

THE LIVELIHOOD REGULATIONS REPORT

BHUBANESHWAR



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

© Rights reserved 2008

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 study 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

Bhubaneswar, the capital and largest city of the Indian state of Orissa, India. Once the capital of ancient Kalinga, the city has a long history and is today a center for commerce and religious activity. It became the modern capital of the state of Orissa in 1948, a year after India gained its independence from Britain. Before Bhubaneswar, Cuttack was the capital of Orissa until 1947. Both Bhubaneswar and Cuttack are known as the "twin cities" of Orissa. With its vast variety of Hindu temples, Bhubaneswar is often referred to as the temple city of India.

As of India's 2001 census, Bhubaneswar has a population of 647,302. Males constitute 56% of the population and females 44%. The city has an average literacy rate of 74%, higher than the national average of 59.5%. Ten percent of the population is under 6 years of age. The literacy rate is ever growing with huge student and white collar migrations into the city.

The present study on the livelihood regulations in Bhubaneswar covers dhaba, vegetable sellers, auto rickshaw, meat Shop and bangle shop.

BHUBHENESWAR

The trades chosen for the study are:

- 1. Dhabha/ food courts.**
- 2. Vegetable Sellers**
- 3. Auto Rickshaw**
- 4. Meat Shop**
- 5. Bangle Shop**

The licensing of trades in the corporation area of Bhubheneswar is regulated as per the relevant provisions of Orissa Municipal Corporation Act 2003. Prevention of Food Adulteration Act is applicable for food related items whereas Orissa Shops and Establishments act prescribes timings for operation. Motor Vehicles Rules is regulating the Auto Rickshaw.

I.Dhaba:

Dhaba's are regulated by the provisions of the Orissa Municipal Corporation Act 2003 and Prevention of Food Adulteration Act 1954. Orissa Municipal corporation Act defines eating house as any premise to which the public or any section of the public are admitted and where food is prepared , supplied or sold for consumption on or outside the premises for the profit or gain of any person owning or having an interest in or managing such premises.

As per section 554 of the Orissa Municipal Corporation Act 2003, no person is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than there domestic use without or except ion conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

Chapter VI (Rule 39) of the Orissa Municipal Corporation Rules 2004 says that no person is allowed to keep in or upon any premise or carry on any trade specified in schedule C. In the case of the illegal encroachments used for carrying the trade, the encroacher shall borne the amount for demolition and for reconstruction in that are, the penalty will be charged in double.

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations, 2006," No person can use any premises for the usage of any purpose mentioned in the schedule attached to the regulation without a license.

Part Iv of the Schedule C of the Orissa Municipal corporation Rules 2004 and the Part IV of Schedule C of the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations , 2006" says that eating houses needs a license.

As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

Section 561 of the Orissa Municipal Corporation Act 2003 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner with the previous sanction of the corporation, by public notice from time to time to prohibit within hundred yards of any corporation market, the sale or expose for sale of all or any of the commodities ordinarily sold in the market. The notice at any time can be modified or cancelled by the commissioner. Any person contravening the section can be summarily removed by the commissioner or any authorized authorities

Therefore, it is clear that a dhaba needs license.

Licensing Procedure:

As per "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", any person desiring to obtain a license under the regulations shall apply to the commissioner or any authorised officer in the prescribed form. The commissioner will grant the license after the inquiry to the premises. .

Regulatory Body:

As per the regulations, the commissioner is the regulatory body.

Documents Needed:

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed using the premise for the storage of the articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

Fees:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", Rs.300 will be collected for a Non- A/C restaurant. So one who carries the trade of eating houses have to remit Rs.300

Operation Timings:

As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The State Government may, after making an enquiry in the prescribed manner, by general or specials order, fix the time at which any establishment or class of such establishments shall be opened or closed in any local area. The act also says that every establishment shall remain closed for one day in a week. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. This day can not be altered more than once in three months.

License Renewal:

The license will be valid till the 31st march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

Conditions:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the licensee has to follow the conditions mentioned in the regulation. Some important conditions are:

1. Commissioner / any authorized officer must be permitted for inspection at all reasonable times and without a notice
2. License must be kept in the premises and shall produce it at the request of the Authorities
3. The license must provide the adequate fire extinguishing measures as determined by the fire officer in case of a fire related trades
4. The premises must be kept clean and must avoid all source of annoyance and inconvenience for the neighbour hood and public
5. There should be suitable means for ventilation and lighting
6. No acts must be undertaken to cause fire or other means endangering public safety
7. Transferring of license will not be allowed without the prior permission of the commissioner or any authorized officer
8. The licensee shall make separate storage arrangements in a premises where license is issued for the storage of more than article in the same premises of which some are intended for human or animal consumption and while the others are hazardous likely to contaminate the articles for consumption
9. A notice board with the name of the licensee and the fact that he is licensed for storing, packing, pressing, cleaning, preparing or manufacturing hazardous inflammable materials or materials clearly written thereon shall be displayed in a conspicuous place of the licensed premises.

Inspection:

As per the section 576 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale or for preparation for sale and intended for human food or for medicine.

Section 577 says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

Section 556 also provides for the inspection of premises used for manufacture where the furnace is used for any trade or manufacture. The inspection can be at reasonable

hours without notice. No claim shall lie against any person for the compensation for any damage caused. Provided that the force shall not be used for entry unless there is a reason to believe that an offence is being omitted against the provision of Act or By-law.

Suspension_and Revocation:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the license can be suspended or revoked by the commissioner/ authorized officer if the licensee fails to comply with the conditions. The license will be suspended or revoked after giving an opportunity to the licensee of being heard in the matter.

