

THE LIVELIHOOD REGULATIONS REPORT

NAGPUR



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.

Nāgpur is the largest city in central India (2001 Census) and the second capital of the state of Maharashtra. It is headquarter of Nagpur district and Nagpur division. Nagpur UA population 2,420,000; is 13th largest urban conglomeration in India and 114th largest city in world. It ranks as 143rd largest urban area in world in terms of population. It is the seat of annual winter session of Maharashtra Vidhan Sabha. The city is the commercial and political center of the state's eastern Vidarbha region. Nagpur lies in central India with Zero mile marker, (indicating the geographical center of India) located here.

Marathi, official language of Maharashtra is most widely-spoken language in Nagpur. Varhadi dialect of Marathi is spoken in and around Nagpur city. Hindi is also widely spoken in Nagpur.

In 2001, the urban population was 2,129,500, and there were around 410,000 households in the city. 7,26,664 people lived in slums making Nagpur second most slum populated city in Maharashtra after Mumbai. Scheduled Castes and Scheduled Tribes accounted for around 25% of the population. The sex ratio was 936 females per 1000 males. Around 99.4% of the population was engaged in non-agricultural activities, attesting to the overwhelmingly urban character of Nagpur city.

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

NAGPUR

The trades chosen for the study are:

- 1. Dhabha/ food courts.**
- 2. Vegetable sellers**
- 3. Auto Rickshaw**
- 4. Meat shop**
- 5. Barbershop**

Nagpur Municipal Corporation is functioning under the provisions of City of Nagpur Corporation Act, 1948. Prevention of food Adulteration Act 1954 has a major say in food related items. The Bombay shops and Establishment Act 1948 prescribes timing for operation where as motor vehicles are regulated By Maharashtra Motor Vehicle Rules 1989 and Motor vehicles Act 1988. The Health & license departments issue licenses. In addition to the license fees for specific items, the conservancy fees are also charged. Trade wise details are as follows:

I DHABA:

Dhaba's are regulated as per the direction of City of Nagpur Corporation Act, 1948 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to food related items. Bylaw for injecting and regulating tea coffee milk in hotel/ Eating houses within the limits of Nagpur Corporation in suppression of notification No.4809/1859-m-v111 dated the 11th September 1953 as amended by No.1886- 6810 -v111 dated 3rd May 1950 is also providing directions for the regulation of eating houses.

In Nagpur Corporation, "Dhabha" means a shop where articles of food and drink are manufactured or sold and where there is a management of eating these article in or at the shop.

Bombay Shops and Establishment Act defines eating house as any premises in which is carried on wholly or principally the business of the supply meals or refreshments to the public or a class of the public for consumption on the premises.

As per the section 348 of the City of Nagpur Corporation Act, 1948 the commissioner's permission in writing is necessary for the prescribed items specified under Act. Application for license shall be addressed to the commissioner. The license shall specify the date of the grant, purpose and the period of grant, restrictions and conditions, name of the person to whom it is granted and the fees paid.

The licensee is bound to produce the license when the commissioner/ authorized officer require it. Any license granted can be suspended or revoked at any time on the violation of the provisions of Act, rules, bye laws or conditions of license.

Except in the cases falling under the provisions of section 227 and 229, the applicant can act as if the license is granted for the year as mentioned in the application if he did not get any orders of the commissioner within six weeks from the date of the receipt of his

application for a license or permission which complies with the provisions of the fore-going sub-sections .

Section 237 says that the corporation can prohibit the manufacture, sale or preparation or exposure for sale of any specified article of food or drink in any place or premises not licensed by the corporation. The corporation can regulate the hours and manners of any transport of any specified articles of food or drink within the city and can prescribe the route by which such articles shall be carried. The section also provides for the grant and withdrawal of licenses and the levying of the fees

Section 240 says that no person can sell, store for sale, hawk or expose for sale or manufacture any food drink or drug intended for human consumption which is unsound, adulterated or unfit for human consumption. Nobody can sell, expose or hawk for sale, manufacture or store for sale any article of food which is not up to the prescribed standards of purity specified by the State Government. Sale of substitutes is also prohibited.

Section 248 says that the commissioner/ any authorized officer have the power to enter and inspect any market, shop, stall or place used for the sale of any animal, food drink etc intended for human consumption. The act also gives power to the commissioner to inspect and examine any animal or article used for preparing or manufacturing or containing the same. The commissioner can seize and remove the animal or article which has appeared as diseased, unsound, unwholesome, adulterated or unfit for human consumption. The officer can also keep the same in the safe custody as commissioner directs in order and no person shall remove it while it is so detained.

