

# THE LIVELIHOOD REGULATIONS REPORT

## SRINAGAR



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.

Srinagar district, situated in the centre of Kashmir Valley, is surrounded by five districts. In the north it is flanked by Kargil, in the South by Pulwama, in the north-west by Budgam. The capital city of Srinagar is located 1730 metres above sea level. It is the summer capital of the state of Jammu and Kashmir in India, and is situated in the valley of Kashmir. The city lies on both banks of the Jhelum River, a tributary of the Indus River. The city is famous for its lakes and houseboats floating on them. It is also known for traditional Kashmiri handicrafts and dry fruits. Srinagar is 876 kilometres (544 mi) north of Delhi. The headquarters of the Srinagar District are situated in the city.

The district with a population of around 9,00,000 souls (1991- census), is spread over an area of 2228 Sq.Kms. It comprises three tehsils/ towns viz Srinagar, Ganderbal and Kangan, four blocks (Srinagar, Ganderbal, Kangan and Leh), besides 175 villages. The population density in the district Srinagar is 401 per Square Kilometer which is highest in the state. The literacy rate of the district was 33.80% in 1981.

As of 2001, Srinagar city had a population of 894,940. The population density in the city is 556 inhabitants per square kilometre (1,440 /sq mi) while the overall population density is 99 /km<sup>2</sup> (260 /sq mi). The languages spoken are mainly Kashmiri, Urdu, Hindi and English.

The present study on livelihood regulations in Srinagar covers dhabha/ food courts, vegetable Sellers, fruit sellers, auto Rickshaw and meat Shop.

## SRINAGA

The trades under study are:

1. **Vegetable/Fruit sellers (Mobile and stationary).**
2. **Meat Shops**
3. **Fruit sellers**
4. **Dhaba**
5. **Auto rickshaw**

### **Introduction:**

The city of Srinagar is basically the summer capital of the state of Jammu & Kashmir. The regulation of the trades within the premises of Srinagar city is governed by Srinagar Municipal Corporation (SMC). The enactments which lay down the provisions regarding the concerned trades are as follows:

1. Srinagar Municipal Corporation Act, 2000
2. Prevention of Food Adulteration Act, 1954

### **Conditions generally for License (PFA ACT):**

1. 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, Provided that the fruit products covered under the Fruit Product order, 1955
2. The State Govt. or the local authority shall appoint licensing authorities. A Licensing authority may with the approval of the State Govt. or the local authority by an order in writing delegates the power to sign licenses and such other powers as may be specified in the order to any other person under his control
3. No licensee shall employ in his work any person who is suffering from infectious, contagious or loathsome disease
4. The nature of articles of food for the sale of which a license is required under these rules shall be mentioned in the application for license
5. This license shall be displayed in a prominent place in part of the premises opened to the inspection to the inspecting authorities
6. The licensee shall allow any Food Inspector appointed under the Act to enter into any premises where manufacture and/ sale is carried on and to inspect the premises, machinery equipments, records at any time. The licensee shall supply such information to such Food Inspector as he may require for ascertaining whether the provisions of the Act and the rules made there under including the license are being complied with
7. The licensee shall maintain such records, as may be required by the Govt. and shall submit such periodical returns to the Local (Health) Authority concerned as may be directed by issuing authority
8. The Licensee shall comply with the provisions of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) and the rules made there under
9. The licensee shall not carry on or permit to be carried on any other trade in the licensed premises except the trade mentioned in the license

10. The licensee shall keep the licensed premises structurally fit for the purpose for which a license is granted and shall comply with all reasonable requirements which the Medical Officer of Health may make to endure the sanitary and hygienic fitness of the licensed premises
11. The licensee is liable to be suspended or cancelled for breach of any of the conditions stated here-in-above
12. No person can use POLYTHENE BAGS for carrying vegetables or fruits

The trade wise details are as follows:

### **I.VEGETABLE SELLERS:**

Srinagar Municipal Corporation (SMC) governs the regulation of the trades within the premises of Srinagar city. The enactments, which lay down the provisions regarding the concerned trades, are as follows:

1. Srinagar Municipal Corporation Act, 2000
2. Prevention of Food Adulteration Act, 1954
3. Kashmir Shops and establishments Act, 1966

The Health officer, Srinagar Municipal Corporation, issues license. The Health Officer, SMC (Srinagar Municipal Corporation) issues the PFA licence under section 24 of the Prevention of Food Adulteration Act, 1954 to the vendors for storage/sale/distribution or exhibition of any article of food.

### **Eligibility Criteria:**

The eligibility criteria for the vegetable/fruit vendors, applying for licence is given under:

1. The applicant should be a permanent resident of the state of Jammu & Kashmir. However, he can employ a non-state subject as labours
2. The applicant shall not be less than 18 years of age

### **Licensing Procedure:**

In order to start a trade of vegetable/fruit selling, one has to take PFA license from the Health Officer, SMC. He has to apply through a form which can be collected from the Srinagar Municipality office, SMC, Karan- Nagar, and SRINAGAR.

