

THE LIVELIHOOD REGULATIONS REPORT

SHIMLA



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

Shimla is a city in the Indian state of Himachal Pradesh. It is also the capital of the state and a municipal corporation within the Shimla district. In 1864, Shimla was declared the summer capital of the erstwhile British Raj in India. A popular tourist destination, Shimla is often referred to as the "Queen of Hills" (a term coined by the British). Located in north-west Himalayas at an altitude of 2,130 metres (6,988 ft), the city of Shimla, draped in forests of pine, rhododendron, and oak, experiences pleasant summers and cold, snowy winters. The city is famous for its buildings styled in tudorbethan and neo-gothic architecture reminiscent of the colonial era. Shimla is connected to the city of Kalka by one of the longest narrow gauge railway routes still operating in India. Shimla is approximately 115 km (71.4 miles) from Chandigarh, the nearest major city, and 365 km (226.8 miles) from New Delhi, the national capital. The city is named after the goddess Shyamala Devi, an incarnation of the Hindu Goddess Kali.

Shimla city consists of the Shimla municipal corporation and Shimla planning areas (SPA). The SPAs are Dhalli, Tutu, and New Shimla urban agglomerations. As per the 2001 India Census, the city has a population of 1,42,161 spread over an area of 19.55 km². A floating population of 75,000 is attributed to service industries such as tourism. The largest demographic, 55%, is 16-45 years of age. A further 28% of the population are younger than 15 years. The low sex ratio - 930 girls for every 1000 boys in 2001 - is

The unemployment rate in the city has come down from 36% in 1992 to 22.6% in 2006. This drop is attributed to recent industrialization, the growth of service industries, and knowledge development. 84% of the population of Shimla city is literate, compared to 80% in Shimla district and 77% in the entire state. The majority of Shimla's population consists of natives of Himachal Pradesh. A large minority is composed of Partition-era migrants from Pakistan. Hindi, Punjabi and Pahari are the main languages. The major religion is Hinduism, followed by Sikhism. Other religious groups include Christians and Tibetan Buddhists.

The present report of the livelihood regulations in Shillong covers dhaba, vegetable sellers, job porter, mini cab and meat shop.

SHIMLA

The trades under the study are:

- 1. Street food vendors- (dhabha/tea stall/snacks bar)**
- 2. Vegetable Sellers**
- 3. Meat Shop/Slaughterhouse**
- 4. Job Porter/coolie**
- 5. Mini Cab**

The Licensing in the Municipal Corporation of Shimla is regulated through the laws, bylaws and sections under the Himachal Pradesh Municipal Corporation Act 1994, chapter (Licensing). The regulatory body is the Municipal Corporation Shimla. The Municipal Corporation Shimla gives Licenses to operate dhaba's, vegetable vendors, meat shops and Auto repair workshops where as the permits for Mini cab is

As per section 324 of the Himachal Pradesh Municipal Corporation Act 1994, no person shall use or permit to be used any premises for any of the purposes specified in Part-I of the Schedule I, any purpose which is, in the opinion of the Commissioner dangerous to life, health or property or likely to create a nuisance, keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or store any of the articles, specified in Part II of the Schedule-I except for domestic use of those articles:

Estate Branch is the custodian of MC property. It is also amongst the major revenue earning branches of the corporation. It is under the control of joint commissioner/ assistant commissioner. It was created in the year 1982.

FUNCTIONS OF ESTATE BRANCH:

It controls and regulates the immovable property of the MC. Its functions are:

1. To look after the immovable property of the Corporation.
2. To lease out, rent out or alienate the property of the Corporation.
3. To issue various business and other licenses under the MC Act.
4. To control and manage labour hostels.
5. Recovery of arrears/ MC dues.
6. To grant permissions for hoardings, banners, posters, road shows etc.
7. To regulate the activities of the hawkers, migratory labourers etc.
8. To look after the Working Women hostels.

List of Licensing Trades:

Following is the list of trades that are required to be conducted after obtaining license from the Municipal Corporation:

1. Business
2. Coolie/Job Porter
3. Dogs
4. Horse and Cattle
5. Hawker
6. Milkman
7. Plumber
8. Pram wallahs

TYPES OF LICENSES:

There are two kinds of Licensing in operation currently. One for the premises to run the business and other is for selling of a particular product.

For premises, the License is given by the Estates Branch whose task is to verify that whether the premises/buildings are legally owned or rented and contain basic provision of electricity and water supply.

The Health department verifies the health and hygiene aspects of the business whereas ascertaining that the business owner is in a good healthy condition and medically fit to run the business and also prevented from infectious diseases. They also conduct inspections to check the business premises for hygiene and fitness of food items being sold prior to consumption or upon receiving any complaints.

HAWKERS LICENSE

This license is issued to those persons who are allotted Tehbazari place for doing small business. At present there 163 such license holders in the town.

The license and place is allotted as per the provisions of the Municipal Corporation Shimla (control and regulation) Hawkers Bye Laws-1998.

The application form can be taken from the estate branch of MC Shimla by paying a sum of Rs.5. It should be recommended by the concerned inspector of the area. The person applying for license under PFA category can apply to the Corporation Health Officer.

The license fee is as under:

Tehbazari (Hawkers) fee: Rs.600/ pm

For cobblers etc Rs.300/pm

This license is also issued for a period of one year.

COOLIE LICENSE

Any person can apply on an application form which can be taken from the office of estate branch on payment of Rs.5/-. The application form should be recommended and verified by 'CHAUDHARY' and the area inspector. Two copies of recent photographs duly attested by a competent authority should be submitted along with the application form. A token and license card is issued to the applicant. Token if lost can be issued again on the payment of additional fee. The license is issued for a period of one year. It is renewed every year on the payment of requisite fee

The license fee is as under:

Coolie license fee	Rs.120/
Coolie token fee	Rs.100/
Coolie Card fee	Rs.1/
Coolie card cover fee	Rs.6/

ISSUE OF BUSINESS LICENSES (Prevention of Food Adulteration (PFA) and Non - Prevention of Food Adulteration (Non-PFA)

All the licenses under section 324 of the HP Municipal Corporation Act, 1994 are issued by the estate branch on yearly basis.

Procedure:

For NON PFA categories, any person can apply on a simple paper with a license fee of Rs.5 to the Estate branch specifying the type of activity he/she wants to undertake. For PFA licenses one can apply to the Corporation Health Officer after producing medical fitness certificate of a competent authority.

Those who are applying for a new business have to submit an affidavit specifying the particulars of the owners of the premises in which the business is to be started. The person applying for license should not be an encroacher and is required to register his name in the Tax department of M.C. Shimla. This type of report can be sort from the Architect Planner branch of Municipal Corporation Shimla. The activities which require the availability of water must have commercial water connection.

Renewal of licenses:

Old license is required at the time of applying of renewal. For hotels, restaurants, Dhaba's, Halwai Shops, Guest houses, Kerosene depot, Petrol pumps, Coal Companies, Cinema, Saw Machine, Theater, Scrap Shops, Motor workshops, etc. are required to have no objection certificate from fire department. For preparation of licenses every year two months are given i.e. the months of March and April. During this period the

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applicants may apply for PFA and Non-PFA licenses. If the license is not prepared with in this period fine is imposed on the persons validated by the law.

Earlier, the business licenses use to be issued as per the activities or articles list specified in part I and Part II of Schedule I under section 324 of HPMC Act 1994. However, this process was very cumbersome because all the articles were to be counted on every shop. Also this method is used to meet out disparity to the business community. To make the process more simplified and acceptable, unit wise license sing has been started in Municipal Corporation Shimla. For this the licenses are issued area wise as under:

Area	Licenses Fees
0 square feet. to 125 square feet	Rs.200/-
Above 125 square feet	Rs.300/-
For PFA licenses,	
Additional annual fees	Rs.10 per article
Others (as described below)	Rs.500/-

It is immaterial that whether the shopkeeper is holding one activity or multiple activities. Even if the activity carrying is multiple, the charges remain as above.