Therefore, it is clear that a dhaba needs license. Details are as follows:

Licensing Procedure:

For getting a license, one has to obtain the form for trade license from any of the range offices or citizen centre and submit it in the corporation with necessary documents. He also needs property owner's consent in plain paper. The owner has to file a copy of latest property tax paid receipt in proof of ownership Demand draft has to be paid towards the license fee payable for the trade If applicant needs power she /he need to apply for power license. Separate fees will be chargeable for that.

Documents required for issuing license: -

1. Filled application Form
2. Copy of the latest property tax paid receipt in proof of ownership
3. Occupation place design - three blue print with measurements plan
4. Separate demand draft if power is needed
5. Fire brigade- non objection certificate
6. Commercial tap connection

License Fees:-

In Nagpur fees will be charged as the fees for Prevention of Food Adulteration Act license and License fees. Fees for the Prevention of Food Adulteration Act License for every five year are Rs. 750 and no inspection fees shall be charged. Regarding the licenses fees of corporation, inspection fees of Rs.100 and fresh license fees of Rs.100 will also be charged.

Inspection:

As per the section 337 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale and intended for human consumption, the proof that the article was not intended for human food with the party charged.

The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

In Nagpur Corporation, license Inspector will make a physical verification and also checks the premises prior to the issue of license. The officers will visit to the site and they will enquire from the neighbours for any hindrance/nuisance and also to get the verification and signatures along with complete address of the neighbours.

License Renewal

The License issued expires on every five year. One need to apply for every five years and there after one has to renew the license. April to March is the time for renewal. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. The license shall remain in force for five years from the date of issue till the 31 days of March of the fifth year. The license must be renewed in the month of April and in case of starting the new business in the midst of the year thirty days earlier of the commencement of business. Those who have not renew the license after Six months of the expiry have to pay Rs.150 per month as penalty.

Renewal Fees:

License fees are same of the Fresh application. If the license is not renewed after six months of the expiry date, then Rs.150 per month will be charged as penalty.

Documents Required for Renewal:

1. Filled Renewal application Form
2. Copy of the latest property tax paid receipt in proof of ownership

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs. 25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the

provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Timings:

As per the Bombay shops and Establishment Act 1948, no eating-house shall be open earlier than 5a.m and close later than 12 at midnight for service. An employee can start his work from 4.30 a.m. However, cannot work after 00.30 a.m. No sale will be encouraged before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week.

Punishment:

As per the act, the fine for selling diseased or unwholesome article or animal intended for human consumption is Rs. 200 for first offence and Rs. 100 for subsequent offence. Rs. 100 per day will be charged for the continuity of offence

II.VEGETABLE SHOP:

Vegetable vendors are regulated as per the direction of City of Nagpur Corporation Act, 1948 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

As per the section 348 of the City of Nagpur Corporation Act, 1948 the commissioner's permission in writing is necessary for the prescribed items specified under Act. Application for license shall be addressed to the commissioner. The license shall specify the date of the grant, purpose and the period of grant, restrictions and conditions, name of the person to whom it is granted and the fees paid etc.

The licensee is bound to produce the license when the commissioner/ authorized officer requires it. Any license granted can be suspended or revoked at any time on the violation of the provisions of Act, rules, bye laws or conditions of license.

Except in the cases falling under the provisions of section 227 and 229, the applicant can act as if the license is granted for the year as mentioned in the application if he did not get any orders of the commissioner within six weeks from the date of the receipt of his application for a license or permission which complies with the provisions of the fore-going sub-sections.

Section 237 says that the corporation can prohibit the manufacture, sale or preparation or exposure for sale of any specified article of food or drink in any place or premises not licensed by the corporation. The corporation can regulate the hours and manners of any transport of any specified articles of food or drink within the city and can prescribe the route by which such articles shall be carried. The section also provides for the grant and withdrawal of licenses and the levying of the fees

Section 240 says that no person can sell, store for sale, hawk or expose for sale or manufacture any food drink or drug intended for human consumption which is unsound, adulterated or unfit for human consumption. Nobody can sell, expose or hawk for sale,

manufacture or store for sale any article of food which is not up to the prescribed standards of purity specified by the State Government. Sale of substitutes is also prohibited.

Section 248 says that the commissioner/ any authorized officer has the power to enter and inspect any market, shop, stall or place used for the sale of any animal, food drink etc intended for human consumption. The act also gives power to the commissioner to inspect and examine any animal or article used for preparing or manufacturing or containing the same. The commissioner can seize and remove the animal or article that has appeared as diseased, unsound, unwholesome, adulterated or unfit for human consumption. The officer can also keep the same in the safe custody as commissioner directs in order and no person shall remove it while it is so detained.