In the form the applicant specifies his name, address and the area of trade. This application form is then referred to Food Inspector who after checking the trade place etc. marks the application. Then the application is finally passed to the Health Officer who issues the license to the applicant and also the Medical Fitness Certificate.

### **Documents Needed:**

1. Three photographs of the applicant duly attested by the Gazetted Officer, In case the applicant wishes to employ labourers, 3 photographs of the labourers attested by the Gazetted Officer also is needed
2. Licensing fees as mentioned above

3. A copy of the Permanent Resident certificate of Jammu & Kashmir State

**License Renewal:**

A license shall, unless sooner suspended or cancelled, will be in force for such period as the State Govt. may prescribe. Every licensee who sells any food shall display a notice board containing the nature of the articles which he is exposing or offering for sale. The license will remain valid for one year with effect from 1st April to 31st of March. After that the license should be renewed in the same manner as in the case of applying for fresh license. License fee remains the same. Last date of validity of license is 31st March of every year. Thus the trader has to get his license renewed by 31st of March. After 31st of the March, late fees is also charged along with the specified licence fees.

**License Processing:**

It takes around one week in the processing of licence.

**License Fees:**

The vegetable/fruit shops shall be annually charged a sum of licence fee of Rs.520/annum per shop. For mobile vegetable/fruit vendors, the annual licensing fees shall be Rs.120/annum.

**Fees Remittance:**

Fees remittance is done in the Office of Health Officer, SMC through direct payment of cash by the applicant.

**Regulatory Authority:**

Health officer of the Srinagar Municipal Corporation.

**Prohibition:**

No person shall himself or by any person on his behalf sell / store /distribute:

1. Any adulterated food
2. Any misbranded food.
3. Any article of food for the sale of which a license is not prescribed.
4. Any article of food, which is prohibited for sale for the time being.

**Terms and Conditions:**

1. The licence issued will be non-transferable
2. The vegetable/fruit shops shall be annually charged a sum of licence fee of Rs.520/annum per shop. The fees shall be paid either in cash or through the D.D payable to the CAO (Chief Accounts Officer) Srinagar Municipal Corporation
3. In case of mobile vegetable/fruit vendors, the annual licensing fees shall be Rs.120/annum. No sanitation fee whatsoever shall be charged from these vendors. (It is mentioned that annual licensing fees is Rs.120/annum, and regarding sanitation there is no fees at all)

4. The licence shall remain valid for one year with effect from 1st April to 31st March.
5. A period of one month shall be given to all the mobile vegetable/fruit vendors to get their licences made before, after which a monthly penalty shall be charged in addition to licence fees. It will be 10 % of the annual fees which is charged as penalty amount)
6. The mobile vegetable/fruit vendors shall abide by the terms and conditions governing their licences. (The terms and conditions in this context are mentioned below in point number 7, 8, 9, and 10)
7. The mobile vegetable/fruit vendors shall carry a garbage bin along for collection of waste generated and dispose off the same at the Municipal collection point. Any breach/ violation shall call for a penalty
8. The mobile vegetable/fruit vendors shall not in any case create any nuisance to the common public
9. The mobile vegetable/fruit vendors should conform to the standard size and design.
10. No mobile vegetable/fruit vendor will be allowed to ply in corporation limit without a proper licence
11. The Srinagar Municipal Corporation reserves the right to impose penalty, cancel the licence in case of breach of terms and conditions

### **Penalty:**

The mobile vegetable/fruit vendors shall furnish an undertaking to abide by the terms and conditions governing the license. Any breach/ violation shall call for a penalty. Srinagar Municipal Corporation reserves the right to impose penalty, cancel the license in case of breach of terms and conditions.

If the person is involved in breach/violation of concerned provisions, he shall, in addition to the penalty to which he may be liable under the provisions of section 6 of Food Adulteration Act 1954, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than Rs.1000.

### **II.MEAT SHOP:**

Srinagar Municipal Corporation (SMC) governs the regulation of the trades within the premises of Srinagar city. The enactments, which lay down the provisions regarding the concerned trades, are as follows:

1. Srinagar Municipal Corporation Act, 2000.
2. Prevention of Food Adulteration Act, 1954.
3. Kashmir Shops and establishments Act, 1966

For Meat shop, the Health Officer, SMC, issues the license. Only PFA license is required in case of Meat shops.

### **ADDITIONAL PROVISIONS FOR SLAUGHTER HOUSES: (Under sec. 313 of Srinagar Municipal Act, 2000):**

The Commissioner of Municipality Corporation, when authorised by the Corporation in this behalf may provide and maintain municipal markets and slaughter houses in such manner as he thinks fit together with stalls, shops, sheds and other buildings and conveniences for

the use of persons carrying on trade or business in. Slaughter houses shall be under the control of the Commissioner.

No person shall without the permission in writing of the commissioner, sell or expose for the sale any animal or article in any municipal market. No place other than a municipal slaughter house shall be used as slaughter house. The Commissioner may charge such fees as he thinks fit to impose for the grant of a license to any person to open a private market. 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 or any officer or employee of the corporation appointed by him on his behalf. In Srinagar, the Commissioner of Srinagar Municipality Corporation has appointed Health Officer of the Municipal Corporation to deal with meat shops or slaughter houses.