For Hotels (lodging houses, catering, bars) or restaurants, Guests houses, Gas companies, Coal companies, Departmental store, Private hospitals, Private Schools, other training centre, Back roller, Ice-Skating rings, Cinema, Theater, Out door shooting, Out door photographer, Motor workshop, Petrol pumps, Tent house, Travel agency, Laboratory Clinic, Circus and other such type of professional fees worth of Rs. 500/- per annum is charged.

The penalty for not having licenses is as under:-

Period	Amount of Fine
Within period	0
Within one month	50%
Within two months	75%
After three months to 31 st March	100%

The procedure and details of obtaining Licenses according to the trade are as follows:

I. Dhabha:

A *dhaba/tea-stall/snack bar* is a place where cooked food and other edible items for human consumption are sold. As per the RTI reply from the corporation, dhaba is a small open eating place on the road side offering in the expensive dishes. RTI reply defines tea stall as small time vendors who primarily sell tea, coffee, milk etc and snacks bar is a place where snacks (small amount of food eaten between meals) are sold.

The Laws applicable for the licensing of dhaba's are The Himachal Pradesh Municipal Corporation Act 1994 and Provisions of Prevention of Food Adulteration Act. Shimla Municipal Corporation (Cooked Food) Byelaws 1984, "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws 2004, The Shimla Municipal Corporation Sanitation and Public Health Bye-laws 2004, The Shimla Municipal Corporation (Municipal Market) Bye-laws etc are also applicable.

Normally only one license is needed to open and operate a dhaba. Prevention of Food Adulteration Act is having a key role in governing the licenses to these dhaba's. There are two different application forms for items to be sold either under PFA and/or under non PFA. (Prevention of Food Adulteration) According to the act, the person has to take a License when he/ she want to operate a business of dhaba, tea-stall or a snack bar.

As per section 318 of Himachal Pradesh Municipal Corporation Act, No animal or article shall be sold or exposed for sale within distance of one hundred metres of any municipal market or licensed private market without the permission of the Commissioner. The violators can be punished under the act. Section 327 says that No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not .

As per Shimla Municipal Corporation (Cooked Food) Byelaws, 1984, no person shall manufacture, sell, or prepare or expose for sale cooked food except in the licensed premises by the Municipal Corporation and no person shall sell any such article by drinking. The license issued in will be subject to conditions described in the byelaws.

According to "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws, 2004, Hawkers" means a persons who deposits goods for sale in a public street and includes a Behangiwalla, Khonchewala and pheriwalla. No Hawker shall be allowed to sell any articles in any public street within Municipal Corporation Limit except under the written permission granted by the Commissioner, Municipal Corporation, Shimla or the licensing officer/official authorised by him f in the form of a license annexed to the bye laws and is supposed to follow the conditions contained in the said written permission.

The Shimla Municipal Corporation Sanitation and Public Health Bye-laws 2004, The Shimla Municipal Corporation (Municipal Market) Bye-laws are also applicable.

LICENSING PROCEDURE:

The License can be obtained upon filling up of an application form available at the Estate Branch of the Municipal Corporation at a cost of Rs.5/- only. There is a procedure to apply and if the application is found satisfactory including obtaining recommendation of the Health Official, a License is granted within a week's time. The procedure is rather simple and requires little documentation.

At first one has to obtain an application form at a cost of Rs.5/- from the Municipal Corporation and submit the duly filled application form along with the required documents and remit the applicable amount by cash or cheque for annual License fee. (A copy of the application is forwarded to the Corporation Health Officer from the Estate branch and he is expected to conduct routine investigation of the premises or may be escorted by the applicant to expedite the process, the report is then sent back to the Estate Branch with Corporation Health Officer's comments and verifications on the basis of which a final decision is made.

DOCUMENTS REQUIRED:

1. Affidavit of the applicant on Rs.5 Stamp paper containing information regarding the legality of ownership/tenancy of the premises, since how long the business is being run
2. NOC from Architect/Planner Branch.
3. NOC or recommendation of the Corporation Health Officer

AUTHORITY AND DEPARTMENTS :

For PFA licenses, the authorities involved are Corporation Health Officer, Municipal Engineer, Architect Planner, Tax Department Secretary, Fire department secretary H.P. Government and Superintendent of Estates Branch.

Departments are Estates Branch, Health Department, Water supply and sewerage, Architect Planner Branch, Tax department of the corporation, Fire department of H.P. Government and Estates Branch etc.

PRESCRIBED TIME:

There is no time limit prescribed in the Acts and Bye laws.

LICENSE FEES:

The fee has to be remitted along with the filled in application form at the Estate Branch. It varies according to the area of the premises and nature of business as follows:

FEES BASED On PREMISE

Up to 125 sq ft	- Rs.200
More than 125 sq ft	- Rs.300

FEES BASED ON PURPOSE

Catering	- Rs.500
Lodging	- Rs.500
Bar	- Rs.500

Only one License is granted per application and a single application can contain more than one type of business, however the License fee is additional and is computed in total.

As per the "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws, 2004 The licensee shall be liable to pay tehbazari in a addition to the licensee fee, at the rates to be decided by the commissioner Municipal Corporation, Shimla from time to time. Tehbazari shall be charged weekly in advance.

RENEWAL PROCEDURE:

A License is renewable every subsequent year i.e. it is granted at an annual basis only. There is a penalty in case of failing to obtain or renew a License as and when required

Up to one month's delay	-	50% of License fee
Up to two months' delay	-	75% of License fee
Up to three months' delay	-	100% of License fee

A delay of more than such time is penalized at the discretion of the Joint Commissioner of the Municipal Corporation who also holds powers of a Judicial Magistrate delegated by the Honorable High Court of Himachal Pradesh.

TERMS AND CONDITIONS:

1. Keep a valid License at all times.
2. Maintain health and hygiene at the premises and also personally or that of the staff working at the business. Be properly inoculated against infectious diseases.
3. Be available for queries and inspection of premises from time to time.

Timings:

As per the "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws, 2004, The Commissioner or the licensing officer/official limit the time during which Hawkers may be permitted to operate either generally or specially in respect of any class of articles or in any particular public street.

Penalty:

As per PFA act (Prevention of Food Adulteration), court can impose a sentence of imprisonment which can extend to three months with a fine which can extend to Rs.500 /- for dhaba's operating without license. It is an offence under the section 7 of the PFA act.

At the discretion of Joint Commissioner, Municipal Corporation Shimla a minimum fine of Rs.50 and a maximum fine of Rs.500 is payable if operating without a License. In addition a delay of more than three months for renewal is penalized at the discretion of the Joint Commissioner of the Municipal Corporation who also holds powers of a Judicial Magistrate delegated by the Honorable High Court of Himachal Pradesh.

As per the RTI(Right to Information) reply, there is provisions for penalty after the two months later than the prescribed time for renewal up to one month it is up to 50 %of the license fees, 75 % for next one month and 100 % for up to one year and 150 % for after one year for every year.

(Byelaws regulating the trade can be accessed at <http://www.shimlamc.org/>)

II.VEGETABLE SELLERS:

In Shimla, vegetable shop is considered as a place or premise where fresh vegetables and fruits are stored, displayed and sold for human consumption. The vegetable sellers have almost the same procedures as dhaba's. PFA license is needed for vegetable sellers as in dhaba's.

The Laws applicable to vegetable shop are The Himachal Pradesh Municipal Corporation Act 1994 and Provisions of Prevention of food Adulteration Act. "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws 2004, The Shimla Municipal Corporation Sanitation and Public Health Bye-laws 2004, The Shimla Municipal Corporation (Municipal Market) Bye-laws etc are also applicable.

As per section 318 of Himachal Pradesh Municipal Corporation Act, No animal or article shall be sold or exposed for sale within distance of one hundred metres of any municipal market or licensed private market without the permission of the Commissioner. The violators can be punished under the act. Section 327 says that No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not.

According to "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws, 2004, Hawkers" means a persons who deposits goods for sale in a public street and includes a Behangiwal, Khonchewala and pheriwal. No Hawker shall be allowed to sell any articles in any public street within Municipal Corporation Limit except under the written permission granted by the Commissioner, Municipal Corporation, Shimla or the licensing officer/official authorised by him f in the form of a license annexed to the bye laws and is supposed to follow the conditions contained in the said written permission.