Therefore, it is clear that the vegetable vendors needs license. Details are as follows:

Licensing Procedure:

For getting a license, one has to obtain the form for trade license from any of the range offices or citizen centre and submit it in the corporation with necessary documents. He also needs property owner's consent in plain paper. The owner has to file a copy of latest property tax paid receipt in proof of ownership Demand draft has to be paid towards the license fee payable for the trade If applicant needs power she /he need to apply for power license. Separate fees will be chargeable for that.

Documents required for issuing license: -

1. Filled application Form
2. Copy of the latest property tax paid receipt in proof of ownership
3. Occupation place design - three blue print with measurements plan
4. Separate demand draft if power is needed
5. Fire brigade- non objection certificate
6. Commercial tap connection

License Fees: -

In Nagpur fees will be charged as PFA fees and License fees. Fees for the Prevention of Food Adulteration Act License for every five year are Rs. 750 and no inspection fees shall be charged. Regarding the licenses fees of corporation, inspection fees of Rs.100 and fresh license fees of Rs.100 will also be charged.

Inspection:

As per the section 337 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale and intended for human consumption, the proof that the article was not intended for human food with the party charged.

The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

The license Inspector will make a physical verification and also checks the premises prior to the issue of license. The officers will visit to the site and they will enquire from the neighbours for any hindrance/nuisance and also to get the verification and signatures along with complete address of the neighbours.

License Renewal

The License issued expires on every five year. One need to apply for every five years and there after one has to renew the license. April to March is the time for renewal. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. The license shall remain in force for five years from the date of issue till the 31 days of March of the fifth year. The license must be renewed in the month of April and in case of starting the new business in the midst of the year thirty days earlier of the commencement of business. Those who have not renew the license after Six months of the expiry have to pay Rs.150 per month as penalty.

Renewal Fees:

License fees are same of the Fresh application. If License is not renewed after six months of the expiry date, and then Rs.150 per month will be charged as penalty.

Documents Required for Renewal:

1. Filled Renewal application Form
2. Copy of the latest property tax paid receipt in proof of ownership

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs. 25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section

Timings:

As per the Bombay Shops and establishments Act 1948, no shops dealing wholly with vegetables, fruits, meats etc or any other goods notified by the State Government shall open any day be opened earlier than 5 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour.

No person shall carry on or in adjacent to a street or any public place the sale of any goods before the opening and after the closing hours fixed. Any person contravening the section shall be liable to have his good seized by an Inspector. If a person fails to produce the goods then it shall be produced without delay before a magistrate. No person shall be allowed or required to work in any shop or commercial establishment for more than nine hours in a day and more than forty- eight hours in any week.

Penalty:

As per the act, the fine for selling diseased or unwholesome article or animal intended for human consumption is Rs. 200 for first offence and Rs. 100 for subsequent offence. Rs. 100 per day will be charged for the continuity of offence

III.AUTO RICKSHAW:

Auto Rickshaws are regulated by the RTO (Regional Transport Office). The Regional Transport office issues the permits. One needs a permit to ply regularly in the district for offering auto Rickshaw on hire or rewards permit in the form 'PCOP' which is valid for five years and for temporary purposes (visit places outside the region or state) temporary permits are issued.

Permit Procedure: -

Every application for permit shall be in the form pco.P. As per the section 72 of Maharashtra Motor vehicle Rules 1989, every permit shall be signed and sealed by the transport authority by which permit is issued. The Countersigning Transport Authority must do the countersigning of the permit. He shall sign and seal the permit.

As per the motor vehicle rules, no permit shall be issued until the registration mark is not entered in the vehicle. If an applicant fails to produce the registration certificate within the stipulated time, the Regional Transport Authority may withdraw the sanction of permit.

Fees: -

Subject to the Provisions of the Maharashtra Motor Vehicle Rules 1989, the fees in respect of application for the grant and renewal of a permit or a countersignature for the metered cab is Rs. 100, for the grant and renewal of a permit or a countersignature for the non metered motor cab is Rs.150 and for the grant and renewal of a permit or a countersignature for the maxi cab is Rs.150 and for the grant and renewal of a permit or a countersignature for the contract carriage other than the above is Rs. 200.

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

Documents Required: -

For city permit (PCOP) necessary document are

1. Filled PCOP form.
2. Copy of the latest property tax paid receipt in proof of ownership
3. Auto rickshaw valid motor driving license with public service badge,
4. Fitness certificate
5. Registration Certificate of the Vehicle.
6. Insurance - vehicle insurance
7. Pollution under control certificate.

