts at present:

Category	Price
Ice-cream trolley	Rs .50
Fruit/Vegetable Four wheeled trolley (cart)	Rs .40
Three wheeled trolley	Rs.50
Ice-cream trolley	Rs. 50
Fruit/Vegetable Four wheeled trolley (cart)	Rs .40
Three wheeled trolley	Rs 50

Documents Required:

Following documents are required in registering:

1. Application form written by him.
2. Number of registration number.

Time Processing:

There is no prescribed time in law absolutely. However, it is processed within a week's time

Penalty:

The receipt must be carried always by the vendors and produced when asked by a policeman or a Municipality Inspector. However, if they are found plying without any tax or registration, they will be in lockers and their cart is confiscated, which can be redeemed upon payment of suitable fine.

II. FRUIT SELEERS:

Fruit sellers have the same procedure of vegetable shops. It can be summarized as follows:

The licensing of fruit sellers is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself. Prevention of Food Adulteration Act is also applicable.

Licensing Procedure:

The fruit vendors use a four wheeled cart. The procedure for starting a vegetable cart-vendor is simple. The four-wheeled cart does not require a license rather a registration. The cart can be bought by the vendor directly and get it registered in the Agra Municipality. The timing under which he has to operate is not stipulated anywhere, and so there is no any closing timing.

The registration procedure can be summarized as the following:

- Buy the cart from the market / hire an existing one. If hiring a vehicle, then the registration must already have been completed.
- Takes the new vehicle to the Municipality.
- Submit the same with an application on a plain paper stating the needs to register the same with them. Concerned official can be available in non-engined commercial vehicles department.
- He is given a registration number usually in two-three days (sometimes on the same day) and details are noted in register that the official has to maintain.
- This number is engraved on a steel plate and affixed on the lower end of the cart by the owner. His vehicle thus gets registered.

License Fees:

There is no registration fee, but the Municipality for plying on the streets of the city levies an annual vehicle tax. For a cart of the type described above, it is Rs.40. This is levied annually, after which a receipt is given. The receipt must be carried always by the vendors and produced when asked by a policeman or a Municipality Inspector.

Following is the rate of annual tax for various carts at present:

Category	Price
Ice-cream trolley	Rs .50
Fruit/Vegetable Four wheeled trolley (cart)	Rs .40
Three wheeled trolley	Rs.50
Ice-cream trolley	Rs. 50
Fruit/Vegetable Four wheeled trolley (cart)	Rs .40
Three wheeled trolley	Rs 50

Documents Required:

Following documents are required in registering:

1. Application form written by him.
2. Number of registration number.

Time Processing:

There is no prescribed time in law absolutely. However, it is processed within a week's time.

Penalty:

The receipt must be carried always by the vendors and produced when asked by a policeman or a Municipality Inspector. However, if they are found plying without any tax or registration, they will be in lockers and their cart is confiscated, which can be redeemed upon payment of suitable fine.

III.CYCLE REPAIR SHOP:

Cycle repair Shop has the same procedure vegetable shop and fruit sellers. But Prevention of Food adulteration Act is not applicable. The licensing is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself.

Licensing Procedure:

The process is submitting a filled application form in the prescribed form to Nagar Nigam. The form can be obtained from Nagar Nigam and the health department with the prescribed fees.

Authority:

Nagar Nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of Nagar Nigam.

Documents Required:

Following documents are required in registering:

1. Application form written by him.
2. Number of registration number.

Time Processing:

There is no prescribed time in law absolutely. However, it is processed within a week's time.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the treasury.

License Renewal:

The license must be renewed after one year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharges will be charged.

Inspection:

As per the section 434 and 435 of U. P Nagar Mahapalika Adhiniyam 1959, the Mukhya Nagar Adhikari/ Corporation Commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the same. If it is found unfit for human consumption, he can seize the article and can arrest the person by taking him to the nearest police station.

Timings:

As per the U.P DOOKAN AUR VANIJYA ADHIDTHAN ADHINIYAM 1962, section (5) no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours. However Cycle Repair shops fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, cycle repair shop does not fall under the purview of Section 8 that talks about observing a holiday once a week. Hence, one can keep the cycle Repair shop open all seven days in a week.

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for every subsequent offence it is Rs.500.

IV.BARBER SHOP:

The shop can be established in either Mahapalika Market or any Private Market. In the former case, the shops etc are set up by the Municipality itself, and maintained in Mahapalika market and charge for the same. The detailed procedure is given in section 422 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959. However, as a general trend, the markets in Agra are springing up in the form of private ones, where less governmental regulations and interventions are required. For that he has to acquire the piece of land and shop by purchase or he may acquire the same through rent. Rent is more common phenomenon. The price varies from place to place, and is generally the major problem in poor entrepreneurs. Once they have obtained the legal permission from the person to use his shop as a barber or bought his own shop, he needs to get the license.

Barber Shop has the same procedure of Cycle Repair shop. The licensing is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself.

Licensing Procedure:

The process is submitting a filled application form in the prescribed form to Nagar Nigam. The form can be obtained from Nagar Nigam and the health department with the prescribed fees.

Authority:

Nagar Nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of Nagar Nigam.

Documents Required:

Following documents are required in registering:

1. Application form written by him.
2. Number of registration number.

Time Processing:

There is no prescribed time in law absolutely. However, it is processed within a week's time.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the treasury.

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharges will be charged.