Penalty:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the contravention of any regulation shall be punished with fine which may extend to Rs.200. In the case of continuance of contravention, the fine may extend to Rs.30 for every day and another Rs.20 shall be charged if the contravention continues even after the receipt of the notice from the authorities to discontinue the breach. In addition the penalties can also be charged as per the Orissa Municipal Corporation Act.

II.Fruit Seller:

A fruit seller is regulated as per the provisions of the Orissa Municipal Corporation Act 2003 and Prevention of Food Adulteration Act 1954. In addition Orissa shops and establishment Act 1956 prescribes timings.

As per section 554 of the Orissa Municipal Corporation Act 2003, no person is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than their domestic use without or except on conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent to him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

Chapter VI (Rule 39) of the Orissa Municipal corporation Rules 2004 says that no person is allowed to keep in or upon any premise or carry on any trade specified in schedule C. In the case of the illegal encroachments used for carrying the trade, the encroacher shall bear the amount for demolition and for reconstruction in that case, the penalty will be charged in double.

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations, 2006," No person can use any premises for the usage of any purpose mentioned in the schedule attached to the regulation without a license.

Part IV of the Schedule C of the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations, 2006" says that a Fruit shop needs a license.

As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

Section 561 of the Orissa Municipal Corporation Act 2003 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner with the previous sanction of the corporation, by public notice from time to time to prohibit within hundred yards of any corporation market, the sale or expose for sale of all or any of the commodities ordinarily sold in the market. The notice at any time can be modified or cancelled by the commissioner. Any person contravening the section can be summarily removed by the commissioner or any authorized authorities

Therefore, it is clear that a fruit shop needs license.

Licensing Procedure:

As per "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", any person desiring to obtain a license under the regulations shall apply to the commissioner or any authorised officer in the prescribed form. The commissioner will grant the license after the inquiry to the premises.

Regulatory Body:

As per the regulations, the commissioner is the regulatory body.

Documents Needed:

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed to use the premise for the storage of he articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

Fees:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", Rs.100 will be collected as the license fees for fruit shop.

Operation Timings:

As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The State Government may, after making an enquiry in the prescribed manner, by general or specials order, fix the time at which any establishment or class of such establishments shall be opened or closed in any local area. The act also says that every establishment shall remain closed for one day in a week. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently

displayed in a conspicuous place in the shop or commercial establishment. This day can not be altered more than once in three months.

License Renewal:

The license will be valid till the 31st march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

Conditions:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the licensee has to follow the conditions mentioned in the regulation. Some important conditions are:

1. Commissioner / any authorized officer must be permitted for inspection at all reasonable times and without a notice
2. License must be kept in the premises and shall produce it at the request of the Authorities
3. The license must provide the adequate fire extinguishing measures as determined by the fire officer in case of a fire related trades
4. The premises must be kept clean and must avoid all source of annoyance and inconvenience for the neighbour hood and public
5. There should be suitable means for ventilation and lighting
6. No acts must be undertaken to cause fire or other means endangering public safety
7. Transferring of license will not be allowed without the prior permission of the commissioner or any authorized officer
8. The licensee shall make separate storage arrangements in a premises where license is issued for the storage of more than article in the same premises of which some are intended for human or animal consumption and while the others are hazardous likely to contaminate the articles for consumption
9. A notice board with the name of the licensee and the fact that he is licensed for storing , packing, pressing , cleaning , preparing or manufacturing hazardous inflammable materials or materials clearly written thereon shall be displayed in a conspicuous place of the licensed premises

Inspection:

As per the section 576 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale or for preparation for sale and intended for human food or for medicine.

Section 577 says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

Section 556 also provides for the inspection of premises used for manufacture where the furnace is used for any trade or manufacture. The inspection can be at reasonable hours without notice. No claim shall lie against any person for the compensation for any damage caused. Provided that the force shall not be used for entry unless there is a reason to believe that an offence is being omitted against the provision of Act or By-law.

Suspension and Revocation:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the license can be suspended or revoked by the commissioner/ authorized officer if the licensee fails to comply with the conditions. The license will be suspended or revoked after giving an opportunity to the licensee of being heard in the matter.

Penalty:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the contravention of any regulation shall be punished with fine which may extend to Rs.200/- In the case of continuance of contravention, the fine may extend to Rs.30/- for every day and another Rs.20/- shall be charged if the contravention continues even after the receipt of the notice from the authorities to discontinue the breach. In addition the penalties can also be charged as per the Orissa Municipal Corporation Act.

III. Meat Shop:

Meat shop is also regulated by the provisions of the Orissa Municipal Corporation Act 2003 and Prevention of Food Adulteration Act 1954. In addition Orissa shops and establishment Act 1956 prescribes timings.

As per section 554 of the Orissa Municipal Corporation Act 2003, no person is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than their domestic use without or except on conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent to him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

Chapter VI (Rule 39) of the Orissa Municipal corporation Rules 2004 says that no person is allowed to keep in or upon any premise or carry on any trade specified in schedule C. In the case of the illegal encroachments used for carrying the trade, the encroacher shall bear the amount for demolition and for reconstruction in that case, the penalty will be charged in double.

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations, 2006," No person can use any premises for the usage of any purpose mentioned in the schedule attached to the regulation without a license.

Part IV of the Schedule C of the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations, 2006" says that a Meat shop needs a license.

As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

According to the section 558 and 559 of the Orissa Municipal Corporation Act 2003 slaughter houses are under the control of the municipal commissioner and the corporation slaughter houses may be established to situate with the sanction of the Government within or outside the city. As per section 562, there shall be complete ban on slaughter of cow and cattle and road side slaughter of any animal in the corporation area. The contravention of the provision shall be liable for prosecution by the commissioner or any authorized officer by him or Mayor, Deputy Mayor or corporation or any Executive Magistrate or any police officer not below the rank of Sub Inspector in the Corporation Area.