Time Prescribed:

There is no time limit for the processing of permit as per the law.

Renewal procedure: -

An application shall be made to the transport authority that have issued permit and shall be accompanied by the permit. The application shall state the period for which renewal is desired and shall accompanied by the fees prescribed. The renewal fee is same as for a new one. Renewal procedure is the submission of the filled renewal form to RTO (Regional Transport office) before 15 days of the expiry date of permit. As per the motor vehicles act and rules a permit will be valid for five years.

Conditions:

As per the Maharashtra Motor Vehicle Rules 1989, the following are the conditions for contract carriage permit:

1. The permit cannot be driven in any public place except by a permit holder or a licensed driver holding an authorisation to drive a public service Vehicle and duly authorized by the permit holder in writing shall be carried by the driver when driving and produced on demand by any Police Officer or Officers of the Motor Vehicle Department. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit .No advertisement can be exhibited in the vehicle
2. A permit for public service vehicle shall subject to condition that the holder shall make provision for the conveyance of a reasonable quantity of passenger's luggage with efficient means for securing it and protecting it against rain
3. The holder of permit shall comply with all provisions of act and rules
4. The carriage of goods is prohibited except in the conditions mentioned in section 80

Extension of the area of the validity of permits:

The extension must comply with section 74 of the Maharashtra Motor vehicle Rules.

The Regional Transport Authority can extend the area of the validity of the permit to any other region within the state in accordance to additional conditions attached for different regions. The extended are shall be kept with the vehicle to which the permit relates shall be normally kept within the region of the Original Transport authority. The original

Transport Authority can issue permit valid in any other region in accordance with any general or special resolution recorded by any other Transport Authority and any permit so issued shall be of like effect in the region of the other transport Authority as if it were issued by the Transport Authority. The original Transport authority may issue a contract carriage permit to be operative in any other region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport authority under contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire when outside that region.

The original transport authority, which issues permit to be operative in other regions, shall send a copy to the Transport Authority in such regions.

Suspension and Cancellation:

The holder of any permit may at any time surrender the permit to the Transport Authority by which it was granted and the authority shall forthwith cancel any permit so surrendered. The holder shall surrender the permit immediately and the suspension or cancellation shall take effect. The holder can cancel any permit so surrendered. When a regional Transport Authority suspends a permit, it shall be intimated to the Transport Authority by which the permit has been countersigned with effect to the time of suspension or cancellation and to any authority by which the validity of the permit has been extended. Upon the cancellation of any permit or a counter signature of a permit, the holder shall also surrender the certificate of registration and plates bearing the registration mark.

The holder of the permit shall within the fourteen days of the expiry of any permit by efflux of time, the holder shall deliver the permit to the Transport Authority by which the permit was issued and the Transport authority receiving any such permit shall intimate the fact to the authority or authorities by which it was countersigned with effect up to the date of expiry and to any authority by which the validity of the permit has been extended.

The holder of permit shall, if so required by the Transport Authority intimate to it within twenty four hours of the receipt of the suspension order, the place where the vehicle in respect of which the order is passed shall be kept during the period of suspension or cancellation. Such holder shall not remove the vehicle from the place so intimated without the prior permission of the Regional Transport authority in whose region.

Transfer:

As per the section 91 of the Maharashtra Motor Vehicle rules, the permit holder along with the person he intends to transfer the permit has to jointly apply in prescribed form to the Transport Authority by which the permit was granted showing the reasons for the transfer. The transport authority may require the both parties to state in writing whether any premium, payment or other consideration arising out of the transfer, is to pass or has passed between them and the nature and amount of any such premium, payment or other consideration.

Without prejudice to any liable penalties, the authority may declare void any transfer and thereupon such transfer shall be void and of no effect if the transport authority is satisfied about any false information provided in application.

The transport authority may summon both parties to the application to appear before it and may, deal with application as if it were an application for permit.

If the authority is properly satisfied that the transfer of a permit may properly be made, it shall call upon the holder of a permit in writing to surrender the permit within seven days of the receipt of the order and shall like wise call upon the person to whom the permit is to be transferred to pay a sum of Rs. 100 as transfer fees.

The provisions of this rule shall not apply in respect of transfer of contract carriage permits issued for motor cabs.

In the case of the death of the permit holder, the person succeeding to the possession of the vehicle covered by the permit may within sixty days from the death of the permit holder, inform the transport authority by which the permit was granted about the death and his intention to use the permit. The person has to apply in the prescribed form complying with provisions of section 92 of Maharashtra Motor Vehicle Rules.

