

THE LIVELIHOOD REGULATIONS REPORT

LUCKNOW



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.

Lucknow is the capital city of Uttar Pradesh, the most populous state of India. It had a population of 2,541,101 in 2006. Lucknow is also the administrative headquarters of Lucknow District and Lucknow Division. Lucknow is popularly known as the *the City of Nawabs*. It is also known as the *Golden City of the East*, *Shiraz-i-Hind* and *The Constantinople of India*.

Today, Lucknow is a vibrant city that is witnessing an economic boom and is among the top ten fastest growing non-major-metropolitan cities of India. It is a centre of Hindi and Urdu literature and is the second largest city in Uttar Pradesh state.

The majority of Lucknow's population includes people from Eastern Uttar Pradesh. However, Bengalis, South Indians and Anglo-Indians have also settled in Lucknow. Hindus comprise about 77% and Muslims about 20%. There are also small groups of Sikhs, Jains, Christians and Buddhists.

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

LUCKNOW

The Trades under study are:

1. **Dhaba**
2. **Cycle Repair Shop**
3. **Cycle rickshaw**
4. **Barber shop**
5. **Meat shop**

Introduction:

The trades in Lucknow are being regulated by the Lucknow Municipal Corporation (Lucknow Nagar Nigam). According to U.P Nagar Mahapalika Adhiniyam, no person without the license from the Mukhya Nagar Adhikari shall sell or expose for sale any animal or article in any Mahapalika Market. And any one contravening this section may be summarily removed.

I .Dhaba:

Dhabha is a public place for eating food and only one license is required to open a dhabha and which Nagar Nigam, Lucknow, provides. As defined in U. P Nagar Mahapalika Adhiniyam, 1959, eating house is a premise to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises

As per the section 438, it is clear that any trade carrying within the city and the one which is likely to create nuisance or dangerous to health requires a license from the mukhya Nagar Adhikari / the Corporation Commissioner.

Procedure:

The process is submitting a filled application form to nagar nigam. Nagar nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in Health department of nagar nigam.

Documents Required:

The necessary documents are Address proof, ID proof& Address of place and no objection certificate for big establishments like factories etc.

Issue of License:

Only 1 week or 2 week is needed. If delayed then the dhabha is cancelled

License Fees:

Rs.100/- must be paid for getting a license and it is to be submitted in treasury of the nagar nigam. After 1 year and if delays then surcharge of Rs.200/- taken from the owner.

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharge of Rs.200/- taken by the owner.

Inspection:

As per the section 434 and 435 of U. P Nagar Mahapalika Adhiniyam, 1959, the mukhya Nagar Adhikari/ corporation commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the same. If it is found unfit for human consumption, he can seize the article and carry away it and can arrest the person and also can take to the nearest police station.

Timings:

Different areas have different times in the year of working hours. However dhabas/ cooked food fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence a dhaba can open and close a shop at any convenient time. As per Schedule II, dhaba does not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence dhaba can keep it open all seven days in a week. It isn't mandatory for it to remain closed on public holidays too.

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for every subsequent offence it is Rs.500. However in addition, the health officer will immediately close dhabha. Without license, no any dhabha will be continued or in process.

II. Cycle Repair Workshop:

Cycle repair Shop has the same procedure vegetable shop and fruit sellers. But the Prevention of Food adulteration Act is not applicable. The licensing is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself.

Licensing Procedure:

The process is submitting a filled application form in the prescribed form to Nagar Nigam. The form can be obtained from Nagar Nigam and the health department with the prescribed fees.

Authority:

Nagar Nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of Nagar Nigam.

Documents Required:

Following documents are required in registering:

1. Application form written by him.
2. Number of registration number.

Time Processing:

There is no prescribed time in law absolutely. However, it is processed within a week's time.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the treasury.

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharges will be charged.

Timings:

As per the U.P DOOKAN AUR VANIJYA ADHIDHAN ADHINIYAM 1962, section (5) no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours. However Cycle Repair shops fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, cycle repair shop does not fall under the purview of Section 8 that talks about observing a holiday once a week. Hence, one can keep the cycle Repair shop open all seven days in a week.

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for every subsequent offence it is Rs.500.

