

THE LIVELIHOOD REGULATIONS REPORT

FARIDABAD



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

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PREFACE

The Livelihood regulations report aims at documenting the livelihood regulations and barriers in the informal sector. It was conducted in 63 cities across India where the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) is being implemented. This project was conducted by Centre for Public Policy Research, Cochin in partnership with Centre for Civil Society, New Delhi and is financed by Sir Dorabji Tata Trust (SDTT), Mumbai.

The report aims to unveil the laws applicable to entry-level professions like Auto Rickshaws, Barber Shops, Dhaba's, Meat Shops and mobile/stationary street vegetable/fruit vendors. These documents will effectively draw public attention to the issues faced by the entry-level professions in the informal sectors.

Faridabad is a city and a municipal corporation in Faridabad district in the state of Haryana, India. It is a major industrial city and population centre. The city was founded in 1607 by Shaikh Farid, treasurer of Jahangir, with the object of protecting the highway which passed through the town. He built a fort, a tank and a mosque which are now in ruins. It also had a sarai, a travelers' lodge, that served as a last stop for travelers to Delhi. Later, it became the headquarters of a pargana which was held in jagir by the Ballabgarh ruler. Faridabad became the 12th district of in Haryana on 15 August 1979.

As of 2001 India census, Faridabad had a population of 1,054,981. Males constitute 55% of the population and females 45%. Faridabad has an average literacy rate of 69%, higher than the national average of 59.5%: male literacy is 75%, and female literacy is 60%. In Faridabad, 15% of the population is under 6 years of age.

People of Faridabad share different ethnicities depending on when they or their ancestors moved to the area. Old Faridabad, as the northern and oldest part of the city is known, is home to people whose families might have been living in the area for centuries. The ancestry of people is mostly baniya, Jat, Gujjars and people from the state of Uttar Pradesh and villages in Haryana.

The western part of the city is called New Industrial Town (abbreviated as NIT). It was built after 1947 for the people who were relocating in India from Pakistan after the Partition. Thus most of the people here share their ancestry with modern day Pakistan's regions of Dera Ismail Khan, Dera Ghazi Khan, Bannu, and Kohat. There are some other communities like Gujjars and Meos.

The present report of the livelihood regulations in Faridabad covers dhaba, vegetable sellers, auto rickshaws, barber shops and meat Shops.

FARIDABAD

The Trades under the study are

1. **Barbershop**
2. **Meat Shop**
3. **Dhaba**
4. **Vegetable Vendors**
5. **Auto Rickshaw**

In Faridabad, the trade licensing is being regulated by the municipal Corporation of Faridabad as per the provisions of Haryana Municipal Corporation Act, 1994. Prevention of Food Adulteration Act is applicable to food related items. Auto Rickshaws are regulated by Haryana Motor Vehicle Rules 1993 and the Motor Vehicles Act 1988.

Information on Faridabad can be obtained from www.faridabad.nic.in

In Faridabad, there are 4 MCF offices. They are:

1. MCF-Ballhabgarh
2. MCF-Pallahb Garh
3. MCF-NIT-Faridabad
4. MCF-Old Faridabad

The trade wise details are as follows:

I.BARBER SHOP:

According to the Municipal Corporation of Faridabad, Hair Cutting Saloon and Beauty Par lour Comes in the definition of barber. The License is regulated as per the relevant provisions of Haryana Municipal Corporation Act, 1994. As stated in the section 331 of the Haryana municipal corporation act, 1994, it is mandatory to take a license before starting any trade which is included in the PART I of second schedule (Schedule annexed to the Haryana Municipal Corporation Act 1994 which list out the trades to be licensed by the commissioner). As per the act, the license can be refused only if there are good reasons to support the refusal and it must be justifiable.

The commissioner can give public notice to declare any area not to be used for any purpose in the schedule. Every such declaration shall be published in the official gazette. The commissioners have the power to stop the use of premises used in contravention of the notice.

LICENSE PROCEDURE:

For License to run barber shop, one has to apply to the Corporation along with following documents.

1. Duly filled Application Form
2. Affidavit

3. Ownership proof /rent deed
4. N.O.C. from Neighbor
5. No Dues from Municipal Corporation of Faridabad
6. NOC from Fire Brigade

Authority:

Commissioner is the competent authority in the Municipal Corporation of Faridabad to issue the license and the corporation has the power to grant or refuse the license and to charge the fees also as per the requirement.