**BUTCHER'S, FISHMONGER'S AND POULTERER'S LICENSE: (Under sec. 322 of Srinagar Municipal Act, 2000):**

No person shall without the license from the Health Officer carry on the trade of 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. No person shall sell or use as an ingredient in the preparation of any article of food intended for sale, the flesh of any animal or fowl which has died on account of natural causes.

**Eligibility Criteria:**

The eligibility criteria for the vegetable/fruit vendors, applying for licence is given under:-

1. The applicant should be a permanent resident of the state of Jammu & Kashmir. However, he can employ a non-state subject as labours
2. The applicant shall not be less than 18 years of age

**Licensing Procedure:**

In order to start a trade of vegetable/fruit selling, one has to take PFA license from the Health Officer, SMC. He has to apply through a form which can be collected from the Srinagar Municipality office, SMC, Karan- Nagar, and Srinagar.

In the form the applicant specifies his name, address and the area of trade. This application form is then referred to Food Inspector who after checking the trade place etc. marks the application.

Then the application is finally passed to the Health Officer who issues the license to the applicant and also the Medical Fitness Certificate.

**Documents Needed:**

1. Three photographs of the applicant duly attested by the Gazetted Officer, In case the applicant wishes to employ labourers, 3 photographs of the labourers attested by the Gazetted Officer also is needed
2. Licensing fees as mentioned above
3. A copy of the Permanent Resident certificate of Jammu & Kashmir State

**License Renewal:**

A license shall, unless sooner suspended or cancelled, will be in force for such period as the State Govt. may prescribe. Every licensee who sells any food shall display a notice board containing the nature of the articles which he is exposing or offering for sale. The license will remain valid for one year with effect from 1st April to 31st of March. After that the license should be renewed in the same manner as in the case of applying for fresh license. License fee remains the same. Last date of validity of license is 31st March of every year. Thus the trader has to get his license renewed by 31st of March. After 31st of March late fee is also charged along with the licence fees.

**License Processing:**

It takes around one week in the processing of licence.

**License Fees:**

For Meat Shop, PFA license fee is Rs.520/annum per shop.

**Fees Remittance:**

Fees remittance is done in the Office of Health Officer, SMC through direct payment of cash by the applicant.

**Regulatory Authority:**

Health officer of the Srinagar Municipal Corporation.

**Prohibition:**

No person shall himself or by any person on his behalf sell / store /distribute:

1. Any adulterated food
2. Any misbranded food
3. Any article of food for the sale of which a license is not prescribed
4. Any article of food which is prohibited for sale for the time being

**Terms And Conditions:**

1. The licence issued will be non-transferable.
2. The vegetable/fruit shops shall be annually charged a sum of licence fee of Rs.520/annum per shop. The fees shall be paid either in cash or through the D.D payable to the CAO (Chief Accounts Officer) Srinagar Municipal Corporation.
3. In case of mobile vegetable/fruit vendors, the annual licensing fees shall be Rs.120/annum. No sanitation fee whatsoever shall be charged from these vendors. (It is mentioned that annual licensing fees is Rs.120/annum, and regarding sanitation there is no fees at all).
4. The licence shall remain valid for one year with effect from 1st April to 31st March.
5. A period of one month shall be given to all the mobile vegetable/fruit vendors to get their licences made before, after which a monthly penalty shall be charged in addition to licence fees. It will be 10 % of the annual fees which is charged as penalty amount).



6. The mobile vegetable/fruit vendors shall abide by the terms and conditions governing their licences. (The terms and conditions in this context are mentioned below in point number 7, 8, 9, and 10).
7. The mobile vegetable/fruit vendors shall carry a garbage bin along for collection of waste generated and dispose off the same at the Municipal collection point. Any breach/ violation shall call for a penalty.
8. The mobile vegetable/fruit vendors shall not in any case create any nuisance to the common public.
9. The mobile vegetable/fruit vendors should conform to the standard size and design.
10. No mobile vegetable/fruit vendor will be allowed to ply in corporation limit without a proper licence.
11. The Srinagar Municipal Corporation reserves the right to impose penalty, cancel the licence in case of breach of terms and conditions.

### **Penalty:**

The mobile vendors shall furnish an undertaking to abide by the terms and conditions governing the license. Any breach/ violation shall call for a penalty. Srinagar Municipal Corporation reserves the right to impose penalty, cancel the license in case of breach of terms and conditions.

If the person is involved in breach/violation of concerned provisions, he shall, in addition to the penalty to which he may be liable under the provisions of section 6 of Food Adulteration Act 1954, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than Rs.1000

### **III.Fruit Sellers:**

The regulation of the trades within the premises of Srinagar city is governed by Srinagar Municipal Corporation (SMC). The enactments which lay down the provisions regarding the concerned trades are as follows:

1. Srinagar Municipal Corporation Act, 2000
2. Prevention of Food Adulteration Act, 1954
3. Kashmir Shops and establishments Act, 1966

License is issued by the Health officer, Srinagar Municipal Corporation. The Health Officer, SMC (Srinagar Municipal Corporation) issues the PFA licence under sec. 24 of the Prevention of Food Adulteration Act, 1954 to the vendors for storage/sale/distribution or exhibition of any article of food.

