

THE LIVELIHOOD REGULATIONS REPORT

VARANASI



PREPARED BY



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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 study aims to unveil the laws applicable to entry-level professions like Auto Rickshaws, Barber Shops, Dhaba's, Meat Shops and mobile/stationary street vegetable/fruit vendors. These documents will effectively draw public attention to the issues faced by the entry-level professions in the informal sectors

Varanasi , also commonly known as Benares or Banaras, *Banāras* and Kashi is a city situated on the left (west) bank of the River Ganga (Ganges) in the Indian state of Uttar Pradesh, regarded as holy by Hindus, Buddhists and Jains, and one of the oldest continually inhabited cities in the world.

The culture of Varanasi is closely associated with the River Ganges and the river's religious importance. The city has been a cultural and religious centre in northern India for several thousand years. The Benares Gharana form of Indian classical music developed in Varanasi, and many prominent Indian philosophers, poets, writers, and musicians resided or reside in Varanasi, including Kabir, Ravi Das, Munshi Premchand, Jaishankar Prasad, Acharya Ram Chandra Shukla, Pandit Ravi Shankar, Hariprasad Chaurasia, and Ustad Bismillah Khan. Tulsidas wrote his *Ramacharitamans* there, and Gautama Buddha gave his first sermon at Sarnath near Kashi. Ayurveda is said to have originated at Varanasi.

Varanasi is home to the Banaras Hindu University. Residents mainly speak Kashika Bhojpur, which is closely related to the Hindi language. People often refer to Varanasi as "the city of temples", "the holy city of India", "the religious capital of India", "the city of lights", "the city of learning" and the "culture capital of India".

The population of Varanasi urban agglomeration in 2001 was 1,371,749; the sex ratio was 879 females every 1000 males.[[] However, the area under Varanasi Municipal Corporation

has a population of 1,100,748 with the sex ratio being 883 females for every 1000 males. The literacy rate in the urban agglomeration is 61.5% while that in the municipal corporation area is 61%. Approximately 138,000 people in the municipal area live in slums. The crime rate in the city in 2004 was 128.5 per 100,000 which is higher than Uttar Pradesh rate of 73.2 but lower than the national rate of 168.8.

The present report on the livelihood regulations in Municipal Corporation limits of varanasi covers dhaba, vegetable sellers, auto rickshaw, barber shops Shop and meat shop

VARANASI

The Trades under study are:

1. **Dhaba**
2. **Vegetable Sellers**
3. **Barber shop**
4. **Meat shop**
5. **Auto rickshaw**

Introduction:

The trades in Varanasi are regulated by the Varanasi Municipal Corporation as per the directions of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959. Prevention of Food Adulteration Act 1954 is also regulating the trades related to food items. UP Dookan Aur vanijya Adhinisthan Adhiniyam, 1962 is setting the timings for regulations. In case of Auto rickshaw, Motor Vehicles act 1988 is setting regulations.

According to U.P Nagar Mahapalika Adhiniyam, No person without the license from the Mukhya Nagar Adhikari shall sell or expose for sale any animal or article in any Mahapalika Market and any one contravening this section may be summarily removed. The act also says that no person is allowed to carry on within the city or use any premises for the trade or operation specified in byelaws or which is dangerous with out the license granted by the Mukhya Nagar Adhikari. The commissioner has the power to grant license and add further conditions to it to with hold any such license and the licensee is supposed to keep the license in premises. Trade wise details are as follows:

I Dhaba: -

Dhabha as defined by the Municipal Corporation is a place for manufacturing food for sale and license is required to open a dhabha. Nagar Nigam, as per the regulations of Prevention of Food Adulteration act 1954 and regulations provided by the U.P Nagar Mahapalika Adhiniyam, provides the license.

As defined in U. P Nagar Mahapalika Adhiniyam, 1959, eating house is a premise to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises

As per the section 438, it is clear that any trade carrying within the city which is specified in corporation rules and byelaws and the one which is likely to create nuisance or dangerous to health requires a license from the mukhya Nagar Adhikari / the Corporation Commissioner. Dhaba's requires license from the corporation.

