

THE LIVELIHOOD REGULATIONS REPORT

BODHGAYA



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, barbershops, 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

Bodh Gaya or Bodhgaya is a city in Gaya district in the Indian state of Bihar. It is famous for being the place of Gautama Buddha's attainment of nirvana (Enlightenment).

Historically, it was known as the Bodhimanda (ground around the Bodhi-tree), Uruvela, Sambodhi, Vajrasana and Mahabodhi. The name Bodh Gaya did not come into use until the 18th century. The main monastery of Bodhgaya used to be called the Bodhimanda-vihāra (Pali). Now it is called the Mahabodhi Temple.

For Buddhists, Bodh Gaya is the most important of the main four pilgrimage sites related to the life of Gautama Buddha, the other three being Kushinagar, Lumbini, and Sarnath. In 2002, Mahabodhi Temple, located in Bodh Gaya, became a UNESCO World Heritage Site

As of 2001 India census, Bodh Gaya had a population of 30,883. Males constitute 54% of the population and females 46%. Bodh Gaya has an average literacy rate of 51%, lower than the national average of 59.5%; with male literacy of 63% and female literacy of 38%. 18% of the population is under 6 years of age.

The present study on the livelihood regulations in the limits of Bhodhgaya covers dhaba, fruit sellers, cycle rickshaw, meat Shop and barber shop.

BHODHGAYA

TRADES SELECTED:

1. **Dhabas**
2. **Fruit sellers**
3. **Meat shops / slaughter houses**
4. **Barber shop**
5. **Cycle rickshaw**

Introduction:

The trades are regulated by the Municipal Corporation of Bhodhgaya as per the sections 426(g), 402, 389, 407, 408, 409, 406 & 390 of Patna Municipal Corporation Act 1951. One license is issued for one premise. One license is issued for one trade but street food vendors, flower sellers, fruit sellers and vegetable sellers need no license for pursuing their trade. The last date for issue of license is 31'st March of every year. In addition to this, to open a shop one has to file an application in a given Performa under Section 177.

As per section 177 a tax is levied on all trades professions and calling listed in schedule II. Schedule II says that shop keeper, eating house keeper, public carrier, trader and occupier of market needs license.

According to the provisions, one who hawks or sells materials within the limits of corporation is obliged to get a license from Corporation and the Corporation authorities have the power to inspect the premises. Carrying a trade without license is Punishable.

The trade wise details are as follows:

I. DHABA:

The trades are regulated as per the sections 426(g), 402, 389, 407, 408, 409, 406 & 390 of Patna Municipal Corporation Act 1951. Only one license will be issued for one premise.

In addition to the Patna Municipal Corporation Act 1951, the traders running eating houses also have to follow the byelaws for the regulation and control of eating houses which is framed under the Patna municipal corporation act. Generally to open a shop one has to file an application in a given Performa under Section 177. At present street food vendors does not needs any license for pursuing their trade.

As defined in the byelaw by food means and includes every article used for food or drink by man other than drugs and any article which enters, into or is used in composition or preparation of human food and shall also include condiments and flavouring agents and matters .

As per Bye law no place in the limits of the city can be used as eating houses without a valid license from the Chief Executive officer of the municipal Corporation or any other authorized him. According to the provisions of section 402 of the Patna Municipal Corporation Act no person shall without a license from the Chief Executive Officer can sell and expose any animal or article in a municipal market without a license. Any person contravening the provisions may be summarily removed by the authorities. Section 416 says that no article for human consumption can be sold or exposed for sale in adulterated manner. The authorities also have the power to seize the diseased articles kept for sale.

LICENSING PROCEDURE:

One has to apply to the Chief executive officer in the prescribed form and the licensing authority shall mention clearly in the license the number of rooms, shops or space for which the license is granted.

As per the act every licenses granted by the corporation shall be signed by the Chief Executive Officer and shall specify the date of the grant, the purpose and the period of grant , the restrictions and the conditions for grant the person to be which it is granted and the fees paid.

As per the act any licenses for any purpose mentioned in section 389 cannot be withheld unless the chief executive officer has the reason to believe that the intending business to be established would be offensive or dangerous to the persons residing in neighbour hood.

The licensee is also bound to produce it at all reasonable times for inspection. Any licenses granted can be suspended or revoked on the infringement of any conditions of the Act or Bye law.

ISSUE OF LICENSE

If all the documents are found in accordance with rules of the municipal corporation one can get the license within 10 -15 days of filing the application and affidavit.

DOCUMENTS REQUIERED:

No special documents are required for starting up the business of street food vendors. One can start up the business when and where one wants and no NOC is required from the food department.

License Fees:

As per the act the corporation have the power to levy the fees. The fees will be charged as per the rates fixed by the Standing committee. There are no licensing fees required for the street food vendors .License is issued for moving stalls only and fees for licensing is Rs.30 only per year.

License Renewal:

The license is renewed before March 31 of every year. The fees is Rs30/- There is no separate procedure for renewing the license .A person desirous of renewing the license has to submit Rs.30 along with an application form stating that the license has to be renewed.

