

THE LIVELIHOOD REGULATIONS REPORT

NAINITAL



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

© Rights reserved 2008

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 study 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.

Nainital is a town in the Indian state of Uttarakhand and headquarters of Nainital district in the Kumaon foothills of the outer Himalayas. Situated at an altitude of 1,938 metres (6,358 feet) above sea level, Nainital is set in a valley containing a pear-shaped lake, approximately two miles in circumference, and surrounded by mountains, of which the highest are Naina (2,615 m (8,579 ft)) on the north, Deopatha (2,438 m (7,999 ft)) on the west, and Ayarpatha (2,278 m (7,474 ft)) on the south. From the tops of the higher peaks, "magnificent views can be obtained of the vast plain to the south, or of the mass of tangled ridges lying north, bounded by the great snowy range which forms the central axis of the Himalayas.

As of the 2001 Indian census, Nainital had a population of 38,559. Males constitute 54% of the population and females 46%. Nainital has an average literacy rate of 81%, higher than the national average of 59.5%: male literacy is 86%, and female literacy is 76%. In Nainital, 9% of the population is under 6 years of age.

The present study on livelihood regulations in Nainital covers fruit sellers, vegetable sellers, cycle rickshaw, meat Shop and dhaba's.

NAINITAL

The sectors chosen for the study are:

- 1. Fruit Sellers.**
- 2. Vegetable Sellers**
- 3. Cycle rickshaw**
- 4. Meat Shop**
- 5. Dhaba/ eating house**

The regulation of the trades and professions are governed by the Nanital municipal corporation on the basis of the provisions of "Bye laws of Nainital Municipality framed from U.P. Municipalities Act 1916 and Prevention of Food Adulteration Act 1955. Trade wise details are as follows:

I. Fruit Sellers:

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 Nanital 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 then 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.

P enalty

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 extent to five rupees for every day after the dated of first conviction during which the offender is proved to have persisted in the offence.”

II.Vegetable Sellers:

The vegetable sellers are having the same procedure as fruit sellers. The procedures are as follows:

Vegetable Sellers are regulated by the Bye-laws for regulating the sale of Vegetables and fruits and food and drink in the NAINI TAL Municipality 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, “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 Nanital Municipality is the prime authority for the licenses. But the byelaws do not specifies the department in charge.

License Fees:

www.cpnr.in

www.ccs.in

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 then 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 extent to five rupees for every day after the dated of first conviction during which the offender is proved to have persisted in the offence.”

III. Meat shop:

In nainital, meat shops are regulated as per the directions of the bye-laws regulating the sale of meat and fish in the NAINI TAL Municipality. Here “meat” means the flesh of horned cattle except cows and bullocks, goats, swine or sheep intended for human or animal consumption

Licensing procedure:

No person shall, sell, or expose for sale, any meat or fish within the limits of the municipality, unless he has granted a license in this behalf and unless he holds a stall in the municipal markets, for selling pork and bacon, a separate license shall be taken out.” To get this 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.

As per the byelaw, on the receipt of an application for a license, the licensing officer shall either grant the license or for reasons to recorded, may refuse to grant it.

Documents required:

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

Authority:

As per the bye law, the medical officer of health shall be the licensing officer

License fees:

As per byelaw, a fee of rs.0.50 p. Shall be charged for a license granted under these rules. On the remittance of fees, the license holder shall receive with his license a badge bearing a distinctive number

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 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.

Suspension:

The breach of the conditions of the byelaws shall involve the forfeiture of the license. The licensing officer may cancel or suspend a license for breach of any of the conditions specified in the byelaw or if he exposes for sale, meat or fish which is certified by health officer to be unfit for human consumption. An appeal against the cancellation as is referred in byelaw shall lie to the board from an order of the licensing officer provided that the appeal is made within 10 days of the receipt of the order.

