

# THE LIVELIHOOD REGULATIONS REPORT

## NASHIK



PREPARED BY



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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.

Nashik or Nasik is a city in India's Maharashtra state. Nashik is in the northwest of Maharashtra state, 180 km from Mumbai and 220 km from Pune. Nashik is the administrative headquarters of Nashik District and Nashik Division. The "Wine Capital of India", or the "Grape City", as it is popularly known in recent times, is located in the Western Ghats, on the western edge of the Deccan peninsula on the banks of the Godavari River. The city is known for its picturesque surroundings and pleasant climate. The Godavari River flows through Nashik from its source, which lies to the southwest of the city, in Trimbakeshwar. It is a rapidly developing city with a population close to 1.4 million (2006 est)

As of 2001 India census, Nashik had a population of 1,076,967. Males constitute 54% of the population and females 46%. Nashik has an average literacy rate of 74%, higher than the national average of 59.5%; male literacy is 80%, and female literacy is 66%. In Nashik, 14% of the population is under 6 years of age.

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

## NASHIK

The trades chosen for the study are:

- 1. Dhabha/ food courts.**
- 2. Vegetable vendors**
- 3. Auto Rickshaw**
- 4. Meat Shop**
- 5. Barber Shop**

Nashik Municipal Corporation (NMC) is authority looking after the Nashik Metropolitan area. It has eleven departments through which the civic operations are carried out.

Nashik Municipal Corporation is functioning under the provisions of Bombay Provincial Municipal Act, 1949. 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. Licenses are issued by the Health & license departments. Regarding the fees of all licenses in Nashik City Corporation, 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 Bombay Provincial Municipal Corporation Act 1949 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.

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 376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that keeping eating-houses needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

Section 318 says that the commissioner on the satisfaction in the public interest by a written order directs that any place where food or drinks are sold or prepared, stored or exposed for sale which a case of dangerous disease exists or has recently occurred shall be closed for such period as may be specified in the order. Provided that the place may be declared to be open if medical officer of health certifies that it has been disinfected or is free from infection.

Section 337 says commissioner have to make provisions for constant and vigilant inspection of animals, vegetables, fruit and any other article exposed or hawked for sale. 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 the animal or article, which has appeared as unfit for human consumption.

Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it. Therefore, it is clear that a dhaba needs license.

In Nashik, Nashik City Corporation regulates dhaba's. For running a Dhaba, the owner has to take license. Details are as follows:

### **Licensing Procedure:**

The applicant has to obtain the form 'A' for trade license from any of the range offices or citizen centre and must give the details of Form 'A' is with necessary documents. The property owner's consent in plain paper is also needed. The owner has to file a copy of latest property tax paid receipt in proof of ownership. Demand draft towards the license fee payable for the trade is needed. If applicant needs power she /he need to apply for power license and separate fees shall also be charged for that.

As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it. After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business.

### **Documents required for issuing license: -**

1. Filled of application Form (Form 'A')
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
7. No objection certificate from the partner if applicable.
8. No objection certificate from chairman of Society

### **License Fees: -**

Inspection fees of Rs.100 and fresh license fees of Rs.750 will 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 Nashik 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 neighbors 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. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. Six months after the expiry, Rs.150 per month will be charged as penalty.

### **Renewal Fees:**

An inspection fee 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.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.

### **Suspension and Revocation:**

As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the canceling of the suspension or revoking order or the

renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

### **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 8.00.30 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:**

The License is not renewed in time, and then the License will be expired. As per the act any contravention of any provision of the act, rule, byelaw, standing order, notice etc will liable to a fine of Rs.100 and a further fine that can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.

## **II VEGETABLE SHOP:**

Vegetable vendors are regulated as per the direction of Bombay Provincial Municipal Corporation Act 1949 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 Section376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

Section 337 says commissioner have to make provisions for constant and vigilant inspection of animals, vegetables, fruit and any other article exposed or hawked for sale . 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 the animal or article which has appeared as unfit for human consumption.

Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it. Therefore, it is clear that a vegetable vendor needs license for operation.

### **Licensing Procedures:**

The applicant has to Obtain the 's' form s for trade license from any of the range offices or citizen centre and give details with necessary documents .The property owner's consent in plain paper is also needed . The owner has to file a copy of latest property tax paid receipt in proof of ownership. Demand draft towards the license fee payable for the trade is needed. If applicant needs power she /he need to apply for power license.

The procedures are same as that of dhabas. But it does not have to follow the guidelines for eating houses.

**Documents required for issuing license: -**

1. Filled of application Form ( Form 'A' )
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

**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. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. Six months after the expiry, Rs.150 per month will be charged as penalty.

**Renewal Fees:**

An inspection fee 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.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.

