

# THE LIVELIHOOD REGULATIONS REPORT

## IMPHAL



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

Imphal is the capital of the Indian state of Manipur. In the heart of the town and surrounded by a moat, are ruins of the old Palace of Kangla. Until 2003, the grounds used to be occupied by the Assam Rifles, a paramilitary force. Near the Polo Ground is the Manipur State Museum, which has a good collection of old artifacts and nice pictures depicting the history of Manipur. 'Ima Keithel' at Khwairamband Bazaar is the only market in the world where, as the name suggests, all the stalls are run by women. The state is also famous for the Brow-antlered Deer called the Sangai. This species of the deer is endemic to Manipur and is on the verge of extinction. Last count of Sangai deer revealed only 162 left in the Keibul Lamjao National Park. On 18 June 1997, the Imphal district was split into Imphal East and Imphal West.

As of 2001 India census, Imphal had a population of 217,275. Males constitute 50% of the population and females 50%. Imphal has an average literacy rate of 79%, higher than the national average of 59.5%: male literacy is 84%, and female literacy is 74%. In Imphal, 10% of the population is under 6 years of age.

The present report of the livelihood regulations in Imphal covers dhaba, vegetable sellers, fruit sellers, cycle rickshaw and meat shop

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The sectors chosen for the study are:

1. **Dhaba**
2. **Vegetable Sellers**
3. **Fruit Sellers**
4. **Meat Shop**
5. **Cycle Rickshaw**

In Imphal the trades are regulated as per the directions of Manipur Municipalities Act 1976, Prevention of food Adulteration Act 1954 and the related byelaws framed from the Municipalities act. The trades are regulated by the Imphal Municipal Council based on the directions given by the above legislations. The details of Trade wise licensing are as follows:

### **I.Vegetable sellers:**

Vegetable sellers are regulated as per the directions of Manipur Municipalities Act 1976, Prevention of food Adulteration Act 1954 and the related byelaws framed under provisions of the Manipur Municipalities Act 1976. (Municipal license Byelaw named "The Municipalities/ Nagar Panchayats (Regulation of market) Model Bye-laws, 1998.)

Details are as follows:

In Imphal, "Vegetable seller" means a seller dealing with the edible vegetable and its products in Imphal, it includes fish sellers as well. A vendor license is required while to open a vegetable seller's market. There is no fixed number while to open a vegetable market. It depends upon big or small population of the existing market. As per the section 163 of the Manipur Municipalities Act 1976, No place shall be used for any of the purpose listed in the section in the limits fixed by the Municipal Board without a license. RTI reply of the municipal board says that vegetable sellers requires license.

### **Licensing Procedure:**

The license can be obtained from the office of the Imphal Municipal Council on an application submitted for the same in the prescribed form along with the prescribed fees. The application need to be submitted to the executive officer. Manipur Municipalities Act says that the license shall not be withheld unless the board has the reason to believe that the business which is to be intended to establish would be offensive or dangerous or likely to create nuisance to the neighbours. The board based on the restrictions extends the provisions of the section to yards or depots for trade in coal, coke timber or wood.

**Authority:**

As per the RTI reply, In Imphal Municipal area office of the Imphal Municipal council is the supreme body regulating licenses and the executive officers of Imphal municipal council is the authority to issue the license.

**Validity:**

Regulations fix no time to issue licenses. The license issued will be valid for one year which is renewable annually.

**Fees:**

As per RTI reply, rate of rents or fees which a council or panchayat may fix from time to time as it may deem fit within the range Rs.1.00 to Rs.2 .00 per square metre per month.

**License Renewal:**

The license should be renewed every year. If delayed it is liable to be cancelled.

**Penalty:**

If any vendor is found doing a business without the license issued by the Imphal Municipal Council he/ she shall not be allowed to continue the business in the Municipal market.

