

THE LIVELIHOOD REGULATIONS REPORT

BANGALORE



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

Bangalore officially Bengaluru is the capital of the Indian state of Karnataka. Located on the deccan Plateau in the south-eastern part of Karnataka, Bangalore is India's third most populous city^[2] and fifth-most populous urban agglomeration. Bangalore is home to numerous public sectors such as heavy industries, software companies, aerospace, telecommunications, machine tools, heavy equipment, and defence establishments. Bangalore is known as the *Silicon Valley of India* owing to its pre-eminent position as the leading contributor to India's IT industry. Bangalore has developed into one of India's major economic hubs and was mentioned by CNN as one of the "best places to do business in the wired world".

With an estimated population of 5,281,927 in the year 2007, Bangalore is the third most populous city in India and the 27th most populous city in the world. With a decadal growth rate of 38%, Bangalore was the fastest-growing Indian metropolis after New Delhi for the decade 1991–2001. Residents of Bangalore are referred to as *Bangaloreans* in English or *Bengaloorinavaru* in Kannada. Kannadigas formed about 39% of the population, by some estimates, while non-Kannadigas form the rest of the population.

According to the 2001 census of India, 79.37% of Bangalore's population is Hindu, roughly the same as the national average. Muslims comprise 13.37% of the population, which again is roughly the same as the national average, while Christians and Jains account for 5.79% and 1.05% of the population, respectively, double that of their national averages. Anglo-Indians also form a substantial group within the city. Women make up 47.5% of Bangalore's population. Bangalore has the second highest literacy rate (83%) for an Indian metropolis, after Mumbai. Roughly 10% of Bangalore's population lives in slums — a relatively low proportion when compared to other cities in the developing world such as Mumbai (42%) and Nairobi (60%).

The present study on the livelihood regulations in the limits of Bangalore City Corporation covers dhaba, fruit sellers, auto rickshaw, meat Shop and cycle repair shop.

BANGALORE

The trades chosen for the study are:

1. **Dhabha/ food courts.**
2. **Fruit Sellers**
3. **Auto Rickshaw**
4. **Meat Shop**
5. **Cycle repair shop**

The licensing of trades in the corporation of Bangalore (Bruhat Bangalore Mahanagara Palike) is regulated under the Trade Licensing Department .Schedule X of the Karnataka Municipal Corporations Act 1976 lists trades that require license before commencing the trade. As per the Act, Bruhat Bangalore Mahanagara Palike is the competent public health authority with a mandate to promote, protect and improve the health of people within its jurisdiction. The issue of trade license in Bruhat Bangalore Mahanagara Palike vest with the Health Department. The department issues license to a broad range of professions, trades, and occupations.

Some important schemes and guidelines of the department:

Health trade license:

Bruhat Bangalore Mahanagara Palike has a duty to safeguard public health. In order to regulate that certain trades maintain cleanliness, hygiene and all other health concerns and safety standards, they are obliged to obtain trade license prior to commencing business and renew them annually.

Trades that require trade license:

The lists of trades that are statutorily obliged to apply and obtained license are specified under Schedule X of the KMC Act 1976.

Suvarna Arogya Paravanagi:

Suvarna Arogya Paravanagi is an optional scheme for renewal of Trade License. Under this scheme, If you submit the renewal application between 9-30 AM to 1.30 PM from 15th of March 2007 to 31st March 2007 at the 'Trade License Renewal Clinics' (TLRC) along with an affidavit to the effect that you are continuing the trade and will abide to all trade regulation, your Trade license will be automatically renewed and issued to you on the next working day between 9.30 AM - 1.30PM at the same counter where you applied.

Trade classification:

Trades that are liable for "Trade License" under the KMC (Karnataka Municipal Corporation) Act are listed in Annexure A in the handbook. The trade is classified into Schedules X Part I to Part VIII as under:

1. Schedule X Part I Articles of food and drink
2. Schedule X Part II License for commercial accommodations
3. Schedule X Part III Non-food-Medical
4. Schedule X Part IV Non-food Industrial
5. Schedule X Part V Non-food- Construction materials
6. Schedule X Part VI Residual entry
7. Section 354 Part VII Power license

Section 354 Part VIII Issuance of No Objection Certificate for certain trade and events

Trade wise details are as follows:

I DHABA:

Dhaba's are regulated as per the direction of Karnataka Municipal Corporation Act 1976 where as the directions for timings for operation are fixed by the Karnataka Shops and Commercial Establishment Act 1961. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

As per section 343 of Karnataka Municipal Corporation Act 1976, No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner keep any eating house, tea-shop, coffee-house, cafe, restaurant, refreshment room, or any place, where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

The Commissioner may at any time cancel or suspend any license granted if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any bye-law made under section 423 relating to such premises whether or not the licensee is prosecuted under this Act.

As per section 353, No place within the limits of the city shall be used for any of the purposes mentioned in Schedule X without a license obtained from the Commissioner and except in accordance with the condition, specified therein. The Commissioner shall, if so required by the corporation, publish a notification in the Official Gazette and in two or more local newspapers that any place at a distance within five kilometers of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule X without a license obtained from the Commissioner and except in accordance with the conditions specified therein: Provided that no such notification shall take effect, unless the sanction of the Government has been obtained therefore and until the expiry of thirty days from the date of its publication in the Official Gazette.

Section 370 says that no person shall, without the permission of the Commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market. Any person who contravenes sub-section (1) or any condition of the license or any regulation made under section 378 or in any bye-law made under section 423 or who commits default in payment of the fees leviable under section 369 may after three clear days' notice be summarily removed from such market by any corporation officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the Commissioner may determine with-out prejudice to the legal rights of the

corporation to prosecute the person or to recover the fees leviable under section 369 and expenses, if any which the corporation may incur in such removal.

Dhaba's requires a license.

Licensing Procedure:

Bruhat Bangalore Mahanagar Palika issues license as per the provisions of Karnataka Municipal Corporation Act 1976.

As per the Karnataka Municipal Corporation Act, the owner or occupier of every place for the use of which for any purpose a license is required under the act shall apply to the Commissioner for such license not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the Official Gazette, as the case may be.

Section 443 says that Every license or permission granted under this Act or any rule or bye law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted and shall be signed by the Commissioner. Act also says that Every license, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Commissioner or of any corporation officer shall be deemed to be properly signed if it bears the facsimile of the signature of the Commissioner or of such corporation officer, as the case may be, stamped thereupon.