Procedure:

The process is submitting a filled application form in the prescribed form to Nagar Nigam. There are two forms (Prevention of food adulteration Act license form for food license and the license form for all trades by U.P Nagar Mahapalika Adhiniyam) The form can be obtained from Nagar Nigam and the health department with the prescribed fees.

Authority:

Nagar nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of Nagar Nigam.

Documents Required:

As per the Act, the licensee is supposed to produce the necessary documents required by the Nagar palika Officers.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the treasury.

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharge will be taken by the owner. It must be renewed in the mentioned financial year itself (April to March) and after that, Penalties will be charged for delay.

Inspection:

As per the section 434 and 435 of U. P Nagar Mahapalika Adhinyam, 1959, the mukhya Nagar Adhikari/ corporation commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the same. If it is found unfit for human consumption, he can seize the article and carry away it and can arrest the person and also can take to the nearest police station.

Timings:

As per The Uttar Pradesh Dookan Aur Vanijya Adhidhan Adhinyam 1962, section (5) no shops or commercial establishments, not mentioned in Schedule II(annexed to Uttar Pradesh Dookan Aur Vanijya Adhidhan Adhinyam 1962) , shall on any day be opened earlier or closed later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours. However dhabas/ cooked food fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence a dhaba can open and close a shop at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, dhaba does not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence, dhaba can keep it open all seven days in a week.

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence, Rs.500. However in addition, the health officer will immediately close dhabha. Without license, no any dhabha will be continued or in process. Prevention of Food Adulteration Act also has provisions to penalize eating-house owners having no license.

II. Vegetable sellers:

The licensing of vegetable sellers is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Municipal Corporation itself. According to section 438 of the Uttar Pradesh Nagar Mahapalika Adhiniyam 1959, no person is allowed to carry on within the city or use any premises for the trade or operation specified in byelaws or which is dangerous with out the license granted by the Mukhya Nagar Adhikari. The commissioner has the power to grant license and add further conditions to it to with hold any such license and the licensee is supposed to keep the license in premises. In varansi, vegetable sellers also need licenses.

Procedure:

The process is submitting a filled application form in the prescribed form to Nagar Nigam. There are two forms (Prevention of food adulteration Act license form for food license and the license form for all trades by U.P Nagar Mahapalika Adhiniyam) The form can be obtained from Nagar Nigam and the health department with the prescribed fees.

Authority:

Nagar nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of Nagar Nigam.

Documents Required:

As per the Act, the licensee is supposed to produce the necessary documents required by the Nagar palika Officers.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the Treasury.

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharge will be taken by the owner. It must be renewed in the mentioned financial year itself (April to March) and after that, Penalties will be charged for dealy in payment.

Inspection:

As per the section 434 and 435 of U. P Nagar Mahapalika Adhiniyam, 1959, the mukhya Nagar Adhikari/ corporation commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the same. If it is found unfit for human consumption, he can seize the article and carry away it and can arrest the person and also can take to the nearest police station.

Timings:

As per the U.P DOOKAN AUR VANIJYA ADHIDTHAN ADHINIYAM 1962, section (5) no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours. However vegetable sellers fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, vegetable sellers do not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence one can keep it open all seven days in a week.

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence, Rs.500. However in addition, the health officer will immediately close the shop. Without license, no any shop will be continued or in process. Prevention of Food Adulteration Act also has provisions to penalize vegetable shop owners having no license.

III.Barber Shop:-

The licensing of barber shop is under the purview of Uttar Pradesh Nagar Mahapalika Adhiniyam 1959 and the authority dealing is Municipal Corporation itself. According to section 438 of the Uttar Pradesh Nagar Mahapalika Adhiniyam 1959, no person is allowed to carry on within the city or use any premises for the trade or operation specified in byelaws or which is dangerous with out the license granted by the Mukhya Nagar Adhikari. The commissioner has the power to grant license and add further conditions to it to with hold any such license and the licensee is supposed to keep the license in premises. Barber shops also needs license in Varanasi.