Fruit vendors have the same procedures of Vegetable sellers.

### **Eligibility Criteria:**

The eligibility criteria for those who are applying for licence is given under:-

1. The applicant should be a permanent resident of the state of Jammu & Kashmir. However, he can employ a non-state subject as labours.
2. The applicant shall not be less than 18 years of age.

**Licensing Procedure:**

In order to start a trade of vegetable/fruit selling, one has to take PFA license from the Health Officer, SMC. He has to apply through a form which can be collected from the Srinagar Municipality office, SMC, Karan- Nagar, and SRINAGAR.

In the form the applicant specifies his name, address and the area of trade. This application form is then referred to Food Inspector who after checking the trade place etc. marks the application.

Then the application is finally passed to the Health Officer who issues the license to the applicant and also the Medical Fitness Certificate.

**Documents Needed:**

1. Three photographs of the applicant duly attested by the Gazetted Officer, In case the applicant wishes to employ labourers, 3 photographs of the labourers attested by the Gazetted Officer also is needed
2. Licensing fees as mentioned above
3. A copy of the Permanent Resident certificate of Jammu & Kashmir State

**License Renewal:**

A license shall, unless sooner suspended or cancelled, will be in force for such period as the State Govt. may prescribe. Every licensee who sells any food shall display a notice board containing the nature of the articles which he is exposing or offering for sale. The license will remain valid for one year with effect from 1st April to 31st of March. After that the license should be renewed in the same manner as in the case of applying for fresh license. License fee remains the same. Last date of validity of license is 31st March of every year. Thus the trader has to get his license renewed by 31st of March. After 31st of March late fee is also charged along with the licence fees.

**License Processing:**

It takes around one week in the processing of licence.

**License Fees:**

The vegetable/fruit shops shall be annually charged a sum of licence fee of Rs.520/annum per shop. For mobile vegetable/fruit vendors, the annual licensing fees shall be Rs.120/annum.

**Fees Remittance:**

Fees remittance is done in the Office of Health Officer, SMC through direct payment of cash by the applicant.

**Regulatory authority:**

Health officer of the Srinagar Municipal Corporation.

**Prohibition:**

No person shall himself or by any person on his behalf sell / store /distribute:

1. Any adulterated food
2. Any misbranded food
3. Any article of food for the sale of which a license is not prescribed
4. Any article of food which is prohibited for sale for the time being

**Terms and Conditions:**

1. The licence issued will be non-transferable
2. The vegetable/fruit shops shall be annually charged a sum of licence fee of Rs.520/annum per shop. The fees shall be paid either in cash or through the D.D payable to the CAO (Chief Accounts Officer) Srinagar Municipal Corporation
3. In case of mobile vegetable/fruit vendors, the annual licensing fees shall be Rs.120/annum. No sanitation fee whatsoever shall be charged from these vendors. (It is mentioned that annual licensing fees is Rs.120/annum, and regarding sanitation there is no fees at all)
4. The licence shall remain valid for one year with effect from 1st April to 31st March.
5. A period of one month shall be given to all the mobile vegetable/fruit vendors to get their licences made before, after which a monthly penalty shall be charged in addition to licence fees. It will be 10 % of the annual fees which is charged as penalty amount)
6. The mobile vegetable/fruit vendors shall abide by the terms and conditions governing their licences. (The terms and conditions in this context are mentioned below in point number 7, 8, 9, and 10)
7. The mobile vegetable/fruit vendors shall carry a garbage bin along for collection of waste generated and dispose off the same at the Municipal collection point. Any breach/ violation shall call for a penalty
8. The mobile vegetable/fruit vendors shall not in any case create any nuisance to the common public
9. The mobile vegetable/fruit vendors should conform to the standard size and design.
10. No mobile vegetable/fruit vendor will be allowed to ply in corporation limit without a proper licence
11. The Srinagar Municipal Corporation reserves the right to impose penalty, cancel the licence in case of breach of terms and conditions

**Penalty:**

The vendors shall furnish an undertaking to abide by the terms and conditions governing the license. Any breach/ violation shall call for a penalty. Srinagar Municipal Corporation reserves the right to impose penalty, cancel the license in case of breach of terms and conditions. If the person is involved in breach/violation of concerned provisions, he shall, in addition to the penalty to which he may be liable under the provisions of section 6 of Food Adulteration Act 1954, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than Rs.1000.

#### **IV. Dhaba:**

Srinagar Municipal Corporation (SMC) governs the regulation of dhaba within the premises of Srinagar city. The enactments, which lay down the provisions regarding the concerned trades, are as follows:

1. Srinagar Municipal Corporation Act, 2000.
2. Prevention of Food Adulteration Act, 1954.

The Health officer, Srinagar Municipal Corporation, issues license. The Health Officer, SMC (Srinagar Municipal Corporation) issues the PFA (Prevention of Food Adulteration) licence under section 24 of the Prevention of Food Adulteration Act, 1954 to the vendors for storage/sale/distribution or exhibition of any article of food.