**II.Dhaba**

Dhaba's are regulated as per the directions of Manipur Municipalities Act 1976, Prevention of food Adulteration Act 1954 and the related byelaw framed under provisions of the Manipur Municipalities Act 1976 (municipal license Byelaw named "The Municipalities/ Nagar Panchayats (Regulation of market) Model Bye-laws, 1998.)

Details are as follows:

A vendor license is required. There is no fixed number. It depends upon big or small population of the existing market. As per section 163 of the Manipur Municipalities Act 1976, No place shall be used for any of the purpose listed in the section in the limits fixed by the Municipal Board Municipal Board without a license. This list says that an eating house requires license.

**Licensing Procedure:**

The license can be obtained from the office of the Imphal Municipal Council on an application submitted for the same in the prescribed form along with the prescribed fees. The application need to be submitted to the executive officer. Manipur Municipalities Act says that the license shall not be withheld unless the board has the reason to believe that the business which is to be intended to establish would be offensive or dangerous or likely to create nuisance to the

neighbours. The board based on the restrictions extends the provisions of the section to yards or depots for trade in coal, coke timber or wood.

**Authority:**

In Imphal Municipal area office of the Imphal Municipal council is the supreme body regulating licenses and the executive officers of Imphal municipal council is the authority to issue the license.

**Validity:**

Regulations fix no time to issue licenses. The license issued will be valid for one year which is renewable annually.

**Fees:**

As per the Rate of rents or fees for the license can be fixed by a council or panchayat from time to time

**License Renewal:**

As per the act, the license is renewable. The license should be renewed every year. If delayed it is liable to be cancelled.

**Penalty:**

If any vendor is found doing a business without the license issued by the Imphal Municipal Council he/ she shall not be allowed to continue the business in the Municipal market.

**III.Fruit Sellers**

Fruit sellers are regulated as per the directions of Manipur Municipalities Act 1976, Prevention of food Adulteration Act 1954 and the related byelaw framed under provisions of the Manipur Municipalities Act 1976 (municipal license Byelaw named "The Municipalities/ Nagar Panchayats (Regulation of market) Model Bye-laws, 1998.)

Details are as follows:

In Imphal, a vendor license is required while to open a vegetable seller's market. There is no fixed number while to open a vegetable market. It depends upon big or small population of the existing market. As per section 163 of the Manipur Municipalities Act 1976, no place shall be used for any of the purpose listed in the section in the limits fixed by the Municipal Board Municipal Board without a license. In Imphal fruit sellers requires license.

**Licensing Procedure:**

The license can be obtained from the office of the Imphal Municipal Council on an application submitted for the same in the prescribed form along with the prescribed fees. The application need to be submitted to the executive officer. Manipur Municipalities Act says that the license shall not be withheld unless the board has the reason to believe that the business which is to be intended to establish would be offensive or dangerous or likely to create nuisance to the neighbours. The board based on the restrictions extends the provisions of the section to yards or depots for trade in coal, coke timber or wood.

**Authority:**

In Imphal Municipal area office of the Imphal Municipal council is the supreme body regulating licenses and the executive officers of Imphal municipal council is the authority to issue the license.

**Validity:**

Regulations fix no time to issue licenses. The license issued will be valid for one year which is renewable annually.

**Fees:**

As per the Rate of rents or fees for the license can be fixed by a council or panchayat from time to time

**License Renewal:**

As per the act, the license is renewable. The license should be renewed every year. If delayed it is liable to be cancelled.

**Penalty:**

If any vendor is found doing a business without the license issued by the Imphal Municipal Council he/ she shall not be allowed to continue the business in the Municipal market.