LICENSING PROCEDURE:

The License can be obtained upon filling up of an application form available at the Estate Branch of the Municipal Corporation at a cost of Rs.5/- only. There is a procedure to apply and if the application is found satisfactory including obtaining recommendation of the Health Official, a License is granted within a week's time. The procedure is rather simple and requires little documentation.

At first one has to obtain an application form at a cost of Rs.5/- from the Municipal Corporation and submit the duly filled application form along with the required documents and remit the applicable amount by cash or cheque for annual License fee. (A copy of the application is forwarded to the Corporation Health Officer from the Estate branch and he is expected to conduct routine investigation of the premises or may be escorted by the applicant to expedite the process, the report is then sent back to the Estate Branch with Corporation Health Officer's comments and verifications on the basis of which a final decision is made.

DOCUMENTS REQUIRED:

1. Affidavit of the applicant on Rs.5 Stamp paper containing information regarding the legality of ownership/tenancy of the premises, since how long the business is being run
2. NOC from Architect/Planner Branch
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AUTHORITY AND DEPARTMENTS :

For PFA licenses, the authorities involved are Corporation Health Officer, Municipal Engineer, Architect Planner, Tax Department Secretary, Fire department secretary H.P. Government and Superintendent of Estates Branch.

Departments are Estates Branch, Health Department, Water supply and sewerage, Architect Planner Branch, Tax department of the corporation, Fire department of H.P. Government and Estates Branch etc.

PRESCRIBED TIME:

There is no time limit prescribed in the Acts and Byelaws.

LICENSE FEES:

The fee has to be remitted along with the filled in application form at the Estate Branch. It varies according to the area of the premises and nature of business as follows:

FEES BASED On PREMISE

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Only one License is granted per application and a single application can contain more than one type of business, however the License fee is additional and is computed in total.

As per the "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws, 2004 The licensee shall be liable to pay tehbazari in addition to the licensee fee, at the rates to be decided by the commissioner Municipal Corporation, Shimla from time to time. Tehbazari shall be charged weekly in advance.

RENEWAL PROCEDURE:

A License is renewable every subsequent year i.e. it is granted at an annual basis only. There is a penalty in case of failing to obtain or renew a License as and when required

Up to one month's delay	-	50% of License fee
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Up to three months' delay	-	100% of License fee

A delay of more than such time is penalized at the discretion of the Joint Commissioner of the Municipal Corporation who also holds powers of a Judicial Magistrate delegated by the Honorable High Court of Himachal Pradesh.

TERMS AND CONDITIONS:

1. Keep a valid License at all times.
2. Maintain health and hygiene at the premises and also personally or that of the staff working at the business. Be properly inoculated against infectious diseases.
3. Be available for queries and inspection of premises from time to time.

Timings:

As per the "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws, 2004, The Commissioner or the licensing officer/official limit the time during which Hawkers may be permitted to operate either generally or specially in respect of any class of articles or in any particular public street.

Penalty:

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At the discretion of Joint Commissioner, Municipal Corporation Shimla a minimum fine of Rs.50 and a maximum fine of Rs.500 is payable if operating without a License. In addition a delay of more than three months for renewal is penalized at the discretion of the Joint Commissioner of the Municipal Corporation who also holds powers of a Judicial Magistrate delegated by the Honorable High Court of Himachal Pradesh.

As per the RTI(Right to Information) reply, there is provisions for penalty after the two months later than the prescribed time for renewal up to one month it is up to 50 %of the license fees, 75 % for next one month and 100 % for up to one year and 150 % for after one year for every year.

(Byelaws regulating the trade can be accessed at <http://www.shimlamc.org/>)

III. MEAT SHOP:

Meat shop is a place where animals (goat, pig and sheep) are kept, ante mortem of animals are done, slaughtered and prepared, washed and cleaned, post mortems are done and then distributed for sale.

The Licensing is regulated through the laws, bylaws and sections under the Himachal Pradesh Municipal Corporation Act 1994, chapter (Slaughter House) and the regulatory body is the Municipal Corporation Shimla.

As per the Section 313 of the Himachal Pradesh Municipal Corporation Act 1994, The Commissioner, when authorized by the Corporation in this behalf, may provide and maintain municipal markets and slaughter houses for the use of persons carrying on trade or business in, or frequenting such markets or slaughter. Municipal markets and slaughter houses shall be under the control of the Commissioner who may at any time, by public notice, close any Municipal market or slaughter house or any part thereof. As per section 316, The Commissioner may charge such fees as he thinks fit to impose for the grant of a licence to any person to open a private market and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made there under, as he thinks fit to impose. When the Commissioner refuses to grant any licence, he shall record a brief statement of the reasons for such refusal. The Commissioner have to get the previous approval of the Corporation and the reasons must be recorded while suspending a licence in respect of a private market for such period as he thinks fit or cancel such licence. Provided no such licence shall be cancelled without giving an opportunity of being heard to the licence.

The procedures are same as of dhaba's. The only difference is that the Veterinary and Public Health Officer (VPHO) recommends, inspects or gives a NOC. Regarding the authority and departments involved, Veterinary and Public Health Officer (VPHO) is the ultimate authority. The applicants can contact the official at Veterinary and Public Health Officer C/o Ant Marketing Superintend Office, Sabzi Mandi, Lower Bazaar, Shimla. VPHO is actually a part of the Health Department but is located so because of the convenience of being close to the meat market of Shimla. The licensing procedure and renewal procedure as same of dhaba. But in addition, the slaughter houses have to follow the conditions as per the Shimla Municipal Corporation (Slaughter House) Bye-laws, 2004.

LICENSING PROCEDURE:

The License can be obtained upon filling up of an application form available at the Estate Branch of the Municipal Corporation at a cost of Rs.5/- only. There is a procedure to apply and if the application is found satisfactory including obtaining recommendation of the

Health Official, a License is granted within a week's time. The procedure is rather simple and requires little documentation.

At first one has to obtain an application form at a cost of Rs.5/- from the Municipal Corporation and submit the duly filled application form along with the required documents and remit the applicable amount by cash or cheque for annual License fee. (A copy of the application is forwarded to the Corporation Health Officer from the Estate branch and he is expected to conduct routine investigation of the premises or may be escorted by the applicant to expedite the process, the report is then sent back to the Estate Branch with Corporation Health Officer's comments and verifications on the basis of which a final decision is made.

DOCUMENTS REQUIERED:

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Departments are Estates Branch, Health Department, Water supply and sewerage, Architect Planner Branch, Tax department of the corporation, Fire department of H.P. Government and Estates Branch etc.

PRESCRIBED TIME:

There is no time limit prescribed in the Acts and Byelaws.

LICENSE FEES:

The fee has to be remitted along with the filled in application form at the Estate Branch. It varies according to the area of the premises and nature of business as follows:

FEES BASED On PREMISE

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TERMS AND CONDITIONS:

1. Keep a valid License at all times.
2. Maintain health and hygiene at the premises and also personally or that of the staff working at the business. Be properly inoculated against infectious diseases.
3. Be available for queries and inspection of premises from time to time.

Timings:

As per the "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws, 2004, The Commissioner or the licensing officer/official limit the time during which Hawkers may be permitted to operate either generally or specially in respect of any class of articles or in any particular public street.

Additional Procedures for the slaughter houses:

Terms and Conditions:

1. No animal shall except in case of necessity or for a purpose, be slaughtered in any place granted or licensed by the Committee for the slaughtering of animals.
2. Adequate provisions shall be made at every place appointed or licensed for the slaughtering of animals for:-
 - a. An adequate supply of wholesome water.
 - b. Disinfection & cleansing of utensils, instruments and hands.
 - c. Ventilation
 - d. Lighting
 - e. Cleansing.
3. Keeping the premises free from flies, carrion, rats, mice and other vermin.
4. Sufficient number of vessels or receptacles of galvanized iron or other non-absorbent material and furnished with closely fitting covers for the purpose of receiving and conveying all refuse products.
5. An adequate number of hangers or pulleys must be available for hanging the carcasses.
6. Paying the slaughter yard with rough cement concrete or other non-slippery impervious material and for covering the internal surface of the surrounding walls with hard smooth and impervious materials to a height of at least six feet.
7. Suitable drains must be there to connect with municipal drains and in case of non-sewered towns with cesspools or pits constructed of non-absorbent material outside the building for the collection of refuse, filth etc.