#### **Additional Provisions as per the Municipal Corporation act which are applicable to dhabas:**

As per the section 327 of the Act, No person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can Hawk or expose for the sale in any place any article whatsoever whether it be for human consumption .As per section 328, No person shall without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf, keep any eating houses, lodging house, hotel, boarding house, tea shop, coffee house, café, 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. The commissioner may at any time cancel or suspend any license granted by sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any by-laws.

Dhabas have the same procedures of Vegetable sellers.

#### **Eligibility Criteria:**

The eligibility criteria for those who are applying for licence is given under:-

1. The applicant should be a permanent resident of the state of Jammu & Kashmir. However, he can employ a non-state subject as labours.
2. The applicant shall not be less than 18 years of age.

#### **Licensing Procedure:**

In order to start a trade of vegetable/fruit selling, one has to take PFA license from the Health Officer, SMC. He has to apply through a form, which can be collected from the Srinagar Municipality office, SMC, Karan- Nagar, and SRINAGAR.

In the form the applicant specifies his name, address and the area of trade. This application form is then referred to Food Inspector who after checking the trade place etc. marks the application.

Then the application is finally passed to the Health Officer who issues the license to the applicant and also the Medical Fitness Certificate.

**Documents Along With the Application:**

1. Three photographs of the applicant duly attested by the Gazetted Officer, In case the applicant wishes to employ labourers, 3 photographs of the labourers attested by the Gazetted Officer also is needed.
2. Licensing fees as mentioned above.
3. A copy of the Permanent Resident certificate of Jammu & Kashmir State.

**License duration and Renewal:**

A license shall, unless sooner suspended or cancelled, will be in force for such period as the State Govt. may prescribe. Every licensee who sells any food shall display a notice board containing the nature of the articles which he is exposing or offering for sale. The license will remain valid for one year with effect from 1st April to 31st of March. After that the license should be renewed in the same manner as in the case of applying for fresh license. License fee remains the same. Last date of validity of license is 31st March of every year. Thus the trader has to get his license renewed by 31st of March. After 31st of the March, a late fee is also charged along with the licence fees.

**Licence processing time:**

It takes around one week in the processing of licence.

**License Fees:**

For Dhabas, annual fees of Rs.520/ per shop shall be charged annually as PFS License Fees (Prevention of Food Adulteration license).

**Fees remittance:**

Fees remittance is done in the Office of Health Officer, SMC through direct payment of cash by the applicant.

**Regulatory authority:**

Health officer of the Srinagar Municipality Corporation.

**Prohibition:**

No person shall himself or by any person on his behalf sell / store /distribute:

1. Any adulterated food
2. Any misbranded food.
3. Any article of food for the sale of which a license is not prescribed.
4. Any article of food which is prohibited for sale for the time being.

**Terms and Conditions:**

1. The licence issued will be non-transferable.
2. The vegetable/fruit shops shall be annually charged a sum of licence fee of Rs.520/annum per shop. The fees shall be paid either in cash or through the D.D payable to the CAO (Chief Accounts Officer) Srinagar Municipal Corporation.
3. In case of mobile vegetable/fruit vendors, the annual licensing fees shall be Rs.120/annum. No sanitation fee whatsoever shall be charged from these vendors. (It is mentioned that annual licensing fees is Rs.120/annum, and regarding sanitation there is no fees at all).
4. The licence shall remain valid for one year with effect from 1st April to 31st March.
5. A period of one month shall be given to all the mobile vegetable/fruit vendors to get their licences made before, after which a monthly penalty shall be charged in addition to licence fees. It will be 10 % of the annual fees which is charged as penalty amount).
6. The mobile vegetable/fruit vendors shall abide by the terms and conditions governing their licences. (The terms and conditions in this context are mentioned below in point number 7, 8, 9, and 10).
7. The mobile vegetable/fruit vendors shall carry a garbage bin along for collection of waste generated and dispose off the same at the Municipal collection point. Any breach/ violation shall call for a penalty.
8. The mobile vegetable/fruit vendors shall not in any case create any nuisance to the common public.
9. The mobile vegetable/fruit vendors should conform to the standard size and design.
10. No mobile vegetable/fruit vendor will be allowed to ply in corporation limit without a proper licence.
11. The Srinagar Municipal Corporation reserves the right to impose penalty, cancel the licence in case of breach of terms and conditions.

**Penalty:**

The vendors shall furnish an undertaking to abide by the terms and conditions governing the license. Any breach/ violation shall call for a penalty. Srinagar Municipal Corporation reserves the right to impose penalty, cancel the license in case of breach of terms and conditions.

If the person is involved in breach/violation of concerned provisions, he shall, in addition to the penalty to which he may be liable under the provisions of section 6 of Food Adulteration Act 1954, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than Rs.1000.

