

THE LIVELIHOOD REGULATIONS REPORT

SURAT



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

Surat is a port city in the Indian state of Gujarat and administrative headquarters of the Surat district. As of 2007, Surat and its metropolitan area had a population of approximately 4 million. It is the second largest city in Gujarat and ninth largest in India. The city is situated on the left bank of the Tapi river, 14 miles from its mouth. A moat divides the older parts of the city, with its narrow streets and handsome houses, and the newer suburbs. The city is largely recognized for its textile and diamond businesses. It is also known as the diamond city of Gujarat. Ninety-two percent of the world's diamonds are cut and polished in Surat. Surat is also considered a relatively clean city in India. It has one of the highest GDP growth rates in India at 11.5% as of 2008. Surat was the primary port of India during the mughal era, a distinction it lost to Bombay during the British raj.

The population of Surat according to new city limits is 4,539,358. Males constitute 56% of the population and females 44%. Surat has an average literacy rate of 77%, higher than the national average of 59.5%: male literacy is 81%, and female literacy is 70%. In Surat, 13% of the population is under 6 years of age. Besides Gujarati another big community is Oriya. Around 30% of the total population is Oriya. Many people come from Orissa in search of jobs. Surat also has a small number of Parsis, Armenians and Jews.

It is generally believed that as of 2007 about 4.8 million people live within the Surat urban development authority (Suda) area. Suda extends beyond the city limits by about 5k.m. And thus encompasses additional villages and towns.

The present report of the livelihood regulations in Surat covers dhaba, vegetable sellers, auto rickshaw, barber shop and cycle repair shop.

SURAT:

The trades chosen for the study are:

- 1. Dhabha/ food courts.**
- 2. Vegetable Sellers**
- 3. Auto Rickshaw**
- 4. Barber Shop**
- 5. Cycle Repair Work Shop**

Surat Municipal Corporation is a local self-government, which has come into being under the Bombay Provincial Municipal Act, 1949. It carries out all the obligatory functions and discretionary functions entrusted by the BPMC Act, 1949. Shops & Establishment registration is also one of the key services offered by the city civic centre of the corporation. Bombay Shops and establishments Act 1948 also have a major say about operation. Provisions of Prevention of Food Adulteration Act are also applicable to food related items. Gujarat Motor Vehicle Rules 1989 and Motor Vehicles Act 1988 regulate the motor vehicles in the city

I.DHABA:

Dhaba's are regulated as per the direction of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings of 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 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 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 Surat dhabas are regulated by SMC (Surat Municipal Corporation) and Department of food inspection. To run a dhabas in Surat, the person has to obtain a license from the corporation. The details are as follows:

Licensing Procedure:

The required statements for the registration of the establishment have to be submitted to the Senior Inspector (Shops & Establishments.) The required statements for the registration of the establishment need to be submitted to the Senior Inspector (Shops & Establishments.)

The applicant has to fill registration form at first to get licence and then submit form with all the documents attached. The eligibility criterion for the registration is the submission of the filled application form with the required documents. One more licence from health department is also needed if the trade is food related business. It has the same procedure. The department shall also issue license to the shops for the sign boards outside the shop.

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. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
3. Time duration of opening and closing of shop?)

Documents Required:

1. Filled application Forms.
2. All document related to premises which includes the documents of Shop premises, land etc.
3. photocopy of purchase or selling bill
4. Two photographs
5. If shop is on rent , then the agreement of rent or NOC of property holder

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.

License Fees:

License Fees depends upon the place in skiver feet. (skiver feet means the length of shop. The details of room in the shop are important. Fees limit is 10 to 250 rupees. There are no any fixed fees for different items

License Renewal:

Generally, the department gives license for five year so after five year, the person should renew his license. The renewal procedure is filling up of the application form and no other documents are required.

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 closed later than 12 at midnight for service. An employee can start his work from 4.30 a.m. But 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.

Punishment

If person doing a business without license he will get one to three months imprisonment. 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.(Act can be referred in annexure)

II.VEGETABLE SHOP:

The Agriculture produce market committee (APMC) regulates the vegetable shops in Surat. In Surat the vegetable sales in the municipal market area is regulated as per the provisions of Bombay Provincial Municipal Corporation Act whereas the sales in municipal limit is controlled by the Agriculture produce market committee as per the Gujarat Agricultural produce markets Act 1963. Individual vendors are also controlled by the same act.