Procedure in the Corporation as follows:

Obtain the handbook for trade license from any of the range offices or citizen centers. The handbook contains FAQ and the schedule of trade that are liable to obtain license. The handbook contains an application form. Fill the application form. The applicant needs to file the property owner's consent in plain paper or letterhead in Format B available in the handbook at page No.33. The owner has to file a copy of the latest property tax paid receipt in proof of ownership. At the time of filling the application, if the trade falls under zone A of the Comprehensive Development Plan, then the person needs to obtain immediate neighbor's consent in plain paper in Format C available in the handbook at page No 35.

The applicant is also required to file a layout plan for your trade premises showing the business/working/washing/resting/toilet areas etc. This layout plan can be certified by any licensed architect /engineer/ supervisor. However, other than hotels and restaurants, if the area of your trade premises is less than 500 square feet, certification of the layout plan is not required.

Demand draft towards the license fee payable for the trade is also required. If the applicant needs to apply for power license, you need to fill the columns in the application form and pay the applicable license fee depending on the KVA/HP of the power sanctioned. This fee is to be paid by a separate demand draft. All demand drafts should be in favor of Commissioner Bruhat Bangalore Mahanagara Palike.

If the application is not accompanied with requirements at serial numbers 4-8, the application will be rejected and an endorsement will be issued. On the date of filing the application itself the authorized officer will set the date of inspection of the trade premises. The maximum time

set for inspection is set within 3 working days. The authorized officer will come for inspection with a checklist to verify if all compliances required for your trade are met.

After the trade premise is inspected and if found satisfactory, the trade license will be issued within 3 working days thereafter. If the inspecting authority has any objection he will issue an endorsement to correct the defects. Once the defects are corrected satisfactorily, the trade license will be issued within 3 working days.

Zonal Regulation:

Bangalore City is classified into several zones as per the Comprehensive Development Plan (CDP) approved vide G O No. MUD 139 MNJ 94 dated 05/01/94. The CDP regulates the land-use for residential, non-residential, open spaces, parks etc. With respect to establishing trade, CDP regulates what trade can be set up in each of the zones. The Zonal Classification is available in Annexure D in the handbook. No Trade should violate the zonal regulation. Zone classification has to be specified in the renewal application.

Departments Involved:

Health department of the Corporation is the department concerned. Health Officer is the Authority issuing license.

Documents required for issuing license: -

1. Filled application form.
2. The property owner's consent in plain paper or letterhead in Format B available in the handbook at page No.33.
3. Copy of the latest property tax paid receipt in proof of ownership.
4. Demand draft towards the license fee payable for the trade.
Separate demand draft for power, if needed.

License Fees:-

Act says that license or permission fees shall be paid in advance as may be fixed by the corporation except in special cases provided under the Act. Provided that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule X if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes. The license fee to be paid for the different trades is mentioned in Schedule X PART 1 to Part VIII to this scheme. If a person have two or more schedule commodities in the same premises then he/she has to pay a compounded fee equal to twice the highest fee payable for the trades/commodities he/she is dealing. On the other hand if, in the same premises different people are running different trade, then each one pays independently for the trade carried on.

Hotels, Restaurant and all establishments' serving/selling/storing food, beverages or alcohol:

Scheduled serial No	Item	Fees
Part I , 6	All Star Hotels	1,00,000
6	Air conditioned Hotels attached with bar	25,000
6	Hotels without air conditioning attached with bar	15,000
6	Hotels with air conditioning	10,000
6	Hotels without air conditioning including Darshini type Hotels	5,000
6	Canteens at factories, nursing homes and cinemas	2000
6	Small coffee/tea stalls less than 200 square feet.	1000
6	Eating Mess more than 200 square feet.	1000
6	Eating mess less than 200 square feet.	500

All Food & Non Food items not specifically mentioned under Part I to Part V:

Scheduled serial No	Item	Fees
Part VI , (1)	Manufacturing, processing, storage, selling	10,000
"	Retail stores where the storing and service area is above 2000 square feet	5,000
"	Retail stores where the storing and service area is more than 1000 but less than 2000 square feet	3,000

"	Retail shops where the storing and service area is more than 500 square feet but less than 100 square feet	1,000
"	Retail shops where the storing and service area is less than 100 square feet	500

The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration.

Refusal, suspension and Cancellation:

As per the Act, Every order of the Commissioner or other municipal authority granting or refusing a license or permission shall be published on the notice board of the corporation If an application is denied by the commissioner, then the trader may appeal to standing committee (health) by producing the denied letter.

Notwithstanding anything contained in this Act, any licence or permission granted under this Act or any rule or bye-law made under it, may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made under it, in any matter to which such license or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

When any license or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made has expired, the grantee shall for all purposes of this Act, or any rule or bye-law made under it be deemed to be without license or permission made until the order suspending or revoking the license or permission is cancelled or subject to sub-section (10) until the license or permission is renewed, as the case may be.

Inspection:

As per the act, every grantee of any license or permission, shall at all reasonable times while such license or permission remains in force, produce the same at the request of the Commissioner.

It shall be the duty of the Commissioner to inspect places in respect of which a license or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on at the time, and if he has reason to believe that anything is being done in any place without a license or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a license or permission or any lawful direction or prohibition

is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

License Renewal

As per the Act, Every license shall expire at the end of the year for which it is granted, or at such earlier date as the Commissioner may, for special reasons, specify in the license. Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which renewal is sought. The license may be renewed to such conditions or the Commissioner may specify restrictions as or he may refuse to renew if it is likely to cause nuisance in the neighbourhood. Where a license is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such license as the Government may, by general or special order, determine.

License Renewal:

Trade License Renewal Center's will be opened at all business areas in the city from the 15th March 2007 to 31st March 2007. This center's will issue Renewal Application Handbook, accept renewal applications and issue renewed licenses. The license issued expires on the 31st of March each year. You need to apply for renewal before last day of February each year. Applications received from the last day of February till the 31st March will be automatically renewed.

Normally, there will not be an inspection of the trade premises for renewal before 31st March, unless warrant and directed by the Commissioner or the delegated authority. However, designated staff of Bangalore Mahanagara Palike will carry out random inspection after the trade license has been renewed.

Renewal under the scheme (Suvarna Arogya Paravanagi) is done on the basis of an affidavit filed on a One hundred Rupees Stamp paper to the effect that the applicant will continue to carry on the trade as per regulation and other laws in force for the respective trade.

Renewal Fees:

Applications received from the last day of February till the 31st March will be automatically renewed. Application for renewal received between 1st March and 31st March will be done only after inspection of the trade premises besides a penalty of 25 percent of the license fee. For the current year renewal 2007-08 this condition is relaxed. Application received after 1st April will be done only after inspection of the trade premises besides the levy of penalty equal to the fee prescribed. For the current renewal for 2007-08 only, the applications received for renewal from the 15th of March to 31st March 2007 will not attract any penalty. Applications for renewal received from 1st April 2007 to 15th April 2007 will be issued only after inspection of the trade premise and will also attract a penalty of 25 percent of the license fee. Applications received after 15th April will be issued only after inspection of the trade premises besides a penalty equal to the prescribed trade license fee.