**V. AUTO RICKSHAW:**

The Srinagar Regional Transport Office deals with the issuing of licences and permits of Auto-rickshaws. The permit for Auto-rickshaw drivers are dealt by the Regional Transport Office. Contract carriage permits are required for auto rickshaws. The corridor Jurisdiction of operation will be indicated in the permit.

**Procedure:**

The Motor Vehicles Act, 1988 lays down the provisions for the licensing and permit procedures. As per the Act, Every application for a permit shall be made to the Regional Transport Authority of the region in which it is proposed to use the vehicle or vehicles. The person has to apply with the application form along with an affidavit to the Office of RTO. The applications are scrutinized, processed and prepared for placement before the concerned Chairman, Regional Transport authority, for approval and Sanction of the permit. An application for a permit in respect of a contract carriage shall contain the following particulars, namely:-

1. The type and seating capacity of the vehicle;
2. The area for which the permit is required;
3. Any other particulars which may be prescribed;

The application must also contain the photograph and the Permanent Resident Certificate together with the appropriate fee under rules before the concerned Member Secretary, Regional Transport authority (RTO/ ARTO). The person who is in possession of Valid Light Transport Vehicle License is authorized to drive the vehicle provided that the vehicle is in conformity with the provisions of Motor Vehicle Rules and Acts framed .So to ply auto , one has to get the contract carriage permit and the driver must possess valid LTV (Light Transport Vehicle) License

**Issuing Authority:**

The permits are issued by the Regional Transport Authority headed by Deputy Commissioner Srinagar as chairman, Regional Transport Officer Srinagar as Member /Secretary, and SSP Traffic Police Srinagar as Member. RTA (Regional Transport Authority) is the sanctioning Authority for earmarking permit and the Member Secretary, RTA is the issuing authority.

**Time For processing:**

The permits are issued by the Regional Transport Authority of Srinagar, usually within the period of one month.

**Documents Required:**

1. Application form.
2. Permanent Resident Certificate (i.e. he should be a state subject of J&K).'
3. Moreover, driver must also possess a valid driving license.
4. Application fees.
5. An affidavit.

**Conditions to be satisfied for Applying for the Permit:**

The trade of auto-rickshaw is governed by the provisions under Motor Vehicle Act. The person has to apply with the application form along with an affidavit to the Office of RTO( Regional transport Officer).

### **Additional conditions in respect of certain matters of permit.-**

A permit in respect of a contract carriage may subject to one or any of the following conditions namely: -

1. That the vehicle shall not driven in any public place except by permit- holder or a licensed driver holding an authorization to drive a public service vehicle and duly authorized by the permit holder in writing which shall be carried by the driver when driving, and produced on demand by any police officer or officers of the motor vehicles department.;
2. That the number of the persons to be carried in the vehicle shall not exceed the number which may be specified in the permit ; and
3. No advertising device, figures or writing shall be exhibited on the vehicle.

### **Renewal of Licence and Permits:**

Renewal of permit is to be done after a year on 31st March of every year. For renewal, the permit holders has to apply along with the requisite documents of the vehicle and appropriate before 15 days of the expiry .The renewal of permits done within three days after completion of all renewal formalities. The renewals are done annually provided that the permit holder is not in violation of section 84 of the Motor Vehicles Act, 1988. The renewal formalities and renewal fees all are the same as in the case of applying for the fresh licence.

### **Permit Fees:**

The application fee is Rs.150/- and Rs.1000/- is charged as permit fees. The fees must be remitted at the respective counters established in the office premises of RTO's and ARTO's.

### **Additional fees for belated applications for renewal of permits:**

1. Rs.750 for up to 45 days
2. Rs.1500/- 46 days to 90 days
3. Rs.2500/- for 91 days to 365 days

### **Penalty:**

Section 192- A is attracted for using vehicles without a permit and Rule 306 of Jammu and Kashmir motor Vehicle Rules, 1991 provides the Executing Authorities have inherent powers for checking vehicles on roads. Driving without permit in city premises can make to charge a fine, at least of Rs.500, as per the law.



## **FINDINGS FROM THE STUDY**

### **General Findings:**

1. The first and fore-most problem in J&K state is the shifting of Secretariat from summer capital – Srinagar to Winter capital – Jammu, which happens after every six months. During the winter months in Kashmir officials hardly bother to listen to the grievances of common people as they know there is no one to make them accountable
2. The concept of RTI is completely new and vague for the Srinagar Municipal Corporation officials and they try their level best for not to entertain any such application. They in literal sense take RTI as a burden on them. Even the common people, especially the ones involved in the trades which the intern dealt with, have no idea about the RTI
3. The information provided by the officials under RTI is always limited or vague. Intern had to collect all the details by personally interacting with the concerned officials of SMC. (No need to mention the hurdles one has to face in order to get an appointment of Govt. officials and their approach towards the people)
4. The forms for the Licenses of Meat shop, Vegetable/fruit shop are the same. After interacting with the shop owners, intern could conclude that if bribe is not paid to the concerned officials, the issuance of licenses can take ages
5. While visiting the SMC office, intern observed that the approach of officials towards the common people is very unhealthy. They hardly bother to give appointments or listen to the grievances of common people
6. All food related items are supposed to follow the conditions as directed in the PF Act
7. As per PFA Act, the nature of articles of food for the sale of which a license is required under these rules shall be mentioned in the application for license
8. The licensee shall not carry on or permit to be carried on any other trade in the licensed premises except the trade mentioned in the license
9. No person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can hawk or expose for the sale in any place any article whatsoever whether it be for human consumption or not
10. No person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can Use any place his skill in any handicraft or for rendering service to and for the convenience of the public for the purpose of gain or making a living