This is a co-operative organization. As per the Gujarat Agricultural produce markets Act 1963, the Director will declare the area for market area and that would publish in Official Gazette. The director will establish a market committee for every market area. No person can operate in the market are or any part of it except under the conditions of a license granted under the Act.

Therefore, the sale in the area needs a license granted from the director of the APMC and this sale does not include the sale of articles by the producer.

Licensing Procedure:

The vegetable shops in Surat are regulated by the Agriculture produce market committee (APMC). Basically this is a co-operative organization. Any vegetable seller first should get license from APMC Surat. First the person has to fill the application form with mention category. Then the Officer will verify the details and issue license. This license is only for a year. Officer verifies form basic information, category, place, the item of sale etc. The person has to fill up the prescribed form in category wise. At the time of inspection, the inspector will be verifying that and there are no any other guidelines for inspection. But once in a week, the inspector visits the market area.

License Fees:

There are many categories for vegetable seller. The details are s follows:

Category	Licensing fees Annual
General commotion agent	200
Merchants	150
Shop in vegetable	50
Mobile vender (For larivele)	15
Mobile vender (for topala vala)	10
Special Mango seller	50

Renewal Procedure:

The license is given for only one year. This licence is given only one time for one year. Next year again, the trader has to renew the license with the same procedure for the new one. There are no separate renewal procedures.

Suspension or cancel of License:

As per the Agricultural produce markets Act, the director can cancel or suspend a license based on the report of the market Committee. The committee can suspend or cancel the license if the license was obtain through misrepresentation or fraud, if the trader has committed any breach of byelaws or conditions of license, adjudgement of insolvency, commitment of offence under the act etc. The trader must given an opportunity for hearing. However, the reasons must be recorded. The act also gives power to director for inspection and he can seize the article if he has the reason to believe that an offence is being committed under the Act.

Penalty:

If any seller sells item without license first he/she must get license other wise the materials will be taken by APMC. The sale without license will result in a fine which can extend to Rs.500 for first offence, Rs.1000 for second offence and any subsequent offence will result in imprisonment which can extend to one month and fine which may extend to Rs.1000. These procedures are under 1963 Gujarat APM Act. Other than this, no penalty or fines exists.

III.AUTO RICKSHAW:

Auto Rickshaws are regulated by the RTO (Regional Transport Office)

Any person interested to drive auto rickshaw first will get Professional Driving license basic license is ARNT (Auto Rickshaw Non Transport) for first year then after one year take final license to TVA (Transport Vehicle Authority) then person is allow to drive auto. This license is given to a person up to 50 year age.

Permit Procedure:-

For getting a city permit, One has to apply in the form- PCOP to the Regional Transport Officer. PCOP is basically the license of city permit given by RTO (Regional Transport Office)

Fees:-

The Fees for city permit is Rs. 350 as per Motor vehicle rules

Documents Required:-

For city permit (PCOP) necessary document are

1. Filled PCOP form.
2. Court stamp Rs.10 Rupee
3. Driving licence
4. Fitness certificate
5. Insurance - vehicle insurance
6. Pollution under control certificate.
7. Meter No / Bill. Meter should be compulsory
8. Permit fee

Age limit is minimum 20 years and Time required for procedure is 30 days.

Renewal procedure: -

Permit given by authority is only for three years and after three year permit must be renewed. Renewal procedure is the submission of the filled renewal form to RTO department. Renewal fees are 200 rupees As per Rules. For renewal, we require only final license photocopy and address proof. If any case delays of renewal, punishment is Rs.50 for first year and Rs.100 for second year.

Conditions:

As per the Gujarat Motor Vehicle Rules 1989, the following are the conditions:

1. The permit 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.
2. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit
3. No advertisement can be exhibited in the vehicle.