Department and the Authority involved:

The Veterinary Public Health Officer shall be the Officer in-charge of the slaughter house. It shall be his duty: -

1. To attend at the slaughter house during the hours fixed.
2. To inspect the animals ante-mortem
3. To inspect carcasses.
4. To keep a record of the animals slaughtered.
5. To see that at the end of each day's work the slaughter-house is thoroughly cleaned and disinfected and all meat unfit for human or animal consumption has been duly destroyed or disposed off and generally to enforce the provisions of the Bye-Laws.

Opening and Closing Hours:

The slaughter-house shall be open for the slaughter of animals during such hours only as the Committee may from time to time prescribe but in special circumstances and on the realization of such, extra fee as the Superintendent may think fit, he may allow the slaughter of an animal at any other time, under his written permission. The Veterinary Public Health Officer shall fix at a conspicuous place in the slaughter house a notice showing: -

1. The hours of working of the slaughter house.
2. The fees payable and
3. Any other directions that the Committee may see fit to issue.

Health Precautions:

1. No person effected with tuberculosis, or any other infectious or contagious disease shall enter the slaughter house.
2. The Veterinary Public Health Officer may require any person using the slaughter-house to submit to a medical inspection.
3. No person other than the Municipal staff on duty inspecting officers, butchers slaughter-men and their assistants or bona fide servants shall enter the slaughter house premises during the process of slaughtering, skinning or cutting up of carcasses.
4. No person shall rub or cause to be rubbed the inner sides of the skins upon the ground within any portion of the slaughter house.
5. Hides and skins shall not be dragged within the slaughter house premises except on the hairy sides.
6. No gut scrapping trips cleaning manufacture or preparation of articles of food for meat animals, house hold washing or work of any nature, other than is involved in the slaughter house of animals and the dressing of carcasses, shall be permitted in the slaughter house.
7. No meat shall be sold on the premises of the slaughter house.
8. An animal rejected for slaughter shall not be brought again to the slaughterhouse

Provisions before the Slaughter

1. Every animal intended for slaughter shall be brought to the inspection yard and presented for inspection to the Veterinary Public Health Officer.
2. No animal shall be approved for slaughter, if: -
 - a. It is less than 15 months old.
 - b. It is in a fertile condition or is excessively old.
 - c. It is pregnant or is with un-weaned young.
 - d. It is deceased or in a dying condition provided that an animal which has met with an accident, but is otherwise healthy may be approved.
 - e. It shows symptoms of having being treated cruelly by over-trucking, over-driving, or other acts.
3. No person shall bring into any part of the slaughter house the following:
 - a. An animal less than 15 months old.
 - b. An animal in a fertile condition or is excessively old.
 - c. An animal which is pregnant or is with un-weaned young.
 - d. A deceased or dying or dead or any carcass or part thereof.
 - e. An animal showing symptoms of having being treated cruelly by over-trucking, over-driving, or other acts.
 - f. A dog or any animal not meant for slaughter or for the slaughter of which the slaughter house is not provided.

4. The veterinary Public Health Officer shall maintain a register in which he shall record: -
 - a. The age, class, sex and a brief description of each animal presented for slaughter.
 - b. Name and address of the owner of the animal.
 - c. Result of ante-mortem inspection.
 - d. Result of post mortem inspection and fees recovered.
5. An animal rejected for slaughter shall not be brought again to the slaughterhouse.
6. Animal found to be affected by any infectious or contagious disease or which are reasonably suspected of being so affected shall, if the Veterinary Public Health Officer so directs, be forthwith apprehended and removed to the Veterinary Hospital or such other place as the Committee man provide for the purpose.
7. Animals approved for slaughter shall be branded or marked with a distinctive mark on the ears, hoofs or horns and admitted to the waiting yard, provided that no animal shall be admitted to the waiting yard, if the prescribed fee has not been paid.
8. While in the waiting yard the owner or the person in-charge of the animal shall be responsible for its security, proper care, feeding and watering provided that the Committee may arrange for feeding of animals, while in the waiting yard and recover the expanses from the owner.
9. All animals approved for slaughter shall be kept in the waiting yard, until the owners or person in-charge thereof receive permission from the Veterinary Public Health Officers to take them to the slaughter yard.
10. Slaughter house fee will be collected from the owners or person in-charge for all the animals to be slaughtered after inspection has been completed. The fee will be fixed/revised by the Corporation from time to time

The Slaughter

1. No animal shall be admitted to the slaughter yard, unless it is blindfolded
2. Every person willing to work as a slaughter man in the slaughter house shall get his name registered as such in the Committee's office
3. No person shall slaughter an animal in the slaughterhouse unless his name is registered as a slaughter-man
4. The Veterinary Public Health Officer may inspect the instruments and appliances of every slaughter-man and may prohibit the use of any instrument or appliance by a slaughter-man, if in his opinion such instrument or appliance is not in proper working order
5. The Veterinary Public Health Officer shall assign a place to each slaughter-man for slaughtering and no animal shall be slaughtered by a slaughter man at any other place than the place assigned to him
6. Every animal shall be slaughtered immediately over the drain and no blood shall be allowed a flow upon the floor. No animal shall be slaughtered in public view, or in view of another animal

After The Slaughter:

1. Slaughtered animals shall be disemboweled as soon as possible after slaughter, to the satisfaction of the Veterinary Public Health Officer
2. That the contents of the stomach and bowels of the slaughtered animals shall not be washed into the drain or allowed to drop on the floor but shall be emptied into receptacles provided for the purpose by the Committee
3. No person shall conceal, remove or obliterate any evidence of any disease in a carcass by washing, rubbing, stripping or in any other manner, before presenting it for inspection by the Veterinary Public Health Officer
4. No person shall strip the serious membranes of a carcass, except with the permission and under the direct supervision of the Veterinary Public Health officer
5. No air shall be blown by mouth or by any other manner into the tissues of any carcass or part of the carcass
6. The Veterinary Public Health Officer may cause to be buried or destroyed any carcass or part of a carcass found to be blown or stuffed
7. While upon the premises of the slaughter yard the fat of every animal slaughtered shall be kept freely exposed to the air
8. All carcasses shall after skinning the cleaning be presented to the Superintendent for inspection
9. The Veterinary Public Health Officer, shall have his own knives, wipe and instruments for examining carcasses and parts and organs thereof
10. Knives and other instruments that have been used for cutting or examining any diseased organ, gland or tissue shall not again be used for any purpose until they have been properly disinfected
11. If a carcass is found on inspection to be free from disease, the Veterinary Public Health Officer shall pass it without undue mutilation as fit for human consumption
12. If any part of the carcass is found to be disease it shall be removed, and the remainder passed fit for human consumption if it shows no symptoms of disease
13. If the entire carcass is contaminated with disease or is otherwise unfit for human consumption, it shall be condemned
14. All condemned meat shall be destroyed, buried or otherwise disposed off under the orders of the Veterinary Public Health Officer
15. All carcasses which have been passed by the Veterinary Public Health Officer as fit for human consumption shall be marked "Passed" along with an identifying mark for the kind of meat such as "G" for goat flesh and "M" for mutton.
16. No person except the Veterinary Public Health Officer or a person specially authorized by him shall affix or place or cause to be affixed or placed the inspection or identifying marks to or on any meat and no such marks shall be affixed or placed to or on any meat at any place other than the premises of the slaughter-house
17. No person shall remove any carcass from the slaughter house premises until it has been duly passed by the Veterinary Public Health Officer
18. No person shall remove entrails and offal's from the slaughter-house until they have been properly washed and cleansed
19. Any carcass or part thereof not removed from the slaughter- house, or such further time as the Veterinary Public Health Officer shall become the property of

the Committee and the Veterinary Public Health Officer shall be general or special order provide for the disposal of such carcass or parts thereof

Penalty:

At the discretion of Joint Commissioner, Municipal Corporation Shimla a minimum fine of Rs.50 and a maximum fine of Rs 500 is payable if operating without a License. In addition a delay of more than three months for renewal is penalized at the discretion of the Joint Commissioner of the Municipal Corporation who also holds powers of a Judicial Magistrate delegated by the Honorable High Court of Himachal Pradesh.