If the person has not paid the license fee for the previous years, you are required to pay the license fee as applicable for all the years along with the fee payable for renewal for the

succeeding year. For the years, ending 31st March 2006, if he/she has not renewed the license fee, in addition to the fees payable, the person will be required to pay a penalty of 50 percent of the fee applicable.

The person will have to pay separately for power depending on the sanctioned load. The applicant needs to pay either for the sanctioned power load or the generator, whichever is higher capacity. However, as and when you install a generator, you are obliged to report to the jurisdictional Medical health Officer and take an endorsement on the license book.

A trader who has paid the renewal license fee for 5 years can continue to avail the benefit till the lapse of the period. However, since the fee structure has been revised the difference in the fee has to be paid and the license renewed. If you do not want to pay at the revised rate for the balance years, you could notify the same in the application form and pay for the current year at the revised rates

Documents Required for Renewal:

The person has to file the renewal application in the prescribed form available in the handbook at Annexure E and affix your firm/company seal. He/ she is also required to file a copy of the previous license fee paid or copy of the previous license book. Application for the new registration is also available in Annexure F of the handbook. The procedure to fill up the application is available in Annexure G of the handbook.

Timings:

As per the Karnataka shops and Establishment Act 1961, no employee in any establishment shall be required to work for more than nine hours on a day and forty- eight hours in a week.

Punishment:

As per the Karnataka Municipal Corporation Act, running an unauthorized Trade is offence. The concerned authority may seize or lock your Trade business with or without intimation.

Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make registration required by the provisions of this Act, or by any rule or bye-law made under this Act, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the corporation such amount, if any, as he may fix as the costs of the prosecution. Such recovery of the fee shall not by itself entitle the person convicted to a licence or permission or to registration as aforesaid.

Under the law it is mandatory to apply and obtain a trade license from the jurisdiction Health Officer. If one contravenes then, with a view to protect public health, the jurisdiction Health Officer or any officer authorized by the Commissioner can summarily close or seal the trade premise until such time license is obtained.

As per the act, keeping an eating house without a license or in contrary of a license will charge a penalty of Rs.100/-

II VEGETABLE SHOP:

Vegetable vendors are regulated as per the direction of Karnataka Municipal Corporation Act 1976 where as the directions for timings for operation are fixed by the Karnataka Shops and Commercial Establishment Act 1961. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

As per section 353, No place within the limits of the city shall be used for any of the purposes mentioned in Schedule X without a license obtained from the Commissioner and except in accordance with the condition, specified therein. The Commissioner shall, if so required by the corporation, publish a notification in the Official Gazette and in two or more local newspapers that any place at a distance within five kilometers of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule X without a licence obtained from the Commissioner and except in accordance with the conditions specified therein: Provided that no such notification shall take effect, unless the sanction of the Government has been obtained therefor; and until the expiry of thirty days from the date of its publication in the Official Gazette.

Bruhat Bangalore Mahanagara Palike has listed the trades that are statutorily obliged to apply and obtained license. These trades are specified under Schedule X of the KMC Act 1976. As per this vegetable seller's does not require license.

III.AUTO RICKSHAW:

As per Section 66 of Motor Vehicles Act 1988, permit is necessary. Motor Vehicles Act 1988 is the legislative directions towards the issue of permit. License relates to driver whereas permit relates to the control of operation of Motor Vehicle. Permits are issued to ply on certain routes Authorized by the Transport Authorities. The Transport Department Officials is the regulatory authorities for the implementation of Motor Vehicles Act. Permits are issued by Regional Transport Authority or the secretary of Regional Transport Authority for a transport Vehicle to ply on a public Road where as the licenses to drive vehicles are issued by the Licensing Authority / assistant Licensing Authority in the Transport department. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle

Auto Rickshaws are regulated by the RTO (Regional Transport Office) on the basis of motor Vehicles Act 1988 and Karnataka Motor Vehicle Rules 1989. The Regional Transport office issues the permits and number plates will be given in yellow plate with black letters.

Temporary Permits and Special Permits will be issued for a limited period for the conveyance of passengers on special occasion such as Fairs, Religious Gatherings, Seasonal Business, Temporary need or pending decision of renewal of permit. Operating a vehicle without permit attracts hefty fine including conviction.

Permit Procedure:-

Every application for permit shall be in the prescribed form. As per the act and rules, every permit shall be signed and sealed by the transport authority by which permit is issued.

As per the motor vehicle rules, no permit shall be issued until the registration mark is not entered in the vehicle. If an applicant fails to produce the registration certificate within the stipulated time, the Regional Transport Authority may withdraw the sanction of permit.

Authority issuing City Permit:

Regional Transport Authority/ Secretary of the Regional Transport Authority is the authority to grant Permits.

Fees: -

Rs.750/- will be charged as permit fees.

Documents Required:-

For city permit (PCOP) necessary document are

1. Filled form.
2. Ration Card- copy
3. Driving license copy.
4. Address proof.
5. Registration Certificate
6. Insurance Certificate
7. Tax Card
8. Fitness certificate

Renewal Of permits:

As per Section 81 of The Motor vehicles Act 1988 which deals with the duration and renewal of permits, A permit other than a temporary permit issued under section 87 or a special permit issued under sub-section (8) of section 88 shall be effective from the date of issuance or renewal thereof for a period of five years. Provided where the permit is countersigned under sub-section (1) of section 88, such counter-signature shall remain effective without renewal for such period so as to synchronise with the validity of the primary permit.

The Act also says that the permit may be renewed on an application made not less than fifteen days before the date of its expiry. Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be, entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

As per the section (4) Of the section 81 of the Motor Vehicles Act 1988, The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit on one or more of the following grounds, namely:-

The financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;

The applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely:-

(a) Plying any vehicle-

- (1) Without payment of tax due on such vehicle;
- (2) Without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle;
- (3) On any unauthorized route;

(b) Making unauthorized trips:

Provided that in computing the number of punishments for the purpose of clause (b), any punishment stayed by the order of an appellate authority shall not be taken into account: Provided further that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.

In the case of the permits which has been renewed after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refused.