Terms and conditions:

The eating houses have to follow the rules and regulations as per the byelaws and Patna Municipal Corporation Act 1951. Some of the interesting conditions are as follows:

No licenses can be issued to open any eating houses if it is:

1. Within 30 feets of any public latrine or public urinals or pail depots.
2. If it does not consists of at least three rooms one which shall be used as cooking room, ding room and store room.
3. No person shall be allowed to sleep or keep any bedding or clothing inside the dining room or kitchen.
4. All eating houses shall be open to inspection by the health officer of the corporation not below the rank of a sanitary Inspector authorized by the chief Executive Officer and must comply with all directions of the bye laws.
5. The licensee is not allowed to transfer the license to any other person or premise for which it is not meant.

Penalty:

On verification by the municipal officers if the street food vendors are found selling stale food or unhygienic food that may cause ill health, they may be fined. The fine depends on the officials. The fine depends on the discretion of the officials. The penalty for violation can between Rs.20 and Rs.200. It all depends on the choice of officials .The officials go on visits to the street food vendors and if they find their food stale they fine the vendors.

Any breach of byelaw can result in a penalty of Rs.200 and the continuity of breach can result in Rs.50 per day as per the provisions of bylaw.

II. FRUIT SELLER:

The trades are regulated as per the sections 426(g), 402, 389, 407, 408, 409, 406 & 390 of Patna Municipal Corporation Act 1951. Only one license will be issued for one premise.

Generally to open a shop one has to file an application in a given Performa under Section 177. At present Fruit sellers does not needs any license for pursuing their trade. License is issued for moving stalls only

As per the bye laws framed under section 281 no person shall be permitted to use or occupy any part of Public Street for the sale of articles unless he has previously obtained from the chief executive officer a license in the form appended to the bye laws. The license shall be granted for such period not exceeding one year as may be determined by the chief executive officer and all such licenses shall expire not later than the last day of the year which it was granted. As per bye law every license granted shall be suspended or cancelled by the Chief Executive officer with the recorded reasons.

According to the provisions of section 402 of the Patna Municipal Corporation Act no person shall without a license from the Chief Executive Officer can sell and expose any animal or article in a municipal market without a license. Any person contravening the provisions may be summarily removed by the authorities. Section 416 says that no article for human consumption can be sold or exposed for sale in adulterated manner.

Procedures are same as that of dhaba's. But it does not have to follow the conditions for eating houses.

LICENSING PROCEDURE:

One has to apply to the Chief executive officer in the prescribed form and the licensing authority shall mention clearly in the license the number of rooms, shops or space for which the license is granted.

As per the act every licenses granted by the corporation shall be signed by the Chief Executive Officer and shall specify the date of the grant, the purpose and the period of grant , the restrictions and the conditions for grant the person to be which it is granted and the fees paid. Any licenses for any purpose mentioned in section 389 cannot be withheld unless the chief executive officer has the reason to believe that the intending business to be established would be offensive or dangerous to the persons residing in neighbour hood.

The licensee is also bound to produce it at all reasonable times for inspection. Any licenses granted can be suspended or revoked on the infringement of any conditions of the Act or Bye law.

ISSUE OF LICENSE

If all the documents are found in accordance with rules of the municipal corporation one can get the license within 10 -15 days of filing the application and affidavit.

DOCUMENTS REQUIERED:

No special documents are required for starting up the business of street food vendors. One can start up the business when and where one wants and no NOC is required from the food department.

License Fees:

As per the act the corporation have the power to levy the fees. The fees will be charged as per the rates fixed by the Standing committee. There are no licensing fees required for the street food vendors. License is issued for moving stalls only and fees for licensing is Rs.30 only per year.

License Renewal:

The license is renewed before March 31 of every year .The fees is Rs30/-. There is no separate procedure for renewing the license .A person desirous of renewing the license has to submit Rs.30 along with an application form stating that the license has to be renewed.

Penalty:

On verification by the municipal officers, if the street food vendors are found selling stale food or unhygienic food that may cause ill health, they may be fined. The fine depends on the officials. The fine depends on the discretion of the officials. The fees can between Rs.20 and Rs.200. It all depends on the choice of officials.

III. MEAT SHOP AND SLAUGHTER HOUSE:

According to the provisions of section 402 of the Patna Municipal Corporation Act, no person shall without a license from the Chief Executive Officer can sell and expose any animal or article in a municipal market without a license. Any person contravening the provisions may be summarily removed by the authorities. Section 416 says that no article for human consumption can be sold or exposed for sale in adulterated manner.

Section 400 deals with the establishment of municipal markets, slaughter houses and stockyards .As per the section 400 slaughter houses will be in the control of the chief Executive Officer and he can charge the fees as per he decision of the Standing committee and can impose the terms and conditions to be followed by the licensee. The

act also says that the Chief executive Officer with the sanction of the corporation and the State Government may at any time close the municipal market or slaughter house and the premises occupied for that. Act clearly says that any animal or meat intended for human food can be sold only in a licensed market or a licensed shop. This does not include the sale of met or fish sold in hotel or eating house. If the municipal corporation is not satisfied with the ways the slaughter is carried out (i.e., the conditions of hygiene and sanitation) or if the meat is exposed openly (which has to be covered or kept under glass cover) the corporation can withdraw the license of the seller or stop him from selling meat or running a slaughter house.