### **Trade wise Findings:**

#### **Vegetable and Fruit sellers:**

1. The Health officer, Srinagar Municipal Corporation, issues license. The Health Officer, SMC (Srinagar Municipal Corporation) issues the PFA licence under sec. 24 of the Prevention of Food Adulteration Act, 1954 to the vendors for storage/sale/distribution or exhibition of any article of food
2. The eligibility criteria for the vegetable/fruit vendors, applying for licence is given under: -
  - a. The applicant should be a permanent resident of the state of Jammu & Kashmir. However, he can employ a non-state subject as labours
  - b. The applicant shall not be less than 18 years of age

3. In order to start a trade of vegetable/fruit selling, one has to take PFA license from the Health Officer, SMC. He has to apply through a form which can be collected from the Srinagar Municipality office, SMC, Karan-Nagar, Srinagar. This application form is then referred to Food Inspector who after checking the trade place etc. marks the application. Then the application is finally passed to the Health Officer who issues the license to the applicant and also the Medical Fitness Certificate
4. They are supposed to follow some conditions. Interesting ones among them are :
5. The licence issued will be non-transferable
  - a. The licence shall remain valid for one year with effect from 1st April to 31st March
  - b. A period of one month shall be given to all the mobile vegetable/fruit vendors to get their licences made before, after which a monthly penalty shall be charged in addition to licence fees. It will be 10 % of the annual fees which is charged as penalty amount)
  - c. The mobile vegetable/fruit vendors shall carry a garbage bin along for collection of waste generated and dispose off the same at the Municipal collection point. Any breach/ violation shall call for a penalty
  - d. The mobile vegetable/fruit vendors shall not in any case create any nuisance to the common public
  - e. The mobile vegetable/fruit vendors should conform to the standard size and design
  - f. No mobile vegetable/fruit vendor will be allowed to ply in corporation limit without a proper license
  - g. No person can use polythene bags for carrying vegetables or fruits
6. Licensing fees, copy of the Permanent Resident certificate of Jammu & Kashmir State and three photographs of the applicant duly attested by the Gazetted Officer, In case the applicant wishes to employ labourers, 3 photographs of the labourers attested by the Gazetted Officer also is needed
7. A license shall, unless sooner suspended or cancelled, will be in force for such period as the State Govt. may prescribe
8. Every licensee who sells any food shall display a notice board containing the nature of the articles which he is exposing or offering for sale. The license will remain valid for one year with effect from 1st April to 31st of March. After that the license should be renewed in the same manner as in the case of applying for fresh license. License fee remains the same. Last date of validity of license is 31st March of every year. Thus the trader has to get his license renewed by 31st of March. After 31st of March late fee is also charged along with the licence fees
9. It takes around one week in the processing of license
10. Health officer of the Srinagar Municipality Corporation is the Regulatory Authority
11. No person shall himself or by any person on his behalf sell / store /distribute:
  - a. Any adulterated food
  - b. Any misbranded food
  - c. Any article of food for the sale of which a license is not prescribed
  - d. Any article of food which is prohibited for sale for the time being
12. Srinagar Municipal Corporation reserves the right to impose penalty, cancel the license in case of breach of terms and conditions. If the person is involved in breach/violation of concerned provisions, he shall, in addition to the penalty to which he may be liable under the provisions of section 6 of Food Adulteration Act 1954, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and with fine which shall not be less than Rs.1000

**MEAT SHOP:**

1. For Meat shop, the licence is issued by the Health Officer, SMC. Only PFA licence is required in case of Meat shops
2. For Meat shops too, the procedures and formalities are same as mentioned in the case Vegetable and Fruit sellers
3. The Commissioner of Municipality Corporation, when authorised by the Corporation in this behalf may provide and maintain municipal markets and slaughter houses in such manner as he thinks fit together with stalls, shops, sheds and other buildings and conveniences for the use of persons carrying on trade or business
4. Municipal markets and slaughter houses shall be under the control "of the Commissioner
5. No person shall without the permission in writing of the commissioner, sell or expose for the sale any animal or article in any municipal market
6. No place other than a municipal slaughter house shall be used as slaughter house
7. No animal or article shall be sold or exposed for sale within distance of one hundred metres of any municipal market without the permission of the Commissioner or any officer or employee of the corporation appointed by him on his behalf
8. In Srinagar, the Commissioner of Srinagar Municipality Corporation has appointed Health Officer of the Municipal Corporation to deal with meat shops or slaughter houses
9. No license shall be required for any place used for the sale or storage for sale of preserved flesh or fish contained in air tight hermetically sealed receptacles
10. Any person slaughtering any animal or selling or 'exposing for sale the flesh of any such animal in any place or manner not duly authorized under the provisions of this Act shall be punishable with imprisonment 'of up to six months and may be arrested by any police officer without a warrant

