

THE LIVELIHOOD REGULATIONS REPORT

ASANSOL



PREPARED BY



IN PARTNERSHIP WITH



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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

Asansol a coal-mining-industrial-commercial centre, is the second largest city in West Bengal, after Kolkata. It is the 29th most populous city in India, with over a million residents. It is a sub-division located in Bardhaman District, in the western periphery of the state.

As of 2001 India census, Asansol had a population of 1,067,369. Males constitute 53% of the population and females 47%. Asansol has an average literacy rate of 73%, higher than the national average of 59.5%. 11% of the population is under 6 years of age.

The present report of the livelihood regulations in Asansol covers dhaba, vegetable sellers, fashion street bazaars, cycle repair shop and meat Shop.

ASANSOL

The sectors chosen for the study are:

1. **Dhabha/ food courts.**
2. **Vegetable Sellers.**
3. **Fashion Street.**
4. **Cycle Rickshaw.**
5. **Meat Shop**

Introduction:

The above mentioned trades in Asansol Corporation are under the regulation of Asansol Municipal Corporation and are being regulated under the provisions of Asansol Municipal Corporation Act 1990. As per the section 123 of the act, every person engaged in any profession, trade or calling in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or any authorized officer by him in his absence. Trade wise details are as follows:

I.Dhaba:

The issue of license is regulated by the Asansol Municipal Corporation Act 1990 and Prevention of Food Adulteration Act 1954 is applicable to food related items.

Licensing Procedure:

Section 123 of Asansol Municipal Corporation Act 1990 says that every person engaged or intending to be engaged in any professions, trade or calling in any are within the jurisdiction of corporation shall obtain a certificate of enlistment. For that one has to apply to the chief executive officer together with the fees prescribed. Such application fees shall not exceed Rs.500.

According to section 208 no person shall use any premises for any non residential purposes as mentioned in schedule II without or otherwise than in conformity with a license granted by the chief Executive Officer in behalf of the terms and conditions including the fees as determined by the regulations. The mayor- in- council will determine the fees. The fees shall not exceed Rs.500 per month in respect of any premises.

So two types of licenses are being issued in Asansol. One is for premise and the other is for trade. This is a sort of confusing process.

As per the section 123 of the act, every person engaged in any profession, trade or calling in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or in his absence. One has to apply to the authorized officer upon the presentation of an application together with the application fees. Section 208 also supports this. The department will issue the license after

the verification visit by the concerned authority. A license shall be issued by the board of councilors or by any other officer in charge and the valid license must contain

- a. Date of grant thereof
- b. Purpose and period
- c. Restrictions/ conditions
- d. Name and address of the licensee
- e. Fees paid

Departments Involved:

Licensing Department is wholly responsible for the process.

Documents Required:

For trades other than hawkers, the application has to be submitted along with the property tax receipt of the building. If rented, no objection certificate also is needed.

License Fees:

For every license, a fee may be charged from time to time as fixed by the corporation and Asansol Corporation has fixed it as Rs.6500 for an annum.

License Renewal:

The license can be renewed after Submission of the application forms with previous license and property tax receipt. Investigation of the premise by concerned staff will also be their prior to the renewal.

Penalty:

As per the Asansol Municipal Corporation act, keeping eating house open with out license is liable to get the penalty of Rs.2500 or the imprisonment for six months or both. The maximum daily fine can be Rs.200. As per the act, selling adulterated or misbranded food is also liable to pay the same fine.

II.Vegetable sellers:

The issue of license is regulated by the Asansol Municipal Corporation Act 1990 and Prevention of Food Adulteration Act 1954 is applicable to food related items.

Licensing Procedure:

As per the section 123 of the act, every person engaged in any profession, trade or calling in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or in his absence. In

addition as per the section 242 one is not eligible to hawk in public places without or in contrary to the conditions of license.

Section 123 of Asansol municipal corporation act says that every person engaged or intending to be engaged in any professions, trade or calling in any are within the jurisdiction of corporation shall obtain a certificate of enlistment. For that one has to apply to the chief executive officer together with the fees prescribed. Such application fees shall not exceed Rs.500.