Section 402 deals with the prohibition of sale in a municipal market without license. No person can sale without license issued by the chief executive officer. Any person contravening the provision of subsection (i) may be removed by the chief executive officer or any municipal officer.

The district magistrate has the power to close unlicensed markets and can levy penalty of Rs.25 based upon the conviction obtained from the application of Chief Executive officer. The corporation will also fix the places for slaughter and sale of animals and no body can slaughter or sell any animal in any other place and the violation will add to penalty of a fine which does not exceed Rs.200/-

According to the provisions of section 402 of the Patna Municipal Corporation Act no person shall without a license from the Chief Executive Officer can sell and expose any animal or article in a municipal market without a license. Any person contravening the provisions may be summarily removed by the authorities. Section 416 says that no article for human consumption can be sold or exposed for sale in adulterated manner. The authorities also have he power to seize the diseased articles kept for sale.

LICENSING PROCEDURE:

There is no separate department issuing the license. The license issuing officer issues the license. Any person desirous of opening a meat shop/slaughter house has to give an application under section (177) and an affidavit stating that he/she wants to open a meat shop/slaughter with the permission of the municipal corporation.

If the person needs loan to start this trade, the amount needs to be mentioned in the affidavit. As per the act every licenses granted by the corporation shall be signed by the Chief Executive Officer and shall specify the date of the grant, the purpose and the period of grant , the restrictions and the conditions for grant the person to be which it is granted and the fees paid.

As per the act every licenses granted by the corporation shall be signed by the Chief Executive Officer and shall specify the date of the grant, the purpose and the period of grant , the restrictions and the conditions for grant the person to be which it is granted and the fees paid. Any licenses for any purpose mentioned in section 389 cannot be withheld unless the chief executive officer has the reason to believe that the intending business to be established would be offensive or dangerous to the persons residing in neighbour hood.

The licensee is also bound to produce it at all reasonable times for inspection. Any licenses granted can be suspended or revoked on the infringement of any conditions of the Act or Bye law.

ISSUE OF LICENSE

If all the documents are found in accordance with rules of the municipal corporation one can get the license within 10 -15 days of filing the application and affidavit.

DOCUMENTS REQUIRED:

1. Filled application form under section (177)
2. Affidavit certifying the details of the business and the amount of loan needed to start the business .Also he needs to produce a document from the bankers and the money lenders. If no loan is required then the person just needs to mention in the affidavit that he/she wants to start up the trade with the permission of the municipal corporation
3. Affidavit mentioning the holding number of the house and the statement for commencing the business

VERIFICATION:

1. The documents are verified in the municipal corporation.
2. The officer will visit to the site and they will verify the various mandatory criteria such as:

- a) Water facility
- b) Type of construction (should be pucca house)
- c) Glass and net
- d) Shutter
- e) Hygiene and drainage (wastes should be destroyed).

LICENCE FEES:

As per the act the corporation have the power to levy the fees. The fees will be charged as per the rates fixed by the Standing committee. Fees for meat shops will be as follows

- | | |
|----------------------|----------|
| (i) Poultry and fowl | -Rs.250 |
| (ii) Meat | - Rs.500 |
| (iii) Fish | - Rs.350 |

FEES REMITTANCE:

A voucher under rule-97(form no. xxix) is issued after payment of the above mentioned fees.

ISSUE OF LICENSE:

After submitting the above said documents, the mentioned fees and verification, the license is issued.

LICENCE DURATION AND ITS RENEWAL:

The license is renewed before March 31 of every year. There is no separate procedure for renewing the license .A person desirous of renewing the license has to submit the fees along with an application form stating that the license has to be renewed.

The license can be renewed by paying Rs 300 for poultry and fowl, fish and Rs.500 for meat to the concerned officer before March 31 of every year. The person desirous of renewing the license can file an application under sec(177) with fees stated above to the concerned license issuing officer . There is no separate department issuing the license.

PENALTY:

A fine up to Rs.5000 can be charged if the meat shop / slaughter house is not found up to the mark of the mandatory criteria (hygiene, water facility etc.) on inspection. If the municipal corporation is not satisfied with the ways the slaughter is carried out (the conditions of hygiene and sanitation) or if the meat is exposed openly (which has to be covered or kept under glass cover) the corporation can withdraw the license of the seller or stop him from selling meat or running a slaughter house.

IV. BARBER SHOP:

The trades are regulated as per the sections 426(g), 402, 389, 407, 408, 409, 406 & 390 of Patna Municipal Corporation Act 1951. Only one license will be issued for one premise. Second schedule of the Patna Municipal Corporation Act 1951 proves that the shop keepers also require a license. So barbershops do requires.

According to the provisions of section 402 of the Patna Municipal Corporation Act no person shall without a license from the Chief Executive Officer can sell and expose any animal or article in a municipal market without a license. Any person contravening the provisions may be summarily removed by the authorities.

As per the bye laws framed under section 281 no person shall be permitted to use or occupy any part of Public Street for the sale of articles unless he has previously obtained from the chief executive officer a license in the form appended to the bye laws. The

license shall be granted for such period not exceeding one year as may be determined by the chief executive officer and all such licenses shall expire not later than the last day of the year which it was granted. As per bye law every license granted shall be suspended or cancelled by the Chief Executive officer with the recorded reasons.