Procedure:

The process is submitting a filled application form in the prescribed form to Nagar Nigam. The form can be obtained from Nagar Nigam and the health department with the prescribed fees.

Authority:

Nagar Nigam, Health department is the regulatory body. Health officer is the authority for issuing a license in behalf of Health department of Nagar Nigam.

Documents Required:

As per the Act, the licensee is supposed to produce the necessary documents required by the Nagar palika Officers.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the Treasury.

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharge will be taken by the owner. It must be renewed in the mentioned financial year itself (April to March) and after that, penalties will be charged for delay.

Timings:

As per the U.P Dookan Aur Vanijya Adhidhan Adhiniyam 1962, section (5), no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours. However barber shops fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II, barber shops does not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence one can keep it open all seven days in a week.

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence, Rs.500. However in addition, the health officer will immediately close the shop. Without license, no any shop will be continued or in process.

IV.Meat Shop:-

As per Section 426, no person shall, without licensee from the Mukhya Nagar Adhikari, sell or expose any animal or any article in any Mahapalika Market and any Person contravening this section may be summarily removed by any Mahapalika officer or servant.

Procedure:

The applicant should apply in the prescribed form for shop and for slaughterhouse. He has to go in a auction done by Nagar Nigam and applicants should fulfill the conditions of license for slaughter house provided by the corporation Act.

Authority:

Nagar Nigam officers and the health department is the authorities in regard of issuing licenses.

Documents Required:

As per the Act, the licensee is supposed to produce the necessary documents required by the Nagar palika Officers as mentioned in the RTI reply. As per RTI reply, No objection certificate from Nagar Nigam and the District authority is needed.

License Fees:

As per the act, the fees for licenses are prescribed by the Nagar Nigam Officers. The fees prescribed by the Nagar Nigam Officers have to be paid in the Treasury.

License Renewal:

The license must be renewed after 1 year by applying to the inspector concerned along with the same fees for a new license and if delays then surcharge will be taken by the owner. It must be renewed in the mentioned financial year itself (April to March). In case of delay, penalties will be charged.

Inspection:

As per the section 434 and 435 of U. P Nagar Mahapalika Adhiniyam, 1959, the mukhya Nagar Adhikari/ corporation commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the same. If it is found unfit for human consumption, he can seize the article and carry away it and can arrest the person and also can take to the nearest police station.

Timings:

As per The U.P Dookan Aur Vanijya Adhidhan Adhiniyam 1962,section (5), no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. It also says that the different areas have different times in the year of working hours. However vegetable sellers fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act. As per Schedule II,vegetable sellers does not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence one can keep it open all seven days in a week.

DIRECTIONS AS PER U.P NAGAR MAHAPALIKA ADHINIYAM, 1959

1. No person shall, without or otherwise than in conformity with the terms of a license granted by the Mukhya Nagar Adhikari in this behalf-
2. Carry on within the City, or at any Mahapalika slaughter-house, the trade of a butcher ;
3. 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.
4. No person shall, without a license from the Mukhya Nagar Adhikari, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a Mahapalika or private market;
5. The Mukhya Nagar Adhikari may expel from any Mahapalika market, slaughter-house any person, who or whose servant has been convicted of contravening any rule, bye-law or regulation in force in, slaughter-house may prevent such person, by himself or his servants, from further' carrying on any trade or business in such market, slaughter-house or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or , place.

6. If the owner of any private market or slaughter-house licensed under this Act or the lessee of such market or slaughterhouse or any stall therein or any agent or servant of such owner or lessee has been convicted for contravention of any rule, byelaw or regulation the Mukhya Nagar Adhikari may require such owner, lessee, agent or servant to remove himself from any such market or slaughter-house within such time as may be mentioned in the requisition and if he fails to comply with such requisition, he may, in 'addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises
7. If it appears to the Mukhya Nagar Adhikari that in any such case the owner or lessee is acting in collusion with a servant or agent convicted, the Mukhya Nagar Adhikari may, if he thinks fit, cancel the license of such owner or lessee in respect of such premises.
8. As per Section 429, No person shall without the permission of the Mukhya Nagar Adhikari slaughter or cause to be slaughtered any animal for sale in the City except in a Mahapalika slaughter-house or a licensed private slaughter-house.
9. The Mukhya Nagar Adhikari may, by public notice, fix premises within the city in which the slaughter of animals of any particular kind not for sale or the cutting up of carcass of any such animal shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the City Provided that these condition shall not apply to animals slaughtered for any religious purpose.
10. No person shall without the written permission of the Mukhya Nagar Adhikari bring into the City any cattle, sheep, goats or swine intended for human consumption or the flesh of any such animal which has been slaughtered' at any slaughter-house or place not maintained or licensed under this Act.
11. Any police officer may arrest without warrant any person bringing into the City any animal or flesh in contravention of sub-section (1) of U.P NAGAR MAHAPALIKA ADHINIYAM, 1959
12. Any animal brought into the City in contravention of this section may be seized by the Mukhya Nagar Adhikari or by any Mahapalika officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Mukhya Nagar Adhikari shall direct and the proceeds if any shall belong to the Mahapalika.
13. If the Mukhya Nagar Adhikari shall have reason to believe that any animal intended for human consumption has been or is being or is likely to be slaughtered or that flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under the provisions of this Act, the Mukhya Nagar Adhikari may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provisions of this Act or of any bye-law is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein
14. The Mukhya Nagar Adhikari may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized
15. If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Mukhya Nagar Adhikari or if such owner is convicted of an offence under this Act in respect of such animal or carcass or flesh the proceeds of any sale shall vest in the Mahapalika. As per Section 434 and 435, Mukhya Nagar Adhikari may at all reasonable times inspect and examine meat shops. If any animal appears to the Mukhya Nagar Adhikari to be diseased or unsound or unwholesome or unfit for human consumption, he may seize and carry away the animal and the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of

any such animal or article. The shop keeper shall keep such license in or upon the premises. The Mukhya Nagar Adhikari may at any time by day or Night enters or inspects the premises

Penalty:

Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence, Rs.500. However in addition, the health officer will immediately close the shop. Without license, no any meat shop will be continued or in process. Prevention of Food Adulteration Act also has provisions to penalize meat shop owners having no license.

If any meat, fish of a perishable nature be seized and the same is, in the opinion of the Mukhya Nagar Adhikari, diseased, unsound, unwholesome or unfit for human consumption, then the Mukhya Nagar Adhikari shall cause the same to be forth-with destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

V. Auto Rickshaw:

As per Section 66 of Motor Vehicles Act 1988, permit is necessary. Motor Vehicles Act 1988 is the legislative directions towards the issue of permit. License relates to driver whereas permit relates to the control of operation of Motor Vehicle. Permits are issued to ply on certain routes Authorized by the Transport Authorities. The Transport Department Officials is the regulatory authorities for the implementation of Motor Vehicles Act. Permits are issued by Regional Transport Authority or the secretary of Regional Transport Authority for a transport Vehicle to ply on a public Road where as the licenses to drive vehicles are issued by the Licensing Authority / assistant Licensing Authority in the Transport department. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle

Permit Procedure:

For an auto Rickshaw, permit for the vehicle and license for driver is needed. Permits are issued for the vehicle but license is issued to a person to drive a vehicle. Application shall be submitted in the prescribed Form with prescribed t fees.

Authority issuing City Permit:

Regional Transport Authority/ Secretary of the Regional Transport Authority is the authority to grant Permits.

Documents Required:

Documents of registration, fitness certificate, insurance certificate etc is required.

Permit Fees:

The fees is as prescribed by the Transport Authority as per the directions of Motor Vehicles Act.

Renewal Of permits:

As per Section 81 of The Motor vehicles Act 1988 which deals with the duration and renewal of permits, A permit other than a temporary permit issued under section 87 or a special permit issued under sub-section (8) of section 88 shall be effective from the date of issuance or renewal thereof for a period of five years. Provided the counter-signature where the permit is countersigned shall remain effective without renewal for such period so as to synchronise with the validity of the primary permit.

The Act also says that the permit may be renewed on an application made not less than fifteen days before the date of its expiry. Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be, entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

As per the section (4) Of the section 81 of the Motor Vehicles Act 1988, The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit on one or more of the following grounds, namely:-

1. The financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;
2. the applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely, Plying any vehicle without payment of tax due on such vehicle, without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle on any unauthorized route and Making unauthorized trips.

Provided that in computing the number of punishments for the purpose of clause (b), any punishment stayed by the order of an appellate authority shall not be taken into account: Provided further that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.

In the case of the permits which has been renewed after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refused.

Terms and conditions:

One is supposed to follow the section 74 of Motor Vehicles Act 1988.

Penalty:

An amount of Rs.2000/- will be collected as Compounding fees for vehicles without Permit. As per Section 192A of The Motor Vehicles Act 1988, using vehicle without permit is punishable. The act says that Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in

contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than three months or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both. Provided that the court may for reasons to be recorded, impose a lesser punishment. Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or for the transport of food or materials to relieve distress or of medical supplies for a like purpose: Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

FINDINGS OF THE STUDY

The trades are regulated by the Municipal Corporation as per the directions U.P Nagar Mahapalika Adhiniyam. Prevention of Food Adulteration Act 1954 is also regulating the trades related to food items. UP Dookan Aur vanijya Adhinisthan Adhiniyam, 1962 is setting the timings for regulations.

Dhaba, Vegetable sellers:

1. Dhabha is a public place for eating food and only one license is required to open a dhabha.
2. No proper definition by act on vegetable sellers.
3. As defined in U. P Nagar Mahapalika Adhiniyam, 1959, eating house is a premise to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises
4. As per the section 438, it is clear that any trade carrying within the city and the one which is likely to create nuisance or dangerous to health requires a license from the mukhya Nagar Adhikari / the Corporation Commissioner.
5. Health department is the regulatory body. Health officer is the authority for issuing a license in Health department of nagar nigam.
6. The necessary documents required by the officers have to be submitted for getting a license.
7. The mukhya Nagar Adhikari/ corporation commissioner have the power to inspect any food particles, which is exposed or hawked for sale or about for sale and also the containers used for preparing the same. If it is found unfit for human consumption, he can seize the article and carry away it and can arrest the person and also can take to the nearest police station.
8. As per the U.P DOOKAN AUR VANIJYA ADHIDTHAN ADHINIYAM 1962,section(5) no shops or commercial establishments, not mentioned in Schedule II, shall on any day opened earlier or close later than such hour prescribed by the government. Dhabas and vegetable sellers fall under Schedule II and so section 5 does not apply to it. Section 5 talks about working hours. Hence it can be opened and closed at any convenient time as no special mention about regulations for these trades is provided in the act.

9. As per Schedule II of U.P DOOKAN AUR VANIJYA ADHISTHAN ADHINIYAM 1962, vegetable sellers does not fall under the purview of Section 8 as well, which talks about observing a holiday once a week. Hence one can keep it open all seven days in a week.
10. Violation of norms amounts to a fine, which is generally Rs.100 and for subsequent offence, Rs.500. However in addition, shop will be immediately closed by the health officer. Without license, no any shops will be continued or in process.

Barber Shop:

1. process is same as of dhabas. But regulations based on food items is not applicable.

Meat Shop:

1. As per Section 426, No person shall, without licensee from the Mukhya Nagar Adhikari, sell or expose any animal or any article in any Mahapalika Market and any Person contravening this section may be summarily removed by any Mahapalika officer or servant.
2. Procedure is same as that of dhabas.
3. Nagar nigam officers, Veterinary Department, Pollution Department and Police are involved in regulations. For punishments, Health Officer is the prosecuting authority and judiciary is the punishing Authority as stated in RTI reply.
4. No objection certificate from Nagar Nigam and the District authority is needed.
5. No person shall, without or otherwise than in conformity with the terms of a license granted by the Mukhya Nagar Adhikari shall Carry on within the City, or at any Mahapalika slaughter-house, the trade of a butcher or 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.
6. No person shall, without a license from the Mukhya Nagar Adhikari, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a Mahapalika market or a licensed private market.
7. If it appears to the Mukhya Nagar Adhikari that in any case the owner or lessee is acting in collusion with a servant or agent of Nagar Nigam, the Mukhya Nagar Adhikari may, if he thinks fit, cancel the license of such owner or lessee in respect of such premises.
8. As per Section 429, No person shall without the permission of the Mukhya Nagar Adhikari slaughter or cause to be slaughtered any animal for sale in the City except in a Mahapalika slaughter-house or a licensed private slaughter-house. The Mukhya Nagar Adhikari may, by public notice, fix premises within the city in which the slaughter of animals of any particular kind not for sale or the cutting up of carcass of any such animal shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the City Provided that these condition shall not apply to animals slaughtered for any religious purpose.
9. No person shall without the written permission of the Mukhya Nagar Adhikari bring into the City any cattle, sheep, goats or swine intended for human consumption or the flesh of any such animal which has been slaughtered' at any slaughter-house or place not maintained or licensed under the Act. Any animal brought into the City in contravention of this section may be seized by the Mukhya Nagar Adhikari or by any Mahapalika officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise

disposed of as the Mukhya Nagar Adhikari shall direct and the proceeds if any shall belong to the Mahapalika.

10. Any police officer may arrest without warrant any person bringing into the City any animal or flesh in contravention of sub-section (1) of U.P NAGAR MAHAPALIKA ADHINIYAM, 1959
11. If the Mukhya Nagar Adhikari shall have reason to believe that any animal intended for human consumption has been or is being or is likely to be slaughtered or that flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under the provisions of this Act, the Mukhya Nagar Adhikari may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provisions of this Act or of any bye-law is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein .The Mukhya Nagar Adhikari may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized
12. If within one month of such seizure the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Mukhya Nagar Adhikari or if such owner is convicted of an offence under this Act in respect of such animal or carcass or flesh, the proceeds of any sale shall vest in the Mahapalika.
13. As per Section 434 and 435, Mukhya Nagar Adhikari may at all reasonable times inspect and examine meat shops. If any animal appears to the Mukhya Nagar Adhikari to be diseased or unsound or unwholesome or unfit for human consumption, he may seize and carry away the animal and the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article. The shop keeper shall keep such license in or upon the premises. The Mukhya Nagar Adhikari may at any time by day or Night enters or inspects the premises
14. The department (Health department/vet nary officer) will give punishment to the owner. The punishment fee is mainly depending upon the court

Auto Rickshaw:

1. As per Section 66 of Motor Vehicles Act, 1988, permit is necessary
2. License is needed for a driver whereas permit is need for a vehicle
3. A taximeter is to be attached with the vehicle
4. The Transport Officials are the regulatory authorities for the implementation of Motor Vehicles Act. Regional transport Authority or the secretary of regional transport Authority deals with the issue of permits.
5. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle
6. An amount of Rs.2000/- will be collected as Compounding fees for vehicles without Permit. Transport Vehicles plying without Permit will be ceased and detained.
7. Conditions Of Permit is as per the section 74 of the Motor Vehicles Act 1988.The contract carriages should ply in the route or area for which the permit has been issued The permit is subject to all rules relating to permits under the Motor Vehicles Act, 1988 and in force for the time being