III. Barber Shop:

The shop can be established in either Mahapalika Market or any Private Market. In the former case, the shops etc are set up by the Municipality itself, and maintained in Mahapalika market and charge for the same. The detailed procedure is given in section 422 of the Uttar Pradesh

Nagar Mahapalika Adhiniyam, 1959. However, as a general trend, the markets in Agra are springing up in the form of private ones, where less governmental regulations and interventions are required. For that he has to acquire the piece of land and shop by purchase or he may acquire the same through rent. Rent is more common phenomenon. The price varies from place to place, and is generally the major problem in poor entrepreneurs. Once they have obtained the legal permission from the person to use his shop as a barber or bought his own shop, he needs to get the license.

Barber Shop has the same procedure of Cycle Repair shop. The licensing is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself.

Licensing Procedure:

The process is submitting a filled application form in the prescribed form to Nagar Nigam. The form can be obtained from Nagar Nigam and the health department with the prescribed fees.

Authority:

Nagar Nigam Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of Nagar Nigam.

Documents Required:

Following documents are required in registering:

1. Application form written by him.
2. Number of registration number.

Time Processing:

There is no prescribed time in law absolutely. However, it is processed within a week's time.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the treasury.

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharges will be charged.

Inspection:

As per the section 434 and 435 of U. P Nagar Mahapalika Adhiniyam, 1959, the mukhya Nagar Adhikari/ corporation commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the

same. If it is found unfit for human consumption, he can seize the article and carry away it and can arrest the person and also can take to the nearest police station.

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Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence it is Rs.500.

IV Cycle Rickshaw Pullers:

As per the section 2(a) of the Bye law formed by the municipal board of Lucknow for the regulation and control of rickshaw kept for plying on hire or for private use within the limits of Lucknow municipality, no person is allowed to ply a rickshaw within the municipal limit of Lucknow except under rickshaw license granted by the executive officer, for the current financial year.

Procedure:

As per the section 2 (a) of the by law, an application for a rickshaw license shall be made to the executive officer in the prescribed form. It shall contain the statement regarding the purpose, whether it is meant for public or private use. It shall be signed or thump marked by the owner of the rickshaw and shall also contain a signed consent of the driver/ coolie who will ply the rickshaw.

By applying (filling the form) in Nagar Nigam Office, we can get the license that is from. April 1st to 31st March (by paying Rs.75). Only Nagar Nigam/ Cantonment Board is involved. Tax Superintendent (License Officer) is only person concerned for that.

An application for fresh license can be made at any time during a financial year. The applicant must produce rickshaw for the inspection at the municipal office and the rickshaw shall be inspected by the executive officer before granting of license. Rickshaw license may be granted by the executive officer on the prescribed form. The license so granted shall not be transferable. Here the license is provided on same day.

License Fees:

As per the byelaw, the fees are levied on two categories. Owner and Puller. A fees of Rs.15/- for the financial year 1st of April to 31st March in respect of each Rickshaw license shall be charged for each rickshaw license by the executive officer and shall be credited by him, to the board, provided if an application for the license is made on or after the 1st of October in any financial year. Additional fees is as per following

I Category:

1. Owner – Rs.75
2. Rs.10 is charged for application fee
3. Rs.10 is charged for health fitness
4. For Driver- Rs.20 is charged for application
5. Rs.10 is charged for Health fitness certificate

II Category:

1. Rs.75/Rs. 10 for (Owner)
2. Rs.20/Rs. 10 for (Puller)

License Renewal:

An application for a rickshaw license in respect of a rickshaw licensed for the previous financial year or part of it shall be made between the 1st of April and 31st of May. If it is made after the period, then it shall be rejected unless the executive officer is satisfied about the failure to supply with the prescribed period due to cause beyond the control of the applicant. The fess is same as of new one. If all the condition is fulfilled then it is renewed on same day.

Terms and Conditions:

No Rickshaw License shall be granted, unless:

1. It is in good and neat condition.
2. Strong and fit for the use on the road.
3. Equipped with the back reflectors of red colour of suitable size, one on either side of it.
4. Equipped with one light in front
5. Fitted with good brakes.
6. Fitted with warning bell or kirkire.
7. Facilities for exhibiting the rates.
8. The rickshaw tax must have properly paid.