### **Suspension\_and Revocation:**

As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the cancelling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

### **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.

### **Punishment:**

The License is not renewed in time then the License will be expired. As per the act any contravention of any provision of the act or rule, bye-law, standing order, notice etc will liable to a fine of Rs.100 and a further fine that can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.

## **III.AUTO RICKSHAW:**

Auto Rickshaws are regulated by the RTO (Regional Transport Office) of Nashik City. The permits are issued by the Regional Transport office. 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 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:**

As per the RTI reply, 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 Barbershop:**

Barber Shops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948.

As per the Section 376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that barber shops needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner

to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it. Therefore, it is clear that a barber shops needs license.

### **Licensing Procedures:**

The applicant has to obtain the 'H5' form for trade license from any of the range offices or citizen centre with necessary documents .The property owner's consent in plain paper is also needed r. The owner has to file a copy of latest property tax paid receipt in proof of ownership. Demand draft towards the license fee payable for the trade is needed. If applicant needs power she /he need to apply for power license.

### **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 Parlor course certificate
7. Need of receipt of service charge (non residential purposes)

### **License Fees schedule: -**

A fee of Rs.50 per chair will be charged.

### **Inspection:**

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. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. Six months after the expiry, Rs.150 per month will be charged as penalty.

### **Renewal Fees:**

An inspection fee 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

### **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.

### **Suspension\_and Revocation:**

As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the cancelling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

### **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:**

The License is not renewed in time then the License will be expired. As per the act any contravention of any provision of the act or rule, bye-law, standing order, notice etc will

liable to a fine of Rs.100 and a further fine that can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.( Act can be refereed in Annexure)

### **V.Meat Shops:**

Meat Shops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948.

As per the Section376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that barber shops needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

As per section, 327 of the Bombay Provincial Municipal Corporation Act 1949, all markets and slaughterhouses, which belong to or are maintained by the corporation, shall be called "Municipal Markets" and "Municipal Slaughter houses". As provided in section 328 the commissioner when authorized by the corporation may construct, purchase, take on lease or otherwise acquire any building or land for establishing a municipal market or a municipal slaughterhouse. The act also says the authorities may from time to time build and maintain such municipal markets, slaughterhouses. The act also empowers the commissioner to stop close the municipal market and slaughterhouse or any portion thereof and the premises occupied for any market or slaughterhouse with the sanction of the corporation. The closed premises can be disposed of as the corporation's property.

Section 355says that no person without a license can import cattle, sheep, goats or swine intended for human consumption or flesh of any such animal, which has been slaughtered at any slaughterhouse or place, not maintained or licensed under the Act. Any police officer can arrest without warrant any person bringing into the city any animal or flesh in contravention of the act. The act says that animal brought into the city in contravention of the act can be seized by the commissioner or any municipal authority, by any police officer, in, or upon railway premises the animal, which is brought into the city in contravention of the section. The animal or flesh so seized can be sold or otherwise disposed of as the commissioner shall direct and the sale proceeds, if any, shall belong to the corporation. These conditions shall not apply to the preserved or cured meat.

The commissioner may at any time by day or night, without notice, enter any place if he suspects that the animal slaughtered or exposed for sale is not duly authorized under the Act or byelaw. He may seize ay such animal or such flesh found therein. The commissioner may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized. If the owner fails to appear within one month and prove his claim to the commissioner or if the owner is convicted of an offence, the proceeds of any sale shall vest in the corporation. No claim shall lie against any person for compensation for any damage necessarily caused by an entry made or the use of necessary force for effecting such entry.

Section 382 says that no person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can carry or within the city or at any

municipal slaughterhouse, the trade of a butcher. No person can 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.

Section 337 says commissioner have to make provisions for constant and vigilant inspection of animals, vegetables, fruit and any other article exposed or hawked for sale. 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 the animal or article which has appeared as unfit for human consumption.

Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it. Therefore, it is clear that a meat shops needs license.

### **Licensing Procedures:**

The applicant has to obtain the 'A' form s for trade license from any of the range offices or citizen centre and give details of Form 'A' is with necessary documents .The property owner's consent in plain paper is also needed r. The owner has to file a copy of latest property tax paid receipt in proof of ownership. Demand draft towards the license fee payable for the trade is needed. If applicant needs power she /he need to apply for power license.

### **Documents Required:**

1. Application in a prescribed format.
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 or power, if needed.
5. Fire brigade non objection certificate
6. Receipt of service charge (Non residential purpose)
7. Submit Affidavit of Rs.20

The procedures are same, except the license fees. The fees are as follows:

### **License Fees schedule: -**

Sr. No.	Item	Fresh fee
1	Private Beef, Pork, Mutton	Rs.650
2	Private Fish Shop	Rs.400
3	Corporation Beef, Pork, Mutton	Rs.200
4	Chicken Shop	Rs.400

### **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. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. Six months after the expiry, Rs.150 per month will be charged as penalty.