Terms and conditions:

A license granted under these bye-laws shall be subject to the following conditions:-

1. No one shall sell, or expose for sale, the flesh of any animal which has died from a natural cause, or any meat which has been blown up or artificially stuffed or fish which has become unfit for human consumption.
2. No one shall place any meat or fish intended for sale in or on a dirty basket or board, or expose such meat or fish without covering it with a clean cloth.
3. The shop for the sale of meat shall have chicks hung up on all the open sides, so that the meat kept for sale may not be seen by the passers-by.
4. The floor of the shop must be impervious and have a smooth surface, and it must be thoroughly washed every day before the shop is closed.
5. The flesh of buffaloes shall not be sold or exposed for sale at a shop or stall where the flesh of sheep or of goats or swine or fish is sold or expose for sale.
6. The licensee shall not sell meat or fish at any place other than that mentioned in the license.
7. The licensee of a stall or meat shop not throw scraps of flesh, bone, fat, etc. On the floor, wall and surrounding places but collect them in a bucket or receptacle provided for this purpose and shall in other respects keep his shop and tables knives, etc. In a clean condition.
8. No one suffering from any infectious or contagious disease shall hawk or sell meat or fish.
9. No person shall transport meat or fish except in a clean receptacle which either have a lid or shall be covered with a clean cloth. Nor shall a person transport, hawk or sell meat or fish without wearing a badge on the left arm, exposed to view. Upon expiration, suspension or cancellation of the license the badge shall within 48 hours, be delivered to the licensing officer.

Penalty

"In exercise of the powers conferred by section 299(1) of the act the board hereby directs that any breach of any provisions of the rules and bye-laws shall be punishable with fine which may extended to five hundred rupees, and, when the breach is a continuing breach, with a further fine which may extent to five rupees for every day after the date of first conviction during the offender is proved to have persisted in the offence."

A breach of any of the conditions shall involve forfeiture of the license. The licensing officer may cancel or suspend a license for breach of any of the conditions specified in bye-law, 4 or if the licensee sells, or exposes for sale, meat or fish which is certified by the health officer to be unfit for human consumption. An appeal against any such cancellation as is referred to in bye-law 6 above shall lie to the board from an order of the licensing officer provided that the appeal is made within 10 days of the date of the receipt of the order.

IV.Cycle Rickshaw:

In Nainital, the Cycle Rickshaws is regulated as per the provisions of the "Bye-laws for the regulation of three wheeled pedal propelling rickshaws plying for hire within the Naini Tal Municipality". No rickshaw shall be hired out for use within municipal limits, except under a license granted in accordance with these bye-laws, and except in accordance with the conditions of such license.

The licensing officer shall refuse to grant a license if the vehicle is not in a good state of repair no minor shall be issued a license nor shall any person be issued more than one Cycle Rickshaw license in his name. Here the license and permit mean the same. There is no difference between the two, here the municipal corporation treats license as permit.

As per the byelaws, no license shall be issued or renewed unless the police authorities have verified the character and antecedents of the person applying for a license. In case of adverse police report, no license will be granted or such license if granted will be cancelled.

Licensing Procedure:

A person desirous of having a driver's license shall submit an application, in duplicate to Licensing Officer giving full and correct particulars as may be asked for by the Licensing Officer, and produce a medical certificate, issued by the Municipal Medical Officer of Health, Naini Tal as to his age, physical fitness and identification marks and three 2½"x3" prints of his photographs with his application or subsequently according to the directions of the Licensing Officer. A license for driving under these bye-laws shall be issued only to the person actually driving the cycle rickshaw on furnishing a security of Rs.10.

No license shall be issued or renewed unless the police authorities have verified the character and antecedents of the person applying for a license. In case of adverse police report, no license will be granted or such license if granted will be cancelled.

Authorities:

As per the bye-laws the "licensing officer" shall be the Executive Officer, Municipal Board.

Transfer:

As per the byelaw, license will be non-transferable. The licensee shall not transfer his license to any other person but a license may be transferred on the joint application of the persons concerned to the licensing officer, who will make the necessary alteration in the license on payment of a fee of Rs.2.50 Paise.