LICENSING PROCEDURE:

Trader's license is issued under Sec-389. The person desirous of opening a barber shop has to fill an application form under sec (177) and an affidavit stating that one wants to open a barber shop with the fees stated above i.e., Rs.250. If a loan is required to start the business he/she is required to mention the loan amount as the bankers will enquire from the municipal corporation .if no loan is required then the person can submit the application form with the required fees.

As per the act every licenses granted by the corporation shall be signed by the Chief Executive Officer and shall specify the date of the grant, the purpose and the period of grant , the restrictions and the conditions for grant the person to be which it is granted and the fees paid. Any licenses for any purpose mentioned in section 389 cannot be withheld unless the chief executive officer has the reason to believe that the intending business to be established would be offensive or dangerous to the persons residing in neighbour hood.

The licensee is also bound to produce it at all reasonable times for inspection. Any licenses granted can be suspended or revoked on the infringement of any conditions of the Act or Bye law.

DOCUMENTS REQUIRED:

1. An application under Sec-177 is submitted to the municipal corporation to commence the business.
2. An affidavit stating the type of business and the loan amount required for starting the business submitted to the municipal corporation.

LICENSE FEES:

As per the act the corporation have the power to levy the fees. The fees will be charged as per the rates fixed by the Standing committee. Rs.250 per annum is charged for the trader's license.

ISSUE OF LICENSE:

The license is issued on submission of above documents and payment of Rs.250.

FEES REMITTANCE:

The voucher under rule-97(form no. xxix) is issued on payment of the above fees.

LICENCE DURATION AND ITS RENEWAL:

License is issued for one year. The license must be renewed before March 31 of every year .The fees is Rs30/-. There is no separate procedure for renewing the license. A person desirous of renewing the license has to submit Rs.250 along with an application form to the concerned license issuing officer stating that the license has to be renewed.

PENALTY:

The penalty is on the discretion of the officials. They do not have any special criteria for charging of penalty (as inquired from the officials). If they are not satisfied with the working of the shop they can charge Rs.200 to Rs.1000/-

Time to time site enquiry is done and penalty is charged if any discrepancy is found. People seeking the trader's license are liable to pay the income-tax. The penalty is on the discretion of the officials. They do not have any special criteria for charging of penalty (as inquired from the officials). If they are not satisfied with the working of the shop they can charge Rs.200 to Rs.1000/-

V. CYCLE RICKSHAW:

Cycle Rickshaws in Bhodhgaya are regulated as per the Byelaws for the regulation of cycle rickshaws in Patna Town.

As per the Bye law Cycle-rickshaw" means a three-wheeled vehicle propelled by a human being with the aid of mechanical contrivance and intends primarily for conveyance of human beings. No cycle-rickshaw shall ply for hire unless it has been previously registered.

LICENSING PROCEDURE:

There is no city permit required for the operation of a cycle rickshaw. A person desirous of operating a cycle rickshaw has to submit written application form. There are two types of licences issued for a cycle rickshaw. Owner's license and Driver's license are issued.

OWNER'S LICENSE:

The owner of cycle-rickshaw which is intended to be plied for hire shall make an application for registration the registering officer in Form "A". If a cycle-rickshaw is plied for hire without having a valid certificate of registration then the owner shall be

liable to fine not exceeding twenty-five rupees and if he shall continue to ply or allow such cycle-rickshaw to be plied for hire shall be liable to a further fine of Rs.2/- for every day after the first conviction during which he is proved to have plied or allowed such cycle-rickshaw to be plied for hire.

The owner of a cycle-rickshaw shall, at the time of making an application for registration under bye-law 3 and for renewing the certificate of registration cycle- rickshaw under bye-law (8) and at such other time as the registering officer may direct, produce the cycle-rickshaw for inspection by the registering officer. The Corporation Mechanical Engineer or an officer authorised by the Chief Executive Officer in this behalf will be the expert to test the mechanical parts of the vehicle.

A cycle-rickshaw shall not be registered unless, in the opinion of the registering officer it is safe and otherwise fit for public use, and satisfies all the requirements as mentioned in the bye-law.

Requirements:

1. It is comfortable, clean, easy running, and is provided with a seat of 30" in length and 8" in width. The seat, cushion and back cushions are covered with feather or leather cloth, and are provided with adequate staffing and springs
2. It is provided with Water-proof hood and screens and transparent glass or zcolite view holes;
3. Wheels of 30'in diameter fitted with pneumatic tyres;
4. One conspicuous white light in the front and one red reflector on the off side showing to the rear;
5. a good brake and a bell
6. a foot mat or coir or other suitable material;
7. Manufacture's number and/or supported by purchase vouchers at the time of registration

Provided that the Corporation may also renew licences for cycle rickshaw class II" issued under the bye-laws framed by the ex-Patna City Municipality and the ex-Patna Administration Committee.

Grant of Certificate:

On receipt of an application under bye-laws 3, the registering officer shall if the cycle-rickshaws mentioned in the application satisfies the requirements of bye-laws 5 and on payment by the applicant of the yearly fee specified in Schedule I grant to the applicant a certificate of registration in Form B signed by the registering officer and bearing the seal of the Corporation

Duration of certificate:

Every certificate of registration granted under these bye-laws shall continue to be in force until that last day of the financial year in which it is granted, unless it is suspended or cancelled before that day for one or more of the following reasons:-

1. That the cycle-rickshaw is not maintained properly and kept in good order; and
2. That the owner fails to comply with the provision of bye-laws 27.