Replacement of vehicle:

An application shall be made to the Transport Authority by which the permit is issued in the prescribed form stating the reasons for replacement. The holder shall produce the registration and vehicle details as mentioned in the section 88 of Maharashtra Motor Vehicle Rules 1989. On receipt of an application, the transport authority after ensuring that the conditions for granting permits are fulfilled, grant permission for replacement. The transport authority may reject an application if the holder of permit has contravened any provisions of the Act or Rule.

Change of the address:

If the permit holder change his address, he shall send fourteen days the permit to Transport Authority by which the permit was issued intimating the new address. The change should not be for a temporary period not exceeding three months. Upon the receipt of the intimation the authority after the verification may enter the address and shall intimate the changed address to the concerned Transport authority.

Penalty:

Auto Rickshaws plying without valid permit will be charged compounding fees of Rs. 200/- under the section 200 of the motor vehicles act 1988. Punishment for operating auto rickshaw without license is Rs.300. Each for owner and driver

As per Section 192A of The Motor Vehicles Act 1988, using vehicle without permit is punishable. The act says that Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than three months or with fine which may extend to ten

thousand rupees but shall not be less than five thousand rupees or with both. Provided that the court may for reasons to be recorded, impose a lesser punishment. Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or for the transport of food or materials to relieve distress or of medical supplies for a like purpose: Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

As per Section 200 any offence whether committed before or after the commencement of this Act punishable section 192, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf. As per subsection (2) of section 200, an offence which has been compounded under sub-section (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

IV.Barber Shop:

Barber Shops are regulated as per the directions of City of Nagpur Corporation Act, 1948 where as the directions for the Bombay Shops and establishments Act 1948 fix timings for operation.

As per the section 348 of the City of Nagpur Corporation Act 1948, the commissioner's permission in writing is necessary for the prescribed items specified under Act. Application for license shall be addressed to the commissioner. The license shall specify the date of the grant, purpose and the period of grant, restrictions and conditions, name of the person to whom it is granted and the fees paid.

The licensee is bound to produce the license when the commissioner/ authorized officer requires it. Any license granted can be suspended or revoked at any time on the violation of the provisions of Act, rules, bye laws or conditions of license.

Except in the cases falling under the provisions of section 227 and 229, the applicant can act as if the license is granted for the year as mentioned in the application if he did not get any orders of the commissioner within six weeks from the date of the receipt of his application for a license or permission which complies with the provisions of the fore-going sub-sections.

Barber shop requires a license for operation in Nagpur city.

Licensing Procedures:

For getting a license, one has to obtain the form for trade license from any of the range offices or citizen centre and submit it in the corporation with necessary documents. He also needs property owner's consent in plain paper. The owner has to file a copy of latest property tax paid receipt in proof of ownership Demand draft has to be paid towards the license fee payable for the trade If applicant needs power she /he need to apply for power license. Separate fees will be chargeable for that.

Documents required for issuing license: -

1. Filled application Form
2. Copy of the latest property tax paid receipt in proof of ownership
3. Occupation place design - three blue print with measurements plan
4. Separate demand draft if power is needed
5. Fire brigade- non objection certificate
6. Beauty Parlour course certificate
7. Need of receipt of service charge (non residential purposes)

License Fees schedule: -

License fee depends up on the worker in the shop. If there is No any worker, the fees is Rs. 100, Rs. 300 for a shop having 1 to 5 workers and Rs. 600 for a shop having 6 to 10 workers.

License Renewal:

The License issued expires on every five year. One need to apply for every five years and there after one has to renew the license. April to March is the time for renewal. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. The license shall remain in force for five years from the date of issue till the 31 days of March of the fifth year. The license must be renewed in the month of April and in case of starting the new business in the midst of the year thirty days earlier of the commencement of business. Those who have not renew the license after Six months of the expiry have to pay Rs.150 per month as penalty.

Renewal Fees:

Inspection fees of Rs.100 and fresh license fees of Rs.750 will be charged. If License is not renewed after six months of the expiry date, then Rs.100 per month will be charged as penalty.

Documents Required for Renewal:

1. Filled Renewal application Form
2. Copy of the latest property tax paid receipt in proof of ownership

Timings:

As per the Bombay Shops and establishments Act 1948, no shops other than those dealing with vegetables, fruits, meats etc or any other goods notified by the State Government shall on any day be opened earlier than 7 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m.Provided that any customer waiting must be served during the quarter of an hour immediately following such hour.