License Fees:

A license for driving under these bye-laws shall be issued only to the person actually driving the cycle rickshaw on furnishing a security of Rs.10. The driving license fee will be Rs.5 per year or part of a year ending on a March 31, in each year. Byelaw also states that A fee of Rs.25 shall be paid for each license for a year or part of a year.

License Renewal:

The validity of license will be ending on a March 31, in each year and the license will be non-transferable. No license shall be issued or renewed unless the police authorities have verified the character and antecedents of the person applying for a license. In case of adverse police report, no license will be granted or such license if granted will be cancelled. For renewal the applicant has to fill the same form that he has filled for getting a new license and has to follow the same procedure. The license is renewed on the order of the Executive Officer.

Suspension:

The licensing officer may at once suspend the license for the breach of any of the conditions on which it was granted pending the order of the President and the President may at any time for reasons to be recorded, direct that the license be with drawn and cancelled. The cancellation of his license shall be no bar to the holder's prosecution for nay offence punishable under these bye-laws which he may have committed.

An appeal shall lie to the President from any order of the licensing officer under bye-laws 4 and 7 within ten days from the date of the said order. President's order on such appeal shall be final.

Terms and Conditions:

1. No rickshaw shall be allowed to ply on any road within municipal limits except the North Mall from the Lake Bridge up to the Poplars
2. The number of the rickshaw corresponding to the number of the license shall be painted on both sides of the body of the vehicle in 4 inch white figures on a black ground
3. At the time of licensing a printed schedule of rates will be provided to be each rickshaw free of charge
4. The license specified in bye-law 2 shall be granted subject to the conditions of the byelaw

5. The rickshaw must be kept in good repairs
6. The license shall not remain valid after the 31st March following the date of issue
7. The lamp of every rickshaw must be provided with the required amount of oil wicks or other illuminant before the rickshaw is let out to hire.
8. The license is responsible that the numbers affixed under bye-law 6 are maintained in good order.
9. If any lost or unclaimed property is found in any licensed rickshaw on its return from here the licensee shall within 24 hours, if it is not sooner claimed by the owner thereof take it, or cause it to be taken, to the Kotwali and deliver it, or cause it to be delivered, to the Police Officer in charge.
10. The licensee shall not Without reasonable excuse refuse to let out of his rickshaw to any person lawfully requiring the same, or refuse to accept the hire laid down by these bye-laws or demand a higher rate;
11. The license shall not fail to produce his license when it is demanded by a magistrate, member of the Board, Police Officer or Employee of the Board especially empowered in this behalf.
12. Upon the expiration or suspension or cancellation of his license the licensee shall within 24 hours deliver up his license to the licensing officer.
13. The licensee shall not transfer his license to any other person but a license may be transferred on the joint application of the persons concerned to the licensing officer, who will make the necessary alteration in the license on payment of a fee of Rs.2.50 Paise
14. The alterations in the license shall be signed and dated by the licensing officer.
15. The licensee shall produce his rickshaw for inspection by the licensing officer at such times and places as the President, Vice-President, or the licensing officer may direct.
16. Every person licensed to propel a rickshaw shall wear while in charge of, or employed with, such licensed rickshaw, a brass badge on his arm bearing the number of his license and shall be cleanly and decently clothed.
17. No person who in the opinion of the licensing officer is too weak and no person under 16 years of age shall be allowed to propel a rickshaw.
18. If the Licensing Officer considers that any driver or puller is not fit to drive a rickshaw or is ill continuously or his character and antecedents are unsatisfactory, or if any of the particulars furnished in the application for driver's license are subsequently found to be incorrect, the said officer may cancel or suspend the driving license.
19. The Licensing Officer may prohibit plying of cycle rickshaws on the Mall Road during such hours as may be specified by him to avoid inconvenience to pedestrian traffic.
20. Rickshaw when not let out on hire shall not be kept or place on any public road except at the municipal rickshaw stands to be fixed by the Board and no rickshaw shall be taken along any public road for the purpose of offering it for hire to passers by.
21. No more than to persons shall be carried in any rickshaw.
22. When passing equestrians and led horses rickshaws must keep to the outside of the roads, as between themselves they shall observe the ordinary rule of the road.
23. No rickshaw shall be left standing on any narrow road so that any other rickshaw, dandy or other traffic cannot pass.