Section 572 of the Orissa Municipal Corporation Act 2003 says that no person can sell or expose for sale any four footed animal without a license from the commissioner. The sale of the same intended for human food in any place other than a corporation or a private market is also prohibited. This will not include the sale of fresh fish sold from or exposed for sale in a vessel in which it has been brought directly after being caught at a river or lake.

Section 573 says that no person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can carry or within the city or at any municipal slaughterhouse, the trade of a butcher. No person can use any place in the city for the sale of the flesh of any animal intended for human consumption or any place without the city for the sale of such flesh for consumption in the city.

Section 574 says that no person without a license can bring into the city any sheep, goats or swine intended for human consumption or flesh of any such animal, which has been slaughtered at any slaughterhouse or place, not maintained or licensed under the Act. Any police officer can arrest without warrant any person bringing into the city any animal or flesh in contravention of the act. The act says that animal brought into the city in contravention of the act can be seized by the commissioner or any municipal authority, by any police officer. The animal or flesh so seized can be sold or otherwise disposed of as the commissioner shall direct and the sale proceeds, if any, shall belong to the corporation. These conditions shall not apply to the preserved or cured meat.

The commissioner may at any time by day or night without notice, enter any place if he suspects that the animal slaughtered or exposed for sale is not duly authorized under the Act or byelaw. No claim shall lie against any person for compensation for any damage necessarily caused by an entry made or the use of necessary force for effecting such entry.

Section 582 says that no person shall slaughter or procure the slaughtered animal for human consumption in a slaughter house; otherwise on the authority of a certificate granted by the veterinary officer proving that the animal is fit for slaughter. The slaughtering and the grant of certificate by the veterinary officer must be in accordance with the conditions of the section 582.

Section 561 of the Orissa Municipal Corporation Act 2003 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner with the previous sanction of the corporation, by public notice from time to time to prohibit within hundred yards of any corporation market, the sale or expose for sale of all or any of the commodities ordinarily sold in the market. The notice at any time can be modified or cancelled by the commissioner. Any person contravening the section can be summarily removed by the commissioner or any authorized authorities

Therefore, it is clear that a meat shop needs license.

Licensing Procedure:

As per "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", any person desiring to obtain a license under the regulations shall apply to the commissioner or any authorised officer in the prescribed form. The commissioner will grant the license after the inquiry to the premises.

Regulatory Body:

As per the regulations, the commissioner is the regulatory body.

Documents Needed:

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed to use the premise for the storage of he articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

Fees:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", Rs.500 will be collected as the license fees for meat shop.

Operation Timings:

As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The State Government may, after making an enquiry in the prescribed manner, by general or specials order, fix the time at which any establishment or class of such establishments shall be opened or closed in any local area. The act also says that every establishment shall remain closed for one day in a week. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently

displayed in a conspicuous place in the shop or commercial establishment. This day can not be altered more than once in three months.

License Renewal:

The license will be valid till the 31st march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

Conditions:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the licensee has to follow the conditions mentioned in the regulation. Some important conditions are:

1. Commissioner / any authorized officer must be permitted for inspection at all reasonable times and without a notice.
2. License must be kept in the premises and shall produce it at the request of the Authorities
3. The license must provide the adequate fire extinguishing measures as determined by the fire officer in case of a fire related trades.
4. The premises must be kept clean and must avoid all source of annoyance and inconvenience for the neighbour hood and public
5. There should be suitable means for ventilation and lighting
6. No acts must be undertaken to cause fire or other means endangering public safety
7. Transferring of license will not be allowed without the prior permission of the commissioner or any authorized officer.
8. The licensee shall make separate storage arrangements in a premises where license is issued for the storage of more than article in the same premises of which some are intended for human or animal consumption and while the others are hazardous likely to contaminate the articles for consumption.
9. A notice board with the name of the licensee and the fact that he is licensed for storing , packing, pressing , cleaning , preparing or manufacturing hazardous inflammable materials or materials clearly written thereon shall be displayed in a conspicuous place of the licensed premises.

Inspection:

As per the section 576 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale or for preparation for sale and intended for human food or for medicine.

Section 577 says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

Section 556 also provides for the inspection of premises used for manufacture where the furnace is used for any trade or manufacture. The inspection can be at reasonable hours without notice. No claim shall lie against any person for the compensation for any damage caused. Provided that the force shall not be used for entry unless there is a reason to believe that an offence is being omitted against the provision of Act or By-law.

Suspension and Revocation:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the license can be suspended or revoked by the commissioner/ authorized officer if the licensee fails to comply with the conditions. The license will be suspended or revoked after giving an opportunity to the licensee of being heard in the matter.

Penalty:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the contravention of any regulation shall be punished with fine which may extend to Rs.200. In the case of continuance of contravention, the fine may extend to Rs. 30 for every day and another Rs.20 shall be charged if the contravention continues even after the receipt of the notice from the authorities to discontinue the breach. In addition the penalties can also be charged as per the Orissa Municipal Corporation Act.

IV. Bangle Shop:

Bangle Shops are regulated by the provisions of the Orissa Municipal Corporation Act 2003.

As per section 554 of the Orissa Municipal Corporation Act 2003, no person is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than their domestic use without or except on conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

As per section 405, no person can hawk or expose for sale in any public street any article without a license from the commissioner. The article can be for human consumption or not.

Chapter VI (Rule 39) of the Orissa Municipal Corporation Rules 2004 says that no person is allowed to keep in or upon any premise or carry on any trade specified in schedule C. In the case of the illegal encroachments used for carrying the trade, the encroacher shall borne the amount for demolition and for reconstruction in that are, the penalty will be charged in double.