Renewal of Registration:

The owner of cycle-rickshaw in respect of which a certificate of registration has been granted shall produce the certificate of registration before the registering officer for renewal before the date of its expiry. The registering officer shall, on payment of the fee specified in Schedule I, renew the certificate of registration.

Provided that if the application for renewal is made more than one month after the date of the expiry of the certificate of registration which is being renewed, an additional fee amounting to one-sixth of the yearly fee shall be payable for each month or part of a month after the date of such expiry, unless there was, in the opinion of the registering officer, for reasons to be recorded in writing, a reasonable cause for the delay or any part of the delay in making the application.

On sufficient cause being shown, the registering officer may at any time grant a duplicate certificate of registration on payment of a fee of eight annas and such certificate shall have the word "DUPLICATE" written thereon in red ink.

Transfer of ownership:

if the ownership of a cycle- rickshaw, in respect of which a certificate of registration has been granted, is transferred shall within a week of such transfer if he desires to use the same to ply for hire, before so using it, give to the registering officer a notice in writing of such transfer and shall produce before him the certificate of registration granted to the former owner, and shall pay a transfer fee of one rupee. If any such transferee, before complying with the provision of clause (a) uses such cycle-rickshaw to ply for hire, or allows it to be plied for hire, he shall be liable to a fine not exceeding ten rupees and if he continues to ply for hire, he shall be liable to a further fine not exceeding two rupees for every day after the first conviction during which he is proved to have used the cycle rickshaw to be plied for hire without complying with the said provision.

The registering officer, on receiving the notice and the fee specified in clause (a) shall make the necessary alteration in the register and in the certificate of registration.

Driver's licence-

No person shall drive cycle –rickshaw plying for hire within the area of the Patna Municipal Corporation unless he is licensed in accordance with these bye-laws.

The owner of Cycle-rickshaw plying for hire within the limits of Patna Municipal Corporation shall not allow any person who is not a licensed driver, under clause (a) to drive such cycle rickshaw. Licence for driving a cycle-rickshaw shall be granted to subsequent verification of antecedents by the police and in case the police report is against the character of the licensee, his license shall be cancelled. The cycle-rickshaw, driver must pass a driving test before licence is given and he shall also have a working knowledge of traffic rules. No licence for driving a cycle-rickshaw shall be granted to a driver unless he is declared medically fit by a Medical Officer of the Corporation for which a fee of one rupee shall be paid for such an examination by the applicant.

Application for licence:

Every application for a license to drive cycle-rickshaw plying for hire shall be made to the registering officer in Form C and shall be accompanied with two copies of a recent bust photograph of the applicant and a medical certificate of fitness from a Medical Officer of the Corporation.

Conditions:

Registering Officer may, on receipt of an application together with the copies of photographs of the applicant and a medical certificate of fitness as required under the preceding bye-law and on being satisfied that the applicant satisfied the following conditions, grant a licence.

1. Age-20-25 years (approximately),
2. Height – not below 5 feet
3. Weight-normal
4. Chest-in expiration minimum 30' with an expansion of not less than 2" on inspiration
5. Eye sight – good
6. Hearing –normal
7. He should be free from any contagious or infectious skin disease.
8. He should be in good health.

Documents required:

One copy of the applicant's photo will be affixed on his application and will be retained in Corporation office.

Driving ticket:

The registering officer shall at the time of granting or renewing a driver's licence deliver to the driver a metal ticket marked or engraved with a number corresponding in the number of the licence and showing the period for which the licence should remain in force. For each ticket granted under sub-clauses (a), a fee of (twenty five paise) shall be paid. A duplicate ticket may on payment of 1 anna (twenty five paise) be granted by the registering officer during the term of the license if the original ticket has been lost or stolen or the writing on it has been obliterated.

Provided that no such fee shall be charged if the driver concerned supplies at his own cost a metal ticket properly marked or engraved as required by clause (a) for a duplicate ticket being issued to him by the registering officer. Every driver shall at all times when driving a cycle-rickshaw carry such ticket exposed to view.

Numbering of Rickshaw:

The owner of cycle-rickshaw which has been registered under these bye-laws shall cause the number specified in the certificate of registration granted in respect of such cycle-rickshaw to be painted conspicuously at the back of the cycle-rickshaw.

Whenever an identification plate is lost or stolen, the owner of the cycle-rickshaw shall produce the certificate of registration before the registering officer and shall be entitled to receive a duplicate plate on payment of a fee of one rupee.

Parking of cycle-rickshaw:

The Patna Municipal Corporation may provide places for the parking of cycle-rickshaws plying for hire and may determine the number of such cycle-rickshaws to be parked at such places.

When such places have been provided and notified in such manner as the Chief Executive Officer thinks fit, cycle-rickshaws plying for hire shall be parked only at such places and no cycle-rickshaws plying for hire shall be parked only at such places and not cycle-rickshaw shall be parked at places provided and notified for the purpose, and the number of such vehicles to be parked at any place shall not exceed the number determined by the Chief Executive Officer of Patna Municipal Corporation for such places.