24. Every rickshaw plying for hire shall be produced for disinfection before the sanitary inspector of the circle once a fortnight at dandy shed at the time and day fixed by the Medical Officer of Health. A charge of 0.06 P. will be made for every disinfection.
25. The licensing officer may at once suspend the license for the breach of any of the conditions on which it was granted pending the order of the President and the President may at any time for reasons to be recorded, direct that the license be withdrawn and cancelled. An appeal shall lie to the President from any order of the licensing officer under bye-laws 4 and 7 within ten days from the date of the said order. President's order on such appeal shall be final.
26. The rates of hire for rickshaws shall in no case exceed 12 paise for one passenger and 25 Paise for one passenger and 25 Paise for two passengers.

P E NALTY:

"In exercise of the powers is conferred by section 299(1) of the Act, the Board hereby 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 date of first conviction during which the offender is proved to have persisted in the offense."

V.Dhaba:

In Naini Tal, Dhabas are regulated as per the Bye-laws for the regulation of vendors of article of food in the Naini Tal Municipality. "Food" includes every article excepting food grains used for food or drink by men, any article which ordinarily enters into or is used in the composition or preparation of human food, flavouring matters, and ice. It does not include drugs or water.

Vendor" includes "Hawker". No person shall sell or expose for sale any food within the limits of the municipality unless he has been granted a license.

Licensing Procedure:

A license will be granted on an application 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 specify the department in charge.

License fees:

As per the byelaws, the license fee is Rs.1 for every license issued under these bye-laws. The revision of fees is not happened.

License Renewal:

The license granted under the bye-laws shall be valid for the period ending on March 31 next following and an application for its renewal must be to the Medical Officer of Health at least one month before this date. A fee of Rs.1 shall be charged for every license issued under the above byelaws. License renewal is done by filling up the form needed for getting a new license.

Conditions:

A license granted under these bye-laws shall be subject to the following conditions:-

1. No one shall place any food intended for sale in or on any dirty receptacle, or expose such food without properly covering it, so as to prevent access or dirt, flies, smoke, insects, etc. to the satisfaction of the Medical Officer of Health
2. No food shall be kept near any sullage drains, rubbish heap latrine, nightsoil, depot or dustbin
3. Persons suspected to be suffering from infectious or communicable intestinal diseases shall not be allowed to carry on the trade unless certified to be safe by Medical Officer of Health
4. All substances used in the preparation of food shall be free from adulteration, and of good quality. The Medical Officer of Health will be the judge of the quality of ingredients used in the preparation of the articles exposed for sale
5. Water used for preparing food, and cleaning utensils or for drinking by customers, shall be obtained from the municipal piped supply or from a pure source certified by the Medical Officer of Health and shall be stored in clean vessels with suitable covers to protect it from contamination
6. Food shall be served to customers in neat and clean dishes. No used paper or paper which is printed or written over shall be utilized for this purpose
7. No vendor or hawker shall use any lamp or other light which by reason of its construction or condition is likely to smoke or deposit soot
8. Proper receptacle shall be provided at all food shops for receiving used dishes and other materials and shall be regularly cleaned
9. Arrangements for the slaughtering of fowls and for the cleaning of fish, etc. shall be made to the satisfaction of the Medical Officer of Health
10. All vegetables eaten raw in salads, sandwiches, etc. shall be properly washed in potassium permanganate solution of suitable strength
11. Adequate arrangement for latrines and urinals shall be made for the employees of restaurants, hotels and shops, etc
12. No person shall sell stale eggs or rotten eggs to any customer
13. Hen's eggs duck eggs and guinea fowls eggs should be stored kept and sold under their proper name. All receptacles should bear a label with proper names of the eggs in bold letters both in Hindi and English of size not less than 2 each