**IV. Meat Shop**

Meat Shop are regulated as per the directions of Manipur Municipalities Act 1976, Prevention of food Adulteration Act 1954 and the related byelaw (municipal license Byelaw named "The Municipalities/ Nagar Panchayats (Regulation of market) Model Bye-laws, 1998 and the "sale of meat Byelaws 1987) framed under provisions of the Manipur Municipalities Act 1976

Details are as follows:

In Imphal, "meat shop" means any premises used wholly or in part for the wholesale or retail sale of raw meat for human consumption, either for cash or credit. Here "License" means licence granted to an owner or a keeper of Meat Shop "Meat Shop" means any premises

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used wholly or in part for the wholesale or retail sale of raw meat for human consumption, either for cash or in credit .As per s3ection 163 of the Manipur Municipalities Act 1976, No place shall be used for any of the purpose listed in the section in the limits fixed by the Municipal Board Municipal Board without a license. RTI reply and the Municipal Act of the municipal board says that the meat shop requires license.

As per the byelaw, No meat shop shall be established or run or continued in the Imphal Municipal Area except under the order of a licence.

### **Licensing Procedure:**

Any person willing to use a shop for sale of meat shall take a license from the licensing Authority of the Board. The license can be obtained from the office of the Imphal Municipal Council on an application submitted for the same in the prescribed form along with the prescribed fees and necessary documents. The application need to be submitted to the executive officer. Manipur Municipalities Act says that the license shall not be withheld unless the board has the reason to believe that the business which is to be intended to establish would be offensive or dangerous or likely to create nuisance to the neighbours. The board based on the restrictions extends the provisions of the section to yards or depots for trade in coal, coke timber or wood.

Sale of meat Byelaws 1987 also states that the keeper of every shop meat shall affix a copy of the Bye-laws in a conspicuous part of the premises and shall be responsible for ensuring that the Bye-laws are observed.

### **Documents Required:**

1. Two passport size photograph
2. Lease agreement copy/ land patta record copy.

### **Authority:**

As per the RTI reply, in Imphal Municipal area office of the Imphal Municipal council is the supreme body regulating licenses and the executive officers of Imphal municipal council is the authority to issue the license. Veterinary and Animal Husbandry Department also has a key role in licensing of meat shop

### **Validity :**

Regulations fix no time to issue licenses. The license issued will be valid for one year from the date of issue. License is renewable annually.

### **Fees:**

As per act, the council or panchayat fixes fees from time to time. As per RTI reply, it is Rs.350/- for obtaining the license and Rs.295 /- as annual tax from the next year after obtaining the license for meat shop. As per the "sale of meat Byelaws 1987, fee for a license shall be "two hundred and fifty Rupees"

**License Renewal:**

The license should be renewed every year. Rs.50 /- will be charged for the late renewal. "Sale of meat Byelaws 1987 states that a license granted under these Bye-laws shall be valid for one year only and it may be renewed on the payment of the fee of rupees hundred and fifty only on application in this behalf to the licensing Authority, at least a fortnight before the expiry of the existing license.

**Timings:**

As per the "Sale of meat Byelaws 1987, Every meat shop shall be opened during business hours to the inspection of any officer authorized by the Board and keeper thereof shall be bound to comply with all reasonable directions and instructions issued by the officer consistent with the purpose of the Bye-laws.

**Suspension and Cancellation:**

The licensing Authority may suspend the license at any time for sufficient reason to be recorded in writing or during the continuance of the summary enquiry. Every license granted under these Bye-laws may, on the recommendations of the licensing Authority, be cancelled by the Board for the contravention of or failure to comply with any of the conditions of the license or any or the provisions of these Bye-laws Provided that before the cancellation of the license, the license shall be given a reasonable opportunity of showing cause against such cancellation.

**Conditions:**

The following conditions should be fulfilled

1. Meat should be brought from the licensed butcher
2. No slaughtering of animal is permitted in the premises of the shop
3. The shop should be properly walled
4. The meat should be kept in a properly arranged place or box where flies cannot enter
5. The premises of the meat shops shall not be used for residential purposes or as eating house
6. All articles such as scale, knives etc should be properly washed
7. No person shall be employed in any room who is not cleanly clad or who is suffering from any infectious, contagious or loathsome disease or who has recently been attending upon any person suffering from such disease nor shall any person be permitted to enter any meat shop who is known to be suffering from any infectious, contagious or loathsome disease
8. No animal should be killed in the premises of the shop and the meat to be kept for sale should be from a licensed slaughter house"

