

# THE LIVELIHOOD REGULATIONS REPORT

## GUWAHATI



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

Guwahati previously spelled *Gauhati*) is a major city in eastern India, often considered as the gateway to the North-East Region (NER) of the country and is the largest city within the region. Dispur, the capital of the Indian state of Assam is situated within the city. Guwahati is one of the most rapidly growing cities in India. Guwahati is considered as one among the first 100 fastest growing city of the world and is 5th fastest growing among Indian cities. Guwahati Municipal Corporation (GMC), the city's local government covers an area of 216 km<sup>2</sup>, while Guwahati Metropolitan Development Authority (GMDA), the planning and development authority covers an area of 340 km<sup>2</sup>.

It is a major commercial and educational center of eastern India and is home to world class institutions such as the Indian Institute of Technology Guwahati. The city is also a major center for cultural activities and sports in the North Eastern Region and for the administrative and political activities in Assam.

As per the census of 2001 the city's population was found to be 808,021. By 2011, it is estimated that Guwahati will be a million plus city. In 2001, males constituted 55 percent while the females at 45 percent. It was found that 10 percent of the population is under 6 years of age. Guwahati has an average literacy rate of 78 percent with a male literacy at 81 and female at 74 percent.

Guwahati Municipal Corporation (GMC) is the local body responsible for governing, developing and managing the city. GMC has sub-divided the city into 60 municipal wards. The Guwahati Metropolitan Development Authority (GMDA) is a state parastatal agency currently responsible for planning and development of Guwahati Metropolitan Area, which is currently revising the Guwahati Master Plan and the Building Bye-laws.

The Guwahati Development Department, a special department of the Government of Assam has been recently formed for Guwahati's overall development.

The present report of the livelihood regulations in the limits of Guwahati covers dhaba, vegetable sellers, meat shop, barber shop and machine boat

## GUWAHATI

Trades Under the study are:

- 1. Dhabas**
- 2. Vegetable Sellers**
- 3. Cycle Rickshaw**
- 4. Barber Shop**
- 5. Machine Boat**

The Licensing of trades in Guwahati is regulated as per the provision of the Guwahati Municipal Corporation Act 1971 and the related byelaws framed under the Act whereas Machine Boat is regulated as per the directions of Inland Vessels Act 1917. Prevention of Food Adulteration Act 1954 also sets down the regulations for food related items.

For property tax and trade license purposes, the corporation area is divided into four zones. Any person carrying on any trade, profession or calling in Guwahati city needs to obtain trade license from Guwahati Municipal Corporation. One may apply for trade license in the prescribed form in respective zonal revenue office of Corporation. For convenience of public Guwahati Municipal Corporation issues provisional trade license for ordinary trades and professions. The application shall be addressed to deputy commissioner of respective zones immediately.

As per section 180 of the Guwahati Municipal Corporation Act 1971, every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act.

The commissioner may refund the fees if he feels that the trade has not been exercised for more than consecutive six months. He can also exempt a person who is unable to pay the license fees according to him. He can declare that particular person to be entitled to take out a license under a lower class than that under which he is chargeable or the commissioner may exempt any person in taking a license. In any other case he can exempt a person who is unable to pay the license fees or he can declare that particular person to be entitled to take out a license under a lower class than he is entitled to take the license. The act also sets provisions for the commissioner to grant a license for a person even for a previous year in which no license has been taken out on the payment of the fees which would have been payable thereof in the first instance. But if a person has been prosecuted by the police, this provision cannot be used in defense for the prosecution.

Section 180 also says that the Commissioner may, by written notice, require the owner or occupier of any building or place of business to forward to him within seven days a list, signed by such owner or occupier of the names of all persons exercising or carrying on any professions, trades or calling therein, and of their respective professions, trades, and callings.

The liability of any person to take out a license and the class under which he shall be deemed bound to take out a license shall be determined in accordance with the rules that may be made in this behalf by the Corporation. The Corporation may, by notification in the Official Gazette, From time to time, increase the rates specified in the Schedule.

As per section 275 of Guwahati Municipal Corporation Act 1971, no person shall store or keep in any premises any articles which are prescribed as dangerous, offensive or likely to create nuisance or carry on any trade which is prescribed as dangerous except under the provisions of the Act. Section 276 emphasizes that the carrying of any of the prescribed trade or any trade, which is dangerous in the opinion of commissioner to life health property etc, requires a license from the commissioner.

Trade wise details are as follows:

### **I.Dhaba:**

Dhaba's are regulated as per the directions of Guwahati Municipal Corporation Act 1971. In addition they are also supposed to follow the Prevention of Food Adulteration act 1954. Details are as follows:

Under Section 180 of Guwahati Municipal Corporation Act 1971, it is been directed that every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act. Under IV schedule, Dhabas are entitled to take a license.

Act says that the license has to be affixed in some conspicuous place at or near the entrance of every such market. When a license has been refused or withheld as aforesaid, the Commissioner shall cause a notice of such refusal or withholding, to be affixed in some conspicuous place at or near the entrance of such market. Any shop or stall keeper of the municipal market closing his shop or stall, unless for some unavoidable reasons of a private or domestic nature or refusing to sell goods to any person offering the market price for the same will be liable for cancellation of the competent to eject the shop or the stall keeper from the municipal market.

### **License Procedure:**

Application for a Trade license has to be done within one month from the date of opening the shop. Application should be attached with prescribed documents. Any person carrying on any trade, profession or calling in Guwahati city needs to obtain trade license from Guwahati Municipal Corporation. One may apply for trade license in the prescribed form in respective zonal revenue office of Guwahati Municipal Corporation. For convenience of public Guwahati Municipal Corporation (GMC) issues provisional trade license for ordinary trades and professions immediately. The applications are sent to the deputy commissioner of the respective zones.