14. Every vendor of food shall put up a sign board written in English, Hindi and Urdu characters indicating whether the articles of food sold by him have been prepared from genuine ghee or vegetable product every letter of which shall be at least 2" by 2" in dimension. The Notice Board shall always be maintained in good order and be put at the most prominent place in shop frontage so that it may be distinctly visible to customers.
15. The Medical Officer of Health shall be the licensing authority for the purpose of these byelaws
16. The license may be cancelled or suspended at the discretion of the Medical Officer of Health at the outbreak or during the prevalence of an epidemic or for breach of any of the aforesaid conditions

Penalty:

As per the byelaw, in the exercise of the powers conferred by section 299(1) of the Act, the Board directs that any breach of any provisions of the rules and bye-laws shall be punishable with fine which may extended 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 date of first conviction during which the offender is proved to have persisted in the offence".

FINDINGS FOM THE STUDY

General Findings:

1. The regulation of the trades and professions are governed by the Nanital municipal corporation on the basis of the provisions of " Bye laws of Naini Tal Municipality framed from U.P. Municipalities Act 1916 and Prevention of Food Adulteration Act 1955

Trade wise Findings:

Fruit Sellers:

1. 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 Naini Tal Municipality"
2. 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
3. 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
4. The Commissioner of the Nanital Municipality is the prime authority for the licenses. But the byelaws do not specifies the department in charge
5. 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

6. 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
7. 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 extent to five rupees for every day after the dated of first conviction during which the offender is proved to have persisted in the offence.”
8. Licensed Fruit sellers are supposed to follow the following conditions
 - a. 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 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
 - b. 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
 - c. 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
 - d. 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
 - e. 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 then two feet in height above the road level
 - f. No person shall auction any article of fruit and vegetable in Talli Tal on roads 10 feet or less than 10 feet in width
 - g. No person shall sell vegetables and fruits that are eaten, uncooked or raw unless washed in potash permanganate solution of sufficient strength before sale
 - h. 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
 - i. 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

Vegetable Sellers:

1. The vegetable sellers are having the same procedure as fruit sellers

Meat Shop:

1. In Nainital, Meat Shops are regulated as per the directions of the Bye-laws regulating the sale of meat and fish in the Naini Tal Municipality. Here "meat" means the flesh of horned cattle except cows and bullocks, goats, swine or sheep intended for human or animal consumption
2. No person shall, sell, or expose for sale, any meat or fish within the limits of the municipality, unless he has granted a license in this behalf and unless he holds a stall in the municipal markets, for selling pork and bacon, a separate license shall be taken out." To get this 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
3. As per the byelaw, on the receipt of an application for a license, the licensing officer shall either grant the license or for reasons to recorded, may refuse to grant it
4. As per the Bye law, the Medical Officer of Health shall be the licensing officer
5. 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 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
6. The breach of the conditions of the byelaws shall involve the forfeiture of the license. The licensing officer may cancel or suspend a license for breach of any of the conditions specified in the byelaw or if he exposes for sale, meat or fish which is certified by health officer to be unfit for human consumption. An appeal against the cancellation as is referred in byelaw shall lie to the board from an order of the licensing officer provided that the appeal is made within 10 days of the receipt of the order
7. "In exercise of the powers conferred by section 299(1) of the Act the Board hereby directs that any breach of any provisions of the rules and bye-laws shall be punishable with fine which may extended to five hundred rupees, and, when the breach is a continuing breach, with a further fine which may extent to five rupees for every day after the date of first conviction during the offender is proved to have persisted in the offence."
8. A breach of any of the conditions shall involve forfeiture of the license. The licensing officer may cancel or suspend a license for breach of any of the conditions specified in bye-law, 4 or if the licensee sells, or exposes for sale, meat or fish which is certified by the Health officer to be unfit for human consumption. An appeal against any such cancellation as is referred to in bye-law 6 above shall lie to the board from an order of the licensing officer provided that the appeal is made within 10 days of the date of the receipt of the order
9. Licensee is supposed to follow the following conditions :-
 - a. No one shall sell, or expose for sale, the flesh of any animal which has died from a natural cause, or any meat which has been blown up or artificially stuffed or fish which