**Penalty:-**

Any person contravenes any provision of these Bye-laws shall be liable to a fine which may extend to five hundred rupees and when the offence is a continuing one to a daily fine not

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exceeding twenty rupees during the continuance of the offence. The licensing Authority shall be competent to impose the fine for the breach of any of these Bye-laws. The licensing Authority before passing an order shall hold a summary enquiry. It shall record briefly the particulars of the breach alleged to have been committed, a substance of the evidence adduced, the decision of the Licensing Authority and the reason for the decision

#### **V. Cycle Rickshaw:**

Cycle Rickshaws are regulated as per the directions of Manipur Municipalities Act 1976 and the related byelaw (Cycle Rickshaw Bye Law for the regulation of the Cycle Rickshaw of the Imphal Municipal Council) framed under provisions of the Manipur Municipalities Act 1976

Details are as follows:

According to Bye Laws 2(iii) of the Cycle Rickshaw Bye Law for the regulation of the Cycle Rickshaw of the Imphal Municipal Council, "Cycle Rickshaw" means a carriage of three wheel vehicles with spring or other appliances to act as springs, of a kind ordinarily used for conveyance of human beings or goods or both.

#### **Licensing Procedure:**

Bye law states that no person shall act as a driver of the cycle Rickshaw except under a license granted by the Imphal Municipal Council in that behalf. No one shall play the cycle rickshaw or cause it to be piled unless it is registered first and the registration is renewed in time every year on payment.

The license can be obtained from the office of the Imphal Municipal Council on an application submitted for the same in the prescribed form along with the prescribed fees. To open and operate the Trade of Cycle Rickshaw the driver license and registration cycle Rickshaw is needed. Everyone who desires to take the license shall apply to the Municipal office an application in the prescribed form available at the Municipal office after duty filled in. He shall along with the application furnish two passport size photographs one to be retained in the Municipal office and the other should be pasted on the license granted to him, One medical certificate stating that he is physically fit for the purpose of being cycle Rickshaw driver and also that he is free from any infectious disease and that he is not under 18 years age. Registrations of cycle Rickshaw under Bye- Law 8(a) is done or allowed only when there is appropriate provision for increase of cycle Rickshaw registration numbers as fix by the council from time to time. As for the present position there is a resolution of council being no. 1(12) dated 25-9-2007 for increase of 1773 no s. however the purposed increase is primarily meant for allotment of the registration for non payment of annual renewal registration fee for 3 consecutive years.

#### **Documents Required:**

Along with the application, one has to furnish two passport size photographs one to be retained in the Municipal office and the other should be pasted on the license granted to him, one medical certificate stating that he is physically fit for the purpose of being cycle Rickshaw

driver and also that he is free from any infectious disease and that he is not under 18 years age.

**Authority:**

The department involves in the issue of Rickshaw registration and driving license is Imphal Municipal Council only. The authority issuing license is the executive officer, Imphal Municipal council or any other officer authorized in this behalf of the council.

**Validity :**

Regulations fix no time to issue licenses. The license issued will be valid for one year which is renewable annually.

**Fees:**

As per RTI reply, Rickshaw Registration fee is Rs.150 /- per card and Rickshaw driving license Registration fee Rs.82/- per card (one). Rickshaw driving license renewal fee per annum Rs.35 per year is levied

**License Renewal:**

The license should be renewed every year. If delayed it is liable to be cancelled. Annual Renewal Fee is Rs.75/- per card. In case of the delay of driving license renewal a fine a of Rs.1 /- is realized

**Transfer:**

For the transfer of license one has to submit an application to the executive officer along with the required documents. The ownership of a cycle Rickshaw may be transferred. Transfer fee Rs.82/-