4. The holder of a permit shall maintain a register showing the list of passengers travelling in the vehicle in each and every trip in the particular form and shall produce it as demanded by the checking officers.
5. These conditions cannot be applicable to motor cabs and maxi cabs.
6. In addition to the above conditions the permit shall always kept with the driver or any person taking care of the vehicle and produces it as demanded by any officer of the Motor vehicles Department of and above the rank of assistant Inspector of Motor Vehicles or any police officer not below the rank of a Sub-Inspector of Police.

Variations of conditions:

The permit holder may apply to the Transport Authority to vary the conditions of a permit in the prescribed form along with the fees as prescribed. The transport authority will give one month to vary the conditions or to attach some conditions further in the official Gazette. After the expiry of the period of the date of publication in notice gazette the conditions shall be deemed to have been attached and such permit holders shall produce their permit before Transport Authority by which the permit is issued for inspection of such variations.

Extension of the area of the validity of permits:

The Regional Transport Authority can extend the area of the validity of the permit with the state in accordance with general or special resolution passed and recorded by the Transport Authority. The extended area shall be kept with the area of original Transport Authority. The Transport authority which issues a permit to be operative in any other regions shall intimate the fact and send a copy to the Transport Authority in such regions. The original transport authority shall not extend the area of the validity of the contract carriage permit other than the contract carriage permit in respect of motor cabs and maxi cabs unless it attaches the conditions to the permit that if the vehicle visiting the other regions is discharged or released from the contract by the passengers in such regions. It shall not be affixed for hire or rewarded on its return journey for picking any passengers traffic from any place within the region for the purpose of visiting the place in the state.

Suspension and Cancellation:

The holder of any permit may at any time surrender the permit to the Original Transport Authority and the authority 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 and to the authority by which the validity of the permit has been extended. In the case of suspension or cancellation of permit of countersignature the authority cancelling shall intimate the fact to which the permit was granted by Regional Transport Authority shall suspend or cancel any permit.

Upon the cancellation of any permit or a counter signature of a permit, the holder shall surrender the permit or counter signature. Upon suspension the holder shall also surrender the certificate of registration and plates bearing the registration mark.

The holder of the permit shall within the fifteen days of the receipt of the suspension or cancellation order intimate to the Transport authority suspending or cancelling the permit or the countersignature was made and to the authority in the region of the validity has been extended the place where the vehicle in respect of which the order is passed will 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 82 of the Gujarat Motor Vehicle rules, The permit holder along with the person he intends to transfer the permit has to apply in prescribe form under Rule 70 to the Transport Authority which the permit was granted showing the reasons for the transfer and along with the fees Prescribed under Rule 71. The transport authority will call both the parties. If the authority is properly satisfied after the enquiry the authority will ask the holder to surrender the permit within seven days of the receipt of the order. The authority will take the further actions as provided in the Gujarat 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 accompanied by fees prescribed and produce the details as required by the authority. The holder shall produce the registration and vehicle details as mentioned in the Gujarat Motor Vehicle rules. The transport authority which replaces a vehicle on permit operative in any other region shall intimate the fact to the authority by which the permit has been countersigned.

Change of the address:

Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form under Rule 70 accompanied by the document as 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. Nothing in this section shall apply where the change of address recorded in the permit is due to temporary change which is not intended to exceed three months in duration.

Penalty:

If person is not having driving license and drive auto in city, a fine is charged . It will be Rs.100 for driver and Rs.100 for Auto owner. If any case delays of renewal, punishment is Rs.50 for first year and Rs.100 for second year.

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:

Barbershops 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.

Section 377 says that no person can sell or expose for sale any 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 Procedure:

The procedures are same as that of dhabas which can be summarised as in the coming section. But it does not have to follow the guidelines for food related establishments.

The required statements for the registration of the establishment have to be submitted to the Senior Inspector (Shops & Establishments.) The required statements for the registration of the establishment need to be submitted to the Senior Inspector (Shops & Establishments.)

The applicant has to fill registration form at first to get licence and then submit form with all the documents attached. The eligibility criterion for the registration is the submission of the filled application form with the required documents. One more licence from health department is also needed if the trade is food related business. It has the same procedure. The department shall also issue license to the shops for the sign boards outside the shop.

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. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
3. Time duration of opening and closing of shop?)