- has become unfit for human consumption
- b. No one shall place any meat or fish intended for sale in or on a dirty basket or board, or expose such meat or fish without covering it with a clean cloth
 - c. The shop for the sale of meat shall have chinks hung up on all the open sides, so that the meat kept for sale may not be seen by the passers-by
 - d. The floor of the shop must be impervious and have a smooth surface, and it must be thoroughly washed every day before the shop is closed
 - e. The flesh of buffaloes shall not be sold or exposed for sale at a shop or stall where the flesh of sheep or of goats or swine or fish is sold or exposed for sale
 - f. The licensee shall not sell meat or fish at any place other than that mentioned in the license
 - g. The licensee of a stall or meat shop not throw scraps of flesh, bone, fat, etc. on the floor, wall and surrounding places but collect them in a bucket or receptacle provided for this purpose and shall in other respects keep his shop and tables knives, etc. in a clean condition
 - h. No one suffering from any infectious or contagious disease shall hawk or sell meat or fish
 - i. No person shall transport meat or fish except in a clean receptacle which either have a lid or shall be covered with a clean cloth. Nor shall a person transport, hawk or sell meat or fish without wearing a badge on the left arm, exposed to view. Upon expiration, suspension or cancellation of the license the badge shall within 48 hours, be delivered to the licensing officer

Cycle Rickshaw:

1. In Nainital, the cycle Rickshaws are regulated as per the provisions of the "Bye-laws for the regulation of three wheeled pedal propelling rickshaws plying for hire within the Naini Tal Municipality"
2. No rickshaw shall be hired out for use within municipal limits, except under a license granted in accordance with these bye-laws, and except in accordance with the conditions of such license
3. The licensing officer shall refuse to grant a license if the vehicle is not in a good state of repair no minor shall be issued a license nor shall any person be issued more than one Cycle Rickshaw license in his name. Here the license and permit mean the same. There is no difference between the two, here the municipal corporation treats license as permit
4. As per the byelaws, no license shall be issued or renewed unless the police authorities have verified the character and antecedents of the person applying for a license. In case of adverse police report, no license will be granted or such license if granted will be cancelled
5. A person desirous of having a driver's license shall submit an application, in duplicate to Licensing Officer giving full and correct particulars as may be asked for by the Licensing Officer, and produce a medical certificate, issued by the Municipal Medical Officer of Health, Naini Tal as to his age, physical fitness and identification marks and three 2½"x3" prints of his photographs with his application or subsequently according to the directions of the Licensing Officer. A license for driving under these bye-laws shall be issued only to the person actually driving the cycle rickshaw on furnishing a security of Rs.10
6. No license shall be issued or renewed unless the police authorities have verified the character and antecedents of the person applying for a license