General Provisions Regarding License:

1. All licenses under the by-laws shall be granted only for the period ending March 31 next. The licensees shall be bound to apply for a new license every

- year. Prescribed fees shall be payable every year, before a new license is issued
2. The executive officer shall fix and may change the tariff rates from time to time with the approval of the board and when they are so changed, new tariff plates shall be made available for being fixed to rickshaws in accordance with by-law
 3. If the license is lost, the executive officer may issue a duplicate license, while applying in the prescribed form. Half of the original fees will be payable, if an application for a new license is made on the date on which the application for duplicate is made
 4. The executive officer may at any time suspend or cancel a license for the breach of any one of the provisions in byelaws. The executive officer will state the grounds of suspension or cancellation in his order and a written intimation shall be sent to the licensee and there is further scope for the recalling of the order

General Provisions Regarding the Issue of License:

1. As per the byelaw, the municipal board has the power to impose restrictions from time to time on the number of rickshaws to be licensed for (1) plying for hire and for private use respectively.
2. As per the byelaw, the municipal board has the power to impose restrictions from time to time on the number of rickshaw licenses to be issued to any one individual rickshaw owner.
3. Any person aggrieved by any order of the board under by-law may represent it to review and reconsider the order and the order of the board passed on such representation shall be final.

General Provisions applicable to the licensed Rickshaws:

1. Any police officer or executive officer may at any time demand the inspection of a licensed rickshaw, a driver's / coolie license, or a rickshaw license and the driver or coolie / any body in charge shall be bound to comply with the demand.
2. A six monthly general inspection of rickshaw and licenses shall be carried out by the executive officer during October and November each year.
3. If the rickshaw is found on the road with an unlicensed driver or coolie or rickshaw itself and the police officer or executive officer is not satisfied about the corrections of the name and address given by person in charge on the same, the officer concerned may order the rickshaw to be taken to the municipal office till the name and address becomes satisfactory.
4. The rickshaw shall not be returned unless the full detection fees are paid up.
5. The police officer / executive officer can order the licensee or driver or coolie to take / send his vehicle on the breaching of by-laws other than the provision dealing with the name and address of licensee.
6. When a rickshaw license is suspended by the executive officer for the breach of byelaw, then the person in charge may be ordered to deliver the rickshaw in the municipal office.

7. If the person in charge is not taking back from the executive officer is not turning up till the end of the expiry period of license after the due payment to the board, the rickshaw may be retained beyond the period, till the person concerned does turn up and make the payment.
8. A fee of Rs.1 per day as the detention fee shall be charged by the executive officer for the detained period of rickshaw under the custody of the executive officer. If a rickshaw is detained and released on the same day, the minimum fees of Rs.1 shall be charged. In other cases, the day of detention shall be counted as the one day but the day of release shall be exceeded.
9. No detention fees shall be charged for holidays observed in the Municipal Board, if the holiday occurs on the day following the day which rickshaw is detained.
10. In no case, the total detention fees in respect of one continuous period of detention shall exceed a total of Rs.15/-
11. If a detained rickshaw is not claimed and paid for within 30 days from the date of detention including the letter day, the dues of the board shall be released as per chapter VI of the municipalities Act.

Duties of the Rickshaw owner:

It shall be the duty of every owner of a rickshaw and of every one holding or occupying the position of an owner not to allow his rickshaw to be plied on the road for any purpose without obtaining a rickshaw license under by-law No.2. It shall be the duty of every holder of rickshaw licensee: -

1. To keep his licensed rickshaw always in a good condition fit for the use of the road duly equipped with two back reflections of red colour of suitable size, one on either side of the rickshaw and fitted with good warning bell or kirkiras.
2. To equip his licensed rickshaw with a light in front if it is allowed to be or is likely to be on the road after dusk.
3. In case of a rickshaw licensed for plying for hire to exhibit prominently the tariff-plate on the rickshaw and to maintain it in good readable condition.
4. On a reasonable notice from police officer or the Executive Officer, to produce the rickshaw, and the rickshaw license and if possible the license of the driver or of the coolie whose name and license number is noted in the register under by-laws 3(c) and (e)
5. Not to allow his rickshaw to be plied on the road by any person not holding a driver's license or coolie's license under by-law No.3
6. Not to ply his rickshaw himself on the road without taking out a driver's or Coolie's license under by-law no.3
7. Provided that if the owner of a rickshaw is also the driver or coolie, he will be bound to observe the duties of both the (1) driver or coolie and (11) the rickshaw owner as provided under these by-laws.
8. Not to allow even a licensed driver or coolie to ply his rickshaw on the road without getting the driver's or coolies name and license number noted in the registered under by-law no.3 (C) and (e)
9. In case of detention under by-law No.2 or 14 to pay up all dues of the Board arising under by-law No.15