According to section 208 no person shall use any premises for any non residential purposes as mentioned in schedule II without or otherwise than in conformity with a license granted by the chief Executive Officer in behalf of the terms and conditions including the fees as determined by the regulations. The mayor- in- council will determine the fees. The fees shall not exceed Rs.500 per month in respect of any premises. So two types of licenses are being issued in Asansol. One is for premise and the other is for trade.

The procedures and formalities are same as that of dhaba.

As per the section 123 of the act, every person engaged in any profession, trade or calling in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or in his absence. One has to apply to the authorized officer upon the presentation of an application together with the application fees. Section 208 also supports this. The department will issue the license after the verification visit by the concerned authority. A license shall be issued by the board of councilors or by any other officer in charge and the valid license must contain

- a. Date of grant thereof
- b. Purpose and period
- c. Restrictions/ conditions
- d. Name and address of the licensee
- e. Fees paid

Departments Involved:

Licensing Department is wholly responsible for the process.

Documents Required:

For trades other than hawkers, the application has to be submitted along with the property tax receipt of the building. If rented, no objection certificate also is needed.

License Fees:

For every license, a fee may be charged from time to time as fixed by the corporation and Asansol Corporation has fixed it as Rs.6500 for an annum.

License Renewal:

The license can be renewed after Submission of the application forms with previous license and property tax receipt. Investigation of the premise by concerned staff will also be their prior to the renewal.

Penalty:

As per the Asansol Municipal Corporation act, carrying the trade of butcher with out license is liable to get the penalty of Rs.2500 or the imprisonment for six months or both. The maximum daily fine can be Rs.200. As per the act, selling adulterated or misbranded food is also liable to pay the same fine. As per section 242, Hawking is prohibited and the defaulters are liable to pay a fine of Rs.500. The maximum daily fine can be Rs.25

III.Cycle Rickshaw Pullers:

The issue of license is regulated by the Asansol Municipal Corporation Act 1990. Asansol Municipal Corporation Act defines carriage as any wheeled vehicle with springs or other appliance acting as springs, which is ordinarily used for the conveyance of human beings and it also includes cycle rickshaw.

Licensing Procedure:

Section 123 of Asansol municipal corporation act says that every person engaged or intending to be engaged in any professions, trade or calling in any are within the jurisdiction of corporation shall obtain a certificate of enlistment. For that one has to apply to the chief executive officer together with the fees prescribed. Such application fees shall not exceed Rs.500.

According to section 208 no person shall use any premises for any non residential purposes as mentioned in schedule II without or otherwise than in conformity with a license granted by the chief Executive Officer in behalf of the terms and conditions including the fees as determined by the regulations. The mayor- in- council will determine the fees. The fees shall not exceed Rs.500 per month in respect of any premises. So two types of licenses are there in the Asansol. One is for premise and the othe4r is for trade. This is a sort of confusing process.

Details of Carriages are as:

As per the section 129 of the act, a tax shall be imposed by the corporation on all carriages within the boundaries of the corporation. As per Section 31, the owner or the person having possession or control of carriage is liable to pay that tax.

As per the section 131, the chief Executive Officer shall grant him a license on the payment of tax by the owner or the person having possession or control over carriage. One has to apply to the authorized officer upon the presentation of an application together with the application fees .The statements in relation to the carriage such as registration details etc. has to be furnished before

him for granting the license. The account details, books etc can also be asked for inspection. The department will issue the license after the verification visit by the concerned authority.

The Mayor- in- Council has the power to compound the tax for any period not exceeding one year at a time with those who kept the taxes in lieu.

Departments Involved:

Licensing Department is wholly responsible for the process.

Documents Required:

All the statements in relation to the carriage such as registration details etc. have to be furnished before the Executive officer for granting the license. The account details, books etc can also be asked for inspection.

License Fees:

For every license, a fee may be charged from time to time as fixed by the corporation and Asansol Corporation has fixed it as Rs.6500 for all trades per an annum. As per the section 208 of the Act, the fees cannot exceed Rs.500 per year. RTI reply states that for cycle rickshaws too, the corporation is charging the same fees of other trades

License Renewal:

The license can be renewed after Submission of the application forms with previous license and property tax receipt. Investigation of the premise by concerned staff will also be their prior to the renewal.