Terms and conditions:

One is supposed to follow the section 74 of Motor Vehicles Act 1988. Some special instructions includes:

1. Auto Rickshaw can travel with passengers within 15 kilometres only in city limit
2. Auto Rickshaw can pick up 3 personas only by traveling
3. Uniform is necessary (Khaki)
4. Auto rickshaw must bear the token number and Badge issued by the Transport department and Local Auto Committees
5. Black shoes is necessary

Penalty:

An amount of Rs.300/- will be collected for vehicles without Permit. As per Section 192A of The Motor Vehicles Act 1988, using vehicle without permit is punishable. The act says that Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than three months or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both. Provided that the court may for reasons to be recorded, impose a lesser punishment. Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or for the transport of food or materials to relieve distress or of medical supplies for a like purpose: Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

As per Section 200 any offence whether committed before or after the commencement of this Act punishable section 192, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf. As per subsection (2) of section 200, an offence which has been compounded under sub-section (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

IV Barber Shop:

Barber Shops are regulated as per the directions of Karnataka Municipal Corporation Act 1976 where as the directions for timings for operation are fixed by the Karnataka Shops and Commercial Establishment Act 1961.

As per section 353, No place within the limits of the city shall be used for any of the purposes mentioned in Schedule X without a license obtained from the Commissioner and except in accordance with the condition, specified therein. The Commissioner shall, if so required by the corporation, publish a notification in the Official Gazette and in two or more local newspapers that any place at a distance within five kilometers of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule X without a license obtained from the Commissioner and except in accordance with the conditions specified therein: Provided that no such notification shall take effect, unless the sanction of the Government has been obtained therefore and until the expiry of thirty days from the date of its publication in the Official Gazette.

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Barber shops requires a license.

Licensing Procedure:

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Obtain the handbook for trade license from any of the range offices or citizen centers. The handbook contains FAQ and the schedule of trade that are liable to obtain license. The handbook contains an application form. Fill the application form. The applicant needs to file the property owner's consent in plain paper or letterhead in Format B available in the handbook at page No.33. The owner has to file a copy of the latest property tax paid receipt in proof of ownership. At the time of filling the application, if the trade falls under zone A of the Comprehensive Development Plan, then the person needs to obtain immediate neighbour's consent in plain paper in Format C available in the handbook at page No 35.

The applicant is also required to file a layout plan for your trade premises showing the business/working/washing/resting/toilet areas etc. This layout plan can be certified by any licensed architect /engineer/ supervisor. However, other than hotels and restaurants, if the area of your trade premises is less than 500 square feet, certification of the layout plan is not required.

Demand draft towards the license fee payable for the trade is also required. If the applicant needs to apply for power license, you need to fill the columns in the application form and pay the applicable license fee depending on the KVA/HP of the power sanctioned. This fee is to be paid by a separate demand draft. All demand drafts should be in favor of Commissioner Bruhat Bangalore Mahanagara Palike.

If the application is not accompanied with requirements at serial numbers 4-8, the application will be rejected and an endorsement will be issued. On the date of filing the application itself the authorized officer will set the date of inspection of the trade premises. The maximum time set for inspection is set within 3 working days. The authorized officer will come for inspection with a checklist to verify if all compliances required for your trade are met.

After the trade premise is inspected and if found satisfactory, the trade license will be issued within 3 working days thereafter. If the inspecting authority has any objection he will issue an endorsement to correct the defects. Once the defects are corrected satisfactorily, the trade license will be issued within 3 working days.

Zonal Regulation:

Bangalore City is classified into several zones as per the Comprehensive Development Plan (CDP) approved vide G O No. MUD 139 MNJ 94 dated 05/01/94. The CDP regulates the land-use for residential, non-residential, open spaces, parks etc. With respect to establishing trade, CDP regulates what trade can be set up in each of the zones. The Zonal Classification is available in Annexure D in the handbook. No Trade should violate the zonal regulation. Zone classification has to be specified in the renewal application.

Departments Involved:

Health department of the Corporation is the department concerned. Health Officer is the Authority issuing license.

Documents required for issuing license:

1. Filled application form
2. The property owner's consent in plain paper or letterhead in Format B available in the handbook at page No.33
3. Copy of the latest property tax paid receipt in proof of ownership
4. Demand draft towards the license fee payable for the trade
5. Separate demand draft for power, if needed.

License Fees:-

Act says that license or permission fees shall be paid in advance as may be fixed by the corporation except in special cases provided under the Act. Provided that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule X if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

The license fee to be paid for the different trades is mentioned in Schedule X PART 1 to Part VIII to this scheme. if a person have two or more schedule commodities in the same premises then he/she has to pay a compounded fee equal to twice the highest fee payable for the trades/commodities he/she is dealing in. On the other hand if, in the same premises different people are running different trade, then each one pays independently for the trade carried on.

PART III- TRADE (NON FOOD ITEMS MEDICAL)

Scheduled serial No	Item	Fees
5	Barber shop / hair dressing salon where premise is more than 300 square feet	3000
5	Barber shop / hair dressing salon where premise is more than 200 square feet but less than 300 square Feet.	500
5	Barber shop / hair dressing salon where premise is less than 200 square Feet.	250

The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration.

Refusal, suspension and Cancellation:

As per the Act, Every order of the Commissioner or other municipal authority granting or refusing a license or permission shall be published on the notice board of the corporation. If an application is denied by the commissioner, then the trader may appeal to standing committee (health) by producing the denied letter.

Notwithstanding anything contained in this Act, any license or permission granted under this Act or any rule or bye-law made under it, may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made under it, in any matter to which such license or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

When any license or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made has expired, the grantee shall for all purposes of this Act, or any rule or bye-law made under it be deemed to be without license or permission made until the order suspending or revoking the license or permission is cancelled or subject to sub-section (10) until the license or permission is renewed, as the case may be.

Inspection:

As per the act, every grantee of any license or permission, shall at all reasonable times while such license or permission remains in force, produce the same at the request of the Commissioner.

It shall be the duty of the Commissioner to inspect places in respect of which a license or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on at the time, and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

License Renewal:

As per the Act, Every license shall expire at the end of the year for which it is granted, or at such earlier date as the Commissioner may, for special reasons, specify in the license. Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which renewal is sought. The license may be renewed to such conditions or the Commissioner may specify restrictions as or he may refuse to renew if it is likely to cause nuisance in the neighbourhood. Where a license is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such license as the Government may, by general or special order, determine.

License Renewal:

Trade License Renewal Center's will be opened at all business areas in the city from the 15th March 2007 to 31st March 2007. This center's will issue Renewal Application Handbook, accept renewal applications and issue renewed licenses. The license issued expires on the 31st of March each year. You need to apply for renewal before last day of February each year. Applications received from the last day of February till the 31st March will be automatically renewed.