10. To notify the Executive Officer in accordance with by-law 2 (C) any transfer of a rickshaw from his ownership to that of any other person and to get necessary entries made in the Municipal records and to get his license cancelled.
11. To see that no dead body, fish, meat carcass or person suffering from contagious diseases is carried on his rickshaw and if the same is carried without his knowledge or consent, to intimate the act to the Medical Officer or Health or the Executive Officer as soon as the fact comes to his knowledge.
12. Not to use or allow any rickshaw to the Municipal Office when asked to do so and,
13. To carry out any other order of the Executive Officer passed by him under these by-laws.

Duties of the driver/ coolie:

It shall be the duty of the driver of or coolies: -

1. Not to drive, propel or pull a rickshaw unless the same is licensed and he himself holds a driver's or coolie's license in respect of that rickshaw.
2. To keep his license always with him while driving, propelling or pulling such rickshaw or keeping it on the road, and to preserve the entries in his license and the photo affixed there to in good recognizable condition.
3. To produce for inspection his own license immediately on demand by a police officer or the Executive Officer.
4. To be civil and polite to public.
5. To deposit at the nearest police station any unclaimed property found in the rickshaw in his charge within two hours of finding the same.
6. To take the Municipal office the rickshaw in his charge or possession, when asked to do so by any police officer or the Executive Officer on the ground of his having contravened any of the provisions of these by-laws and to abide by any order passed by the Executive Officer in accordance with these by-laws.
7. To deliver the rickshaw to the Executive Officer whenever a rickshaw license is suspended, by notice or otherwise in accordance with these by-laws or when required doing so under byelaw Nos. 12 and 14.
8. To carry out any order of Executive Officer passed by him under these byelaws.
9. Not to carry more than
 - a. Two adult person or
 - b. One adult person and two children
 - c. One adult person and the quantity of luggage specified by the corporation on any rickshaw
10. Not to ply for hire or otherwise, any rickshaw unless it is equipped with two back receptors of red colour of suitable size, one on either side of the rickshaw and one light in front and is fitted with good brakes and a warning bell or kirkira provide that no front light will be necessary after day break and before dusk.
11. Not to interfere with the peaceful and legitimate works of other drivers or coolie.

12. Not to use in descent or abusive language.
13. Not to use in descent gestures.
14. Not to ply for hire any rickshaw unless it is in good condition and is fit for use on the road and has prominently exhibited on it tariff rate in good reasonable condition
15. Not to charge or attempt to charge any fare at a rate higher than that provided in the latest tariff rates in force the time being and not to refuse to accept the fare offered at the rate provided in such tariff rates.
16. Not to ply any rickshaw for hire which he has been licensed for private use.
17. Not to carry a dead body, fish meat, carcass or a person suffered from contagious disease on the rickshaw driven or pulled by him.

Penalties:

Any breach of the provisions in the byelaw shall be punishable with fine which may extend to Rs.500/- and when the breach is continuing then a further fine which may extend to Rs.5/- every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Additional Penalties:

1. If during the checking, if the puller is not having the vehicle pass then he paid Rs.25 for punishment
2. During the checking, if the puller is not having the driving license then Rs.10 is charged as a punishment
3. If the puller not paid Rs.25 /Rs.10 on same day then the Nagar Nigam Inspector charged Rs.10 for each day and after 90 days the rickshaw is already in custody of the Nagar Nigam
4. If the renewal is made after the prescribed period, then it shall be rejected unless the person is getting clearance from the executive officer

V.Meat Shop:

The place where, hen, goat & pig assassinated & sailed is called Meat shop. And where sheep, buffalo is assassinated called slaughter house. Separate licenses are needed to open & operate a meat shop and slaughter house.) As per Section 426, no person shall, without licensee from the Mukhya Nagar Adhikari, sell or expose any animal or any article in any Mahapalika Market and any Person contravening this section may be summarily removed by any Mahapalika officer or servant.

Procedure:

Filled form must be submitted and inspection of the meat shop/slaughter will be conducted. If all the required things full filled then license is provided. At first inspection is done by the health officer of Nagar Nigam. The meat shop / slaughter house cannot open in living area (i.e. in Mohalla). The shop /slaughter house should be well furnished with attachment of black glasses & should be neat & clean. Form No. 2 needed to run this (same as cycle rickshaw main form of the Nagar Nigam).

Health department is involved and license is provided after the inspection of Veterinary officer of the Nagar Nigam. The district commissioner is the health department and veterinary officer give the authority to issuing license after the final inspection report. The license is issued as per the rules regulation of Nagar Nigam Lucknow.

Documents Required:

No objection certificate of the neighbour. Court notary (Halafnama) & oath letter (sapath patra) of the Nagar Nigam.

Issue of License:

It is provided within 15 days after inspection.

License Fees:

For hen, pig & goat Rs.600/- is charged as a license fee and for slaughter house For buffalos, Rs.300/- can be charged as the license fee. The above fees must be remitted in Nagar Nigam Lucknow.

For renewal same fees are required i.e. in 1 year. In case of delay the following fees is remitted to Nagar Nigam. In case of hen, pig & goat – Rs.100/- and for buffalos Rs.50/-

DIRECTIONS AS PER U.P NAGAR MAHAPALIKA ADHINIYAM, 1959

1. No person shall, without or otherwise than in conformity with the terms of a license granted by the Mukhya Nagar Adhikari in this behalf-
2. Carry on within the City, or at any Mahapalika slaughter-house, the trade of a butcher;
3. 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.
4. No person shall, without a license from the Mukhya Nagar Adhikari, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a Mahapalika or private market;
5. The Mukhya Nagar Adhikari may expel from any Mahapalika market, slaughter-house any person, who or whose servant has been convicted of contravening any rule, bye-law or regulation in force in, slaughter-house may prevent such person, by himself or his servants, from further' carrying on any trade or business in such market, slaughter-house or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or any place.
6. If the owner of any private market or slaughter-house licensed under this Act or the lessee of such market or slaughterhouse or any stall therein or any agent or servant of such owner or lessee has been convicted for contravention of any rule, byelaw or regulation the Mukhya Nagar Adhikari may require such owner, lessee, agent or servant to remove himself from any such market or slaughter-house within such time as may be mentioned in the requisition and if he fails to comply with such requisition, he may, in

- 'addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises.
7. If it appears to the Mukhya Nagar Adhikari that in any such case the owner or lessee is acting in collusion with a servant or agent convicted, the Mukhya Nagar Adhikari may, if he thinks fit, cancel the license of such owner or lessee in respect of such premises.
 8. As per Section 429, No person shall without the permission of the Mukhya Nagar Adhikari slaughter or cause to be slaughtered any animal for sale in the City except in a Mahapalika slaughter house or a licensed private slaughter-house.
 9. The Mukhya Nagar Adhikari may, by public notice, fix premises within the city in which the slaughter of animals of any particular kind not for sale or the cutting up of carcass of any such animal shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the City Provided that these condition shall not apply to animals slaughtered for any religious purpose.
 10. No person shall without the written permission of the Mukhya Nagar Adhikari bring into the City any cattle, sheep, goats or swine intended for human consumption or the flesh of any such animal which has been slaughtered' at any slaughter-house or place not maintained or licensed under this Act.
 11. Any police officer may arrest without warrant any person bringing into the City any animal or flesh in contravention of sub-section (1) of U.P NAGAR MAHAPALIKA ADHINIYAM, 1959
 12. Any animal brought into the City in contravention of this section may be seized by the Mukhya Nagar Adhikari or by any Mahapalika officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Mukhya Nagar Adhikari shall direct and the proceeds if any shall belong to the Mahapalika.
 13. If the Mukhya Nagar Adhikari shall have reason to believe that any animal intended for human consumption has been or is being or is likely to be slaughtered or that flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under the provisions of this Act, the Mukhya Nagar Adhikari may at any time, by day or by night without notice enter such place for the purpose of satisfying himself as to whether any provisions of this Act or of any bye-law is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein .
 14. The Mukhya Nagar Adhikari may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized
 15. If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Mukhya Nagar Adhikari or if such owner is convicted of an offence under this Act in respect of such animal or carcass or flesh the proceeds of any sale shall vest in the Mahapalika. As per Section 434 and 435, Mukhya Nagar Adhikari may at all reasonable times inspect and examine meat shops. If any animal appears to the Mukhya Nagar Adhikari to be diseased or unsound or unwholesome or unfit for human consumption, he may seize and carry away the animal and the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article. The shopkeeper shall keep such license in or upon the premises. The Mukhya Nagar Adhikari may at any time by day or Night enters or inspects the premises
 16. If any meat, fish of a perishable nature be seized and the same is, in the opinion of the Mukhya Nagar Adhikari, diseased, unsound, unwholesome or unfit for human

consumption, then the Mukhya Nagar Adhikari shall cause the same to be forth-with destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Penalty:

The department (Health department/vet nary officer) will give punishment to the owner. The punishment fee is mainly depending upon the court.

FINDINGS OF THE STUDY

The trades in Lucknow are being regulated by the Lucknow Municipal Corporation (Luck now Nagar Nigam)

Dhaba:

1. Dhabha is a public place for eating food and only one license is required to open a dhabha and which is provided by Nagar Nigam, Lucknow
2. As defined in U. P Nagar Mahapalika Adhiniyam, 1959, eating house is a premise to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises
3. As per the section 438, it is clear that any trade carrying within the city and the one which is likely to create nuisance or dangerous to health requires a license from the mukhya Nagar Adhikari / the Corporation Commissioner. So dhaba requires license
4. Health department is the regulatory body. Health officer is the authority for issuing a license in Health department of Nagar Nigam
5. The necessary documents are Address proof, ID proof& Address of place and no objection certificate for big establishments like factories etc.
6. Only 1 week or 2 week is needed. It is very interesting to note this as time is always a major constrain for the procedures
7. The mukhya Nagar Adhikari/ corporation commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the same. If it is found unfit for human consumption, he can seize the article and carry away it and can arrest the person and also can take to the nearest police station
8. Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence, Rs.500. However in addition, the health officer will immediately close dhabha. Without license, no any dhabha will be continued or in process

Barber Shop and Cycle Repair Shop:

1. Cycle repair Shop and Barber Shop have the same procedures of dhaba. Prevention of Food adulteration Act is not applicable
2. The licensing is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Agra Municipal Corporation itself

3. The process is submitting a filled application form in the prescribed form to Nagar Nigam. The form can be obtained from Nagar Nigam and the health department with the prescribed fees
4. Nagar Nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of Nagar Nigam
5. Application form written by him and Number of registration number is required
6. There is no prescribed time in law absolutely. However, it is processed within a week's time
7. As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the Treasury
8. The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharges will be charged.
9. As per the U.P DOOKAN AUR VANIJYA ADHIDTHAN ADHINIYAM 1962,section (5) no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours
10. Cycle Repair shops and Barber Shops fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, cycle repair shop and Barber Shop does not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence, one can keep the cycle Repair shop open all seven days in a week
11. Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence, Rs.500

Cycle Rickshaw Puller:

1. No person is allowed to ply a rickshaw within the municipal limit of Lucknow except under rickshaw license granted by the executive officer, for the current financial year.
2. A rickshaw license needs the statement regarding the purpose, whether it is meant for public or private use. It also requires a signed consent of the driver/ coolie who will ply the rickshaw
3. An application for fresh license can be made at any time during a financial year. The applicant must produce rickshaw for the inspection at the municipal office and the rickshaw shall be inspected by the executive officer before granting of license.
4. The license granted shall not be transferable. The license is provided on same day.
5. An application for the renewal of a rickshaw license shall be made between the 1st of April and 31st of May. If it is made after the period, then it shall be rejected the fess is same as of new one. If all the condition is filled and then it is renewed on same day
6. No Rickshaw License shall be granted, unless it goes well with the physical conditions prescribed by Nagar Nigam.
7. The executive officer shall fix and may change the tariff rates from time to time with the approval of the board and when they are so changed, new tariff plates shall be made available for being fixed to rickshaws in accordance with by- law.
8. If the license is lost, the executive officer may issue a duplicate license, while applying in the prescribed form with half of the original fees
9. The executive officer may at any time suspend or cancel a license for the breach of any one of the provisions n byelaws. The executive officer will state the grounds of