7. In case of adverse police report, no license will be granted or such license if granted will be cancelled
8. As per the bye-laws the "licensing officer" shall be the Executive Officer, Municipal Board
9. As per the byelaw, license will be non-transferable. The licensee shall not transfer his license to any other person but a license may be transferred on the joint application of the persons concerned to the licensing officer, who will make the necessary alteration in the license on payment of a fee of Rs.2.50 Paise
10. A license for driving under these byelaws shall be issued only to the person actually driving the cycle rickshaw on furnishing a security of Rs.10. The driving license fee will be Rs.5 per year or part of a year ending on a March 31, in each year. Byelaw also states that a fee of Rs.25 shall be paid for each license for a year or part of a year
11. The licensing officer may at once suspend the license for the breach of any of the conditions on which it was granted pending the order of the President and the President may at any time for reasons to be recorded, direct that the license be with drawn and cancelled. The cancellation of his license shall be no bar to the holder's prosecution for nay offence punishable under these bye-laws which he may have committed
12. An appeal shall lie to the President from any order of the licensing officer under bye-laws 4 and 7 within ten days from the date of the said order. President's order on such appeal shall be final
13. "In exercise of the powers is conferred by section 299(1) of the Act, the Board hereby 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 date of first conviction during which the offender is proved to have persisted in the offense."
14. Licensee is supposed to follow the following conditions: -
 - a. No rickshaw shall be allowed to ply on any road within municipal limits except the North Mall from the Lake Bridge up to the Polars
 - b. The number of the rickshaw corresponding to the number of the license shall be painted on both sides of the body of the vehicle in 4 inch white figures on a black ground
 - c. At the time of licensing a printed schedule of rates will be provided to be each rickshaw free of charge
 - d. The license specified in bye-law 2 shall be granted subject to the conditions of the byelaw
 - e. The rickshaw must be kept in good repairs
 - f. The license shall not remain valid after the 31st March following the date of issue
 - g. The lamp of every rickshaw must be provided with the required amount of oil wicks or other illuminant before the rickshaw is let out to hire
 - h. The license is responsible that the numbers affixed under bye-law 6 are maintained in good order
 - i. If any lost or unclaimed property is found in any licensed rickshaw on its return from here the licensee shall within 24 hours, if it is not sooner claimed by the owner thereof take it, or cause it to be taken, to the Kotwali and deliver it, or cause it to be delivered, to the Police Officer in charge
 - j. The licensee shall not Without reasonable excuse refuse to let out of his rickshaw to any person lawfully requiring the same, or refuse to accept the hire laid down by these bye-laws or demand a higher rate;

- k. The license shall not fail to produce his license when a magistrate, member of the Board, Police Officer or Employee of the Board especially empowered in this behalf demand it
- l. Upon the expiration or suspension or cancellation of his license the licensee shall within 24 hours deliver up his license to the licensing officer
- m. The licensee shall not transfer his license to any other person but a license may be transferred on the joint application of the persons concerned to the licensing officer, who will make the necessary alteration in the license on payment of a fee of Rs.2.50 Paise
- n. The alterations in the license shall be signed and dated by the licensing officer
- o. The licensee shall produce his rickshaw for inspection by the licensing officer at such times and places as the President, Vice-President, or the licensing officer may direct
- p. Every person licensed to propel a rickshaw shall wear while in charge of, or employed with, such licensed rickshaw, a brass badge on his arm bearing the number of his license and shall be cleanly and decently clothed
- q. No person who in the opinion of the licensing officer is too weak, and no person under 16 years of age shall be allowed to propel a rickshaw
- r. If the Licensing Officer considers that any driver or puller is not fit to drive a rickshaw or is ill continuously or his character and antecedents are unsatisfactory, or if any of the particulars furnished in the application for driver's license are subsequently found to be incorrect, the said officer may cancel or suspend the driving license
- s. The Licensing Officer may prohibit plying of cycle rickshaws on the Mall Road during such hours as may be specified by him to avoid inconvenience to pedestrian traffic
- t. Rickshaw when not let out on hire shall not be kept or place on any public road except at the municipal rickshaw stands to be fixed by the Board and no rickshaw shall be taken along any public road for the purpose of offering it for hire to passers by
- u. No more than two persons shall be carried in any rickshaw
- v. When passing equestrians and led horses rickshaws must keep to the outside of the roads, as between themselves they shall observe the ordinary rule of the road
- w. No rickshaw shall be left standing on any narrow road so that any other rickshaw, dandy or other traffic cannot pass
- x. Every rickshaw plying for hire shall be produced for disinfection before the sanitary inspector of the circle once a fortnight at dandy shed at the time and day fixed by the Medical Officer of Health. A charge of 0.06 P. will be made for every disinfection
- y. The licensing officer may at once suspend the license for the breach of any of the conditions on which it was granted pending the order of the President and the President may at any time for reasons to be recorded, direct that the license be withdrawn and cancelled. An appeal shall lie to the President from any order of the licensing officer under bye-laws 4 and 7 within ten days from the date of the said order. President's order on such appeal shall be final
- z. The rates of hire for rickshaws shall in no case exceed 12 paise for one passenger and 25 Paise for two passenger

