

## **RULES AND REGULATIONS GOVERNING THE LICENSING OF BARBERSHOPS IN CHENNAI**

**State: Tamil Nadu**

**Details of licensing are as follows:**

As per the CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919, section 287 no place within the limits of the city shall be used for any purpose mentioned in the schedule without a license or in contrary to the conditions of license granted. So barber Shops also needs a license to operate within the limits of Chennai city.

The rules applicable for barber shops are exactly the same as those which are applicable to the dhaba and meat shops. The corporation officials stated that there are no separate provisions for barber shops and they require no separate permit as per the Chennai city municipal corporation act. They do however require permits to use shops which are the same as those needed by meat shops or any other small business concerns. So the problems faced too are much the same.

Contrary to the statement of the officials, there is a separate byelaw for Barber Shop for securing cleanliness of barber shops and shaving saloons. It is formed under section 349(2) of Madras city Municipal Act 1919. The barber shop must follow the guidelines of the Bye law. Some important conditions of Bye laws are:

- a. Barber shops must be constructed of masonry or other durable materials
- b. There should be the suitable means for drainage, ventilation, water and lighting
- c. Every internal surface of the walls and ceiling of the building must be hot-lime washed at least twice in every year in months of April and October as required by the commissioner
- d. Covered receptacles must be there for waste disposal and it must be cleaned every day
- e. No infected persons of any contagious disease can run a or be employed in a barber shop
- f. A clean Apron is a must for every barbers and operators while attending customers
- g. Hands of the barber must be thoroughly cleaned with soap and water before and after serving each customer. In addition the hands must be dipped for not less than two minutes in disinfectants as may be approved by the commissioner
- h. The razors must be well cleaned after the usage and must be dipped in boiling water or disinfectant as required by commissioner
- i. Shaving Mug and Brush shall be rinsed in hot water after usage. Brush, towel and comb shall be sterilized every day
- j. Alum or other materials used to stop the flow of blood shall be applied in liquid or powder form only
- k. No person suffering from infectious or contagious disease can be served
- l. The barber shall obtain a medical certificate every half- year from a corporation medical Healthy Officer to show that he is free from diseases

The breach of by- laws shall be punishable for a fine which may extend to Rs.50 and in the case of continuing breach with fine may extend to Rs. 15 per day during which the breach

continues after conviction for the first breach. It shall be Rs.10 for everyday during which the breach continues after receipt of notice from the commissioner to discontinue such breach.

Other Licensing procedures are exactly the same as that of dhaba. But provisions of Chennai city police Act for eating houses will not be applicable to vegetable vendors. The procedures can be summarized as follows:

**License Procedure:**

As per the information provided the website, the application form along with the requisite documents needs to be submitted to the corporation to obtain license.

1. Approved Plan of the Building (or) a certificate from the Zonal Executive Engineer confirming that the Buildings are at least 15 years old
2. No objection Certificate from the House Owner
3. Copy of the updated receipt of Property Tax
4. Copy of the Receipt of Profession Tax
5. No objection Certificate from the Officer of the District Fire Service
6. A Certificate from the Factory Inspector
7. No objection Certificate from the Neighborhood

But as per the RTI reply from the corporation, the following are the documents required:

1. Two pass port size photograph of the applicant
2. A Xerox copy of the National Savings Certificate purchased in favour of the applicant
3. An affidavit in Rs.20 /-valued stamp paper stating that if any violation of condition / declaration is noticed, the license shall be summarily cancelled

As per the provisions of the CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919, the application for license shall be made not less than 45 days and not more than 90 days before the place used for the purpose mentioned within the 30 days of the publication of the notification in the Gazette.

The application will be forwarded to the Executive Engineer (Town Planning) for Proper Verification and to certify the Location for Trade Purposes and For issue of License. The applicant has to pay the Profession Tax while Submitting the application. If the Application is rejected, the Profession Tax is refunded.