- suspension or cancellation in his order and a written intimation shall be send to the licensee
10. As per the bye-law, the municipal board has the power to impose restrictions from time to time on the number of rickshaws to be licensed for (1) plying for hire and for private use respectively and also on the number of rickshaw licenses to be issued to any one individual rickshaw owner
 11. Any police officer or executive officer may at any time demand the inspection of a licensed rickshaw, a driver's / coolie license, or a rickshaw license and the driver or coolie / any body in charge shall be bound to comply with the demand
 12. A six monthly general inspection of rickshaw and licenses shall be carried out by the executive officer during October and November each year. If the rickshaw is found on the road with an unlicensed driver or coolie or rickshaw itself and the police officer or executive officer is not satisfied about the corrections of the name and address given by person in charge on the same, the officer concerned may order the rickshaw to be taken to the municipal office till the name and address becomes satisfactory. The rickshaw shall not be returned unless the full detection fees are paid up
 13. When a rickshaw license is suspended by the executive officer for the breach of byelaw, then the person in charge may be order to deliver the rickshaw in the municipal office
 14. If the person in charge is not taking back the rickshaw from the executive officer and is not turning up till the end of the expiry period of license after the due payment to the board, the rickshaw may be retained beyond the period, till the person concerned does turn up and make the payment. A fee of Rs.1 per day as the detention fee shall be charged by the executive officer for the detained period of rickshaw under the custody of the executive officer. If a rickshaw is detained and released on the same day, the minimum fees of Rs.1 shall be charged. In other cases, the day of detention shall be counted as the one day but the day of release shall be exceeded
 15. In no case, the total detention fees in respect of one continuous period of detention shall exceed a total of Rs.15/- If a detained rickshaw is not claimed and paid for within 30 days from the date of detention including the letter day, the dues of the board shall be released
 16. Every owner of a rickshaw and every one holding or occupying the position of an owner need to take license for his rickshaw that is to be plied on the road for any purpose.
 17. Every holder of rickshaw licensee needs to keep his licensed rickshaw always in a good condition fit for the use of the road and good Physical conditions.
 18. A rickshaw licensed for plying for hire need to exhibit prominently the tariff-plate on the rickshaw and to maintain it in good readable condition.
 19. Rickshaw Owner must not allow his rickshaw to be plied on the road by any person not holding a driver's license or coolie's license. He must also not allow even a licensed driver or coolie to ply his rickshaw on the road, without getting the driver's or coolies name and license number
 20. Rickshaw Owner must not ply his rickshaw himself on the road without taking out a driver's or Coolie's license Provided that if the owner of a rickshaw is also the driver or coolie, he will be bound to observe the duties of both the driver or coolie and the rickshaw owner

21. Rickshaw Owner must notify the Executive Officer any transfer of a rickshaw from his ownership to that of any other person and to get necessary entries made in the Municipal records and to get his license cancelled.
22. Rickshaw Owner must not carry any dead body, fish, meat carcass or person suffering from contagious diseases on his rickshaw and if the same is carried without his knowledge or consent, to intimate the act to the Medical Officer or Health or the Executive Officer as soon as the fact comes to his knowledge
23. Rickshaw Owner must carry out any other order of the Executive Officer passed by him under the by-laws
24. Driver or coolies should not drive, propel or pull a rickshaw unless the same is licensed and he himself holds a driver's or coolie's license in respect of that rickshaw.
25. Driver of or coolies should keep his license always with him while driving, propelling or pulling such rickshaw or keeping it on the road, and to preserve the entries in his license and the photo affixed there to in good recognizable condition
26. Driver of or coolies should produce for inspection his own license immediately on demand by a police officer or the Executive Officer
27. Driver or coolie must be civil and polite to public
28. Driver of or coolies should deposit at the nearest police station any unclaimed property found in the rickshaw in his charge within two hours of finding the same.
29. Driver of or coolies should need not carry persons or luggage other than those specified in bye-laws
30. Driver or coolies should not interfere with the peaceful and legitimate works of other drivers or coolie
31. Driver of or coolies should not use in descent or abusive language and in descent gestures
32. Driver or coolies should not ply for hire any rickshaw unless it is in good condition and is fit for use on the road and has prominently exhibited on it tariff rate in good reasonable condition .He should not charge or attempt to charge any fare at a rate higher than that provided in the latest tariff rates in force the time being and not to refuse to accept the fare offered at the rate provided in such tariff rates
33. Driver or coolies should not carry a dead body, fish meat, carcass or a person suffered from contagious disease on the rickshaw driven or pulled by him
34. Any breach of the provisions in the byelaw shall be punishable with fine which may extend to Rs.500/- and when the breach is continuing then a further fine which may extend to Rs.5/- every day after the date of the first conviction during which the offender is proved to have persisted in the offence
35. If during the checking, if the puller is not having the vehicle pass then he paid Rs.25 for punishment
36. During the checking, if the puller is not having the driving license then Rs.10 is charged as a punishment
37. If the puller not paid Rs.25 /Rs.10 on same day then the Nagar Nigam Inspector charged Rs.10 for each day and after 90 days the rickshaw is already in custody of the Nagar Nigam
38. If the renewal is made after the prescribed period, then it shall be rejected unless the person is getting clearance from the executive officer