License Fees:

The Party has to remit Rs.240/- as license fee in the Municipal Corporation. One can remit his/her license fees in cash at cash counter.

License Processing:

If the application form is filled properly and carry all supporting documents then it may take 30 days.

License Renewal

Time for issue depends upon the Financial Year in which work is started. The prescribed period for renewal of license is March, in the Financial Year and in case delay there is a provision for imposing of late fees and to issue the Court Challan. If delayed, the applicant will get penalty to pay the late fees which is 25 % of the license fees.

Penalty:

If the licenses are not renewed then the owner will have to pay the late fees which are 25 % of the license fees. As per the section 337, the commissioner has the power to cancel the license which goes against the provisions of the Act.

II. Meat Shops:

Meat shops are regulated as per the provisions of Haryana municipal corporation act and Prevention of food Adulteration Act 1954.

As per the act, No animal or article shall be sold or exposed for sale within a distance of one hundred yards of any municipal market without the permission of the Commissioner and the violation of this is punishable. The Commissioner of the corporation has the authority to charge rents and fees. The licensee is obliged to display the copy of the stallages, rents and fees chargeable in the municipal market/ slaughter house. Under the act, the corporation authorities have the power to inspect the premises under the expectation of suspicious behaviors.

As per the section 320 (2) , Municipal markets and slaughter houses shall be under the control of the commissioner who may at any time , by public notice , close any municipal market for slaughter houses. Section 322 says that no place other than a municipal slaughter house can be used as a slaughter house. But one can slaughter animals for the religious festivals or ceremonies.

As per section 338, the commissioner or any authorized officer by him can inspect any premises where unlawful slaughter is suspected.

LICENSE PROCEDURE:

For a License to run Meat shop, one has to apply to the Corporation along with following documents:

1. Duly filled Application Form.
2. Affidavit
3. Ownership proof /rent deed
4. N.O.C. from Neighbor
5. No Dues from Municipal Corporation of Faridabad
6. NOC from Fire Brigade.

Authority:

Commissioner is the competent authority in Municipal Corporation of Faridabad to issue the license and the corporation has the power to grant/ refuse license and to charge the fees also as per the requirement.

License Fees:

As per the act, the commissioner has the power to charge fees for the sale of the article. License fees depend upon the Financial Year in which it is applied.

License Processing:

If the application form is filled properly and carry all supporting documents then it may take 15days.

License Renewal

Time for issue depends upon the Financial Year in which work is started. The prescribed period for renewal of license is March, in the Financial Year and in case delay there is a provision for imposing of late fees and to issue the Court Challan. In case of renewal only renewal application form is to be deposited and no need of supporting documents. If delayed, the applicant will get penalty and the amount will be 25% of the license fees.

Penalty:

If the licenses are not renewed then the owner will have to pay the late fee which is 25 % of the license fees. As per the section 337, the commissioner has the power to cancel the license which goes against the provisions of the Act.

III.Dhabha:

“Dhabha” is the Hindi version of Hotel, where cooked food is prepared and sold. One license is granted by the MCF as provision given U/s 335 of Haryana Municipal Corporation Act, 1994.

As per the act, no person is allowed to keep any eating houses / dhabas, without a license granted from the Commissioner and the commissioner will have the power to cancel the license on any time at the violation of the conditions of license granted. Section 334, 335, 337 of Haryana Municipal Corporation Act, 1994 stands for this. The article for sale must follow the PFA provisions and it must be up to the standards decided by the Hararyana Municipal Corporation Act 1994.

License Procedure:

It can be obtained by applying for the purpose & fulfilling all the terms & Conditions of the license laid down under the P.F.A. Act, 1995 & U/s335 of Haryana Municipal Corporation Act, 1994 in the authorized Markets etc. The Municipal Corporation of Faridabad (MCF) departments have to watch the public interest in different manner and being a local authority all concerned Departments of MCF are involved so that public inconvenience may be avoided. The Health Department of the Municipal Corporation of Faridabad under the control of Medical Officer of Health (MOH) issues the license. The applicant required to submit an application on the prescribed Performa Form 'A' and have to fulfill the terms and condition laid down in the Act with the supporting documents given in the Act. Therefore one has to apply to the Corporation along with following documents:

1. Duly filled Application Form.
2. Affidavit
3. Ownership proof /rent deed
4. N.O.C. from Neighbor
5. No Dues from Municipal Corporation of Faridabad
6. NOC from Fire Brigade.