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations, 2006," no person can use any premises for the usage of any purpose mentioned in the schedule attached to the regulation without a license.

Part IV of Schedule C of the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations, 2006" says that Bangle shops need a license.

As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

Section 561 of the Orissa Municipal Corporation Act 2003 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner with the previous sanction of the corporation, by public notice from time to time to prohibit within hundred yards of any corporation market, the sale or expose for sale of all or any of the commodities ordinarily sold in the market. The notice at any time can be modified or cancelled by the commissioner. Any person contravening the section can be summarily removed by the commissioner or any authorized authorities

Therefore, it is clear that a bangle shops needs license.

Licensing Procedure:

As per "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", any person desiring to obtain a license under the regulations shall apply to the commissioner or any authorised officer in the prescribed form. The commissioner will grant the license after the inquiry to the premises.

Regulatory Body:

As per the regulations, the commissioner is the regulatory body.

Documents Needed:

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed to use the premise for the storage of he articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

Fees:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", Rs.500 will be collected as a license fees for bangle shop.

Operation Timings:

As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The State Government may, after making an enquiry in the prescribed manner, by general or specials order, fix the time at which any establishment or class of such establishments

shall be opened or closed in any local area. The act also says that every establishment shall remain closed for one day in a week. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. This day can not be altered more than once in three months.

License Renewal:

The license will be valid till the 31st march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

Conditions:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the licensee has to follow the conditions mentioned in the regulation. Some important conditions are:

1. Commissioner / any authorized officer must be permitted for inspection at all reasonable times and without a notice.
2. License must be kept in the premises and shall produce it at the request of the Authorities
3. The license must provide the adequate fire extinguishing measures as determined by the fire officer in case of a fire related trades.
4. The premises must be kept clean and must avoid all source of annoyance and inconvenience for the neighbour hood and public
5. There should be suitable means for ventilation and lighting
6. No acts must be undertaken to cause fire or other means endangering public safety
7. Transferring of license will not be allowed without the prior permission of the commissioner or any authorized officer.
8. The licensee shall make separate storage arrangements in a premises where license is issued for the storage of more than article in the same premises of which some are intended for human or animal consumption and while the others are hazardous likely to contaminate the articles for consumption.
9. A notice board with the name of the licensee and the fact that he is licensed for storing , packing, pressing , cleaning , preparing or manufacturing hazardous inflammable materials or materials clearly written thereon shall be displayed in a conspicuous place of the licensed premises.

Inspection:

As per the section 576 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale or for preparation for sale and intended for human food or for medicine.

Suspension and Revocation:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the license can be suspended or revoked by the commissioner/ authorized officer if the licensee fails to comply with the conditions. The license will be suspended or revoked after giving an opportunity to the licensee of being heard in the matter.

Penalty:

As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the contravention of any regulation shall be punished with fine which may extend to Rs.200. In the case of continuance of contravention, the fine may extend to Rs.30 for every day and another Rs.20 shall be charged if the contravention continues even after the receipt of the notice from the authorities to discontinue the breach. In addition the penalties can also be charged as per the Orissa Municipal Corporation Act.

V. Auto Rickshaw:

Auto Rickshaws are regulated by the RTO (Regional Transport Office). The permits are issued by the Regional Transport office.

Permit Procedure:-

The application for contract carriage permit shall be in the form XVI; The application shall be addressed to the Secretary, State Transport Authority or the Secretary, Regional Transport Authority, as the case may be accompanied with receipt in support of deposit of the fees prescribed in rule 48. Provided that in case of bordering check-gate the application should be accompanied with a receipt showing the payment of the required fee and submitted to the Officer-in-charge of the said check-gate. The Permit for contract carriage shall be issued in Form-XXIII;

Application for permits and receipt thereof:

Application for permit shall be presented personally by the applicant or by his lawyer or duly authorized representative before the Secretary of the State/Regional Transport Authority or any other responsible officer authorized by the Chairman to receive the same. Provided the Secretary of the State or Regional Transport Authority or any other responsible officer may also receive such application at his discretion from any other person authorized by the applicant in this behalf if his identity is well known to him.

Subject to the provisions of rule 87, every application shall contain all required particulars including the correct permanent address of the applicant and shall invariably be accompanied by the motor vehicles documents like the registration certificate of the vehicle, fitness certificate and insurance certificate where required, together with the tax clearance certificate in respect of the Motor Vehicles obtained from the taxing authority. Applications for renewal of permit shall also be accompanied by the renewal fee and part A of the permit.

An application which is not complete in all respect may not be entertained for consideration. The officer receiving the application shall check it or cause it to be checked forthwith to see if it is in order. If the application is defective, than it shall not be registered but returned to the party forthwith pointing out the defects found therein and requiring its resubmission after rectifying the defects. If the application is found to be in order, it shall be registered forthwith in the relevant register of applications and a receipt in the form attached to the application form shall be given to the person presenting the application.

.An application for a temporary permit under clauses (a) and (b) of sub-section (1) of section 87 shall, if it is received complete in all respects, be disposed of as far as possible within four days of its presentation. In cases, falling under clause (c) of sub-section (1) of section 87, necessary steps for initiating preliminary proceedings should be taken within five days of the receipt of the application and shall be disposed of within fifteen days thereafter.