Any person transgressing the provisions of Bye-Laws 10 (i), 11 and 12 may be removed from the slaughter house summarily under the directions of Veterinary Public Health Officer.

Any animal brought into the slaughterhouse in contravention of this Bye-Laws shall be summarily removed under the orders of the Veterinary Public Health Officer.

(Byelaws regulating the trade can be accessed at <http://www.shimlamc.org/>)

IV Job Porter/coolie:

The Licensing of Job Porter/coolie is regulated through the job porter bye-laws – 2004. "Job Porters" means a person who carries goods for hire or reward. No person shall work as job Porter within the territorial jurisdiction of the Corporation except under a License granted by the Corporation under these byelaws. Any job Porter hired outside the Municipal Corporation limit and performs a portion of the work imported by such hiring within Municipal limit the provision of this byelaw, shall not apply to such job porter if the period of performance of work in the Municipal Corporation limit does not exceed 24 hour. Nothing in these bye-laws (job porter bye-laws –2004.) shall apply to any job porters:

1. engaged or hired within the precincts of a Railway Station, or
2. engaged and hired outside the territorial jurisdiction of the Corporation who under such engagement or hiring performs the job of a porter, within the Corporation limits for a period of not exceeding 24 hours.

Application:

No License shall be granted under these bye-laws, unless the applicant:-

1. has applied to the Commissioner of the Corporation for the grant of a license in the form prescribed and attached with the application two copies his recent photograph and a certificate from a reliable person to the effect that the applicant is personally known to him for not less than two years immediately proceeding the date of application and that the particulars given in the application are correct to the best of his knowledge
2. Every job porter shall get a license on payment of such a fee as may be fixed by the Corporation from time to time

3. Job porter so licensed has attained the age of 18 years and above and
4. Job Porter shall be physically and mentally fit in all respects to work as a Job Porter

Conditions for Licensee:

1. Every license issued or renewed under these bye-laws shall be subject to the following conditions, that the licensee:-
 - a. shall, while performing the work as Porter wear clothes of such colour
 - b. shall, deposit at the nearest Police station all goods or property which may be left with him by the owner thereof;
 - c. shall, not demand or receive more than the maximum hire permissible under the scale fixed by the Commissioner from time to time
 - d. shall, take proper care of the badge issued to him under Bye-laws and shall not alter, deface or obliterate it;
 - e. shall, not permit the use of the badge issued to him under by laws 8 by another person and in case it is lost, he shall report the said lost with Corporation ;
 - f. shall, work in the locality where his name has been registered under bye-law No. 15
 - g. shall, produce on demand his license, badge and list of hires fixed by the Corporation to the officers of the Corporation.

Validity Of License:

No license shall be valid unless:-

1. it has been given in the prescribed form;
2. it has been signed by the Commissioner or by any Municipal Officer duly authorized by him;
3. it bears the legible signature or the left hand thumb impression of the Licensee at proper place and;
4. copy of the recent photograph of the licensee is affixed on it;

Metal Badge:

Along with every license, a metal badge of such design, as the Commissioner may approved upon which shall be marked or a number corresponding with the number of such license shall be supplied to the licensee on payment of such amount as may be fixed by him from time to time.

Expiry Of license:

Every license granted under these bye-laws shall expire on 31st day of March, next ensuing unless it is renewed under bye laws-11 on or before that date.

Licenses not transferable:

No license granted or renewed under these bye-laws shall be transferable

Renewal:

Subject to the provision of byelaws 12 and 13, every license granted under these bye laws may be renewed for such further periods not exceeding twelve months at a time. Rs.20/- is the fees for renewal unless otherwise specified by a notice on behalf of the Commissioner

An application for renewal of a license issued under these by laws shall be made in the form prescribed at least 30 days before the expiry of the license and shall be disposed of before the expiry of the license and if this application is not so disposed of within that period the license shall be deemed to have been renewed.

No license shall be renewed, unless the applicant:-

1. has paid such fees as are fixed from time to time under these bye laws;
2. continuous to satisfactory conditions laid down for the grant of such license under bye laws;
3. Continues to be physically and mentally fit in all respects to work as a Job Porter.

Return of License and Badge:

Unless a license is renewed every licensee shall return his license and the metal badge to the Commissioner within 15 days after the expiry of the term of license or when the License has been suspended or revoked after such suspension or revoke.

Regulations:

1. For the registration of job porters and for ensuring the availability of porters in the city the licensees shall be registered against the bus stand as locality-wise. Minimum and maximum number of job porters shall be fixed by the Commissioner or by the Officer authorized by him
2. For each locality, the Commissioner or by nominated under bye-law the officer authorized by him shall nominate one porter on the head job porter and he shall be paid such allowance as may be fixed by the Corporation
3. The Head Job Porter shall be responsible to organize and control the work at the particular bus stand and as and when authorized job porters are found at such sites, he shall report them to the Commissioner
4. The Head Job Porter shall ensure that the services of Job Porter are available at all times on the cooliage charges which are fixed by the Municipal Corporation

Penalties:

A licensee who contravenes any provisions of these bye-laws or any condition of the license shall be punishable under section 396 of the HPMC Act, 1994 with fine which may extend to Rs.500/- But it shall in no case be less than Rs.150/- and in case of continuing contravention, an additional fine which may extend to fifty rupees for every day during which such contravention continue.

Special Note:

A project to install a modern state-of-the-art slaughterhouse at Shimla has been approved for MC Shimla by the Central Government at a cost of Rs.18 crore which shall be functional in eighteen months time.

(Byelaws regulating the trade can be accessed at <http://www.shimlamc.org/>)

V Mini Cab/Taxi:

The operation of Mini-cabs is regulated as per the directions from the Regional Transport Authority at Shimla. Directions are on the basis of H.P. Motor Vehicles Rules and Regulations 1972 – Section 17(7) and Central Motor Vehicles Act 1988.

Minicab / taxi is considered as "Any motor vehicle constructed or adapted to carry not more than six passengers excluding the driver for hire or reward" A permit is issued by a State or a Regional Transport Authority prescribed in this behalf under this Act (1988) authorizing the use of a motor vehicle as a transport vehicle."

Only one type of license is required to drive a cab in the city area and that is the Mini Cab/Taxi permit obtainable from the Regional Transport Office/State Transport Authority after a due procedure requiring several formalities and fees etc. as described below.

Permit Procedure:

Fill up Form 45 and attach affidavit outlining individual status as an unemployed youth for two years, defining vehicle type and stating the desire to run it as a taxi. Also to be included with the application a certificate of Bonafide Resident of Himachal Pradesh.

Departments involved:

Regional Transport Office/State Transport Authority, Himachal Pradesh. Secretary Transport who is also the Chairperson of the State Transport Authority through RTO Shimla issues permits for running mini cabs/taxis in Shimla city. His address is Armsdale Building, HP Secretariat, and Shimla 171002. RTO Shimla – Transport Bhavan, NH 22, near tunnel 103, Shimla

Documents Required:

1. Form 45
2. affidavit outlining individual status as an unemployed youth for two years, defining vehicle type and stating the desire to run it as a taxi.
3. A certificate of Bonafide Resident of Himachal Pradesh.

Steps:

Apply on Form 45 with necessary documents including the Permission to purchase vehicle and Vehicle Inspection by Motor Vehicle Inspector, Remission of fees/taxes and Permit granted for five years

Time prescribed:

There is no specific time period prescribed to process the permit applications. However, it is done on case by case basis, 15 to 20 applications are collected at the RTO before they are sent over to the Chairman STA for approval and action. If the papers are correct and necessary fees duly paid then it can take up to four to six weeks to get a permit.

Permit Fees:

Inspection fee/Passing fee- Rs.200 (Initially for 2 yrs then every year) and Permit fee (5 yrs) - Rs.700. The above fees are to be remitted to RTO Shimla.