Timings:

As per the U.P DOOKAN AUR VANIJYA ADHIDHAN ADHINIYAM 1962, section (5) no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours. However Cycle Repair shops fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, cycle repair shop does not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence, one can keep the cycle Repair shop open all seven days in a week.

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for every subsequent offence it is Rs.500.

V.CYCLE RICKSHAW:

The Municipality has made it mandatory that all cycle rickshaw pullers must obtain a license for driving the same. Permits are required for engine vehicles like autos and not for rickshaw. No permit is required for a rickshaw puller in Agra

Licensing Procedure:

Applicant must get his medical check up done by the city medical officer and get a health certificate. Thereafter, he must submit an application with his passport size photograph asking the license and consent for plying a rickshaw in Agra. It is incumbent upon the applicant to mention the registration number(number which is engraved on a steel plate behind the lower portion of the rickshaw that was given to the Municipality at the time of registration). This must be submitted along with the medical certificate. In a matter of a few days, as claimed by the Municipal Authorities, the person gets his license for rickshaw. They can ply in any area they want based of common understandings. Applicant must get his medical check up done by the city medical officer and get a health certificate. Thereafter, he must submit an application with his passport size photograph asking the license and consent for plying a rickshaw in Agra.

Time Processing:

There is no prescription of time in law absolutely. However, it is processed within a week's time.

Documents Required:

No specific documents are required.

License Fees:

The rickshaw, like a trolley, is also taxed annually. For a rickshaw, the tax is Rs.60. The same comes under Section 172 and more generally in Section 182. Section 172 (b) says that tax must be levied on vehicles other than mechanically propelled vehicles, but on all conveyances on hire must be taxed. So the authorities in Municipality levy the annual tax of Rs.60

Terms and Conditions:

The rickshaw is allowed to ply only in the territory region of Agra. It must not be used for goods transport since regulations for such usage is different slightly primarily in the form of annual tax, and registration is under a separate head. The rickshaw puller can ply it at any time. Special relaxation at night is given to those rickshaws that ply near railway or bus stations at night. A person can own as many rickshaws and hire too. However, registration of rickshaws is the prerogative of the owner and not the one who has hired it. However the one

who pulls it must have a license. There is no upper ceiling on the number of rickshaws that must ply on roads of Agra, however too much crowd at one particular place attracts hits and hassles by policemen who control the traffic.

Penalty:

Defaulters are put behind the municipal jail, and their rickshaws are confiscated.

FINDINGS OF THE STUDY

I. Vegetable and Fruit Vendors:

1. The licensing is under the purview of UP Dookan Aur vanijya Adhinishthan Adhiniyam, 1962 and Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself
2. The vendors use a four wheeled cart. The procedure for starting a vegetable cart-vendor is simple. The four-wheeled cart does not require a license rather a registration. The cart can be bought by the vendor directly and get it registered in the Agra Municipality. The timing under which he has to operate is not stipulated anywhere, and so there is no any closing timing
3. Submit the cart with an application on a plain paper stating the needs to register the same with them. Concerned official can be available in non-engined commercial vehicles department
4. There is no prescribed time in law absolutely. However, it is processed within a week's time. He is given a registration number usually in two-three days (sometimes on the same day) and details are noted in register that the official has to maintain.
5. There is no registration fee, but an annual vehicle tax is levied by the Municipality for plying on the streets of the city
6. The receipt must be carried always by the vendors and produced when asked by a policeman or a Municipality Inspector. However, if they are found plying without any tax or registration, they will be in lockers and their cart is confiscated, which can be redeemed upon payment of suitable fine

Barber Shop and Cycle Repair Shop:

1. Cycle repair Shop and Barber Shop have the same procedure vegetable shop and fruit sellers. But Prevention of Food adulteration Act is not applicable
2. The licensing is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself
3. The process is submitting a filled application form in the prescribed form to Nagar Nigam. The form can be obtained from Nagar Nigam and the health department with the prescribed fees
4. Nagar nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of nagar nigam
5. Application form written by him and Number of registration number is required

6. There is no prescribed time in law absolutely. However, it is processed within a week's time
7. As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the Treasury
8. The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharges will be charged
9. As per the U.P DOOKAN AUR VANIJYA ADHIDTHAN ADHINIYAM 1962, section (5) no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours
10. Cycle Repair shops and Barber Shops fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, cycle repair shop and Barber Shop does not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence, one can keep the cycle Repair shop open all seven days in a week
11. Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence, Rs.500

CYCLE RICKSHAW:

The Municipality has made it mandatory that all cycle rickshaw pullers must obtain a license for driving the same. Permits are required for engine vehicles, like autos and not for rickshaw. So no permit is required for a rickshaw puller in Agra.

1. Applicant must get his medical check up done by the city medical officer and get a health certificate. Thereafter, he must submit an application with his passport size photograph asking the license and consent for plying a rickshaw in Agra
2. There is no prescription of time in law absolutely for processing. However it is processed within a week's time
3. The rickshaw is allowed to ply only in the territory region of Agra. It must not be used for goods transport
4. The rickshaw puller can ply it at any time. Special relaxation at night is given to those rickshaws that ply near railway or bus stations at night
5. A person can own as many rickshaws and hire too. However, registration of rickshaws is the prerogative of the owner and not the one who has hired it. However the one who pulls it must have a license. There is no upper ceiling on the number of rickshaws that must ply on roads of Agra, however too much crowd at one particular place attracts hits and hassles by policemen who control the traffic
6. Defaulters are put behind the municipal jail, and their rickshaws are confiscated.