Normally, there will not be an inspection of the trade premises for renewal before 31st March, unless warrant and directed by the Commissioner or the delegated authority. However, designated staff of Bangalore Mahanagara Palike will carry out random inspection after the trade license has been renewed.

Renewal under the scheme (Suvarna Arogya Paravanagi) is done on the basis of an affidavit filed on a One hundred Rupees Stamp paper to the effect that the applicant will continue to carry on the trade as per regulation and other laws in force for the respective trade.

Renewal Fees:

Applications received from the last day of February till the 31st March will be automatically renewed. Application for renewal received between 1st March and 31st March will be done only after inspection of the trade premises besides a penalty of 25 percent of the license fee. For the current year renewal 2007-08 this condition is relaxed. Application received after 1st April will be done only after inspection of the trade premises besides the levy of penalty equal to the fee prescribed. For the current renewal for 2007-08 only, the applications received for renewal from the 15th of March to 31st March 2007 will not attract any penalty. Applications for renewal received from 1st April 2007 to 15th April 2007 will be issued only after inspection of the trade premise and will also attract a penalty of 25 percent of the license fee. Applications received after 15th April will be issued only after inspection of the trade premises besides a penalty equal to the prescribed trade license fee.

If the person has not paid the license fee for the previous years, you are required to pay the license fee as applicable for all the years along with the fee payable for renewal for the succeeding year. For the years, ending 31st March 2006, if he/she has not renewed the license fee, in addition to the fees payable, the person will be required to pay a penalty of 50 percent of the fee applicable.

The person will have to pay separately for power depending on the sanctioned load. The applicant needs to pay either for the sanctioned power load or the generator, whichever is higher capacity. However, as and when you install a generator, you are obliged to report to the jurisdictional Medical health Officer and take an endorsement on the license book.

A trader who has paid the renewal license fee for 5 years can continue to avail the benefit till the lapse of the period. However, since the fee structure has been revised the difference in the fee has to be paid and the license renewed. If you do not want to pay at the revised rate for the balance years, you could notify the same in the application form and pay for the current year at the revised rates

Documents Required for Renewal:

The person has to file the renewal application in the prescribed form available in the handbook at Annexure E and affix your firm/company seal. He/ she is also required to file a copy of the previous license fee paid or copy of the previous license book. Application for the new registration is also available in Annexure F of the handbook. The procedure to fill up the application is avail in Annexure G of the handbook.

Timings:

As per the Karnataka shops and Establishment Act 1961, no employee in any establishment shall be required to work for more than nine hours on a day and forty- eight hours in a week.

Punishment:

As per the Karnataka Municipal Corporation Act, running an unauthorized Trade is offence. The concerned authority may seize or lock your Trade business with or without intimation.

Whenever any person is convicted of an offence in respect of the failure to obtain a license or permission or to make registration required by the provisions of this Act, or by any rule or bye-law made under this Act, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the corporation such amount, if any, as he may fix as the costs of the prosecution. Such recovery of the fee shall not by itself entitle the person convicted to a license or permission or to registration as aforesaid.

Under the law it is mandatory to apply and obtain a trade license from the jurisdiction Health Officer. If one contravenes then, with a view to protect public health, the jurisdiction Health Officer or any officer authorized by the Commissioner can summarily close or seal the trade premise until such time license is obtained.

As per the act, using any place mentioned in the schedule without a license or in contrary of a license will charge a penalty of Rs.200/-

V. Meat Shops:

Meat Shops are regulated as per the directions of Karnataka Municipal Corporation Act 1976 where as the directions for timings for operation are fixed by the Karnataka Shops and Commercial Establishment Act 1961. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

As per section 364, the corporation shall provide a sufficient number of places for use as corporation slaughter-houses and the Commissioner may charge and levy such rents and fees for their use as the standing committee may determine, Such rents and fees shall be recoverable in the same manner as the property tax. The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

Act also says that the Corporation slaughter-houses may be situated within the city limits or outside the limits of the city with the sanction of the Government. The owner of any place within the limits of the city or at a distance within five kilometers of such limits which is used as

a slaughter house for the slaughtering of animals or for the skinning or cutting up of carcasses shall, not less than thirty days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before the opening of the same, apply to the Commissioner for a license. Provided that this sub-section shall not be applicable to any area outside the limits of the city except with the previous sanction of the Government. The Commissioner may by an order, and subject to such restrictions and regulations as to supervision and inspection, as he thinks fit, grant or refuse to grant such license.

Section 366 says that the Commissioner may allow any animal to be slaughtered in such place as he thinks fit on occasions of festivals and ceremonies or as a special measure. Act clearly says no person shall slaughter within the city except in a corporation or licensed slaughter-house any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a license from the Commissioner or dry or permit to be dried any skin in such a manner as to cause a nuisance.

As per section 353, No place within the limits of the city shall be used for any of the purposes mentioned in Schedule X without a license obtained from the Commissioner and except in accordance with the condition, specified therein. The Commissioner shall, if so required by the corporation, publish a notification in the Official Gazette and in two or more local newspapers that any place at a distance within five kilometers of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule X without a license obtained from the Commissioner and except in accordance with the conditions specified therein: Provided that no such notification shall take effect, unless the sanction of the Government has been obtained therefore and until the expiry of thirty days from the date of its publication in the Official Gazette.

Section 370 says that no person shall, without the permission of the Commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market. Any person who contravenes sub-section (1) or any condition of the license or any regulation made under section 378 or in any bye-law made under section 423 or who commits default in payment of the fees leviable under section 369 may after three clear days' notice be summarily removed from such market by any corporation officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the Commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 369 and expenses, if any which the corporation may incur in such removal.

Meat shops require a license.

Licensing Procedure:

Bruhat Bangalore Mahanagar Palika issues license as per the provisions of Karnataka Municipal Corporation Act 1976.

As per the Karnataka Municipal Corporation Act, the owner or occupier of every place for the use of which for any purpose a license is required under the act shall apply to the Commissioner for such license not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the Official Gazette, as the case may be.

Section 443 says that Every license or permission granted under this Act or any rule or bye law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted and shall be signed by the Commissioner. Act also says that Every license, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Commissioner or of any corporation officer shall be deemed to be properly signed if it bears the facsimile of the signature of the Commissioner or of such corporation officer, as the case may be, stamped thereupon.

Procedure in the Corporation as follows:

Obtain the handbook for trade license from any of the range offices or citizen centers. The handbook contains FAQ and the schedule of trade that are liable to obtain license. The handbook contains an application form. Fill the application form. The applicant needs to file the property owner's consent in plain paper or letterhead in Format B available in the handbook at page No.33. The owner has to file a copy of the latest property tax paid receipt in proof of ownership. At the time of filling the application, if the trade falls under zone A of the Comprehensive Development Plan, then the person needs to obtain immediate neighbour's consent in plain paper in Format C available in the handbook at page No 35.