**Dhaba.**

1. Dhabas have the same procedures of Vegetable sellers. PFA license fee is Rs.520/annum per shop
2. As per the section 327 of the Act, No person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can Hawk or expose for the sale in any place any article whatsoever whether it be for human consumption
3. The commissioner may at any time cancel or suspend any license granted if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any by-laws made in this behalf
4. As per section 328, No person shall without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf, keep any eating houses for the consumption of any food or drink or any place where food is sold or prepared for sale.
5. The commissioner may at any time cancel or suspend any license granted by sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any by-laws
6. As per shops and establishments Act, restaurant or an eating house shall not be opened earlier than 5-30 am. and can not be kept open later than 12 AM. No employee shall be required or allowed to work in a residential hotel, restaurant or

eating house for more than nine hours on a day

### **Auto rickshaw:**

1. The Srinagar Regional Transport Office deals with the issuing of licences and permits of Auto-rickshaws
2. The Regional Transport Office deals the permit for Auto-rickshaw drivers. Contract carriage permits are required for auto rickshaws. The corridor Jurisdiction of operation will be indicated in the permit
3. The person who is in possession of Valid Light Transport Vehicle License is authorized to drive the vehicle provided that the vehicle is in conformity with the provisions of Motor Vehicle Rules and Acts framed .So to ply auto , one has to get the contract carriage permit and the driver must possess valid LTV (Light Transport Vehicle) License.
4. A person intending to acquire an Auto Rickshaw permit has to apply as and when invited applications. The application must also contain the photograph and the Permanent Resident Certificate together with the appropriate fee
5. The person has to apply with the application form along with an affidavit to the Office of RTO. An application for a permit in respect of a contract carriage shall contain the following particulars, namely:-
  - a. The type and seating capacity of the vehicle;
  - b. The area for which the permit is required;
  - c. Any other particulars which may be prescribed.
6. The permits are issued by the Regional Transport Authority headed by Deputy Commissioner Srinagar as chairman, Regional Transport Officer Srinagar as Member /Secretary, and SSP Traffic Police Srinagar as Member. So police also plays a role in issuing permits
7. The permits are issued by the Regional Transport Authority of Srinagar, usually within the period of one month
8. The following Documents are required:
  - a. Application form.
  - b. Permanent Resident Certificate (i.e. he should be a state subject of J&K).
  - c. Moreover, driver must also possess a valid driving license.
  - d. Application fees.
9. Renewal of permit is to be done after a year on 31st March of every year. For renewal, the permit holders has to apply along with the requisite documents of the vehicle and appropriate before 15 days of the expiry .The renewal of permits done within three days after completion of all renewal formalities. The renewals are done annually provided that the permit holder is not in violation of section 84 of the Motor Vehicles Act, 1988. The renewal formalities and renewal fees all are the same as in the case of applying for the fresh license
10. A permit in respect of a contract carriage may subject to one or any of the following c conditions namely : -
  - a. vehicle shall not driven in any public place except by permit- holder or a licensed driver holding an authorization to drive a public service vehicle and duly authorized by the permit holder in writing which shall be carried by the driver when driving, and produced on demand by any police officer or officers of the motor vehicles department.;
  - b. The number of the persons to be carried in the vehicle shall not exceed the number which may be specified in the permit; and no advertising device, figures or writing shall be exhibited on the vehicle

11. Driving without permit in city premises can make to charge a fine, at least of Rs.500, as per the law
12. Additional fees are also levied for late renewal
13. According to section 21 (12) of Jammu and Kashmir Motor vehicle Rules, No driver of a motor cab shall shout in order to attract a passenger
14. According to section 21 (19) of Jammu and Kashmir Motor vehicle Rules No driver of a motor cab shall allow any person to be carried in any motor cab in excess of the seating capacity specified in the certificate of registration of the vehicle
15. According to section 21 (28), the driver of a motor cab shall at the conclusion of every journey make reasonable search in the vehicle for anything left by the passenger and shall take into his custody anything so found and shall as soon as may be convenient hand over the same to the officer in charge of the nearest police station. As per the rules for drivers of motor cars fitted with taxi- meters, A cab shall be considered to be hired from the time it has been engaged or if called from a distance from the time of such call
16. As per the rules for drivers of motor cars fitted with taxi- meters, If the driver of any motor cab fitted with the taxi-meter which is hired by any person is unable to proceed owing to any defect in the mechanism or the tyres of the cab, he shall at once lower the flag the "stopped" position and shall not restart his meter until such time as the defect is remedied
17. As per the Rules, No driver shall without reasonable excuse, refuse to let the cab for hire when the flag is in a vertical position