Terms and conditions for the permit:

1. Have a valid vehicle registration certificate, permit and driving license
2. Carry along a first aid box and complaint book
3. Have a valid vehicle Pollution Check Certificate
4. No overcrowding or carriage beyond the prescribed limit of passengers
5. Mini taxis/ cabs to have only white colour

Renewal:

Permits are granted for five years initially and are renewable within one month of the expiry of the previous permit with a penalty according to the HP Motor Vehicles Act (Rules and Regulations) 1972. Penalties for delay in renewing permit within -

1 st to 15 th day	Rs.10/ day
16 th to 30 th day	Rs.15/day
31 st day onwards	Rs.20/day subject to a maximum of Rs.30,000

Laws Dealing:

H.P. Motor Vehicles Rules and Regulations 1972 – Section 17(7) and Central Motor Vehicles Act 1988 - Section 2(22), 2(25)

Penalty:

RTO holds the power to challan/fine the taxi owner if found guilty of offence. Rs.2000 per seat or maximum of Rs.30,000 (Local taxi). Rs.4000 per seat or maximum of Rs.50,000 (National Permit)

Regularizing cabs/taxis without permit:

Regularization can only be done of the vehicle to be run as a taxi if it has not been registered for more than nine years.

1. In other words, the date of registration of the vehicle should not exceed more than nine years at the time of applying for a permit.
2. It should pass the inspection conducted by the Motor Vehicle Inspector of the concerned authority.
3. Should be able to give a No Objection Certificate from the agency of registration to RTO Shimla.
4. List of documents to be attached are Application on Form 20, Sale Letter/Registration Certificate, Insurance Cover and Defect Form.

(Byelaws regulating the trade can be accessed at <http://www.shimlamc.org/>)

FINDINGS**General Findings:**

1. The Licensing in the Municipal Corporation of Shimla is regulated through the laws, bylaws and sections under the Himachal Pradesh Municipal Corporation Act 1994, chapter (Licensing).The regulatory body is the Municipal Corporation Shimla
2. The Municipal Corporation Shimla gives Licenses to operate dhabas, vegetable vendors, meat shops and Auto repair workshops where as the permits for Mini cab is controlled by the Transport department
3. As per section 324 of the Himachal Pradesh Municipal Corporation Act 1994,
4. No person shall use or permit to be used any premises for any of the purposes specified in Part-I of the Schedule I, any purpose which is, in the opinion of the Commissioner dangerous to life, health or property or likely to create a nuisance or store any of the articles, specified in Part II of the Schedule-I except for domestic use of those articles
5. Estate Branch is the custodian of MC property. It is also amongst the major revenue earning branches of the corporation. It is under the control of joint commissioner/ assistant commissioner
6. There are two kinds of Licensing in operation currently. One for the premises to run the business and other is for selling of a particular product. For premises, the License is given by the Estates Branch whose task is to verify that whether the premises/buildings are legally owned or rented and contain basic provision of electricity and water supply
7. The Health department verifies the health and hygiene aspects of the business whereas ascertaining that the business owner is in a good healthy condition and medically fit to run the business and also prevented from infectious diseases. They also conduct inspections to check the business premises for hygiene and fitness of food items being sold prior to consumption or upon receiving any complaints

8. HAWKERS LICENSE is issued to those persons who are allotted Tehbazari place for doing small business. The license and place is allotted as per the provisions of the Municipal Corporation Shimla (control and regulation) Hawkers Bye Laws-1998
9. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not
10. Any person can apply for coolie license on an application form which can be taken from the office of estate branch The application form should be recommended and verified by 'CHAUDHARY' and the area inspector. Two copies of recent photographs duly attested by a competent authority should be submitted along with the application form. A token and license card is issued to the applicant. Token if lost can be issued again on the payment of additional fee. The license is issued for a period of one year. It is renewed every year on the payment of requisite fee
11. For NON PFA categories, any person can apply on a simple paper with a license fee of Rs.5 to the Estate branch specifying the type of activity he/she wants to undertake. For PFA licenses one can apply to the Corporation Health Officer after producing medical fitness certificate of a competent authority.
12. Those who are applying for a new business have to submit an affidavit specifying the particulars of the owners of the premises in which the business is to be started. The person applying for license should not be an encroacher and is required to register his name in the Tax department of M.C. Shimla. This type of report can be sort from the Architect Planner branch of Municipal Corporation Shimla. The activities which require the availability of water must have commercial water connection
13. Old license is required at the time of applying of renewal. For hotels, restaurants, **dhabas** etc. are required to have no objection certificate from fire department.
14. For preparation of licenses every year two months are given i.e. the months of March and April. During this period the applicants may apply for PFA and Non-PFA licenses. If the license is not prepared with in this period fine is imposed on the persons validated by the law

Trade wise Findings :

Dhabha:

1. A *dhaba/tea-stall/snack bar* is a place where cooked food and other edible items for human consumption are sold
2. As per the RTI reply from the corporation, dhaba is a small open eating place on the road side offering in the expensive dishes
3. RTI reply defines tea stall as small time venders who primarily sell tea, coffee, milk etc and snacks bar is a place where snacks (small amount of food eaten between meals are sold
4. The Laws applicable for the licensing of dhabas are The Himachal Pradesh Municipal Corporation Act 1994 ,Provisions of Prevention of food Adulteration Act, Shimla Municipal Corporation (Cooked Food) Byelaws 1984, "The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws 2004, The Shimla Municipal Corporation Sanitation and Public Health Bye-laws 2004 and The Shimla Municipal Corporation (Municipal Market) Bye-laws
5. Normally only one license is needed to open and operate a dhaba

6. Affidavit of the applicant on Rs.5 Stamp paper containing information regarding the legality of ownership/tenancy of the premises, since how long the business is being run ,NOC from Architect/Planner Branch and NOC or recommendation of the Corporation Health Officer are also required
7. For PFA licenses, the authorities involved are Corporation Health Officer, Municipal Engineer, Architect Planner, Tax Department Secretary, Fire department secretary H.P. Government and Superintendent of Estates Branch.
8. Departments involved are Estates Branch, Health Department, Water supply and sewerage, Architect Planner Branch, Tax department of the corporation, Fire department of H.P. Government and Estates Branch etc
9. A License is renewable every subsequent year i.e. it is granted at an annual basis only. There is a penalty in case of failing to obtain or renew a License as and when required
10. The Commissioner or the licensing officer/official limit the time during which Hawkers may be permitted to operate either generally or specially in respect of any class of articles or in any particular public street

VEGETABLE SELLERS:

1. In Shimla, vegetable shop is considered as a place or premise where fresh vegetables and fruits are stored, displayed and sold for human consumption. The vegetable sellers have almost the same procedures as dhabas. PFA license is needed for vegetable sellers as in dhaba's
2. The Laws applicable to vegetable shop are The Himachal Pradesh Municipal Corporation Act 1994 , Provisions of Prevention of food Adulteration Act,"The Shimla Municipal Corporation (Control and Regulation) Hawkers Bye-Laws 2004, The Shimla Municipal Corporation Sanitation and Public Health Bye-laws 2004 and The Shimla Municipal Corporation (Municipal Market) Bye-laws
3. The procedures are same as that of dhaba

III MEAT SHOP:

1. Meat shop is a place where animals (goat, pig and sheep) are kept, ante mortem of animals are done, slaughtered and prepared, washed and cleaned, and post mortems are done and then distributed for sale
2. As per the RTI reply Slaughter house is the place for humane slaughtering and dressing of food animals including processing and preservation of wholesome meat, utilization of by products, hygienic disposal and treatment of solid and liquid waste whereas meat shop is a place where the meat / meat product is sold after being duly approved / stamped from the slaughter house by the veterinary officer
3. As per the Shimla Municipal Corporation (Slaughter House) Bye-laws 2004 "Meat" means the flesh of sheep, goat and pig and their products intended for human or animal consumption
4. Butcher is the person preparing or dealing with meat intended for human or animal consumption where as "Slaughter-man" means the person who slaughters the animal and dresses the carcass and "Slaughter-house" means the slaughter-house and the premises thereof owned and managed by the committee and includes the inspection yard, the waiting yard and the slaughter yard