Documents Required:

1. Filled application Forms.
2. All document related to premises which includes the documents of Shop premises, land etc.
3. Photocopy of purchase or selling bill
4. Two photographs
5. If shop is on rent , then the agreement of rent or NOC of property holder

Inspection:

Section 337 says commissioner have to make provisions for constant and vigilant inspection of any 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 article that has appeared as unfit for human consumption.

License Fees:

License Fees depends upon the place in skiver feet. (skiver feet means the length of shop. The details of room in the shop are important. Fees limit is 10 to 250 rupees. There are no any fixed fees for different items

License Renewal:

Generally, the department gives license for five year so after five year, the person should renew his license. The renewal procedure is filling up of the application form and no other documents are required.

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 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

If person doing a business without license he will get one to three months imprisonment. 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.(Act can be referred in annexure)

V.Cycle Repair Workshop:

Cycle Repair Workshops 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.

Section 377 says that no person can sell or expose for sale any 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 cycle repair workshops needs license.

The procedures are same as dhabas and barber shops. In addition for Cycle Repair Workshops; there is a limit of 7 Am to 11 Pm. To open the shop by SMC (Surat Municipal Corporation) rules.

Licensing Procedure:

The procedures are same as that of dhabas which can be summarised as in the coming section. But it does not have to follow the guidelines for food related establishments.

The required statements for the registration of the establishment have to be submitted to the Senior Inspector (Shops & Establishments.) The required statements for the registration of the establishment need to be submitted to the Senior Inspector (Shops & Establishments.)

The applicant has to fill registration form at first to get licence and then submit form with all the documents attached. The eligibility criterion for the registration is the submission of the filled application form with the required documents. One more licence from health department is also needed if the trade is food related business. It has the same procedure. The department shall also issue license to the shops for the sign boards outside the shop.

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. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
3. Time duration of opening and closing of shop?)

Documents Required:

1. Filled application Forms.
2. All document related to premises which includes the documents of Shop premises, land etc.
3. Photocopy of purchase or selling bill
4. Two photographs
5. If shop is on rent , then the agreement of rent or NOC of property holder

Inspection:

Section 337 says commissioner have to make provisions for constant and vigilant inspection of any 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 article which has appeared as unfit for human consumption.

License Fees:

License Fees depends upon the place in skiver feet. (Skiver feet means the length of shop. The details of room in the shop are important. Fees limit is 10 to 250 rupees. There are no any fixed fees for different items

License Renewal:

Generally, the department gives license for five year so after five year, the person should renew his license. The renewal procedure is filling up of the application form and no other documents are required.

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 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

If person doing a business without license he will get one to three months imprisonment. 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.(Act can be referred in annexure)

FINDINGS FROM THE STUDY

General Findings:

1. Trades 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 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
3. 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
4. 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 act entitles the commissioner the power for inspection. However it cannot be made between sunrise and sunset except in the specially described situations
5. 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
6. 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
7. 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 on any 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 commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased, unsound, unwholesome, or unfit for human consumption or is not up to the quality represented
8. 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
9. 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
10. As per the Bombay shops and Establishment Act 1948, no eating-house shall be open 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
11. 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 it is required by the commissioner
12. 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. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours

Trade wise Findings:

Dhaba:

1. Dhaba's are regulated by SMC (Surat Municipal Corporation) and Department of food inspection. To run a dhabas in Surat, the person has to obtain a license from the corporation
2. Document related to premises which includes the documents of Shop premises, land etc, photocopy of purchase or selling bill, Two photographs and If shop is on rent , then the agreement of rent or NOC of property holder is also required
3. License Fees depends upon the place in skiver feet. (skiver feet means the length of shop. The details of room in the shop are important. Fees limit is 10 to 250 rupees. There are no any fixed fees for different items
4. Generally, the department gives license for five year so after five year, the person should renew his license. The renewal procedure is filling up of the application form and no other documents are required
5. If person doing a business without license he will get one to three months imprisonment. 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.100and 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

VEGETABLE SHOP:

1. The Agriculture produce market committee (APMC) regulates the vegetable shops in Surat. This is a co-operative organization
2. As per the Agricultural produce markets Act 1963, the Director will declare the area for market area and that will be published in Official Gazette. The director will establish a market committee for every market area
3. No person can operate in the market area or any part of it except under the conditions of a license granted under the Act. Therefore, the sale in the area needs a license granted from the director of the APMC and this sale does not include the sale of articles by the producer
4. The Agriculture produce market committee (APMC) regulates the vegetable shops in Surat. This is a co-operative organization. License is only for a year. Officer verifies the forms based on basic information such as category, place, the item of sale etc
5. The license is given for only one year. This license is given only one time for one year. Next year again, the trader has to renew the license with the same procedure for the new one. There are no separate renewal procedures
6. As per the Agricultural produce markets Act, the director can cancel or suspend a license based on the report of the market Committee. The committee can suspend or cancel the license if the license has obtained through misrepresentation or fraud, if the trader has committed any breach of byelaws or conditions of license, adjudgement of insolvency, commitment of offence under the act etc.The trader must given an opportunity to be heard. However, the reasons must be recorded. The act also gives power to director for inspection and he can seize the article if he has the reason to believe that an offence is being committed under the Act
7. In the case of the sale without license, the materials will be taken by APMC. The sale without license will result in a fine, which can extend to Rs.500 for first offence, Rs.1000 for

second offence and any subsequent offence will result in imprisonment, which can extend to one month and fine, which may extend to Rs.1000 .This procedures are under 1963 Gujarat APM Act. Other than this, no penalty or fines exists

AUTO RICKSHAW:

1. For city permit (PCOP) necessary document are Court stamp Rs.10 Rupee, Driving licence, Fitness certificate, Insurance - vehicle insurance, pollution under control certificate, Meter No / Bill and Permit fee
2. Age limit is minimum 20 years and Time required for procedure is 30 days
3. Permit given by the authority is only for three years and after three year permit must be renewed
4. As per Rules. For renewal, we require only final license photocopy and address proof. If any case delays of renewal, punishment is Rs.50 for first year and Rs.100 for second year
5. The permit 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
6. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit
7. No advertisement can be exhibited in the vehicle
8. The holder of a permit shall maintain a register showing the list of passengers travelling in the vehicle in each and every trip in the particular form and shall produce it as demanded by the checking officers
9. The original transport authority shall not extend the area of the validity of the contract carriage permit other than the contract carriage permit in respect of motor cabs and maxi cabs unless it attaches the conditions to the permit that the vehicle visiting the other regions is discharged or released from the contract by the passengers in such regions . It shall not be affixed for hire or rewarded on its return journey for picking any passengers traffic from any place within the region for the purpose of visiting the place in the state
10. Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form under Rule 70 accompanied by the document as 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. Nothing in this section shall apply where the change of address recorded in the permit is due to temporary change which is not intended to exceed three months in duration
11. If person is not having driving license and drive auto in city, a fine is charged. It will be Rs.100 for driver and Rs.100 for Auto owner. As per MVA (motor vehicle authority Act-139). Otherwise, the vehicle will be taken by the authority. If any case delays of renewal, punishment is Rs.50 for first year and Rs.100 for second year

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. Part 1V of the chapter XVII says that barber shops needs license
3. The procedures are same as that of dhabas. However, it does not have to follow the guidelines for food related establishments
4. As per the Bombay Shops and establishments Act 1948, no shops dealing 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 closed later than 8.30.p.m.. This would be applicable mainly to trades dealing with pan bidi, cigarettes, matches and other ancillary articles. .All other shops shall on any day cannot be opened earlier than 7 am and closed later than 11.pm. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour
5. 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 immediately 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

Cycle Repair Workshop.

1. The procedures are same as dhbas and Barber shop. In addition for Cycle Repair Workshops, there is a limit of 7 Am to 11 Pm. After this time no allow to open the shop by SMC (Surat Municipal Corporation) rules

Observation from intern:

1. Any Food item business needs two licenses. So this process is very time consuming. There is high corruption in getting license for food related items
2. There is need to aware people how to get license in this trade
3. Processing of Vegetable seller license process is very easy
4. It is easy to get city permit through agent's authority also create confusion because agent gives money. Officer prefers licenses and permit thought agent
5. It is very difficult to obtain information through RTI
1. For cycle repair workshop people are no aware how to get license. Officer is creating confusion