Penalty:

As per the section 140 of the Asansol Municipal Corporation act, if the person liable to pay the tax is not paying it with sum due and if no appeal is preferred within the thirty days of demand, he shall be deemed to be in demand. An amount, which shall not exceeding 15 % of the amount, may be recovered from him by way of penalty. The penalty may be recovered if the person may pay the amount due with the entire sum and the interest together.

IV. Meat Shops:

The issue of license is regulated by the Asansol Municipal Corporation Act 1990 and Prevention of Food Adulteration Act 1954 is applicable to food related items.

Licensing Procedure:

As per the section 123 of the act, every person engaged in any profession, trade or calling in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get

the same renewed annually as the case may be from the chief executive officer or in his absence. The procedures and formalities are same as that of dhaba.

Section 123 of Asansol municipal corporation act says that every person engaged or intending to be engaged in any professions, trade or calling in any are within the jurisdiction of corporation shall obtain a certificate of enlistment. For that one has to apply to the chief executive officer together with the fees prescribed. Such application fees shall not exceed Rs.500.

According to section 208 no person shall use any premises for any non residential purposes as mentioned in schedule II without or otherwise than in conformity with a license granted by the chief Executive Officer in behalf of the terms and conditions including the fees as determined by the regulations. The mayor- in- council will determine the fees. The fees shall not exceed Rs.500 per month in respect of any premises.

So two types of licenses are being issued in Asansol. One is for premise and the other is for trade.

As per the section 237, the corporation may own, purchase or take any land or building for the purpose of establishing municipal market or slaughter house. As per Section 239, No person shall without any license granted by the Chief Executive Officer, carry on any slaughter houses or sell or expose or hawk about sale for any animal for the sale of any meat intended for human Consumption.

As per the section 123 of the act, every person engaged in any profession, trade or calling in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or in his absence. One has to apply to the authorized officer upon the presentation of an application together with the application fees. Section 208 also supports this. The department will issue the license after the verification visit by the concerned authority. A license shall be issued by the board of councilors or by any other officer in charge and the valid license must contain

- f. Date of grant thereof
- g. Purpose and period
- h. Restrictions/ conditions
- i. Name and address of the licensee
- j. Fees paid

Departments Involved:

Licensing Department is wholly responsible for the process.

Documents Required:

For trades other than hawkers, the application has to be submitted along with the property tax receipt of the building. If rented, no objection certificate also is needed.

License Fees:

For every license, a fee may be charged from time to time as fixed by the corporation and Asansol Corporation has fixed it as Rs.6500 for an annum.

License Renewal:

The license can be renewed after Submission of the application forms with previous license and property tax receipt. Investigation of the premise by concerned staff will also be their prior to the renewal.

Penalty:

As per the Asansol Municipal Corporation act, carrying the trade of butcher with out license is liable to get the penalty of Rs.2500 or the imprisonment for six months or both. The maximum daily fine can be Rs.200. As per the act, selling adulterated or misbranded food is also liable to pay the same fine. As per section 242, Hawking is prohibited and the defaulters are liable to pay a fine of Rs.500. The maximum daily fine can be Rs.25/-

V. Fashion Street Bazaars:

The issue of license is regulated by the Asansol Municipal Corporation Act 1990.

Licensing Procedure:

Section 123 of Asansol Municipal Corporation Act 1990 says that every person engaged or intending to be engaged in any professions, trade or calling in any are within the jurisdiction of corporation shall obtain a certificate of enlistment. For that one has to apply to the Chief Executive Officer together with the fees prescribed. Such application fees shall not exceed Rs.500.

According to section 208 no person shall use any premises for any non residential purposes as mentioned in schedule II without or otherwise than in conformity with a license granted by the chief Executive Officer in behalf of the terms and conditions including the fees as determined by the regulations. The mayor- in- council will determine the fees. The fees shall not exceed Rs.500 per month in respect of any premises.

So two types of licenses are being issued in Asansol. One is for premise and the other is for trade. This is a sort of confusing process.

As per the section 123 of the act, every person engaged in any profession, trade or calling in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or in his absence. One has to apply to the authorized officer upon the presentation of an application together with the application fees. Section 208 also supports this. The department will issue the license after the verification visit by the concerned authority. A license shall be issued by the board of councilors or by any other officer in charge and the valid license must contain the following:

- a. Date of grant thereof
- b. Purpose and period
- c. Restrictions/ conditions
- d. Name and address of the licensee
- e. Fees paid

Departments Involved:

Licensing Department is wholly responsible for the process.