No person shall carry on or in adjacent to a street or any public place the sale of any goods before the opening and after the closing hours fixed. Any person contravening the section

shall be liable to have his good seized by an Inspector. If a person fails to produce the goods then it shall be produced without delay before a magistrate. No person shall be allowed or required to work in any shop or commercial establishment for more than nine hours in a day and more than forty- eight hours in any week.

Punishment:

Section 236 says that the sale of articles he market with out the license will result in a fine of Rs.100 and Rs.10 per day for the continuity of offence.

V. Meat shops:

Meat Shops are regulated as per the directions of the City of Nagpur Corporation act 1948 and Prevention of Food Adulteration Act 1954 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948.

As per the section 348 of the City of Nagpur Corporation Act, 1948 the commissioner's permission in writing is necessary for the prescribed items specified under Act. Application for license shall be addressed to the commissioner. The license shall specify the date of the grant, purpose and the period of grant, restrictions and conditions, name of the person to whom it is granted and the fees paid.

The licensee is bound to produce the license when the commissioner or any authorized officer requires it. Any license granted can be suspended or revoked at any time on the violation of the provisions of Act, rules, bye laws or conditions of license.

Except in the cases falling under the provisions of section 227 and 229, the applicant can act as if the license is granted for the year as mentioned in the application if he did not get any orders of the commissioner within six weeks from the date of the receipt of his application for a license or permission which complies with the provisions of the fore-going sub-sections.

As per section, 236 and 240 of the City of Nagpur Corporation Act, 1948, no person without a license from the commissioner shall sell or expose for sale any animal, or any meat or fish intended for human food in any place other than a corporation or a licensed market. Nothing in this sub- section shall apply to meat or fish sold in any hotel or eating houses.

As per section, 238 of the City of Nagpur Corporation Act, 1948 the corporation may and when required by the State Government shall fix places with the approval of the state Government either within or without the limits of the city, for the slaughter of animals or of any specified description of animals, for sale, and may with the like approval grant and withdraw the licenses for the use of premises. The corporation may charge rent or fees for the use of premises if they belong to the corporation. When the corporation beyond municipal limits fixes such places, it shall have the same power to make byelaws for inspection and proper regulation for the same if they were within those limits. No other places can be used for slaughter any animal for sale within the city when corporation has fixed any premises for that. Any person who slaughters for sale any animal at any place within the city other than the fixed premise by the corporation shall be punishable with fine which may extend to Rs. 20

Section 248 says that the commissioner/ any authorized officer have the power to enter and inspect any market, shop, stall or place used for the sale of any animal, food drink etc intended for human consumption. The act also gives power to the commissioner to inspect and examine any animal or article used for preparing or manufacturing or containing the same. The commissioner can seize and remove the animal or article which has appeared as diseased, unsound, unwholesome, adulterated or unfit for human consumption. The officer can also keep the same in the safe custody as commissioner directs in order and no person shall remove it while it is so detained.

Licensing Procedure:

For getting a license, one has to obtain the form for trade license from any of the range offices or citizen centre and submit it in the corporation with necessary documents. He also needs property owner's consent in plain paper. The owner has to file a copy of latest property tax paid receipt in proof of ownership Demand draft has to be paid towards the license fee payable for the trade If applicant needs power she /he need to apply for power license. Separate fees will be chargeable for that.

Documents required for issuing license: -

1. Filled application Form
2. Copy of the latest property tax paid receipt in proof of ownership
3. Occupation place design - three blue print with measurements plan
4. Separate demand draft if power is needed
5. Fire brigade- non objection certificate
6. Commercial tap connection

License Fees: -

Sl.No.	Item	Fresh fee
1	Private Birch, Pork, Mutton	Rs.650
2	Private Fish Shop	Rs.400
3	Corporation Birch, Pork, Mutton	Rs.200

Inspection:

As per the section 337 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale and intended for human consumption, the proof that the article was not intended for human food with the party charged.

The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

The license Inspector will make a physical verification and also checks the premises prior to the issue of license. The officers will visit to the site and they will enquire from the

neighbours for any hindrance/nuisance and also to get the verification and signatures along with complete address of the neighbours.

License Renewal

The License issued expires on every five year. One need to apply for every five years and there after one has to renew the license. April to March is the time for renewal. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. The license shall remain in force for five years from the date of issue till the 31 days of March of the fifth year. The license must be renewed in the month of April and in case of starting the new business in the midst of the year thirty days earlier of the commencement of business. Those who have not renew the license after Six months of the expiry have to pay Rs.150 per month as penalty.