### **License Renewal Fee:**

Sr. No.	Particular	Renewal Fee	Late fee per six mounts
1	Private Beef, Pork, Mutton	Rs.650	Rs.325
2	Private Fish Shop	Rs.400	Rs.200
3	Corporation Birch, Pork, Mutton	Rs.200	Rs.100
4	Chicken Shop	Rs.400	Rs.200

### **Documents Required for Renewal:**

Filled Renewal application Form

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.

### **Suspension\_and Revocation:**

As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the cancelling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

### **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.

### **Punishment:**

The License is not renewed in time then the License will be expired. As per the act any contravention of any provision of the act or rule, bye-law, standing order, notice etc will liable to a fine of Rs.100 and a further fine that can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.( Act can be referred in Annexure)

## **FINDINGS FROM THE STUDY**

### **General Findings:**

1. All the trades in Nashik are regulated by the Nashik City Corporation as per the provisions of Bombay Provincial Municipal Act, 1949.
2. The Bombay shops and Establishment Act 1948 prescribes timing for operation.
3. Prevention of food Adulteration Act 1954 has a major say in food related items
4. Motor vehicles are regulated By Maharashtra Motor Vehicle Rules 1989 and Motor vehicles Act 1988.
5. Licensing procedures are same for Nanded, Nashik and Pune.
6. Licenses are issued by the Health & license departments. Regarding the fees of all licenses in Nashik City Corporation, in addition to the license fees for specific items, the conservancy fees are also charged.
7. An inspection fees of Rs.100 and fresh license fees of Rs.750 will be charged.

8. In Nashik Corporation, 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.
9. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates.
10. As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner
11. After submitting the application with the supportive documents, the concerned officer will verify the shop premises
12. The License issued expires on every five year. One need to apply for every five years and there after one have to renew the license. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license.
13. 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 .
14. As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted.
15. . The licensee is bound to produce the license when the commissioner requires it
16. 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. The BPMC (Bombay Provincial Municipal Corporation) act entitles the commissioner the power for inspection. However, it cannot be made between sunrise and sunset except in the specially described situations.
17. Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section.
18. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it.
19. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the canceling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.
20. As per the act any contravention of any provision of the act or ,rule , bye-law, standing order notice etc will liable to a fine of Rs.100 and a further fine which can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.

## **Trade wise Findings:**

### **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. The applicant has to Obtain the form 'A' for trade license from any of the range offices or citizen centre and must give the details of Form 'A' with necessary documents .The property owner's consent in plain paper is also needed . The owner has to file a copy of latest property tax paid receipt in proof of ownership. Demand draft towards the license fee payable for the trade is needed. If applicant needs power she /he need to apply for power license and separate fees shall also be charged for that.
3. If License is not renewed after six months of the expiry date, then Rs.150 per month will be charged as penalty.
4. Filled Renewal application Form and Copy of the latest property tax paid receipt in proof of ownership is needed for renewal.
5. 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. In Nashik Vegetable Vendors are regulated by Nashik City Corporation as per the direction of Bombay Provincial Municipal Corporation Act 1949 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.
2. The applicant has to Obtain the 's' form s for trade license from any of the range offices or citizen centre and give details of Form 'A' is with necessary documents .
3. Other procedures are same as that of dhaba's. But it does not have to follow the guidelines for eating houses.
4. 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 of the permit must be done by the Countersigning Transport Authority. 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 rules.
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 Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948.
2. As provided in section 328 the commissioner when authorized by the corporation may establish a municipal market or a municipal slaughterhouse. The authorities may from time to time build and maintain such municipal markets, slaughterhouses.
3. The commissioner may close the municipal market and slaughterhouse or any portion thereof and the premises occupied for any market or slaughterhouse with the sanction of the corporation. The closed premises can be disposed of as the corporation's property.
4. No person without a license can import cattle, sheep, goats or swine intended for human consumption or flesh of any such animal, which has been slaughtered at any place not licensed under the Act. Any police officer can arrest without warrant any person bringing into the city any animal or flesh in contravention of the act.
5. Animal brought into the city can be seized by the commissioner or any municipal officer or by any police officer.
6. The seizure of articles in or upon railway premises can be done by any railway servant
7. The animal or flesh so seized can be sold or otherwise disposed of as the commissioner shall direct and the proceeds, if any, shall belong to the corporation. These conditions shall not apply to the preserved or cured meat.
8. The procedures are same of dhabas.
9. 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. Barber Shops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948.
2. The applicant has to obtain the 'H5' form for trade license from any of the range offices or citizen centre with necessary documents
3. Other procedures are same as that of dhabas. But it does not have to follow the guidelines for food related establishments.
4. Beauty Parlour course certificate
5. If License is not renewed after six months of the expiry date, then Rs.100 per month will be charged as penalty.
6. 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.