5. The Licensing is regulated through the laws, bylaws and sections under the Himachal Pradesh Municipal Corporation Act 1994, chapter (Slaughter House) and the regulatory body is the Municipal Corporation Shimla. Along with Shimla Municipal Corporation (Slaughter House) Bye-laws 2004 and Shimla Municipal Corporation (Sale of Meat, Fish and Poultry) Bye-laws 2004, the Shimla Municipal Corporation Sanitation and Public Health Bye-laws 2004, The Shimla Municipal Corporation (Municipal Market) Bye-laws etc are also applicable.
6. The procedures are same as of dhabas. The only difference is that the Veterinary and Public Health Officer (VPHO) recommends, inspects or gives a NOC. Regarding the authority and departments involved, Veterinary and Public Health Officer (VPHO) is the ultimate authority

IV Job Porter/coolie:

1. The Licensing of Job Porter/coolie is regulated through the job porter bye-laws – 2004
2. "Job Porters" means a person who carries goods for hire or reward. Municipal Corporation limit does not exceed 24 hour
3. Every job porter shall get a license only on payment of fees prescribed by the Corporation from time to time
4. No person shall work as job Porter within the territorial jurisdiction of the Corporation without a License granted by the Corporation under these byelaws
5. The porter must work in the locality where his name has been registered

V Mini Cab/Taxi:

1. The License to operate Mini-cabs are under the purview of the Regional Transport Authority at Shimla. It is done on the basis of H.P. Motor Vehicles Rules and Regulations 1972 and Central Motor Vehicles Act 1988
2. Minicab / taxi is considered as "Any motor vehicle constructed or adapted to carry not more than six passengers excluding the driver for hire or reward" A permit is issued by a State or a Regional Transport Authority prescribed in this behalf under this Act (1988) authorizing the use of a motor vehicle as a transport vehicle."
3. Only one type of license is required to drive a cab in the city area and that is the Mini Cab/Taxi permit obtainable from the Regional Transport Office/State Transport Authority after a due procedure requiring several formalities and fees etc. as described below
4. Licensee must Have a valid vehicle registration certificate, permit and driving license.
5. He should Carry along a first aid box and complaint book
6. He must Have a valid vehicle Pollution Check Certificate
7. No overcrowding or carriage beyond the prescribed limit of passengers is allowed.

8. Mini taxis/ cabs must have only white colour
9. Permits are granted for five years initially and are renewable within one month of the expiry of the previous permit with a penalty according to the HP Motor Vehicles Act (Rules and Regulations) 1972

Findings from Acts

Findings from the Shimla Municipal Corporation (Slaughter House) Bye-laws, 2004.

1. This bye laws provides the conditions to be observed for slaughter house, before slaughter, for slaughtering, after slaughtering and also for transportation of objects which are slaughtered
2. No animal shall except in case of necessity or for a purpose, be slaughtered in any place granted or licensed by the Committee for the slaughtering of animals. Then why do we need slaughter houses, if we can slaughter only at necessities
3. Adequate health provisions shall be made at every place appointed or licensed for the slaughtering of animals . The Veterinary Public Health Officer shall be the Officer in charge of the slaughter house and he shall be responsible to do inspection at the time of slaughtering. He may require any person using the slaughter-house to submit to a medical inspection
4. The slaughter-house shall be open for the slaughter of animals during such hours only as the Committee may from time to time prescribe. But in special circumstances according to the need he may allow slaughtering on the realization of extra fee as per the conviction of the Superintendent
5. No person other than the Municipal staff on duty inspecting officers, butchers slaughter-men and their assistants or bonafide servants shall enter the slaughter house premises during the process of slaughtering, skinning or cutting up of carcasses
6. No meat shall be sold on the premises of the slaughter house
7. Every animal intended for slaughter shall be brought to the inspection yard and presented for inspection to the Veterinary Public Health Officer
8. No animal shall be approved for slaughter, if it is less than 15 months old, in a fertile condition or is excessively old, pregnant or is with unweaned young, deceased or in a dying condition, shows symptoms of having being treated cruelly by over-trucking, over-driving, or other acts
9. No person shall bring into any part of the slaughter house any dog or animal if it is less than 15 months old, in a fertile condition or is excessively old, pregnant or is with unweaned young, deceased or in a dying condition, shows symptoms of having being treated cruelly by over-trucking, over-driving, or other acts, animal not meant for slaughter or for the slaughter of which the slaughter house is not provided
10. An animal rejected for slaughter shall not be brought again to the slaughterhouse

11. Animals approved for slaughter shall be branded or marked with a distinctive mark on the ears, hoofs or horns and admitted to the waiting yard, provided that no animal shall be admitted to the waiting yard, if the prescribed fee has not been paid
12. While in the waiting yard the owner or the person in charge of the animal shall be responsible for its security, proper care, feeding and watering provided that the Committee may arrange for feeding of animals, while in the waiting yard and recover the expanses from the owner
13. Slaughter house fee will be collected from the owners or person in charge for all the animals to be slaughtered after inspection has been completed. The fee will be fixed/revised by the Corporation from time to time
14. No animal shall be admitted to the slaughter yard, unless it is blindfolded
15. Every person willing to work as a slaughter man in the slaughter house shall get his name registered as such in the Committee's office
16. No person shall slaughter an animal in the slaughterhouse unless his name is registered as a slaughter-man
17. The Veterinary Public Health Officer shall assign a place to each slaughter-man for slaughtering and no animal shall be slaughtered by a slaughter man at any other place than the place assigned to him
18. Every animal shall be slaughtered immediately over the drain and no blood shall be allowed a flow upon the floor. No animal shall be slaughtered in public view, or in view of another animal
19. Slaughtered animals shall be disemboweled as soon as possible after slaughter
20. All condemned meat shall be destroyed, buried or otherwise disposed off under the orders of the Veterinary Public Health Officer
21. All carcasses which have been passed by the Veterinary Public Health Officer as fit for human consumption shall be marked "Passed" along with an identifying mark for the kind of meat such as "G" for goat flesh and "M" for mutton.
22. No person except the Veterinary Public Health Officer or a person specially authorized by him shall affix or place or cause to be affixed or placed the inspection or identifying marks to or on any meat and no such marks shall be affixed or placed to or on any meat at any place other than the premises of the slaughter-house
23. No person shall remove or cause to be removed from the premises of the slaughter house any carcass or meat except in a clean receptacle and covered in such a manner as to be screened from public view and adequately protected against flies and dust
24. If any carcass or meat is removed in a vehicle the conveyance shall be such that the meat is well ventilated but at the same time invisible. The carcasses shall be hung on hooks and not dumped on the floor of the vehicle

25. Every person who conveys or causes to be conveyed any live animal or any other article to be conveyed in the vehicle at the same time as meat

JOB PORTER BYE-LAWS –2004

1. Job porter bye laws will not be applicable to the porters working in Railway Station premises, premises out side the corporation limits and also the porters who are working within the corporation but the period does not exceed over 24 hours and also to any Porter who is working outside the Municipal Corporation limit and happens to performs a portion of the work within Municipal limit and if such work is not exceed 24 hours
2. No person shall work as job Porter within the territorial jurisdiction of the Corporation without a License granted by the Corporation under these byelaws
3. Two copies of recent photograph and a certificate from a reliable person showing that the applicant is personally known to him for not less than two years till the date of application and that the particulars given in the application are correct to the best of his knowledge. Here on what basis the corporation counts the reliability of the person certifying him is a question
4. Job porter who is licensed under the bye law must attain the age of 18 years or above. He shall be physically and mentally fit in all respects to work as a Job Porter.
5. The Porter must wear the clothiers of such colour prescribed by the corporation while he is performing the job of a porter
6. Porter shall deposit at the nearest Police station all goods or property which may be left with him by the owner thereof;
7. The porter shall not demand or receive more than the maximum hire permissible under the scale fixed by the Commissioner from time to time. What if somebody willingly give some extra money to the porter. So can we say really that he can't receive the money more than the fixed rate? So to me it makes sense that the rule could be " the porter cannot demand more amount than the fixed rate "
8. The porter shall not permit the use of the badge issued to by another person and in case it is lost, he shall report the said lost with Corporation
9. The porter must work in the locality where his name has been registered
10. The porter shall produce on demand his license, badge and list of hires fixed by the Corporation to the officers of the Corporation
11. No license shall be valid unless it has been signed by the Commissioner or by any Municipal Officer duly authorized by him and if it does not bears the legible signature or the left hand thumb impression of the Licensee and if the copy of the recent photograph of the licensee is not affixed on it
12. Every license granted under these bye laws may be renewed for a period not exceeding twelve months at a time
13. An application for renewal of a license issued under these by laws shall be made in the form prescribed at least 30 days before the expiry of the license and shall be disposed of before the expiry of the license and if this application is not so disposed of within that period the license shall be deemed to have been renewed
14. unless a license is renewed every licensee shall return his license and the metal badge to the Commissioner within 15 days after the expiry of the term of license or when the License has been suspended or revoked after such suspension or revoke .