The permit when ready to be delivered may be handed over to the applicant personally or to any person authorized by him after taking his signature on the reverse of the receipt in that behalf. It may also be sent by registered post to any address, if so desired specifically by the application at the time of taking the receipt mentioned in sub-rule (5). An application received by post may be entertained for consideration only when it is received correctly filled up in all respects including the permanent address of the applicant and is also accompanied by the required documents and fees where necessary. In such cases, when the permit is ready it shall be dispatched to the applicant by registered post to his permanent address or to such other address as shall have been mentioned in the application. If the application is defective, then it shall not be registered but returned to the party pointing out the defects found therein

Grant of receipt:

When any person has submitted a certificate of registration, certificate of fitness, insurance certificate, permit and any other such documents to the registering or other authorities for renewal or for any other purpose and has deposited the prescribed fee/tax, where necessary, or when a police officer or any court or other competent authority has taken temporary possession of such document (s) for any enquiry, investigation or other purpose and the documents has not been suspended or cancelled, the registering or other authority, the court, the police officer or other competent authority, as the case may be, shall furnish a receipt for the documents (s) deposited or taken possession of in form XXXVIII to the person form whom it is taken/seized. During such period as may be specified in the said Form the production of such receipt on demand, shall be deemed to be production of the documents (s) specified therein;

Provided that the authority, court, or the police officer, by which receipt was granted, may in its or his direction by order in writing endorsed thereon extend the period specified in the said Form but such extension shall not be beyond the period of the original documents (s).

Hearing of Application:

An applicant for a permit which is considered at a meeting of Transport Authority shall be entitled to appear and conduct his case in person or through a lawyer or other person duly authorized in his behalf.

Entry of Registration Mark on permit:

Save in the case of temporary permit, where the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of application in possession of the registration mark of the vehicle duly registered, then the applicant shall, within one month of the sanction of the application by the State or Regional Transport Authority or such longer period as the authority may specify, produce the certificate of registration of the vehicle before that authority in order that the particulars of the registration mark may be entered in the permit.

No permit shall be issued until the registration mark of the vehicle to which it relates has, if the form of permit so requires, been entered therein and in the event of any applicant falling to produce the certificate of registration within the prescribed period, the State or Regional Transport Authority may revoke its sanction of the application.

Fees:-

Subject to the Provisions of the Orissa Motor Vehicle Rules 1998, the fees in respect of application for the grant, renewal, extension, countersignature or transfer of permit for a contract carriage permit other than the motor cab is Rs.50 and the fees in respect of grant, renewal, extension, countersignature or transfer of permit for a contract carriage permit other than the motor cab is Rs.150 per vehicle per annum or part thereof. The fees for a transfer of permit of a contract carriage permit other than the motor cab is Rs.500

The fees in respect of an application for a temporary permit or a countersignature on a temporary permit shall be Rs.50/- for each calendar month or part thereof in respect of each vehicle.

Documents Required:-

For city permit (PCOP) necessary documents are

1. Filled form
2. Certificate of registration
3. Certificate of fitness
4. Insurance certificate

Renewal procedure: -

Application for the renewal of a permit shall be made in writing to the State/ Regional Transport Authority by which the permit was issued within the time specified in sub-section (2) of section 81 and shall be accompanied by Part A of the permit and the fees prescribed in rule 48. Provided that the State/Regional Transport Authority may entertain an

application for renewal of the permit made after the time referred to above as per the enabling provisions of sub-section (3) of section 81.

On receipt of the application, the State/Regional Transport Authority may call for such further particulars or documents as it may consider being necessary. The State/ Regional Transport Authority renewing a permit shall call upon the holder to produce Part A thereof, and shall endorse Parts A and B accordingly and shall return them to the holder.

Renewal of Countersignature of Permits:

An application for the renewal of a countersignature of a permit shall be made in writing to the State/ Regional Transport Authority concerned within the appropriate period specified in sub-section (2) of section 81 of and shall, subject to the provisions of sub-rule (2) be accompanied by part A of the permit. An application for renewal of countersignature of a permit issued under the Reciprocal Agreement may however be made after the permit is renewed.

If at the time of application for renewal of a countersignature of a permit, Part A of the permit is not available being under renewal by the authority by which it was issued, the application shall state the number and date of the permit the name of the authority by which it was granted, the number and date of the countersignature to be renewed. The Transport Authority granting, the renewal of a countersignature shall call upon the holder to produce Parts A and B of the permit and shall endorse the Part A and B accordingly the return them to the holder

Production of permit:

Part A of a permit shall be produced on demand made at any reasonable time by any Police Officer not below the rank of Sub-Inspector or any officer of the Motor Vehicles Department not below the rank of Traffic Sub-Inspector. Any Police Officer in Uniform or any officer of the Motor Vehicle Department shall be, permitted on demand, to inspect Part B of the permit of any transport vehicle.

Conditions:

As per the Orissa Motor Vehicle Rules 1998, the following are the conditions for contract carriage permit:

1. No goods shall be carried on the top deck of a double decked stage carriage or contract carriage
2. No goods, liable to foul the interior of the Vehicle or to tender it in sanitary, shall be carried at any time in any stage carriage or contract carriage
3. The State Transport Authority or Regional Transport Authority may specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the conditions subject to which certain classes of goods may be so carried
4. Subject to the provisions of the preceding sub-rules, goods may be carried in a stage carriage or a contract carriage in accordance with the conditions

specified in the permit, provided that the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged

5. If the holder of a stage carriage or contract carriage permit uses a vehicle for the carriage of goods to the detriment of the public convenience by falling there by to meet the demand for passenger transport, State Transport Authority or Regional Transport Authority may, after giving the holder of such permit an opportunity of being heard, declare that a branch of the condition of the permit has occurred and any thereafter proceed under the provisions of section 86

Extension of Validity:

Subject to the provision of section 88 of Orissa Motor Vehicle Rules, a Regional Transport Authority which issues a permit (hereinafter referred to as the Original Transport Authority) may extend the effect of the permit to any other region within the State and may attach conditions to the permit with effect to such other region and may vary the conditions of the permit in different regions.