Renewal Fees:

Sl. No.	Item	Renewal Fee	Late fee per mounts
1	Private Birch, Pork, Mutton	Rs.650	Rs.325
2	Private Fish Shop	Rs.400	Rs.200
3	Corporation Birch, Pork, Mutton	Rs.200	Rs.100

If the license is not renewed after six months of the expiry date, then the above rate per month will be charged as penalty.

Documents Required for Renewal:

1. Filled Renewal application Form
2. Copy of the latest property tax paid receipt in proof of ownership

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs.25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Timings:

As per the Bombay Shops and establishments Act 1948, no shops dealing wholly with vegetables, fruits, meats etc or any other goods notified by the State Government shall not on any day be opened earlier than 5 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour.

No person shall carry on or in adjacent to a street or any public place the sale of any goods before the opening and after the closing hours fixed. Any person contravening the section shall be liable to have his good seized by an Inspector. If a person fails to produce the goods then it shall be produced without delay before a magistrate. No person shall be allowed or required to work in any shop or commercial establishment for more than nine hours in a day and more than forty- eight hours in any week.

Penalty:

Section 236 says that the sale of animals, meat etc outside the market with out the license will result in a fine of Rs.100 and Rs. 10 per day for the continuity of offence. Slaughtering of animals without permission outside the municipal slaughter houses is liable to get the same fine. The fine for selling diseased or unwholesome article or animal intended for human consumption is Rs. 200 for first offence and Rs. 100 for subsequent offence. Rs. 100 per day will be charged for the continuity of offence

FINDINGS FROM THE STUDY

General Findings:

1. All the trades in Nagpur are regulated as per the provisions of City of Nagpur Corporation Act, 1948. The Bombay shops and Establishment Act 1948 prescribes timing for operation
2. Prevention of food Adulteration Act 1954 has a major say in food related items
3. Motor vehicles are regulated By Maharashtra Motor Vehicle Rules 1989 and Motor vehicles Act 1988
4. The Health & license departments issue licenses. Regarding the fees of all licenses, in addition to the license fees for specific items, the conservancy fees are also charged.
5. In Nagpur fees will be charged as PFA fees and License fees. Fees of the PFA License for every five year are Rs. 750 and no inspection fees shall be charged. Regarding the licenses fees of corporation, an inspection fees of Rs.100 and fresh license fees of Rs.100 will also be charged
6. License Inspector will make a physical verification and also checks the premises prior to the issue of license. The officers will visit the site and they will enquire from the neighbors for any hindrance/nuisance and also to get the verification and signatures along with complete address of the neighbors
7. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates
8. The License issued expires on every five year. One need to apply for every five years and there after one has to renew the license. April to March is the time for renewal. The license shall remain in force for five years from the date of issue till the 31 days of March of the fifth year. The license must be renewed in the month of April and in case of

starting the new business in the midst of the year thirty days earlier of the commencement of business. Those who have not renewed the license after Six months of the expiry have to pay Rs.150 per month as penalty

9. As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed
10. Every application for a license shall address the commissioner. The acceptance by or on behalf of the commissioner of the fees of a license shall not in itself entitle the person paying the fees to the license or permission
11. When any license is suspended or revoked or when the period for the license granted has expired, the grantee shall, for all purposes of the Act or any rule or Byelaws made thereunder, be deemed to be without a license until such time as the authority granting the same may see fit to cancel the order suspending or revoking the license or written permission until the written permission is renewed as the case may be
12. Pending the receipt of the order on his application can be made before the expiry of license or permission, an applicant for the renewal of the license or permission thereof shall be entitled to act as if it has been renewed
13. As per the section 348 of the City of Nagpur Corporation Act, 1948 the commissioner's permission in writing is necessary for the prescribed items specified under Act. Application for license shall be addressed to the commissioner. The license shall specify the date of the grant, purpose and the period of grant, restrictions and conditions, name of the person to whom it is granted and the fees paid
14. The licensee is bound to produce the license when the commissioner/ authorized officer require it. Any license granted can be suspended or revoked at any time on the violation of the provisions of Act, rules, bye laws or conditions of license
15. Except in the cases falling under the provisions of section 227 and 229, the applicant can act as if the license is granted for the year as mentioned in the application if he did not get any orders of the commissioner within six weeks from the date of the receipt of his application for a license or permission which complies with the provisions of the foregoing sub-sections
16. Section 237 says that the corporation can prohibit the manufacture, sale or preparation or exposure for sale of any specified article of food or drink in any place or premises not licensed by the corporation. The section also provides for the grant and withdrawal of licenses and the levying of the fees
17. Section 240 says that no person can sell, store for sale, hawk or expose for sale or manufacture any food drink or drug intended for human consumption which is unsound, adulterated or unfit for human consumption. Nobody can sell, expose or hawk for sale, manufacture or store for sale any article of food which is not up to the prescribed standards of purity specified by the State Government. Sale of substitutes is also prohibited
18. Section 248 says that the commissioner/ any authorized officer have the power to enter and inspect any market, shop, stall or place used for the sale of any animal, food drink etc intended for human consumption. The act also gives power to the commissioner to inspect and examine any animal or article used for preparing or manufacturing or containing the same.