The applicant is also required to file a layout plan for your trade premises showing the business/working/washing/resting/toilet areas etc. This layout plan can be certified by any licensed architect /engineer/ supervisor. However, other than hotels and restaurants, if the area of your trade premises is less than 500 square feet, certification of the layout plan is not required.

Demand draft towards the license fee payable for the trade is also required. If the applicant needs to apply for power license, you need to fill the columns in the application form and pay the applicable license fee depending on the KVA/HP of the power sanctioned. This fee is to be paid by a separate demand draft. All demand drafts should be in favor of Commissioner Bruhat Bangalore Mahanagara Palike.

If the application is not accompanied with requirements at serial numbers 4-8, the application will be rejected and an endorsement will be issued. On the date of filing the application itself the authorized officer will set the date of inspection of the trade premises. The maximum time set for inspection is set within 3 working days. The authorized officer will come for inspection with a checklist to verify if all compliances required for your trade are met.

After the trade premise is inspected and if found satisfactory, the trade license will be issued within 3 working days thereafter. If the inspecting authority has any objection he will issue an endorsement to correct the defects. Once the defects are corrected satisfactorily, the trade license will be issued within 3 working days.

Zonal Regulation:

Bangalore City is classified into several zones as per the Comprehensive Development Plan (CDP) approved vide G O No. MUD 139 MNJ 94 dated 05/01/94. The CDP regulates the land-use for residential, non-residential, open spaces, parks etc. With respect to establishing trade, CDP regulates what trade can be set up in each of the zones. The Zonal Classification is available in Annexure D in the handbook. No Trade should violate the zonal regulation. Zone classification has to be specified in the renewal application.

Departments Involved:

Health department of the Corporation is the department concerned. Health Officer is the Authority issuing license.

Documents required for issuing license: -

1. Filled application form
2. The property owner's consent in plain paper or letterhead in Format B available in the handbook at page No.33
3. Copy of the latest property tax paid receipt in proof of ownership
4. Demand draft towards the license fee payable for the trade
5. Separate demand draft for power, if needed
6. As the meat shop falls under zone A of the comprehensive development plan(6th item), immediate neighbor's consent in plain paper in Format C (available in the handbook at page No 35.) at the time of filling the application is also needed

License Fees:

Act says that license or permission fees shall be paid in advance as may be fixed by the corporation except in special cases provided under the Act. Provided that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule X if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

The license fee to be paid for the different trades is mentioned in Schedule X PART 1 to Part VIII to this scheme. If a person have two or more schedule commodities in the same premises then he/she has to pay a compounded fee equal to twice the highest fee payable for the trades/commodities he/she is dealing. On the other hand if, in the same premises different people are running different trade, then each one pays independently for the trade carried on.

Meat, Chicken, Fish, Pork, Beef:

Scheduled serial No	Item	Fees
Part I , 9	(i) Meat of all kind kept in cold storage	5000
Part I , 9	(ii) Meat of all kind fresh cut and sold	1000

The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or

permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration.

Refusal, suspension and Cancellation:

As per the Act, Every order of the Commissioner or other municipal authority granting or refusing a license or permission shall be published on the notice board of the corporation. If an application is denied by the commissioner, then the trader may appeal to standing committee (health) by producing the denied letter.

Notwithstanding anything contained in this Act, any license or permission granted under this Act or any rule or bye-law made under it, may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made under it, in any matter to which such license or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

When any license or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made has expired, the grantee shall for all purposes of this Act, or any rule or bye-law made under it be deemed to be without license or permission made until the order suspending or revoking the license or permission is cancelled or subject to sub-section (10) until the license or permission is renewed, as the case may be.

Inspection:

As per the act, every grantee of any license or permission, shall at all reasonable times while such license or permission remains in force, produce the same at the request of the Commissioner.

It shall be the duty of the Commissioner to inspect places in respect of which a license or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on at the time, and if he has reason to believe that anything is being done in any place without a license or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a license or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

License Renewal

As per the Act, Every license shall expire at the end of the year for which it is granted, or at such earlier date as the Commissioner may, for special reasons, specify in the license. Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which renewal is sought. The license may be renewed to such conditions or the Commissioner may specify restrictions as or he may refuse to renew if it is likely to cause nuisance in the neighbourhood. Where a license is granted under this

section for the use of any place outside the limits of the city, the corporation shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such license as the Government may, by general or special order, determine.

Trade License Renewal Center's will be opened at all business areas in the city from the 15th March 2007 to 31st March 2007. This center will issue Renewal Application Handbook, accept renewal applications and issue renewed licenses. The license issued expires on the 31st of March each year. You need to apply for renewal before last day of February each year. Applications received from the last day of February till the 31st March will be automatically renewed.

Normally, there will not be an inspection of the trade premises for renewal before 31st March, unless warrant and directed by the Commissioner or the delegated authority. However, designated staff of Bangalore Mahanagara Palike will carry out random inspection after the trade license has been renewed.

Renewal under the scheme (Suvarna Arogya Paravanagi) is done on the basis of an affidavit filed on a One hundred Rupees Stamp paper to the effect that the applicant will continue to carry on the trade as per regulation and other laws in force for the respective trade.

Renewal Fees:

Applications received from the last day of February till the 31st March will be automatically renewed. Application for renewal received between 1st March and 31st March will be done only after inspection of the trade premises besides a penalty of 25 percent of the license fee. For the current year renewal 2007-08 this condition is relaxed. Application received after 1st April will be done only after inspection of the trade premises besides the levy of penalty equal to the fee prescribed. For the current renewal for 2007-08 only, the applications received for renewal from the 15th of March to 31st March 2007 will not attract any penalty. Applications for renewal received from 1st April 2007 to 15th April 2007 will be issued only after inspection of the trade premise and will also attract a penalty of 25 percent of the license fee. Applications received after 15th April will be issued only after inspection of the trade premises besides a penalty equal to the prescribed trade license fee.

If the person has not paid the license fee for the previous years, you are required to pay the license fee as applicable for all the years along with the fee payable for renewal for the succeeding year. For the years, ending 31st March 2006, if he/she has not renewed the license fee, in addition to the fees payable, the person will be required to pay a penalty of 50 percent of the fee applicable.

The person will have to pay separately for power depending on the sanctioned load. The applicant needs to pay either for the sanctioned power load or the generator, whichever is higher capacity. However, as and when you install a generator, you are obliged to report to the jurisdictional Medical health Officer and take an endorsement on the license book.