Documents Required:

For trades other than hawkers, the application has to be submitted along with the property tax receipt of the building. If rented, no objection certificate also is needed.

License Fees:

For every license, a fee may be charged from time to time as fixed by the corporation and Asansol Corporation has fixed it as Rs.6500 for an annum.

License Renewal:

The license can be renewed after Submission of the application forms with previous license and property tax receipt. Investigation of the premise by concerned staff will also be their prior to the renewal.

Penalty:

As per the Asansol Municipal Corporation act, keeping shops open with out license is liable to get the penalty of Rs.1000. The maximum daily fine can be Rs.100. As per section 242, Hawking is prohibited and the defaulters are liable to pay a fine of Rs.500.The maximum daily fine can be Rs.25

FINDINGS FROM THE STUDY**General Findings:**

1. The trades in Asansol Corporation are under the regulation of Asansol Municipal Corporation and are being regulated under the provisions of Asansol Municipal Corporation Act 1990
2. As per the section 123 of the act, every person engaged in any profession, trade or calling in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or any authorized officer by him in his absence
3. According to Section 208 of the Asansol Municipal Corporation act, nobody is permitted to use any premises for any non residential purposes without a license from Chief Executive

Office or any authorized officer in his behalf and is supposed to follow the rules and regulations for license

4. A license shall be issued by the board of councilors or by any other officer in charge and the valid license must contain
 - a. Date of grant thereof
 - b. Purpose and period
 - c. Restrictions/ conditions
 - d. Name and address of the licensee
 - e. Fees paid

Trade wise Findings:

Dhaba: -

1. Every person engaged in dhaba in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment and should get the same renewed annually from the chief executive officer or any authorized in his absence. One has to apply to the authorized officer upon the presentation of an application together with the application fees. The department will issue the license after the verification visit by the concerned authority
2. Licensing Department is wholly responsible for the process
3. For trades other than hawkers, the application has to be submitted along with the property tax receipt of the building. If rented, no objection certificate also is needed
4. For every license, a fee may be charged from time to time as fixed by the corporation and Asansol Corporation has fixed it as Rs.6500 for an annum. As per section 123 and 208, the fees cannot exceed Rs.500 per year
5. The license can be renewed after Submission of the application forms with previous license and property tax receipt. Investigation of the premise by concerned staff will also be their prior to the renewal
6. As per the Asansol Municipal Corporation act, keeping eating house open with out license is liable to get the penalty of Rs.2500 or the imprisonment for six months or both. The maximum daily fine can be Rs.200. As per the act, selling adulterated or misbranded food is also liable to pay the same fine

Vegetable sellers: -

1. As per the provisions of section 123, Every person engaged in vegetable sale in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually from the chief executive officer or any authorized in his absence. In addition as per the section 242 one is not eligible to hawk in public places without or in contrary to the conditions of license
2. The procedures and formalities are same as that of dhaba
3. As per the Asansol Municipal Corporation act, keeping shops open with out license is liable to get the penalty of Rs.1000. The maximum daily fine can be Rs.100.As per section 242, Hawking is prohibited and the defaulters are liable to pay a fine of Rs.500. The maximum daily fine can be Rs.25

Cycle Rickshaw Pullers:

1. Asansol Municipal Corporation Act defines carriage as any wheeled vehicle with springs or other appliance acting as springs that is ordinarily used for the conveyance of human beings. And it also includes cycle rickshaw
2. As per the section 129 of the act, a tax shall be imposed by the corporation on all carriages within the boundaries of the corporation. As per Section 31, the owner or the person having possession or control of carriage is liable to pay that tax
3. As per the section 131, the chief Executive Officer shall grant him a license on the payment of tax by the owner or the person having possession or control over carriage
4. The statement in relation to the carriage such as registration details etc. has to be furnished before him for granting the license. The account details, books etc can also be asked for inspection. The department will issue the license after the verification visit by the concerned authority. The Mayor- in- Council have the power to compound the tax for any period not exceeding one year at a time with those who kept the taxes in lieu
5. For every license, a fee may be charged from time to time as fixed by the corporation and Asansol Corporation has fixed it as Rs.6500 for all trades per an annum as per the RTI reply provided by the Corporation. . As per the section 208 of the Act, the fees cannot exceed Rs.500 per year
6. The license can be renewed after Submission of the application forms with previous license and property tax receipt. Investigation of the premise by concerned staff will also be their prior to the renewal
7. As per the section 140 of the Asansol Municipal Corporation act, if the person liable to pay the tax is not paying it with sum due and if no appeal is preferred within the thirty days of demand, he shall be deemed to be in demand. An amount, which shall not exceeding 15 % of the amount, may be recovered from him by way of penalty. The penalty may be recovered if the person may pay the amount due with the entire sum and the interest together

