

RULES AND REGULATIONS GOVERNING THE LICENSING OF MEAT SHOPS IN VADODARA

State: Gujarat

Details of licensing are as follows:

Meat Shops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948.

As per the Section 376 of the Bombay Provincial Municipal Corporation Act 1949, no person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part IV of the chapter XVII says that barber shops needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

As per section, 327 of the Bombay Provincial Municipal Corporation Act 1949, all markets and slaughterhouses, which belong to or are maintained by the corporation, shall be called "Municipal Markets" and "Municipal Slaughter houses". As provided in section 328 the commissioner when authorized by the corporation may construct, purchase, take on lease or otherwise acquire any building or land for establishing a municipal market or a municipal slaughterhouse. The act also says the authorities may from time to time build and maintain such municipal markets, slaughterhouses. The act also empowers the commissioner to stop close the municipal market and slaughterhouse or any portion thereof and the premises occupied for any market or slaughterhouse with the sanction of the corporation. The closed premises can be disposed of as the corporation's property.

Section 355 says that no person without a license can import cattle, sheep, goats or swine intended for human consumption or flesh of any such animal, which has been slaughtered at any slaughterhouse or place, not maintained or licensed under the Act. Any police officer can arrest without warrant any person bringing into the city any animal or flesh in contravention of the act. The act says that animal brought into the city in contravention of the act can be seized by the commissioner or any municipal authority, by any police officer, in, or upon railway premises the animal, which is brought into the city in contravention of the section. The animal or flesh so seized can be sold or otherwise disposed as per the directions of the commissioner. These conditions shall not apply to the preserved or cured meat.

The commissioner may at any time by day or night , without notice , enter any place if he suspects that the animal slaughtered or exposed for sale is not duly authorized under the Act or bylaw. He may seize ay such animal or such flesh found therein. The commissioner may

remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized. If the owner fails to appear within one month and prove his claim to the commissioner or if the owner is convicted of an offence, the proceeds of any sale shall vest in the corporation. No claim shall lie against any person for compensation for any damage necessarily caused by an entry made or the use of necessary force for effecting such entry.

Section 382 says that no person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can carry or within the city or at any municipal slaughterhouse, the trade of a butcher. No person can use any place in the city for the sale of the flesh of any animal intended for human consumption or any place without the city for the sale of such flesh for consumption in the city.

Section 337 says commissioner have to make provisions for constant and vigilant inspection of animals, vegetables, fruit and any other article exposed or hawked for sale. The act also gives power to the commissioner to inspect and examine any animal or article used for preparing or manufacturing or containing the same. The commissioner can seize the animal or article which has appeared as unfit for human consumption.

Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it. Therefore, it is clear that a meat shop needs license.

Licensing Procedures:

Meat Shops needs the health license and shops and establishment license. Details are as follows:

Health License:

One have to obtain a health license for starting any of the business mentioned in Part I,II, III of the Bombay Provincial Municipal Corporation Act. So eating houses / dhaba also needs a health license. The applicant has to apply in the prescribed form along with required documents. The applications have to be submitted in the health department.

On receipt of the application, a notice will be issued by the Vadodara Municipal Corporation inviting the attention of persons living nearby to file their objections within 7 days. On expiry of the stipulated time, the license committee of Vadodara Municipal Corporation will visit the site to examine if any additional safety measures are required to be taken. The committee will also hear the persons who may have objected to the grant of such license. After considering the objections and inspection of site, the committee will decide on the granting of the license. This process takes about 45 days. The applicant will be informed of the decision of the department within 45 days of the application.

License Fees:

Rs.25/- per square meter is charged as the fees for health license, and thereafter Rs.10/- for every 10 square meter is charged and the maximum fee of Rs.150/- as the fees for the trades or operations connected with trade mentioned in Part-IV of Chapter-XVIII of Schedule A of the B.P.M.C. Act, 1949. The fixed flat rate of Rs. 100/- is levied for the trades and operations mentioned in Part I, II and III of Chapter – XVIII of Schedule – A of the B.P.M.C. Act, 1949.

However, meat shops and slaughterhouses are not involved in either the part IV or the part II or Part III of the schedule. There is a mention of bones and dried fish in the part III.

For shop and establishment License, a fee of Rs. 60 in cash / DD in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara.

License Renewal:

The licensee has to renew the license on the 1st of April every year. The process is same of a new license including the fees.

Duplicate License:

In case of the loss of the license, the licensee can apply to the health department with the same procedure. The fees is Rs.1/- where the license fee is up to Rs.50/- and is Rs.3/- if the license fee is more than Rs.50/-.

Shops and Establishment license:

For a shop license, the applicant has to apply in the prescribed form along with the supportive documents. The documents must be submitted to the shops and establishment department.

Documents required:

For initial registration of an establishment, following documents are required.

1. Form 'A' & form 'D'.
2. Rubber Stamp with name & address of the establishment.
3. Rubber Stamp required for signature of partner/proprietor.
4. Proof of business- Xerox of the first purchase bill.- Xerox copy of the sales bill.
5. Proof of occupation of premises, if the owner of the establishment is owner of the premises then he has to produce a Photostat copy of last tax paid bill. If the premise of establishment is on rent, then the copy of the application made to the assessment department to insert the name as tenant. If the premise of establishment is purchased then the copy of sale deed is submitted.

6. If the name doesn't appear in the tax bill, an application to include it should be made to the assessment branch of VMC & its Xerox copy should be attached.
7. 6. Those units which are engaged in sale of milk or milk products, cold drinks, eatables etc. have to produce a copy of an NOC from the health Dept. (Hostels, Lodges, Petrol Pumps, Cinema houses etc. included)

Documents required for making Changes:

1. Form – 'E'
2. Purchase & sale bills as a proof of charge in business.
3. Required rubber stamps.
4. Notarized stamp agreement in case of partnership OR proof of termination of partnership, if any.
5. Receipt of the latest paid tax bill.

License Processing:

Site inspection by an officer of Vadodara Municipal Corporation must be there within seven days. A certificate of registration is usually issued within 15 days. If no information about acceptance / rejection of the application is received within 15 days, the applicant can contact the shops and establishments office.

License fees:

A fee of Rs.60 in cash/DD must be paid in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara.

License Renewal:

Regardless of the date of issue, the initial registration is valid up to 31st December of the year in which registration takes place, to be renewed each year. Application for renewal should be made in 'Form – D'. Other requirements are the same as for initial registration. The registration may be renewed for the maximum period of 3 years. It is to be renewed again.

Notice of Change:

For any and every change during the registration period, please give notice in 'Form – E' with the prescribed fee of Rs.2 in cash / Demand Draft drawn in favour of Municipal Commissioner, payable at Vadodara.

Inspection:

As per the section 337 of the act, it shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat flesh, fish, fruit, vegetables etc and any other articles exposed or hawked about for sale or deposited in or brought to in any place for the purpose of sale and intended for human consumption, the proof that the article was not intended for human food with the party charged.

The commissioner can seize and carry away any article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption or is not up to the quality represented.

Suspension_and Revocation:

As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the canceling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

Timings:

As per the Bombay Shops and establishments Act 1948, no shops dealing wholly with vegetables, fruits, meats etc or any other goods notified by the State Government shall not on any day be opened earlier than 5 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour.

No person shall carry on or in adjacent to a street or any public place the sale of any goods before the opening and after the closing hours fixed. Any person contravening the section shall be liable to have his good seized by an Inspector. If a person fails to produce the goods then it shall be produced without delay before a magistrate. No person shall be allowed or required to work in any shop or commercial establishment for more than nine hours in a day and more than forty- eight hours in any week.

Punishment

As per the Bombay Provincial Municipal corporation act 194 any contravention of any provision of the act or ,rule , bye-law, standing order , notice etc will be liable to a fine of Rs.100 and a further fine which can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.

In regard to the penalty for the defaulters of health license Rs.1/- for each month if the license fee is up to Rs.50/- and Rs.3/- per month if the license fee is more than Rs.50/-