A trader who has paid the renewal license fee for 5 years can continue to avail the benefit till the lapse of the period. However, since the fee structure has been revised the difference in the fee has to be paid and the license renewed. If you do not want to pay at the revised rate for the balance years, you could notify the same in the application form and pay for the current year at the revised rates

Documents Required for Renewal:

The person has to file the renewal application in the prescribed form available in the handbook at Annexure E and affix your firm/company seal. He/ she is also required to file a copy of the previous license fee paid or copy of the previous license book. Application for the new registration is also available in Annexure F of the handbook. The procedure to fill up the application is available in Annexure G of the handbook.

Timings:

As per the Karnataka shops and Establishment Act 1961, no employee in any establishment shall be required to work for more than nine hours on a day and forty- eight hours in a week.

Punishment:

As per the Karnataka Municipal Corporation Act, running an unauthorized Trade is offence. The concerned authority may seize or lock your Trade business with or without intimation.

Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make registration required by the provisions of this Act, or by any rule or bye-law made under this Act, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the corporation the amount of the fee chargeable for the license or permission or for registration and may in his discretion also recover summarily and pay over to the corporation such amount, if any, as he may fix as the costs of the prosecution. Such recovery of the fee shall not by itself entitle the person convicted to a license or permission or to registration as aforesaid.

Under the law it is mandatory to apply and obtain a trade license from the jurisdiction Health Officer. If one contravenes then, with a view to protect public health, the jurisdiction Health Officer or any officer authorized by the Commissioner can summarily close or seal the trade premise until such time license is obtained. As per the Karnataka Municipal Corporation Act, The owner or occupier of every place for the use of which for any purpose a license is required under the act shall apply to the Commissioner for such license not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the Official Gazette, as the case may be.

Section 443 says that Every license or permission granted under this Act or any rule or bye law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted and shall be signed by the Commissioner. Act also says that Every license, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Commissioner or of any corporation officer shall be deemed to be properly signed if it bears the facsimile of the signature of the Commissioner or of such corporation officer, as the case may be, stamped thereupon.

At first the applicant should apply in the Prescribed Application Form 353 and Application form 354 (if Motive power is used) from the Municipal Office which costs Rs.2/- each. The concerned ward Health Inspector will give the details of License fees for that particular trade and the trader has to get his signature. The filled applications along with the fees have to be submitted

to the concerned ward Health Inspector. The license will be issued after inspecting the place of trade, regarding suitability of the trade.

As per the Act, an applicant for the removal of a license or permission, or registration, shall until communication of orders on his application, be entitled to act as if the license or permission or registration had been renewed; and save as otherwise specially provided in this Act, if orders on an application for license or permission or for registration are not communicated to the applicant within forty five days after the receipt of the application by the Commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the provisions of this Act, the rules, bye-laws, regulations and all conditions ordinarily imposed.

FINDINGS FROM THE STUDY

General Findings:

1. Bangalore Municipal Corporation is functioning under the provisions of Karnataka Municipal Corporation Act, 1949. Prevention of food Adulteration Act 1954 has a major say in food related items. The Karnataka Shops and Commercial Establishment Act 1961 prescribes timing for operation where as motor vehicles are regulated By Karnataka Motor Vehicle Rules 1989 and Motor vehicles Act 1988
2. The trade license is a legal requirement as per Karnataka Municipal Corporation Act 1976 for running a trade or business without a trade license
3. As per section 353, No place within the limits of the city shall be used for any of the purposes mentioned in Schedule X without a license obtained from the Commissioner and except in accordance with the condition, specified therein
4. The handbook gives the details for trade license
5. The applicant needs to file the property owner's consent in plain paper or letterhead in Format B available in the handbook at page No.33. The owner has to file a copy of the latest property tax paid receipt in proof of ownership. At the time of filling the application, if the trade falls under zone A of the Comprehensive Development Plan, then the person needs to obtain immediate neighbour's consent in plain paper in Format C available in the handbook at page No 35
6. The applicant is also required to file a layout plan for your trade premises showing the business/working/washing/resting/toilet areas etc. This layout plan can be certified by any licensed architect /engineer/ supervisor. However, other than hotels and restaurants, if the area of your trade premises is less than 500 square feet, certification of the layout plan is not required
7. Demand draft towards the license fee payable for the trade is also required. If the applicant needs to apply for power license, you need to fill the columns in the application form and pay the applicable license fee depending on the KVA/HP of the power sanctioned. This fee is to be paid by a separate demand draft. All demand drafts should be in favor of Commissioner Bruhat Bangalore Mahanagara Palike
8. If the application is not accompanied with requirements at serial numbers 4-8, the application will be rejected and an endorsement will be issued. On the date of filing the application itself the authorized officer will set the date of inspection of the trade premises. The maximum time set for inspection is set within 3 working days. The

authorized officer will come for inspection with a checklist to verify if all compliances required for your trade are met

9. After the trade premise is inspected and if found satisfactory, the trade license will be issued within 3 working days thereafter. If the inspecting authority has any objection he will issue an endorsement to correct the defects. Once the defects are corrected satisfactorily, the trade license will be issued within 3 working days
10. Bangalore City is classified into several zones as per the Comprehensive Development Plan (CDP) approved vide G O No. MUD 139 MNJ 94 dated 05/01/94. The CDP regulates the land-use for residential, non-residential, open spaces, parks etc. With respect to establishing trade, CDP regulates what trade can be set up in each of the zones. The Zonal Classification is available in Annexure D in the handbook. No Trade should violate the zonal regulation. Zone classification has to be specified in the renewal application
11. Health department of the Corporation is the department concerned. Health Officer is the Authority issuing license
12. The property owner's consent in plain paper or letterhead in Format B available in the handbook at page No.33. Copy of the latest property tax paid receipt in proof of ownership, Demand draft towards the license fee payable for the trade, Separate demand draft for power, if needed
13. The license fee to be paid for the different trades is mentioned in Schedule X PART 1 to Part VIII to this scheme. if a person have two or more schedule commodities in the same premises then he/she has to pay a compounded fee equal to twice the highest fee payable for the trades/commodities he/she is dealing in. On the other hand if, in the same premises different people are running different trade, then each one pays independently for the trade carried on
14. The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration
15. As per the Act, Every order of the Commissioner or other municipal authority granting or refusing a license or permission shall be published on the notice board of the corporation If an application is denied by the commissioner, then the trader may appeal to standing committee (health) by producing the denied letter
16. Notwithstanding anything contained in this Act, any license or permission granted under this Act or any rule or bye-law made under it, may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made under it, in any matter to which such license or permission relates, or if the grantee has obtained the same by misrepresentation or fraud
17. When any license or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made has expired, the grantee shall for all purposes of this Act, or any rule or bye-law made under it be deemed to be without license or permission made until the order suspending or revoking the license or permission is cancelled or subject to sub-section (10) until the license or permission is renewed, as the case may be
18. As per the act, Every grantee of any license or permission, shall at all reasonable times while such license or permission remains in force, produce the same at the request of the Commissioner
19. It shall be the duty of the Commissioner to inspect places in respect of which a license or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open

to the public or any industry is being carried on at the time, and if he has reason to believe that anything is being done in any place without a license or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a license or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section