While granting the license, the number of persons allowed in the premise is also mentioned in the license as per the provisions of byelaws. In the case of the rejection of the application, it is mandatory as per the act for the authorities to conduct a complete investigation in regard to the application.

The licensing procedure and monitoring is the strictest in Chennai in the case of small eateries. Along with the corporation the applicant also needs a permit from the commissioner of police for running his establishment and the police is empowered to prescribe opening and closing hours for these establishments and also to inspect the manufactured food items.

**License Fees:**

The trading license fees for barber shops is Rs. 50 and the Conservancy Charge is Rs.500/-

**Departments Involved:**

The trade licenses are being issued by the Revenue Department of the Corporation of Chennai.

**RENEWAL OF LICENSE:**

According to Section 365 9(A) of the Chennai city municipal corporation act 1919, the annual renewal of the license must be not less than 45 and not more than 90 days before the commencement of the new year which the renewal is sought. At present for dhaba, the annual renewal of license is during Feb.1 to 14. Unless otherwise specifically mentioned this date usually falls between February 1 and 14. The application form can be had by sending a Demand Draft for Rs.50/- drawn in favour of the Revenue Officer, Corporation Of Chennai. The license fee can also paid by way of Demand Draft drawn in favour of the Revenue Officer, Corporation of Chennai. If the License can not be renewed within the stipulated period, such cases shall be treated as new ones.

**INSPECTION:**

The commissioner is empowered by Section 365(5) to inspect any trading establishment at any time that it is open to public or when there is work in progress if he suspects contravention of any of the rules and regulations of the corporation. He need not produce any warrant for the same and does not need to give any prior notice or warning to the owner of the establishment. He will not be liable for any inconvenience or damage caused by the inspection.

According to section 38 of the Chennai City Police Act 1888, the commissioner or any authorized police officer in writing by the commissioner can enter any licensed premises at any time when it is open for reception. It must be noted that the police officer must above the rank of the constable. After his inspection with the reasons recorded, he can authorize any inspector to enter and inspect any place which is not licensed as per the section 34 and 35 of the Chennai City Police Act 1888. Section 311 of the Chennai city municipal corporation act also provides provisions for inspection of the premises and no claim shall lie against the authorized officer for the enforcement of the provisions of the Act.

**REVOCATION:**

The license can be revoked by the corporation at any time if any of the rules of the act or specified by the corporation are evaded or infringed upon by the licensee according to Section 365(4) or if the said license has been obtained by misrepresentation or fraud. The corporation must however in such cases produce a written notice to the effect explicitly stating the causes for said revocation.

**Operation Timings:**

As per the Tamil Nadu shops and establishment Act 1958, no shop can be opened earlier or closed later than the time fixed by the government. Provided the last customer waiting for

being served have to serve before quarter of an hour immediately following the hour of closure. The government has the power to fix different timing for different classes of shops and establishments. As per the act, every shop shall remain closed on one day in a week and it shall be specified by the shop keeper and has to be exhibited permanently in the notice kept in a conspicuous place in the shop and this day cannot be altered more than once in three months. No person can sell any goods near to any street or public place after the closing hours fixed by the government. No person can be required to work for more than eight hours in a day and fort eight hours in a week. He must not work for more than four hours unless he has had an interval for rest.

**Procedure for regularizing the establishments without licenses:**

As per the RTI reply, the trader will be issued notices under section 287, 288 and 289 to obtain the license from the zones of Corporation of Chennai. At present Chennai Corporation is not issuing any license to dhaba as per the RTI reply.

**Penalty:**

Action will be taken to close the trades which are running without and contrary to the conditions of license and sanitary conditions stipulated under the Chennai City Municipal Corporation Act, 1919. Section 279, 287, 288, 309, 299(1) and 304 of Chennai City Municipal Corporation Act 1919 supports this. After issuing the notices under the relevant sections, the trade will be closed and sealed with the orders of the Zonal officer as per section 379 (A) of Chennai City Municipal Corporation Act.