**Terms and Conditions:**

No cycle rickshaw shall carry a load in excess of the following:-

1. Two adult persons, or
2. One adult person or children below 12 years, or
3. Three children below 12 years, or
4. One adult person, two children and luggage not excluding 15 kilograms or
5. One child below 12 years and luggage not excluding 47 kilograms
6. A luggage not exceeding 94 kilograms or
7. One adult person and luggage not exceeding 30 kilograms

**Penalty:**

As given under Bye laws 25 which reads as the penalty for the infringement of any of the byelaws shall be A fine not exceeding Rs.10/- for the first offence and a fine not exceeding Rs.25/-for the record and subsequent offences. The fines imposed under these Bye laws may

be treated as a tax to the council under Assam Municipal Act 1956. Except as otherwise specifically provided in these Bye laws it shall be competent to the licensing officer or an officer of the council duly authorized for the purpose by the Chair person to impose the penalties for the violation of these Bye laws.

## **FINDINGS FROM THE STUDY**

### **General Findings:**

1. In Imphal the trades are regulated as per the directions of Manipur Municipalities Act 1976, Prevention of food Adulteration Act 1954 and the related byelaws framed from the Municipalities act
2. Manipur Municipalities Act says that the license shall not be withheld unless the board has the reason to believe that the business which is to be intended to establish would be offensive or dangerous or likely to create nuisance to the neighbours. The board based on the restrictions extend the provisions of the section to yards or depots for trade in coal, coke timber or wood

### **Vegetable sellers, Dhaba and Fruit sellers :**

1. Vegetable sellers are regulated as per the directions of Manipur Municipalities Act 1976, Prevention of food Adulteration Act 1954 and the related byelaw (municipal license Byelaw named "The Municipalities/ Nagar Panchayats (Regulation of market) Model Bye-laws, 1998.) framed under provisions of the Manipur Municipalities Act 1976
2. In Imphal, "Vegetable seller" means a seller dealing with the edible vegetable and its products in Imphal, it includes fish sellers as well
3. A vendor license is required while to open a vegetable seller's market
4. There is no fixed number while to open a vegetable market. It depends upon big or small population of the existing market
5. As per the RTI reply, In Imphal Municipal area office of the Imphal Municipal council is the supreme body regulating licenses and the executive officers of Imphal municipal council is the authority to issue the license
6. The license issued will be valid for one year which is renewable annually
7. If delayed for renewal, the license is liable to be cancelled
8. If any vendor is found doing a business without the license issued by the Imphal Municipal Council he/ she shall not be allowed to continue the business in the Municipal market

### **Meat Shop:**

1. Meat Shop are regulated as per the directions of Manipur Municipalities Act 1976, Prevention of food Adulteration Act 1954 and the related byelaw (municipal license Byelaw named "The Municipalities/ Nagar Panchayats (Regulation of market) Model

Bye-laws, 1998 and the "sale of meat Byelaws 1987) framed under provisions of the Manipur Municipalities Act 1976