20. As per the Act, Every license shall expire at the end of the year for which it is granted, or at such earlier date as the Commissioner may, for special reasons, specify in the license. Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which renewal is sought. The license may be renewed to such conditions or the Commissioner may specify restrictions as or he may refuse to renew if it is likely to cause nuisance in the neighbourhood. Where a license is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such license as the Government may, by general or special order, determine
21. Trade License Renewal Center's will be opened at all business areas in the city from the 15th March 2007 to 31st March 2007. This center's will issue Renewal Application Handbook, accept renewal applications and issue renewed licenses. The license issued expires on the 31st of March each year. You need to apply for renewal before last day of February each year. Applications received from the last day of February till the 31st March will be automatically renewed
22. Normally, there will not be an inspection of the trade premises for renewal before 31st March, unless warrant and directed by the Commissioner or the delegated authority. However, designated staff of Bangalore Mahanagara Palike will carry out random inspection after the trade license has been renewed
23. Renewal under the scheme (Suvarna Arogya Paravanagi) is done on the basis of an affidavit filed on a One hundred Rupees Stamp paper to the effect that the applicant will continue to carry on the trade as per regulation and other laws in force for the respective trade
24. Applications received from the last day of February till the 31st March will be automatically renewed. Application for renewal received between 1st March and 31st March will be done only after inspection of the trade premises besides a penalty of 25 percent of the license fee. For the current year renewal 2007-08 this condition is relaxed. Application received after 1st April will be done only after inspection of the trade premises besides the levy of penalty equal to the fee prescribed. For the current renewal for 2007-08 only, the applications received for renewal from the 15th of March to 31st March 2007 will not attract any penalty. Applications for renewal received from 1st April 2007 to 15th April 2007 will be issued only after inspection of the trade premise and will also attract a penalty of 25 percent of the license fee. Applications received after 15th April will be issued only after inspection of the trade premises besides a penalty equal to the prescribed trade license fee
25. If the person has not paid the license fee for the previous years, you are required to pay the license fee as applicable for all the years along with the fee payable for renewal for the succeeding year. For the years, ending 31st March 2006, if he/she

- has not renewed the license fee, in addition to the fees payable, the person will be required to pay a penalty of 50 percent of the fee applicable
26. The person will have to pay separately for power depending on the sanctioned load. The applicant needs to pay either for the sanctioned power load or the generator, whichever ever is higher capacity. However, as and when you install a generator, you are obliged to report to the jurisdictional Medical health Officer and take an endorsement on the license book
 27. A trader who has paid the renewal license fee for 5 years can continue to avail the benefit till the lapse of the period. However, since the fee structure has been revised the difference in the fee has to be paid and the license renewed. If you do not want to pay at the revised rate for the balance years, you could notify the same in the application form and pay for the current year at the revised rates
 28. As per the Karnataka shops and Establishment Act 1961, no employee in any establishment shall be required to work for more than nine hours on a day and forty- eight hours in a week

Dhabas, Vegetable vendors, Barber Shops:

1. As per section 343 of Karnataka Municipal Corporation Act 1976, No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner keep any eating house .The Commissioner may at any time cancel or suspend any license granted if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any bye-law made under section 423 relating to such premises whether or not the licensee is prosecuted under this Act

Meat Shop:

1. Meat Shops are regulated as per the directions of Karnataka Municipal Corporation Act 1976 where as the directions for timings for operation are fixed by the Karnataka Shops and Commercial Establishment Act 1961. Provisions of Prevention of Food Adulteration Act are also applicable to food related items
2. As per section 364, the corporation shall provide a sufficient number of places for use as corporation slaughter-houses and the Commissioner may charge and levy such rents and fees for their use as the standing committee may determine, such rents and fees shall be recoverable in the same manner as the property tax. The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit
3. Act also says that the Corporation slaughter-houses may be situated within the city limits or outside the limits of the city with the sanction of the Government. The owner of any place within the limits of the city or at a distance within five kilometers of such limits which is used as a slaughter house for the slaughtering of animals or for the skinning or cutting up of carcasses shall, not less than thirty days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before the opening of the same, apply to the Commissioner for a license. Provided that this sub-section shall not be applicable to any area outside the limits of the city except with the previous sanction of the Government. The Commissioner may by an order, and subject to such restrictions and regulations as to supervision and inspection, as he thinks fit, grant or refuse to grant such license
4. Section 366 says that the Commissioner may allow any animal to be slaughtered in such place as he thinks fit on occasions of festivals and ceremonies or as a special

measure. Act clearly says no person shall slaughter within the city except in a corporation or licensed slaughter-house any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a license from the Commissioner or dry or permit to be dried any skin in such a manner as to cause a nuisance

Auto Rickshaw:

1. As per Section 66 of Motor Vehicles Act, 1988, permit is necessary
2. The Regional Transport office issues the permits and number plates will be given in yellow plate with black letters
3. Temporary Permits and Special Permits will be issued for a limited period for the conveyance of passengers on special occasion such as Fairs, Religious Gatherings, Seasonal Business, Temporary need or pending decision of renewal of permit. Operating a vehicle without permit attracts hefty fine including conviction
4. License is needed for a driver whereas permit is need for a vehicle
5. A taximeter is to be attached with the vehicle
6. The Transport Officials are the regulatory authorities for the implementation of Motor Vehicles Act. Regional transport Authority or the secretary of regional transport Authority deals with the issue of permits
7. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle
8. An amount of Rs.2000/- will be collected as Compounding fees for vehicles without Permit. Transport Vehicles plying without Permit will be ceased and detained
9. Conditions Of Permit is as per the section 74 of the Motor Vehicles Act 1988. The contract carriages should ply in the route or area for which the permit has been issued .The permit is subject to all rules relating to permits under the Motor Vehicles Act, 1988 and in force for the time being
10. Auto Rickshaw can travel with passengers within 15 kilometres only in city limit
11. Auto Rickshaw can pick up 3 personas only by traveling
12. Uniform is necessary (Khaki)
13. Auto rickshaw must bear the token number and Badge issued by the Transport department and Local Auto Committees
14. Black shoes is necessary