Authority:

Commissioner is the competent authority in Municipal Corporation of Faridabad to issue the license and the corporation has the power to grant/ refuse license and to charge the fees also as per the requirement.

License Fees:

Party has to remit Rs.240/- as license fee in the Municipal Corporation.

License Processing:

If the application form is filled properly and carry all supporting documents then it may take 15days.

License Renewal:

The first April of the every year is prescribed for the renewal of license. In case of delay late fee may be charge or otherwise the case is process for the prosecution as per the provision laid down under the Act. If delayed, the applicant will get penalty and the amount will be 25% of the license fees.

Penalty:

If the licenses are not renewed then the owner will have to pay the late fee which is 25 % of the license fees. As per the section 337, the commissioner has the power to cancel the license which goes against the provisions of the Act.

IV. Vegetable Vendors:

The License for vegetable vendors is regulated as per the provisions of Haryana Municipal Corporation Act, 1994. As stated in the section 334 of the Haryana municipal corporation act, 1994. As per the act, it is mandatory to take a license for hawk/ expose any article for sale. As per the section 334, No person can hawk or expose for sale in any place any article with out he license granted by the commissioner. Section 337 states that the municipal Commissioner has the power to stop the premises which is used for the repose / consumption of food, if the particular trade is being carried without a license or in violation of the conditions of license. It must also follow the Prevention of food Adulteration Act 1954.

LICENSE PROCEDURE:

For a License for vegetable vendors, one has to apply to the Corporation along with following documents:

1. Duly filled Application Form.
2. Affidavit
3. Ownership proof /rent deed
4. N.O.C. from Neighbor
5. No Dues from Municipal Corporation of Faridabad
6. NOC from Fire Brigade.

Authority:

Commissioner is the competent authority in Municipal Corporation of Faridabad to issue the license and the corporation has the power to grant/ refuse license and to charge the fees also as per the requirement.

License Fees:

As per the act, the commissioner has the power to charge fees for he sale of the article. One can remit his/her license fees in cash at cash counter

License Renewal:

Time for issue depends upon the Financial Year in which work is stared. The prescribed period for renewal of license is March, in the Financial Year and in case delay there is a provision for imposing of late fees and to issue the Court Challan. If delayed, the applicant will get penalty as per U/s 331. The amount will be 25% of the license fees.

Penalty:

If the licenses are not renewed then the owner will have to pay the late fee which is 25 % of the license fees. As per the section 337, the commissioner has the power to cancel the license which goes against the provisions of the Act.

V Auto Rickshaw:

The permits for Auto rickshaws are regulated by the Regional Transport Office on the basis of Haryana Motor Vehicle Rules.

Application for Permit:

Application for the grant of permit shall be made by the owner under his signature in the form (HR No. 24) for Contract Carriage permit. The application shall be accompanied with the following documents namely:

1. Cash Receipt of Treasury Challan for the payment of fees.
2. Certificate of schedule caste, if application is made in reserved percentage.
3. An affidavit to the effect that the applicant held at any time any temporary or regular permit and also the details of the previous permit
4. Clearance certificate regarding the payment of taxes and no objection certificate from the financier for each vehicle.

Fees:

Every application for the grant or renewal of permit shall be accompanied by the fees of Rs.100.

Validity of Permit:

The regional Transport Authority subject to the directions of Haryana State Transport Authority may extend the effect of the permit to any other region or part of a region within the state and may attach conditions of permit with respect to other regions and may vary the conditions of the permit in different regions .The permit is usually under the regulation of Transport Authority and subject to provisions of the rules.

Conditions for a permit:

In case of contract carriage permit, no passenger or goods shall be taken up or set down in any other routes other than provided in the permit. Alterations must be reported to the authorities. The authorities can vary the permit according to the alterations if it is not fixing to the conditions of permit. The authorities may require the permit holder to substitute the vehicle and if the holder fails to follow the requirement, the authority can cancel or suspend the permit. As per section 97 of the Motor Vehicle rules, the change in address which the permit was sought has to be intimated to the authority within fourteen days along with the part of the permit displaying the old address, fees and new address

Conditions for carriage of Goods:

As per the Haryana Motor vehicle Rules, No goods liable to foul the interior of vehicle or which makes it insanitary shall be carried in a contract carriage. The dangerous or

hazardous goods as decided by the Haryana Motor Vehicle Rules or by the Regional Transport Authority are not permitted. The carriage of goods must not create any disturbance to passengers. As per section 6, the personal luggage of passengers can be carried free.