2. In Imphal, "meat shop" means any premises used wholly or in part for the wholesale or retail sale of raw meat for human consumption, either for cash or credit. Here License" means license granted to an owner or a keeper of Meat Shop
3. "Meat Shop" means any premises used wholly or in part for the wholesale or retail sale of raw meat for human consumption, either for cash or in credit
4. As per the byelaw, No meat shop shall be established or run or continued in the Imphal Municipal Area except under the order of a license
5. sale of meat Byelaws 1987 also states that the keeper of every shop meat shall affix a copy of the Bye-laws in a conspicuous part of the premises and shall be responsible for ensuring that the Bye-laws are observed
6. Two passport size photograph and Lease agreement copy/ land patta record copy is needed
7. Veterinary and Animal Husbandry Department also has a key role in licensing of meat shop
8. As per act, the council or panchayat fixes fees from time to time. As per RTI reply, it is Rs.350/- for obtaining the license and Rs.295 /- as annual tax from the next year after obtaining the license for meat shop. As per the "sale of meat Byelaws 1987, fee for a license shall be "two hundred and fifty Rupees"
9. The license should be renewed every year.Rs.50 /- will charged for the late renewal
10. "sale of meat Byelaws 1987 states that a license granted under these Bye-laws shall be valid for one year only and it may renewed on the Payment of the fee of rupees hundred and fifty only on application in this behalf to the licensing Authority, at least a fortnight before the expiry of the existing license
11. As per the "sale of meat Byelaws 1987, Every meat shop shall be opened during business hours to the inspection of any officer authorized by the Board and keeper thereof shall be bound to comply with all reasonable directions and instructions issued by the officer consistent with the purpose of the Bye-laws
12. The licensing Authority may suspend the license at any time for sufficient reason to be recorded in writing or during the continuance of the summary enquiry. Every license granted under these Bye-laws may, on the recommendations of the licensing Authority, be cancelled by the Board for the contravention of or failure to comply with any of the conditions of the license or any or the provisions of these Bye-laws Provided that before the cancellation of the license, the licensee shall be given a reasonable opportunity of showing cause against such cancellation
13. Any person contravenes any provision of these Bye-laws shall be liable to a fine which may extend to five hundred rupees and when the offence is a continuing one to a daily fine not exceeding twenty rupees during the continuance of the offence. The licensing Authority shall be competent to impose the fine for the breach of any of these Bye-laws. The licensing Authority before passing an order shall hold a summary enquiry. It shall record briefly the particulars of the breach alleged to have been committed, a substance of the evidence adduced, the decision of the Licensing Authority and the reason for the decision

### **Cycle Rickshaw:**

1. Cycle Rickshaws are regulated as per the directions of Manipur Municipalities Act 1976 and the related byelaw(Cycle Rickshaw Bye Law for the regulation of the Cycle Rickshaw of the Imphal Municipal Council) framed under provisions of the Manipur Municipalities Act 1976
2. According to Bye Laws 2(iii) of the Cycle Rickshaw Bye Law for the regulation of the Cycle Rickshaw of the Imphal Municipal Council, "Cycle Rickshaw" means a carriage of three wheel vehicle with spring or other appliances to act as springs, of a kind ordinarily used for conveyance of human beings or goods or both
3. Bye law states that no person shall act as a driver of the cycle Rickshaw except under a license granted by the Imphal Municipal Council in that behalf. No one shall play the cycle rickshaw or cause it to be piled unless it is registered first and the registration is renewed in time every year on payment
4. The license can be obtained from the office of the Imphal Municipal Council on an application submitted for the same in the prescribed form along with the prescribed fees. To open and operate the Trade of Cycle Rickshaw the driver license and registration cycle Rickshaw is needed
5. Everyone who desires to take the license shall apply to the Municipal office an application in the prescribed form available at the Municipal office after duly filled in along with documents needed
6. The department involved in the issue of Rickshaw registration and driving license is Imphal Municipal Council only. The authority issuing license is The executive officer, Imphal Municipal council or any other officer authorized in this behalf of the council
7. As per RTI reply, Rickshaw Registration Fee Rs.150 /- per card and Rickshaw driving license Registration fee Rs.82/- per card (one). Rickshaw driving license renewal fee per annum Rs. 35 per year is levied
8. The license should be renewed every year. If delayed it is liable to be cancelled. Annual Renewal Fee is Rs.75 per card. In case of the delay of driving license renewal a fine of Rs.1 is realized
9. For the transfer of license one has to submit an application to the executive officer along with the required documents. The ownership of a cycle Rickshaw may be transferred – Transfer fee Rs.82/-
10. As given under Bye laws 25 which reads as the penalty for the infringement of any of the byelaws shall be A fine not exceeding Rs.10 for the first offence and a fine not exceeding Rs.25/-for the second and subsequent offences. The fines imposed under these Bye laws may be treated as a tax to the council under Assam Municipal Act 1956.Except as otherwise specifically provided in these Bye laws it shall be competent to the licensing officer or an officer of the council duly authorized for the purpose by the Chair person to impose the penalties for the violation of these Bye laws