Identification plate:-

On granting a certificate of registration the registering officer shall deliver to the owner of the cycle-rickshaw a plate showing the number of certificate of registration which will remain unchanged as long as the cycle-rickshaw is serviceable.

The owner of the cycle-rickshaw shall cause the plate to be affixed to a conspicuous place on the back of the cycle-rickshaw and take steps to ensure that the writing on the plate does not become indistinct or obliterated

Other Directions:

Every driver's license granted shall be in Form D, signed by the registering office and shall be stamped with the seal of the Patna Municipal Corporation. A driving licence granted under these byelaws shall remain in force until the last day of the financial year in which it is granted and shall be produced before the registering officer for renewal before the date of its expiry. The applicant for renewal of license shall also have to produce a medical certificate of fitness from Medical Officer of the Corporation.

Provided that the fee payable for such renewal shall be rupee one and if the application is made more than one month after the date of the expiry of the licence which is being renewed, and an additional fee shall be payable amounting to half the total fee payable for the year unless there was in the opinion of the registering officer, reasonable cause for the delay in making the application.

Provided further that if the registering officer refuses the application, the reasons for refusal shall be recorded in writing by him. Applications can be refused only if any of the conditions laid down in rule 15 is not fulfilled

A cycle-rickshaw registered under these bye-laws shall not carry more than two passengers and 25 seers of luggage or, in lieu of such luggage one child in arm:

Provided that-

1. two children under 12 years of age shall be considered to be equal to one passenger, and
2. the combined weight of persons and luggage carried on the cycle-rickshaw shall not exceeds 3 maunds:

Provided in lieu of a passenger, as aforesaid, luggage not exceeding 11 maunds weight may be carried.

Fees:

The owner or driver of a cycle-rickshaw plying for hire shall be entitled to demand and take for such hire fare as specified in Schedule II Provided that the owner or driver of cycle-rickshaw shall not demand or receive over and above the said fare any sum for the return journey of the cycle-rickshaw for the place at which it is discharged. Any contract entered into to accept a fare lower than the fare so fixed shall be binding.

The owner of a registered cycle-rickshaw plying for hire shall keep a copy of the schedule of fares in such cycle-rickshaw in such form as the registering officer may direct and the driver of such cycle-rickshaw shall produce the same on the demand of any passenger.

- i) Owner's license – Rs.20 per annum.
- ii) Driver's license – Rs.4.50 per annum.

LICENCE DURATION AND ITS RENEWAL:

License is issued for one year (1st April to 31st March).The license must be renewed after the expiry.

Penalty:**Penalty for using vehicles without identification Plate:**

If any cycle-rickshaw is let, used or plied for hire by the owner or with his permission, without having a proper plate duly affixed, as required by clause (b) of bye-law 10 or with a plate on which the writing is indistinct or obliterated, the owner concerned shall be liable to a fine not exceeding ten rupees.

Issue of new plate:

If any driver licensed under these bye-laws drives any cycle-rickshaw without a proper plate affixed as required by clause (b) of bye-law 10 or with a plate on which the writing has become indistinct or obliterated. He shall be liable to a fine not exceeding ten rupees.

Penalty for excess load:

If any cycle-rickshaw carried a large number of passengers, or a greater weight of luggage or greater combined weight of persons and luggage than is specified in the preceding bye-law, the driver shall be liable to a fine not exceeding ten rupees.

Penalty for not having license:

If a person drives a cycle-rickshaw for hire without having a subsisting licence, he shall be liable to a fine not exceeding ten rupees and to a further fine not exceeding ten rupees and to a further fine not exceeding one rupee for every day after the first conviction during which he is proved to have driven a cycle –rickshaw for the hire without a licence.

Penalty for lending licence:

If any person to whom a driving licence has been granted transfers or lends his license or the ticket delivered to him under bye-law 20 or allows the said licence, or ticket to be used by any other person, he shall be liable to a fine not exceeding ten rupees.

Penalty for the owner for permitting unlicensed driver:

If the owner of any cycle- rickshaw plying for hire permits or suffers any person not duly licensed as driver these bye-laws to drive or ply such cycle-rickshaw for hire, he shall be liable for every such offence to a fine not exceeding ten rupees and to a further fine not exceeding one rupee for every day after the first conviction during which he permits or suffers any person not duly licensed to drive or ply such cycle-rickshaw for hire.

Cancellation or suspension of a driver's licence:

The Chief Executive Officer or any officer not below the rank of Deputy Executive Officer specially empowered in this behalf in writing by him on receiving information of the commission of any offence specified in these bye-laws, and after such enquiry as he may think fit, may, in lieu of directing the prosecution of the driver, cancel or suspend his license for such period as he may think fit and may require by an order in writing the driver to deliver up his licence and metal ticket within a period to be specified in the order.

Any driver who being so required refuses or neglects to deliver up such licence and such ticket shall be liable to a fine not exceeding ten rupees.

The registering officer shall cause such order of suspension or cancellation to be noted in the register of licence and if the licence has been suspended shall, on application at the end of the period of suspension will cause the licence or ticket to be re-delivered to the person to whom it was granted.