Replacement and Transfer of Vehicle:

As per the section 70 of the Motor Vehicle Rules, If a holder of a permit wish to replace the vehicle, he shall forward Part A of the permit and apply in writing to the authority by which the permit was issued along with the statement of reasons for replacement and he should follow the conditions as mentioned in the section 70 of the Motor Vehicle Rules.

In the case of the transfer, the permit holder and the person whom he wishes to transfer the permit shall jointly apply to the authority accompanied by the fees mentioned. They must follow the conditions as mentioned in the section 74 of the Motor Vehicle Rules.

Penalty:

The violators of the conditions of the permit are liable to get the penalty as per the directions of the motor Vehicles Act, 1988. In addition Haryana Motor Vehicle Rules premise the authorities to cancel or suspend the permit for the contravention of the relevant sections of the rules.

FINDINGS FROM THE STUDY

General Findings:

1. In Faridabad, the trade licensing is being regulated by the municipal Corporation of Faridabad as per the provisions of Haryana Municipal Corporation Act, 1994
2. Prevention of Food Adulteration Act is applicable to food related items
3. Auto Rickshaws are regulated by Haryana Motor Vehicle Rules 1993 and the Motor Vehicles Act 1988

The trade wise details are as follows:

I. BARBER SHOP:

1. According to the Municipal Corporation of Faridabad, Hair Cutting Saloon and Beauty Par lour Comes in the definition of barber
2. The License is regulated as per the relevant provisions of Haryana Municipal Corporation Act, 1994
3. In the section 331 of the Haryana municipal corporation act, 1994, it is mandatory to take a license before starting any trade which is included in the PART I of second schedule (Schedule annexed to the Haryana Municipal Corporation Act 1994 which list out the trades to be licensed by the commissioner)
4. As per the act, the license can be refused only if there are good reasons to support the refusal and it must be justifiable
5. The commissioner can give public notice to declare any area not to be used for any purpose in the schedule. Every such declaration shall be published in the official gazette. The commissioners have the power to stop the use of premises used in contravention of the notice

6. Duly filled Application Form, Affidavit, Ownership proof /rent deed, No Objection Certificate from Neighbor, No Dues from Municipal Corporation of Faridabad and No Objection Certificate from Fire Brigade is needed
7. Commissioner is the competent authority in the Municipal Corporation of Faridabad to issue the license and the corporation has the power to grant or refuse the license and to charge the fees also as per the requirement
8. If the application form is filled properly and carry all supporting documents then it may take 30 days
9. Time for issue depends upon the Financial Year in which work is started The prescribed period for renewal of license is March, in the Financial Year and in case delay there is a provision for imposing of late fees and to issue the Court Challan. If delayed, the applicant will get penalty to pay the late fees which is 25 % of the license fees
10. If the licenses are not renewed then the owner will have to pay the late fees which are 25 % of the license fees. As per the section 337, the commissioner has the power to cancel the license which goes against the provisions of the Act

II Meat Shops:

1. Meat shops are regulated as per the provisions of Haryana municipal corporation act and Prevention of food Adulteration Act 1954
2. As per the act, No animal or article shall be sold or exposed for sale within a distance of one hundred yards of any municipal market without the permission of the Commissioner and the violation of this is punishable. The Commissioner of the corporation has the authority to charge rents and fees. The licensee is obliged to display the copy of the stallages, rents and fees chargeable in the municipal market/ slaughter house. Under the act, the corporation authorities have the power to inspect the premises under the expectation of suspicious behaviors
3. As per the section 320 (2) , Municipal markets and slaughter houses shall be under the control of the commissioner who may at any time , by public notice , close any municipal market for slaughter houses. Section 322 says that no place other than a municipal slaughter house can be used as a slaughter house. But one can slaughter animals for the religious festivals or ceremonies
4. As per section 338, the commissioner or any authorized officer by him can inspect any premises where unlawful slaughter is suspected
5. As per the act, the commissioner has the power to charge fees for the sale of the article. License fees depend upon the Financial Year in which it is applied
6. If the application form is filled properly and carry all supporting documents then it may take 15days
7. Other Procedures are same

Dhabha:

1. "Dhabha" is the Hindi version of Hotel, where cooked food is prepared and sold. One license is granted by the MCF as provision given U/s 335 of Haryana Municipal Corporation Act, 1994
2. As per the act, No person is allowed to keep any eating houses / dhabas, without a license granted from the Commissioner and the commissioner will have the power to cancel the license on any time at the violation of the conditions of license granted. Section 334, 335, 337 of Haryana Municipal Corporation Act, 1994 stands for this. The

- article for sale must follow the PFA provisions and it must be up to the standards decided by the Haryana Municipal Corporation Act 1994
3. It can be obtained by applying for the purpose & fulfilling all the terms & Conditions of the license laid down under the P.F.A. Act, 1995 & U/s335 of Haryana Municipal Corporation Act, 1994 in the authorized Markets etc. The Municipal Corporation of Faridabad departments have to watch the public interest in different manner and being a local authority all concerned Departments of MCF are involved so that public inconvenience may be avoided. The Health Department of the Municipal Corporation of Faridabad under the control of Medical Officer of Health (MOH) issues the license
 4. The applicant required to submit an application on the prescribed Performa Form 'A' and have to fulfill the terms and condition laid down in the Act with the supporting documents given in the Act
 5. Party has to remit Rs.240/- as license fee in the Municipal Corporation.
 6. If the application form is filled properly and carry all supporting documents then it may take 15days
 7. Other Procedures are same

Vegetable Vendors:

1. The License for vegetable vendors is regulated as per the provisions of Haryana Municipal Corporation Act, 1994
2. As per the act, it is mandatory to take a license for hawk/ expose any article for sale.
3. As per the section 334, No person can hawk or expose for sale in any place any article with out he license granted by the commissioner. section 337 states that the municipal Commissioner has the power to stop the premises which is used for the repose / consumption of food, if the particular trade is being carried without a license or in violation of the conditions of license
4. It must also follow the Prevention of food Adulteration Act 1954
5. As per the act, the commissioner has the power to charge fees for he sale of the article. One can remit his/her license fees in cash at cash counter
6. Other Procedures are same

Auto Rickshaw:

1. The permits for Auto rickshaws are regulated by the Regional Transport Office on the basis of Haryana Motor Vehicle Rules
2. Application for the grant of permit shall be made by the owner under his signature in the form (HR No. 24) for Contract Carriage permit
3. The application shall be accompanied with the Cash Receipt of Treasury Challan for the payment of fees, Certificate of schedule caste, if application is made in reserved percentage, An affidavit to the effect that the applicant held at any time any temporary or regular permit and also the details of the previous permit, Clearance certificate regarding the payment of taxes and no objection certificate from the financier for each vehicle etc
4. Every application for the grant or renewal of permit shall be accompanied by the fees of Rs.100
5. The regional Transport Authority subject to the directions of Haryana State Transport Authority may extend the effect of the permit to any other region or part of a region within the state and may attach conditions of permit with respect to other regions and may vary the conditions of the permit in different regions
6. In case of contract carriage permit, no passenger or goods shall be taken up or set down enroute. Alterations must be reported to the authorities

7. The authorities can vary the permit according to the alterations if it is not fixing to the conditions of permit
8. The authorities may require the permit holder to substitute the vehicle and if the holder fails to follow the requirement, the authority can cancel or suspend the permit. As per section 97 of the Motor Vehicle rules, the change in address which the permit was sought has to be intimated to the authority within fourteen days along with the part of the permit displaying the old address, fees and new address
9. As per the Haryana Motor vehicle Rules, No goods liable to foul the interior of vehicle or which makes it insanitary shall be carried in a contract carriage. The dangerous or hazardous goods as decided by the Haryana Motor Vehicle Rules or by the Regional Transport Authority are not permitted. The carriage of goods must not create any disturbance to passengers. As per section 6, the personal luggage of passengers can be carried free
10. As per the section 70 of the Motor Vehicle Rules, If a holder of a permit wish to replace the vehicle, he shall forward Part A of the permit and apply in writing to the authority by which the permit was issued along with the statement of reasons for replacement and he should follow the conditions as mentioned in the section 70 of the Motor Vehicle Rules
11. In the case of the transfer, the permit holder and the person whom he wishes to transfer the permit shall jointly apply to the authority accompanied by the fees mentioned. They must follow the conditions as mentioned in the section 74 of the Motor Vehicle Rules
12. The violators of the conditions of the permit are liable to get the penalty as per the directions of the motor Vehicles Act, 1988. In addition Haryana Motor Vehicle Rules premise the authorities to cancel or suspend the permit for the contravention of the relevant sections of the rules