Meat Shop:

1. The place where, hen, goat & pig are slaughtered & sold is called Meat shop. And where sheep, buffalo is slaughtered called slaughterhouse. Separate licenses are needed to open & operate a meat shop and slaughter house
2. As per Section 426, No person shall, without license from the Mukhya Nagar Adhikari, sell or expose any animal or any article in any Mahapalika Market and any Person contravening this section may be summarily removed by any Mahapalika officer or servant
3. Licensing Procedure involves submitting the Filled form and inspection of the meat shop/slaughter. If all the required things are fully filled then license is provided.
4. At first inspection is done by the health officer of Nagar Nigam. The meat shop / slaughter house cannot open in living area (i.e. in Mohalla). The shop /slaughter house should be well furnished with attachment of black glasses & should be neat & clean. Form No. 2 needed to run this (same as cycle rickshaw main form of the Nagar Nigam)
5. Health department is involved and license is provided after the inspection of Veterinary officer of the Nagar Nigam. The district commissioner is the health department and veterinary officer give the authority to issuing license after the final inspection report
6. No objection certificate of the neighbour, Court notary and oath letter of the Nagar Nigam are required documents for license
7. License is provided within 15 days after inspection
8. No person shall, without or otherwise than in conformity with the terms of a license granted by the Mukhya Nagar Adhikari shall Carry on within the City, or at any Mahapalika slaughter-house, the trade of a butcher or 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
9. No person shall, without a license from the Mukhya Nagar Adhikari, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a Mahapalika market or a licensed private market
10. If it appears to the Mukhya Nagar Adhikari that in any case the owner or lessee is acting in collusion with a servant or agent of Nagar Nigam, the Mukhya Nagar Adhikari may, if he thinks fit, cancel the license of such owner or lessee in respect of such premises
11. As per Section 429, No person shall without the permission of the Mukhya Nagar Adhikari slaughter or cause to be slaughtered any animal for sale in the City except in a Mahapalika slaughter house or a licensed private slaughter-house. The Mukhya Nagar Adhikari may, by public notice, fix premises within the city in which the slaughter of animals of any particular kind not for sale or the cutting up of carcass of any such animal shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the City Provided that these conditions shall not apply to animals slaughtered for any religious purpose
12. No person shall without the written permission of the Mukhya Nagar Adhikari bring into the City any cattle, sheep, goats or swine intended for human consumption or the flesh of any such animal which has been slaughtered' at any slaughter-house or place not maintained or licensed under the Act. Any animal brought into the City in contravention of this section may be seized by the Mukhya Nagar Adhikari or by any Mahapalika officer or servant or by any Police Officer or in or upon Railway premises by any

Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Mukhya Nagar Adhikari shall direct and the proceeds if any shall belong to the Mahapalika.

13. Any police officer may arrest without warrant any person bringing into the City any animal or flesh in contravention of sub-section (1) of U.P NAGAR MAHAPALIKA ADHINIYAM, 1959
14. If the Mukhya Nagar Adhikari shall have reason to believe that any animal intended for human consumption has been or is being or is likely to be slaughtered or that flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under the provisions of this Act, the Mukhya Nagar Adhikari may at any time by day or by night without notice enter such place for the purpose of satisfying himself as to whether any provisions of this Act or of any bye-law is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein .The Mukhya Nagar Adhikari may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized
15. If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Mukhya Nagar Adhikari or if such owner is convicted of an offence under this Act in respect of such animal or carcass or flesh, the proceeds of any sale shall vest in the Mahapalika
16. As per Section 434 and 435, Mukhya Nagar Adhikari may at all reasonable times inspect and examine meat shops. If any animal appears to the Mukhya Nagar Adhikari to be diseased or unsound or unwholesome or unfit for human consumption, he may seize and carry away the animal and the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article. The shopkeeper shall keep such license in or upon the premises. The Mukhya Nagar Adhikari may at any time by day or Night enters or inspects the premises
17. The department (Health department/vet nary officer) will give punishment to the owner. The punishment fee is mainly depending upon the court