FINDINGS FROM THE STUDY

General Findings:

1. The cities in Bihar and Jharkhand follows the same procedure under Patna Municipal Corporation Act 1951
2. The last date for issue of license is 31'st March of every year. To open a shop one has to file an application in a given Performa under Section 177.
3. As per section 177 a tax is levied on all trades professions and calling listed in schedule II. Schedule II says that shop keeper, eating house keeper, public carrier, trader and occupier of market needs license
4. According to the provisions, one who hawks or sells materials within the limits of corporation is obliged to get a license from Corporation and the Corporation authorities have the power to inspect the premises. Carrying a trade without license is Punishable
5. As per the act any licenses for any purpose mentioned in section 389 cannot be withheld unless the chief executive officer has the reason to believe that the intending business to be established would be offensive or dangerous to the persons residing in neighbour hood
6. Licensing authority shall mention clearly in the license the number of rooms, shops or space for which the license is granted. As per the act every licenses

granted by the corporation shall be signed by the Chief Executive Officer and shall specify the date of the grant, the purpose and the period of grant, the restrictions and the conditions for grant the person to be which it is granted and the fees paid. The licensee is also bound to produce it at all reasonable times for inspection. Any licenses granted can be suspended or revoked on the infringement of any conditions of the Act or Bye law

7. According to the provisions of section 402 of the Patna Municipal Corporation Act no person shall without a license from the Chief Executive Officer can sell and expose any animal or article in a municipal market without a license. Any person contravening the provisions may be summarily removed by the authorities
8. Section 416 says that no article for human consumption can be sold or exposed for sale in adulterated manner. The authorities also have the power to seize the diseased articles kept for sale. Section 418 says that no person can directly or indirectly sale or expose for hawk / sale any article which is not of the standard to be represented. Section 419 prohibits the sale of substitutes
9. 422 provide the power of Chief Executive Officer to inspect the premises used for sale and CEO have the power for seizure of diseased articles.

The trade wise details are as follows:

I. DHABAS:

1. At present street food vendors does not needs any license for pursuing their trade. License is issued for moving stalls only
2. As defined in the byelaw bye food means and includes every article used for food or drink by man other than drugs and any article which enters, into or is used in composition or preparation of human food and shall also include condiments and flavouring agents and matters
3. As per Bye law no place in the limits of the city can be used as eating houses without a valid license from the Chief Executive officer of the municipal Corporation or any other authorized him
4. The license is renewed before March 31 of every year. There is no separate procedure for renewing the license. A person desirous of renewing the license has to submit fees along with an application form stating that the license has to be renewed
5. The eating houses have to follow the rules and regulations as per the byelaws and Patna Municipal Corporation Act 1951
6. No licenses can be issued to open any eating houses if it is Within 30 feet of any public latrine or public urinals or pail depots, If it does not consists of at least three rooms one which shall be used as cooking room, ding room and store room
7. No person shall be allowed to sleep or keep any bedding or clothing inside the dining room or kitchen
8. All eating houses shall be open to inspection by the health officer of the corporation not below the rank of a sanitary Inspector authorized by the chief Executive Officer and must comply with all directions of the bye laws

9. The licensee is not allowed to transfer the license to any other person or premise for which it is not meant
10. On verification by the municipal officers if the street food vendors are found selling stale food or unhygienic food that may cause ill health, they may be fined. The fine depends on the officials. The penalty for violation can be between Rs.20 and Rs.200. It all depends on the choice of officials. So officer has a great power in fixing the fine

VEGETABLE SELLER:

1. Vegetable vendors follow the same procedure of dhaba
2. As per the bye laws framed under section 281 no person shall be permitted to use or occupy any part of Public Street for the sale of articles unless he has previously obtained from the chief executive officer a license in the form appended to the bye laws. So vegetable sellers also need a license
3. The license shall be granted for such period not exceeding one year as may be determined by the chief executive officer and all such licenses shall expire not later than the last day of the year which it was granted
4. As per bye law every license granted shall be suspended or cancelled by the Chief Executive officer with the recorded reasons

BARBER SHOP:

1. Barber shops also follow the same procedure of dhaba
2. As per section 177 a tax is levied on all trades professions and calling listed in schedule II. Schedule II says that a shop keeper requires a license. So barber shops also need a license. In addition the bye laws framed under section 281 says that no person shall be permitted to use or occupy any part of Public Street for the sale of articles unless he has previously obtained from the chief executive officer
3. The trades in Ranchi are regulated by the Municipal Corporation of Ranchi as per the sections 426(g), 402, 389, 407, 408, 409, 406 & 390 of Patna Municipal Corporation Act 1951. Only one license will be issued for one premise. Second schedule of the Patna Municipal Corporation Act 1951 proves that the shop keepers also require a license. So barbershops do require
4. An affidavit stating the type of business and the loan amount required for starting the business is to be submitted to the municipal corporation
5. The penalty is on the discretion of the officials. They do not have any special criteria for charging of penalty (as inquired from the officials). If they are not satisfied with the working of the shop they can charge Rs.200 to Rs.1000/-

MEAT SHOP AND SLAUGHTER HOUSE:

1. Meat shops follow the same procedure of Dhabas. In addition they have to follow the procedures for meat shops and slaughterer houses
2. As per the section 400 slaughter houses will be in the control of the chief Executive Officer and he can charge the fees as per his decision of the Standing