Meat Shops:

Licensing Procedure:

1. As per the section 123 of the act, every person engaged in meat shops in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or in his absence. The procedures and formalities are same as that of dhaba
2. As per the section 237, the corporation may own, purchase or take any land or building for the purpose of establishing municipal market or slaughter house. As per Section 239, No person shall without any license granted by the Chief Executive Officer, carry on any slaughter houses or sell or expose or hawk about sale for any animal for the sale of any meat intended for human Consumption
3. As per the Asansol Municipal Corporation act, carrying the trade of butcher with out license is liable to get the penalty of Rs.2500 or the imprisonment for six months or both. The maximum daily fine can be Rs.200As per the act, selling adulterated or misbranded food is also liable to pay the same fine. As per section 242, Hawking is prohibited and the defaulters are liable to pay a fine of Rs.500. The maximum daily fine can be Rs.25

Fashion Street Bazaars:

1. As per the section 123 of the act, every person engaged in fashion Bazaars in any area under the jurisdiction of the corporation shall obtain a certificate of enlistment or get the same renewed annually as the case may be from the chief executive officer or in his absence. The procedures and formalities are same as that of dhaba
2. As per the Asansol Municipal Corporation act, keeping shops open with out license is liable to get the penalty of Rs.1000The maximum daily fine can be Rs. 100.As per section 242, Hawking is prohibited and the defaulters are liable to pay a fine of Rs.500. The maximum daily fine can be Rs.25

FINDINGS FROM ASANSOL MUNICIPAL CORPORATION ACT 1990

1. The mayor can declare certain areas which cannot be used for certain purposes .The mayor have the power to stop violations which are done after one month of declaration
2. According to the Asansol Municipal Corporation act, market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting, the market by the owners of the place or by any other person declared and licensed by the Corporation as a market;
3. According to the Asansol Municipal Corporation act, Municipal Slaughter house means a slaughter house vested in / managed by corporation
4. According to the Asansol Municipal Corporation act, public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;
5. According to the Asansol Municipal Corporation act, "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;
6. According to the Asansol Municipal Corporation act, "trade premises" means any premises used or intended to be used for carrying on any trade or industry;
7. According to section 129, all carriages within the boundary of corporation is liable to pay tax and will get license on the payment of tax
8. Section 185 proves that the Chief Executive Officer has power to remove anything hawking in street/ foot path etc in contrary to the provisions of the Act
9. Section 234 envisages that all the eating houses established within the city has to be taken license granted by the Chief Executive Officer. The CEO may anytime cancel/ suspend any license granted by the commissioner for the violation of laws
10. Section 237 says that the corporation may own or purchase or take on lease for the purpose of establishing municipal market or slaughter house and will make provisions for such maintenance. Section 238 illustrates that the slaughter houses cannot be open without license. The trades of butchers, hawking of flesh or exposing flesh for human consumption should also get license from Chief Executive Officer

11. Subject to the provisions of PFA Act 1954, The Corporation has the power for the inspection of premises serving food or which used for preparing food for human consumption. In the case of Violations, Corporation authorities have power to seize the articles
12. Subject to the provisions of the code of criminal procedure 1973, Chief Executive Officer or any authorized officer have power to enter any premises with or without assistance for the purpose of enquiry/ inspection/ execution of any work/ discharge of any function authorized under the Act. (Section 268)
13. Section 269 envisages that it is the duty of the police officer in or outside the Asansol to assist Mayor / Mayor-in- council / Councilors, the CEO or any officer / employer of the corporation to exercise the powers and discharge of duties and functions under Act/ any rule / regulation made as and when assistance is requested

Special Comment:

1. Very poor quality information is provided to the reply of RTI Application