Dhaba:

1. In Naini Tal, Dhabas are regulated as per the Bye-laws for the regulation of vendors of article of food in the Naini Tal Municipality. "Food" include every article expecting food grains used for food or drink by men, any article which ordinarily enters into or is used in the composition or preparation of human food, flavouring matters, and ice. It does not include drugs or water
2. Vendor" includes "Hawker". No person shall sell or expose for sale any food within the limits of the municipality unless he has been granted a license
3. The Commissioner of the Nainital Municipality is the prime authority for the licenses. But the byelaws do not specify the department in charge
4. As per the byelaw, in the exercise of the powers conferred by section 299(1) of the Act, the Board directs that any breach of any provisions of the rules and bye-laws shall be punishable with fine which may extended 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 date of first conviction during which the offender is proved to have persisted in the offence"
5. A licensee is supposed to follow the following conditions:-
 - a. No one shall place any food intended for sale in or on any dirty receptacle, or expose such food without properly covering it, so as to prevent access or dirt, flies, smoke, insects, etc. to the satisfaction of the Medical Officer of Health.
 - b. No food shall be kept near any sullage drains, rubbish heap latrine, night soil, depot or dustbin
 - c. Persons suspected to be suffering from infectious or communicable intestinal diseases shall not be allowed to carry on the trade unless certified to be safe by Medical Officer of Health
 - d. All substances used in the preparation of food shall be free from adulteration, and of good quality. The Medical Officer of Health will be the judge of the quality of ingredients used in the preparation of the articles exposed for sale
 - e. Water used for preparing food, and cleaning utensils or for drinking by customers, shall be obtained from the municipal piped supply or from a pure source certified by the Medical Officer of Health and shall be stored in clean vessels with suitable covers to protect it from contamination
 - f. Food shall be served to customers in neat and clean receptacles or dishes. No used paper or paper which is printed or written over shall be utilized for this purpose
 - g. No vendor or hawker shall use any lamp or other light which by reason of its construction or condition is likely to smoke or deposit soot
 - h. Proper receptacle shall be provided at all food shops for receiving used donas, etc. and shall be regularly cleaned
 - i. Arrangements for the slaughtering of fowls and for the cleaning of fish, etc. shall be made to the satisfaction of the Medical Officer of Health
 - j. All vegetables eaten raw in salads, sandwiches, etc. shall be properly washed in potassium permanganate solution of suitable strength
 - k. Adequate arrangement for latrines and urinals shall be made for the employees of restaurants, hotels and shops, etc
 - l. No person shall sell stale eggs or rotten eggs to any customer

- m. Hen's eggs duck eggs and guinea fowls eggs should be stored kept and sold under their proper name. All receptacles should bear a label with proper names of the eggs in bold letters both in Hindi and English of size not less than 2 each
- n. Every vendor of food shall put up a sign board written in English, Hindi and Urdu characters indicating whether the articles of food sold by him have been prepared from genuine ghee or vegetable product every letter of which shall be at least 2" by 2" in dimension. The Notice Board shall always be maintained in good order and be put at the most prominent place in shop frontage so that it may be distinctly visible to customers
- o. The Medical Officer of Health shall be the licensing authority for the purpose of these byelaws
- p. The license may be cancelled or suspended at the discretion of the Medical Officer of Health at the outbreak or during the prevalence of an epidemic or for breach of any of the aforesaid conditions