- committee and can impose the terms and conditions to be followed by the licensee
3. Chief executive Officer with the sanction of the corporation and the State Government may at any time close the municipal market or slaughter house and the premises occupied for that. The closed premises will be considered as corporations property
 4. Section 407 clearly says that any animal or meat intended for human food can be sold only in a licensed market or a licensed shop. This does not include the sale of met or fish sold in hotel or eating house. The violation of section 407 will result in a penalty not exceeding Rs.50 for each day during the offense is continued after conviction
 5. If the municipal corporation is not satisfied with the ways the slaughter is carried out (i.e., the conditions of hygiene and sanitation) or if the meat is exposed openly (which has to be covered or kept under glass cover) the corporation can withdraw the license of the seller or stop him from selling meat or running a slaughter house
 6. The corporation will fix the places for slaughter and sale of animals and no body can slaughter or sell any animal in any other place and the violation will add to penalty of a fine which does not exceed Rs.200/-
 7. Affidavit certifying the details of the business and the amount of loan needed to start the business, document from the bankers and the money lenders, Affidavit mentioning the holding number of the house and the statement for commencing the business is required. If no loan is required then the person just needs to mention in the affidavit that he/she wants to start up the trade with the permission of the municipal corporation
 8. A fine up to Rs.5000 can be charged if the meat shop / slaughter house is not found up to the mark of the mandatory criteria (hygiene, water facility etc.) on inspection.

CYCLE RICKSHAW:

1. As per the Bye law Cycle-rickshaw" means a three-wheeled vehicle propelled by a human being with the aid of mechanical contrivance and intends primarily for conveyance of human beings. No cycle-rickshaw shall ply for hire within Patna Municipal Corporation unless it has been previously registered under these byelaws
2. There is no city permit required for the operation of a cycle rickshaw. A person desirous of operating a cycle rickshaw has to submit written application form. There are two types of licences issued for a cycle rickshaw. Owner's license and Driver's license are issued

3. The owner of cycle-rickshaw which is intended to be plied for hire shall make an application for registration the registering officer in Form "A".
4. A cycle-rickshaw shall not be registered unless, in the opinion of the registering officer it is safe and otherwise fit for public use, and satisfies all the requirements as mentioned in the bye-law
5. On receipt of an application under bye-laws 3, the registering officer shall if the cycle-rickshaws mentioned in the application satisfies the requirements of bye-laws 5 and on payment by the applicant of the yearly fee specified in Schedule I grant to the applicant a certificate of registration in Form B signed by the registering officer and bearing the seal of the Corporation
3. Every certificate of registration granted under these bye-laws shall continue to be in force until that last day of the financial year in which it is granted, unless it is suspended or cancelled before that day
4. if the ownership of a cycle- rickshaw, in respect of which a certificate of registration has been granted, is transferred shall within a week of such transfer must give to the registering officer a notice in writing of such transfer and shall produce before him the certificate of registration granted to the former owner, and shall pay a transfer fee of one rupee
5. No person shall drive cycle –rickshaw plying fore hire within the area of the Patna Municipal Corporation unless he has obtained a driver’s license.
6. The cycle-rickshaw, driver must pass a driving test before licence is given and he shall also have a working knowledge of traffic rules. No licence for driving a cycle-rickshaw shall be granted to a driver unless he is declared medically fir by a Medical Officer of the Corporation for which a fee of one rupee shall be paid for such an examination by the applicant
7. Every application for a license to drive cycle-rickshaw plying for hire shall be made to the registering officer in Form C and shall be accompanied with two copies of a recent bust photograph of the applicant and a medical certificate of fitness from a Medical Officer of the Corporation
8. As per the conditions driver must be Age-20-25 years (approximately), Height – not below 5 feet, Weight-normal, Chest-in expiration minimum 30’ with an expansion of not less than 2” on inspiration, Eye sight – good, Hearing –normal, and he should be free from any contagious or infectious skin disease and of good health
9. The registering officer shall at the time of granting or renewing a driver’s licence deliver to the driver a metal ticket marked or engraved with a number corresponding in the number of the licence and showing the period for which the licence should remain in force
10. The owner of cycle-rickshaw which has been registered under these bye-laws shall cause the number specified in the certificate of registration granted in respect of such cycle-rickshaw to be painted conspicuously at the back of the cycle-rickshaw
11. Whenever an identification plate is lost or stolen, the owner of the cycle-rickshaw shall produce the certificate of registration before the registering officer and shall be entitled to receive a duplicate plate on payment of a fee of one rupee
12. The Patna Municipal Corporation may provide places for the parking of cycle-rickshaws plying for hire and may determine the number of such cycle-rickshaws to be parked at such places. When such places have been provided and notified

in such manner as the Chief Executive Officer thinks fit, cycle-rickshaws plying for hire shall be parked only at such places and the number of such vehicles to be parked at any place shall not exceed the number determined by the Chief Executive Officer

13. On granting a certificate of registration the registering officer shall deliver to the owner of the cycle-rickshaw a plate showing the number of certificate of registration which will remain unchanged as long as the cycle-rickshaw is serviceable. The owner of the cycle-rickshaw shall cause the plate to be affixed to a conspicuous place on the back of the cycle-rickshaw and take steps to ensure that the writing on the plate does not become indistinct or obliterated