The Original Transport Authority may issue permit having validity in any other region in accordance with any general or special resolution recorded by any other Regional Transport Authority and any permit so issued shall be of life effect in the region of the other Transport Authority as if it were issued by that Authority.

Subject to the provisions of sub-rule (2) the Original Transport Authority may issue a contract carriage permit to be operative in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be issued beyond the region of the Original Transport Authority under contract for a return journey commencing and ending within the Original Transport Authority and shall not be offered for hire outside the region.

The Original Transport authority, which issues a permit, to be operative in any other region shall send a copy of the permit to the authority or that other region. Nothing in this rule shall affect the right of the holder of any permit to apply to any Regional Transport Authority for countersignature of a permit.

Subject to the provisions of sub-rule (2) the Original Transport Authority may issue a contract carriage permit to be operative in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be issued beyond the region of the Original Transport Authority under contract for a return journey commencing and ending within the Original Transport Authority and shall not be offered for hire outside the region.

On receipt of an application under sub-rule (6), the State Transport Authority shall follow the same procedure in considering the application as for grant of a Contract Carriage Permit under the Act and these rules and may grant the permit in the prescribed form.

Where a Permit is granted under sub-rule (7), the State Transport Authority shall forward to every other State Transport Authority information relating to the number of the permit and the registration mark and other particulars of the vehicle necessary for the purpose of its identification; the suspension or cancellation, if any, of the permit; and; the grant of say, if any where on appeal or revision stay has been granted and when the appeal or

Transfer:

When the holder permit desire to transfer the permit to some other person under sub-section (1) of section 82, he shall together with the person to whom he desires to make the transfer, make joint application in writing to the State/Regional Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer.

The State/Regional Transport Authority may summon both the parties to the application to appear before it and may, if it deems fit, deal with the application as if it were an application for a permit.

If the State/Regional Transport Authority is satisfied that the transfer a permit may be made, it shall call upon the holder of the permit in writing to surrender Parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the transfer fees specified under rule 48.

Upon receipt of Parts A and B of the permit and of the prescribed fee, the State/Regional Transport Authority shall cancel the particulars of the holder thereon and endorse particulars of the transferee and shall return the permit to the transferee:

Provided that where the transfer has got more than one vehicle covered by Part A of the permit, the State/Regional Transport Authority shall cancel the particulars of the vehicle not required by the transferor and return the permit to him. The transferee shall be issued a fresh Part A of the permit in respect of the transferred vehicle.

The State Regional Transport Authority making a transfer of permit as aforesaid may, unless any other Regional Transport Authority by which the permit has been countersigned has by general or special order otherwise required, endorse on Part A and B of the permit with the words "Transfer of permit valid for" and also insetting the name of the authority by which the permit has countersigned with effect from the date of transfer.

Unless Parts A and B of the permit have been endorsed as provided in sub-rule (3) or unless the transfer of the permit has been approved by endorsement by the authority which countersigned the permit, the countersignature shall be of no effect after the date of transfer.

Duplicate Permits:

When part A or part B of any permit has been loss or destroyed, the holder shall forthwith intimate the fact in an application to the Authority by which the permit was issued and shall deposit the prescribed fee for the issue of a duplicate and in the case of the loss or destruction of Part B, he shall forward also Part A of the permit. The name of the Police Station where the loss is reported is to be specified in this application and it shall also be accompanied by an affidavit indicating the manner of loss or destruction.

The Authority shall, upon receipt of application under sub-rule (1) and on being satisfied regarding the genuineness of the loss or destruction of the original, issue a duplicate permit or part of permit, as the case may be, and to the extent that it is able to verify the

facts may endorse thereon countersignature of other authority and intimate the fact to that authority. A duplicate permit or duplicate part of permit issued under this rule shall be clearly stamped "Duplicate" in red ink and the endorsement of any countersignature of any other Transport Authority on a permit or a part of permit made under this rule shall be valid in the region of that other authority as if it were a countersignature.

When a permit or a part of permit has become mutilated so as in the opinion of the Transport Authority to be illegible, the holder thereof shall surrender the permit or part of the permit, as the case may be, to the Transport Authority and apply for the issue of a duplicate permit or part of a permit in accordance with this rule.

The fees for the issue of a duplicate permit or a duplicate part of a permit shall be the same as permit fee prescribed under rule 48.

Any permit or part of a permit which is found by any person other than the permit holder shall be delivered to the nearest police station or to the holder or to the Transport Authority by which it was issued and if the holder finds or receives any part of the permit in respect of which a duplicate has been issued, he shall return the original to the Transport Authority, by which it was issued

The Officer-in-charge of the police station after receiving the permit or any part of the permit or any part of the permit form any person, shall forward the same to the Transport Authority by which it was issued.

Change of the address:

If the holder of a permit ceases to reside or to have his place of business as the case may be at the address set forth in the permit, he shall within one month send Part A of the permit to the Transport Authority by which the permit was issued intimating the new address. Upon receipt at intimation provided, the Regional Transport Authority or the State Transport Authority, as the case may be shall after making such enquiries as the Authority deems fit enter in the permit the new address and shall intimate the particulars to the Authority any region in which the permit is valid by virtue of countersignature or otherwise

Penalty:

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 subsection (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

FINDINGS

General Findings:

1. The licensing of trades in the corporation area of Bhubheneswar is regulated as per the relevant provisions of Orissa Municipal Corporation Act 2003. Prevention of Food Adulteration Act is applicable for food related items whereas Orissa Shops and Establishments act prescribes timings for operation. Motor Vehicles Rules is regulating the Auto Rickshaw
2. No person is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than there domestic use without or except ion conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license
3. Chapter VI (Rule 39) of the Orissa Municipal corporation Rules 2004 says that no person is allowed to keep in or upon any premise or carry on any trade specified in schedule C .In the case of the illegal encroachments used for carrying the trade, the encroacher shall borne the amount for demolition and for reconstruction in that are, the penalty will be charged in double
4. Part Iv of the Schedule C of the Orissa Municipal corporation Rules 2004 and the Part IV of Schedule C of the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations , 2006" says that eating houses needs a license
5. As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it
6. Section 561 of the Orissa Municipal Corporation Act 2003 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner with the previous sanction of the corporation, by public notice from time to time to prohibit within hundred yards of any corporation market, the sale or expose for sale of all or any of

the commodities ordinarily sold in the market. The notice at any time can be modified or cancelled by the commissioner. Any person contravening the section can be summarily removed by the commissioner or any authorized authorities

I Dhaba, Fruit Seller:

1. Dhaba's are regulated by the provisions of the Orissa Municipal Corporation Act 2003 and Prevention of Food Adulteration Act 1954
2. Orissa Municipal corporation Act defines eating house as any premise to which the public or any section of the public are admitted and where food is prepared, supplied or sold for consumption on or outside the premises for the profit or gain of any person owning or having an interest in or managing such premises
3. As per the regulations, the commissioner is the regulatory body
4. As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed to use the premise for the storage of the articles, the applicant shall furnish the details of the person using the premises as required by the commissioner
5. As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. This day cannot be altered more than once in three months
6. The license will be valid till the 31st march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay
7. As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the licensee has to follow the conditions mentioned in the regulation.
8. Commissioner / any authorized officer must be permitted for inspection at all reasonable times and without a notice.
9. License must be kept in the premises and shall produce it at the request of the Authorities
10. The license must provide the adequate fire extinguishing measures as determined by the fire officer in case of a fire related trades.
11. The premises must be kept clean and must avoid all source of annoyance and inconvenience for the neighbour hood and public
12. There should be suitable means for ventilation and lighting
13. No acts must be undertaken to cause fire or other means endangering public safety
14. Transferring of license will not be allowed without the prior permission of the commissioner or any authorized officer.
15. The licensee shall make separate storage arrangements in a premises where license is issued for the storage of more than article in the same premises of which some are intended for human or animal consumption and while the others are hazardous likely to contaminate the articles for consumption.

16. A notice board with the name of the licensee and the fact that he is licensed for storing, packing, pressing, cleaning, preparing or manufacturing hazardous inflammable materials or materials clearly written thereon shall be displayed in a conspicuous place of the licensed premises
17. As per the section 576 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale or for preparation for sale and intended for human food or for medicine
18. Section 577 says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented
19. As per the "Bhubheneswar Municipal Corporation Offensive and Dangerous Trades Regulations 2006", the license can be suspended or revoked by the commissioner/ authorized officer if the licensee fails to comply with the conditions. The license will be suspended or revoked after giving an opportunity to the licensee of being heard in the matter

Meat Shop:

1. Meat shop is also regulated by the provisions of the Orissa Municipal Corporation Act 2003 and Prevention of Food Adulteration Act 1954. In addition Orissa shops and establishment Act 1956 prescribes timings
2. According to the section 558 and 559 of the Orissa Municipal Corporation Act 2003 slaughter houses are under the control of the municipal commissioner and the corporation slaughter houses may be established to situate with the sanction of the Government within or outside the city
3. As per section 562, there shall be complete ban on slaughter of cow and cattle and road side slaughter of any animal in the corporation area. The contravention of the provision shall be liable for prosecution by the commissioner or any authorized officer by him or Mayor, Deputy Mayor or corporator or any Executive Magistrate or any police officer not below the rank of Sub- Inspector in the Corporation Area
4. Section 572 of the Orissa Municipal Corporation Act 2003 says that no person can sell or expose for sale any four footed animal without a license from the commissioner. The sale of the same intended for human food in any place other than a corporation or a private market is also prohibited. This will not include the sale of fresh fish sold from or exposed for sale in a vessel in which it has been brought directly after being caught at a river or lake
5. Section 573 says that no person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can carry or within the city or at any municipal slaughterhouse, the trade of a butcher. No person can use any place in the city for the sale of the flesh of any animal intended for human consumption or any place without the city for the sale of such flesh for consumption in the city

6. Section 574 says that no person without a license can bring into the city any sheep, goats or swine intended for human consumption or flesh of any such animal, which has been slaughtered at any slaughterhouse or place, not maintained or licensed under the Act. Any police officer can arrest without warrant any person bringing into the city any animal or flesh in contravention of the act. The act says that animal brought into the city in contravention of the act can be seized by the commissioner or any municipal authority, by any police officer. The animal or flesh so seized can be sold or otherwise disposed of as the commissioner shall direct and the sale proceeds, if any, shall belong to the corporation. These conditions shall not apply to the preserved or cured meat
7. The commissioner may at any time by day or night without notice, enter any place if he suspects that the animal slaughtered or exposed for sale is not duly authorized under the Act or byelaw. No claim shall lie against any person for compensation for any damage necessarily caused by an entry made or the use of necessary force for effecting such entry
8. Section 582 says that no person shall slaughter or procure the slaughtered animal for human consumption in a slaughter house; otherwise on the authority of a certificate granted by the veterinary officer proving that the animal is fit for slaughter. The slaughtering and the grant of certificate by the veterinary officer must be in accordance with the conditions of the section 582

IV Bangle Shop:

1. Bangle Shops are regulated by the provisions of the Orissa Municipal Corporation Act 2003
2. As per section 405, no person can hawk or expose for sale in any public street any article without a license from the commissioner. The article can be for human consumption or not

Auto Rickshaw:

1. Auto Rickshaws are regulated by the RTO (Regional Transport Office). The permits are issued by the Regional Transport office
2. The application for contract carriage permit shall be in the form XVI;
3. The application shall be addressed to the Secretary, State Transport Authority or the Secretary, Regional Transport Authority, as the case may be accompanied with receipt in support of deposit of the fees prescribed in rule 48.
4. Application for permit shall be presented personally by the applicant or by his lawyer or duly authorised representative before the Secretary of the State/Regional Transport Authority or any other responsible officer authorised by the Chairman to receive the same
5. Subject to the provisions of rule 87, every application shall contain all required particulars including the correct permanent address of the applicant

and shall invariably be accompanied by the motor vehicles documents like the registration certificate of the vehicle, fitness certificate and insurance certificate where required, together with the tax clearance certificate in respect of the Motor Vehicles obtained from the taxing authority. Applications for renewal of permit shall also be accompanied by the renewal fee and part A of the permit

6. An application which is not complete in all respect may not be entertained for consideration. The officer receiving the application shall check it or cause it to be checked forthwith to see if it is in order. If the application is defective, than it shall not be registered but returned to the party forthwith pointing out the defects found therein and requiring its resubmission after rectifying the defects. If the application is found to be in order, it shall be registered forthwith in the relevant register of applications and a receipt in the form attached to the application form shall be given to the person presenting the application
7. The permit when ready to be delivered may be handed over to the applicant personally or to any person authorised by him after taking his signature on the reverse of the receipt in that behalf. It may also be sent by registered post to any address, if so desired specifically by the application at the time of taking the receipt mentioned in sub-rule (5). An application received by post may be entertained for consideration only when it is received correctly filled up in all respects including the permanent address of the applicant and is also accompanied by the required documents and fees where necessary
8. Save in the case of temporary permit, where the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of application in possession of the registration mark of the vehicle duly registered, then the applicant shall, within one month of the sanction of the application by the State or Regional Transport Authority or such longer period as the authority may specify, produce the certificate of registration of the vehicle before that authority in order that the particular of the registration mark may be entered in the permit.
9. No permit shall be issued until the registration mark of the vehicle to which it relates has, if the form of permit so requires, been entered therein and in the event of any applicant falling to produce the certificate of registration within the prescribed period, the State or Regional Transport Authority may revoke its sanction of the application.
10. Application for the renewal of a permit shall be made in writing to the State/ Regional Transport Authority by which the permit was issued with in the time specified in sub-section (2) of section 81 and shall be accompanied by Part A of the permit and the fees prescribed in rule 48. Provided that the State/Regional Transport Authority may entertain an application for renewal of the permit made after the time referred to above as per the enabling provisions of sub-section (3) of section 81. On receipt of the application, the State/Regional Transport Authority may call for such further particulars or documents as it may consider being necessary. The State/ Regional Transport Authority renewing a permit shall call upon the holder to produce

Part A thereof, and shall endorse Parts A and B accordingly and shall return them to the holder.

11. Part A of a permit shall be produced on demand made at any reasonable time by any Police Officer not below the rank of Sub-Inspector or any officer of the Motor Vehicles Department not below the rank of Traffic Sub-Inspector. Any Police Officer in Uniform or any officer of the Motor Vehicle Department shall be, permitted on demand, to inspect Part B of the permit of any transport vehicle.
12. As per the Orissa Motor Vehicle Rules 1998, permit holders of auto rickshaw are supposed to follow the conditions for contract carriage permit. Important conditions are:
 - a. No goods shall be carried on the top deck of a double decked stage carriage or contract carriage
 - b. No goods, liable to foul the interior of the Vehicle or to tender it in sanitary, shall be carried at any time in any stage carriage or contract carriage
 - c. The State Transport Authority or Regional Transport Authority may specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the conditions subject to which certain classes of goods may be so carried
 - d. Subject to the provisions of the preceding sub-rules, goods may be carried in a stage carriage or a contract carriage in accordance with the conditions specified in the permit, provided that the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged
 - e. If the holder of a stage carriage or contract carriage permit uses a vehicle for the carriage of goods to the detriment of the public convenience by falling there by to meet the demand for passenger transport, State Transport Authority or Regional Transport Authority may, after giving the holder of such permit an opportunity of being heard, declare that a breach of the condition of the permit has occurred and any thereafter proceed under the provisions of section 86
 - f. When the holder permit desire to transfer the permit to some other person under sub-section (1) of section 82, he shall together with the person to whom he desires to make the transfer, make joint application in writing to the State/Regional Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer. The State/Regional Transport Authority may summon both the parties to the application to appear before it and may, if it deems fit, deal with the application as if it were an application for a permit
 - g. When part A or part B of any permit has been loss or destroyed, the holder shall forthwith intimate the fact in an application to the Authority by which the permit was issued and shall deposit the prescribed fee for the issue of a duplicate and in the case of the loss or destruction of Part B, he shall forward also Part A of the permit. The name of the Police Station where the loss is reported is to be specified in this application and it shall also be accompanied by an affidavit indicating the manner of loss or destruction
 - h. A duplicate permit or duplicate part of permit issued under this rule shall be clearly stamped "Duplicate" in red ink and the endorsement of any countersignature of any other Transport Authority on a permit or a part of

permit made under this rule shall be valid in the region of that other authority as if it were a countersignature

- i. If the holder of a permit ceases to reside or to have his place of business as the case may be at the address set forth in the permit, he shall within one month send Part A of the permit to the Transport Authority by which the permit was issued intimating the new address. Upon receipt at intimation provided, the Regional Transport Authority or the State Transport Authority, as the case may be shall after making such enquiries as the Authority deems fit enter in the permit the new address and shall intimate the particulars to the Authority any region in which the permit is valid by virtue of countersignature or otherwise
- j. 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
- k. 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 subsection (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.