Trade wise Findings:

I. DHABA:

1. Bombay Shops and Establishment Act defines eating house as any premises in which is carried on wholly or principally the business of the supply meals or refreshments to the public or a class of the public for consumption on the premises
2. For getting a license, one has to obtain the form for trade license from any of the range offices or citizen centre and submit it in the corporation with necessary documents. He also needs property owner's consent in plain paper. The owner has to file a copy of latest property tax paid receipt in proof of ownership Demand draft has to be paid towards the license fee payable for the trade If applicant needs power she /he need to apply for power license. Separate fees will be chargeable for that
3. Copy of the latest property tax paid receipt in proof of ownership, Occupation place design - three blue print with measurements plan , Separate demand draft if power is needed , Fire brigade- non objection certificate and Commercial tap connection etc is to be attached along with license Application
4. If License is not renewed after six months of the expiry date, then Rs.150 per month will be charged as penalty
5. Filled Renewal application Form and Copy of the latest property tax paid receipt in proof of ownership is needed for renewal
6. As per the Bombay shops and Establishment Act 1948, no eating-house shall be opened earlier than 5a.m and closed later than 12 at midnight for service. An employee can start his work from 4.30 a.m. However, cannot work after 00.30 a.m. No sale is allowed before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week

VEGETABLE SHOP:

1. Procedures are same as that of dhaba's. But it does not have to follow the guidelines for eating houses
2. As per the Bombay Shops and establishments Act 1948, no vegetable shops can be opened earlier than 5 am and closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour

AUTO RICKSHAW:

1. Auto Rickshaws are regulated by the RTO (Regional Transport Office)
2. As per the section 72 of Maharashtra Motor vehicle Rules 1989, every permit shall be signed and sealed by the transport authority by which permit is issued
3. The Countersigning Transport Authority must do the countersigning of the permit. He shall sign and seal the permit
4. As per the motor vehicle rules, no permit shall be issued until the registration mark is not entered in the vehicle. If an applicant fails to produce the registration certificate within the stipulated time, the Regional Transport Authority may withdraw the sanction of permit
5. Permit given by the authority is only for five years and after three year permit must be renewed
6. A motor vehicle cannot be driven in any public place except by a permit holder or a driver approved by the Regional Transport Officer or his assistant. The driver is supposed to carry the permit with him and shall produce it when it is demanded

7. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit
8. No advertisement can be exhibited in the vehicle
9. The original transport authority shall extend the area of the validity of the contract carriage complying with the provisions provided in the rule
10. Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form specified by the Transport Authority by which the permit or counter signature was granted. On the receipt of the intimation the authority after the verification may enter the address and shall intimate the changed address to the concerned Transport authority
11. Auto Rickshaws plying without valid permit will be charged compounding fees of Rs. 200/- under the section 200 of the motor vehicles act 1988

MEAT SHOP:

1. Meat Shops are regulated as per the directions of the City of Nagpur Corporation act 1948 and Prevention of Food Adulteration Act 1954 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948
2. As per section, 238 of the City of Nagpur Corporation Act, 1948 the corporation may and when required by the State Government shall fix places with the approval of the state Government either within or without the limits of the city, for the slaughter of animals
3. No other places can used for slaughter any animal for sale within the city when corporation has fixed any premises. Any person who slaughters for sale any animal at any place within the city other than the fixed premise by the corporation shall be punishable with fine which may extend to Rs. 20
4. Section 248 says that the commissioner/ any authorized officer have the power to enter and inspect any market, shop, stall or place used for the sale of any animal, food drink etc intended for human consumption. The procedures are same of dhabas
5. As per the Bombay Shops and establishments Act 1948, meat shops not be opened earlier than 5 am and closed later than 8.30.p.m.

Barber Shop:

1. Procedures are same as that of dhaba's. But it does not have to follow the guidelines for food related establishments
2. Beauty Parlour course certificate is needed
3. If License is not renewed after six months of the expiry date, then Rs.150 per month will be charged as penalty
1. As per the Bombay Shops and establishments Act 1948, barber shops cannot be opened earlier than 7 am and can be closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour