

RULES AND REGULATIONS GOVERNING THE LICENSING OF FRUIT SELLERS IN NAINITAL CITY

State: Uttarakhand

Details of licensing are as follows:

Fruit sellers are regulated by the Bye-laws for regulating the sale of Vegetables and fruits and food and drink in the NAINI TAL Municipality As per the "Bye laws for regulating the sale of vegetables and fruits and food and drink in the Nainital Municipality"

As per the Byelaw, "Fruit market" means the Malli Tal fruit market and the area around it means the area lying around the fruit market surrounded on one side by the Raja Club and on the other side by the retaining wall of the Mall Road (lower branch) and by the fencing all round. Any fruit or vegetable found in any shop or stall between 7 a.m. To 9 p.m. On any day shall be considered to have been exposed for sale.

Licensing Procedure:

A hawking license of fruits and vegetables will only be granted to those who supply such articles to schools and bungalows, but not to those who wish to sell them on public streets or places. To get this hawking license one has to apply in the prescribed form with the prescribed fees before the commencement of the trade. The authorities will conduct the verification study and there after the license will be issued.

Documents Required:

The applicant has to submit the relevant documents requested by the municipality authorities along with the application form

Authority:

The Commissioner of the Nainital Municipality is the prime authority for the licenses. But the byelaws do not specifies the department in charge.

License Fees:

The fees will be charged as per the decision of the Municipal Board. As per Municipal Byelaws, the license fees will be Rs.5 /- at shop and by hawking Rs.6/- and it will come to effect from 1st April and will last up to 31st March every year.

License Renewal:

Usually the validity of license is 1 year. In order to renew the license, one has to apply in the specified form along with the renewal fees prior to the period of expiry of present license. As per the Byelaw, the license will be in effect from 1st April and up to 31st March every year. The

licensee is supposed to renew the license before 31st of March. The process is similar as of a new license.

Timings:

As per the Byelaw, all auction work must be finished by 12 noon. Any body found auctioning after 12 noon will be liable to prosecution for breach of the bye-laws.

Terms and Conditions :

1. No person shall within the Malli Tal bazaar area sell or expose or collect for sale or auction or expose for auction or place for auction or purchase on auction any fruit other than dry fruits at places other than the places mentioned in paragraph 1(a) and 1 (b), and till such time only as the board constructs new stalls or shops or market at such other shops or premises and upon such terms and conditions as the President, Municipal Board, in consultation with the Medical Officer of Health may prescribe.
2. No person shall within the Malli Tal Bazar area sell or expose or collect for sale or auction or expose for auction or place for auction or purchase on auction any vegetable at places other than the places mentioned in 1(a) and 1(b) above, and till such time only as the Board constructs new stall or shops or premises and upon such terms and conditions, as the President, Municipal Board, in consultation with the Medical Officer of Health may prescribe.
3. No itinerant hawker shall sell or expose for sale any articles of food, drink, fruits or vegetable anywhere in open spaces along the north Mall Road between the Post office Talli Tal and the Secretariat building.
4. No person shall sell or expose for sale or auction any cut fruit injured or other wise or stale vegetables anywhere within the Naini Tal Municipal Area.
5. No person shall keep for sale any articles of fruits or vegetables in baskets or boxes above or along any public drain, near any dustbin or in any other such places which in the opinion of the Medical Officer of Health is unfit for the sale of such articles nor at a place which is less than two feet in height above the road level.
6. No person shall auction any article of fruit and vegetable in Talli Tal on roads 10 feet or less than 10 feet in width.
7. No person shall sell vegetables and fruits that are eaten, uncooked or raw unless washed in potash permanganate solution of sufficient strength before sale.
8. No person shall auction, sell or expose for sale any articles of fruit and vegetables that are eaten uncooked or raw on ground or a board, but shall place them in baskets or boxes provided these are at least 2 feet above the road level.
9. No person shall auction, sell or expose for sale any fruits or vegetables unless he has obtained licence from the Medical Officer or Health on behalf of the Municipal Board Naini Tal.

Penalty:

As per byelaw, all auction work must be finished by 12 noon. Anybody found auctioning after 12 noon will be liable to prosecution for breach of the bye-laws. As per powers conferred by section 299(I) of the U.P Municipalities Act, the Municipal board directs that any breach of any

provisions of the rules and bye-laws shall be punishable with fine which may extend to five hundred rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the dated of first conviction during which the offender is proved to have persisted in the offence.”