15. A porter shall be nominated as the head job porter by the Commissioner or by any authorized officer by him and this porter shall be paid such allowance as may be fixed by the Corporation
16. The Head Job Porter shall be responsible to organize and control the work at the particular bus stand and as and when authorized job porters are found at such sites, he shall report them to the Commissioner
17. The Head Job Porter shall ensure that the services of Job Porter are available at all times on the Cooliage charges which are fixed by the Municipal Corporation.
18. A licensee who contravenes any provisions of these bye-laws or any condition of the license shall be punishable under section 396 of the HPMC Act, 1994 with fine which may extend to Rs. 500/- (Rs five hundred) but it shall in no case be less than Rs.150/- and in case of continuing contravention, an additional fine which may extend to fifty rupees for every day during which such contravention continue

The Shimla Municipal Corporation (Cooked food) Bye-laws 1984.

1. No person shall manufacture, sell, or prepare or expose for sale cooked food except in premises licensed by the Municipal Corporation and no person shall sell any such article by drinking
2. if the license is taken out for any period less than a year, Fees as may be prescribed by the Municipal Corporation Shimla for a month or portion there of shall be paid. No license shall be valid beyond 31st day of March next following the date of issue.
3. The licensee shall not carry on or permit to be carrying on any other trade of occupation in the licensed premises except the manufacture, reparation sale or exposure for sale of cooked food
4. The licensee shall not spit or smoke or suffer any other person to spit or smoke at the place where the manufacture or preparation of cooked food is carried on.
5. The licensee shall not import, manufacture sell or prepare or expose for sale cooked food containing any colouring matter which is injurious to the health of human being.
6. The licensed premises shall be opened without notice and at all reasonable times to inspection by the Health Officer of the Corporation or any other officer empowered in this behalf
7. The licensee shall comply with all notices issued by the Health Officer of the Corporation In Respect Of Sanitation

THE MUNICIPAL CORPORATION SHIMLA (CONTROLAND REGULATION) HAWKERS BYE-LAWS, 2004

1. Hawker" means a person who deposits goods for sale in a public street and includes a Behangiwalla, Khonchewala and pheriwalla. No Hawker shall deposit or cause to be deposited goods for sale or other articles in any public street within Municipal Corporation Limit except under the written permission granted by the Commissioner, Municipal Corporation, Shimla or the licensing officer/official authorized by him in this behalf in the form of a license annexed to these bye laws subject to the conditions contained in the said written permission
2. The license be valid for all public streets within Municipal Corporation subject to such conditions as may be imposed

3. The Commissioner or the licensing officer/official limit the time during which Hawkers may be permitted to operate either generally or specially in respect of any class of articles or in any particular public street
4. The license shall not be transferable except to a member of the family previously nominated and otherwise qualified with the permission of the Commissioner or licensing officer authorized by him in this behalf
5. The license shall not be granted to a person under the age of twelve years and to a person who has been found to have habitually committed to breach of these bye laws or of the terms of the license
6. The license shall be liable to pay Teh-Bajari in addition to the license fee at the rates to be decided by the Commissioner, Municipal Corporation from time to time, Teh-Bajari shall be charged weekly in advance
7. The licensee shall keep his license with him and shall produce it in demand by the licensing officer or other officer authorized by the Commissioner of the Municipal Corporation or police officials
8. The licensee shall not deposit his goods for sale in public streets for longer hours unless it is necessary to affect the sale and in particular shall not deposit his goods for display when not actually attending to a customer
9. The licensee shall carry with him a repeatable for waste matter and shall deposit on cause to be deposited by his customers all waste matter from his goods therein. It seems really senseless that the hawker has to carry a waste bin with him
10. The licensee shall on demand permit any sanitary Inspection to inspect or take any sample of any article of food or drink and such officer shall have the power to destroy respective of the permission, any article of food of drink which he deems to be unwholesome

Sanitation & Public Health Bye-laws, 2004.

1. No person will be allowed to throw any type of garbage/refuse etc. on the public places, hill side or in the drains/nallahs
2. No person is allowed for the Sale of over-ripe, under-ripe cut fruits and vegetables .Sale of artificially colored fruits and vegetables is prohibited.
3. No person will be allowed to sale sweets, meat, fish, chat, biscuits, dry fruits, fruits, vegetables and other eatables exposed to rain, dust and flies. It should be covered with wire gauge, glass covers or with jali cloth
4. Every owner/occupier of the premises shall be responsible to maintain his sewerage system in such a way not to create sanitary nuisance to the public due to leakage, breakage and choking or otherwise civic amenities so provided by MC Shimla can be withdrawn in the public interest
5. No person shall manufacture, sell, stock, distribute or exhibit for sale any article of food, including, prepared food or ready to serve food except under a license

SHIMLA MUNICIPAL COOPERATION (SALE OF MEAT ,FISH AND POULTRY)BYE-LAWS,2004.

1. MEAT MEANS FLESH OF SHEEP ,GOAT AND PIG and their products intended for human or animal consumption

2. No premises shall be licenced for the sale or preparation or exposure for sale of meat ,fish or poultry without proper hygienic precautions
3. ,alicense for or premises to be used for sale of or preparation or exposure for sale of meat ,fish and poultry shall be issued by the health officer or in the absence of any officer authorized by the cooperation ,on the application of the owner or occupier of such premises and shall be granted in form A
4. No person shall import for the purpose of sale within the limit of the cooperation ,fish ,poultry and flesh (other than cured or preserved meat) of any sheep ,goat and pig without the license granted on payment of such fee as may be fixed by the corporation
5. The health officer may at any time revoke or cancel any license granted under these bye-laws for any breach of the bye-laws and no compensation in respect of such revocation or cancellation shall be payable

HIMACHAL PRADESH MUNICIPAL CORPORATION ACT 1994

1. The Commissioner, when authorised by the Corporation may provide and maintain municipal markets and slaughter houses for the use of persons carrying on trade or business
2. Municipal markets and slaughter houses shall be under the control of the Commissioner who may at any time by public notice, close any municipal market or slaughter house or any part thereof
3. No person shall, without the general or special permission in writing of the Commissioner, sell or expose for the sale of any animal or article in any municipal market.
4. No place other than a municipal market shall be used as a market unless such place has been licensed as a market by the Commissioner
5. No place other than a municipal slaughter house shall be used as slaughter house
6. No person shall keep open for public use any market in respect of which a licence is required by or under this Act without obtaining a licence therefore or while the licence therefore is suspended or after the same has been cancelled
7. No animal or article shall be sold or exposed for sale within distance of one hundred metres of any municipal market or licensed private market without the permission of the Commissioner
8. No person shall without or otherwise than in conformity with a licence from the Commissioner carry on the trade of a butcher, fishmonger, poulterer or importer of flesh intended for human food or use any place for the sale of flesh, fish or poultry intended for human food
9. Every license shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the license
10. No person shall, without Or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep any eating house, lodging house, hotel, boarding houses, tea shop, coffee house, cafe, restaurant, refreshment room or any 'place where the public are admitted for repose or for the consumption of any food Or drink ; or any place where food is sold or prepared for sale

11. The Commissioner may at any time cancel or suspend any licence granted under sub-section (1) if h; is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-laws made in this behalf