The trade license is issued after application in prescribed form with required supporting documents and proper spot verification of the business. In case of delay, additional amount will be realized from the traders.

As per section 180 of the Guwahati Municipal Corporation Act 1971, every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act.

The act also sets provisions for the commissioner to grant a license for a person even for a previous year in which no license has been taken out on the payment of the fees which would have been payable thereof in the first instance. But if the police prosecute a person, this provision cannot be used in defense for the prosecution.

As per RTI reply, the traders are supposed to take out a license before first day of April in each year. If delayed the office have the power to impose the penalty of 20 % upon the defaulter traders.

### **Departments involved:**

The Guwahati Municipal Corporation is involved. The Zonal Deputy Commissioner area is empowered to issue such license on behalf of the Commissioner. Deputy Commissioner of the respective zones is the authority in charge

### **Documents Required:**

1. Agreement with the landlord by the tenant in case of rented house.
2. Tax payment receipt. (Tax payment receipt up-to-date.)
3. No-Objection Certificate for building permission.
4. Partnership deed.
5. House rent receipt.

### **License Fees:**

Remission of fees will be done to the Commissioner on the basis of the application submitted by the traders on valid grounds and the fees will adjust in Zonal office if Commissioner satisfied. A fee of Rs.30 is charged for official application form as application fee. The license fee is charged as per the directions in the IV schedule. The fees will be as follows:

Hotel owners falls under II class items (For those whose income out of profession, income tax payable on an income of not less than Rs.10000) is Rs.1250/- The fees for all class III item (not included in class I or Class II) are Rs.1000. The fees for class IV item (not in class I, II, III and fair letting value of place is Rs.250 per mensem or onwards) are Rs.625/- and in class IX includes the shops or other place of business, which does not includes in any other classes. The trades, which are at the entry level of operation, come in this class. The fees for this class trades are Rs.30. So dhaba's has to remit a fee of Rs.30/-

As per section 180 of the Guwahati Municipal Corporation Act, the commissioner may refund the fees if he feels that the trade has not been exercised for more than consecutive six months. He can also exempt a person who is unable to pay the fees according to him . He can declare that particular person to be entitled to take out a license under a lower class.

### **License processing:**

As per section RTI reply, there is no prescribed time limit for processing such license. Undue delay may be found, if anything found unsatisfactory. This may be brought to the notice of the commissioner, Guwahati Municipal Commissioner either by officials or by the applicant for redressal.

**Time prescribed:**

There is no such prescribed time limit for processing such license. As soon as verification of trades also relevant documents submitted, the license is issued immediately. Undue delay may be happened if anything found not satisfactory. This may be brought to the notice of the commissioner either by the officials or by the applicant for redressal.

**Renewal of license:**

Validity of the trade license is only for one year (i.e. 1<sup>st</sup> April to 31 March). If license is not renewed in due time then 20% penalty will be realized with the license fees. Annually take out a trade license before the 1<sup>st</sup> day of April in each year. If delayed the office have empowered to impose the penalty of 20% upon the defaulter traders.

**Some Directions:**

1. No person shall store, sell or sale animal, fish, vegetable or any article on approaches, foot-paths within the municipal market and shall in no way obstruct, put hurdles on free movement of people visiting the market. Any person contravening this provision and animal, fish, vegetable or any article so exposed for sale by person may be summarily removed from the market by or under the orders of the Commissioner or any employee of the Corporation authorized by the Commissioner in this behalf
2. No person shall hold any sale of article by auction in any municipal limit without the written permission of the Commissioner
3. No person shall hawk any article in such market without permission from the Commissioner
4. No person shall use any weights, scales or measures except such standard weights, scales and measures as prescribed from time to time by the Government
5. No trader or person shall throw or deposit any article on the road or path or on the drain or in any way obstruct free flow of drain and/ or surrounding the municipal market
6. No person shall obstruct or hinder or put hurdles to any staff engaged in clearance of drain, interior path and *open spaces in between the room, stall* or shed in a municipal market
7. No person shall exhibit or display advertisement of any nature in a municipal market without specific permission from the Commissioner
8. No person shall keep or allow to keep any basket bags, bags or other such articles on the roof of room, stall or shed or make provision for improvised shed for any purpose by spreading over the, sky/ hessian, cotton or any other substance and take or allow to take *any* action, which indirectly contributes to creation of nuisance and breaking the orderly states of affairs in the municipal market
9. No trader shall keep or expose for sale fish or meat on raised paved platforms and at places set apart from the municipal market
10. No person shall carry any meat in a market unless it properly covered
11. No person shall sell or expose for sale any stale fish, meat or decayed vegetables in municipal market and the Municipal Officer or the Sanitary Inspectors of the Corporation shall be competent for destroying such fish, meat and vegetables in any manner as he deems fit and proper
12. Every tenant in occupation of room, stall or shed in a municipal market shall keep and maintain every such room, stall or shed in his occupation in proper sanitary condition
13. No trader shall keep inflammable articles in a room, stall or shed or use any part thereof for storage of such article without proper care and the Commissioner or the Medical

- Officer or any officer authorized for the purpose shall be competent to order removal or cause removal of such article from the said room, stall or shed
14. No person suffering from leprosy, an open sore or any loathsome, infectious or contagious disease may enter any market place and the Commissioner or any officer-in-charge of market shall be competent to remove such persons from such market place
  15. No person shall sell or expose for sale in any market or by the side of any road any prepared or manufactured article intended for human food or drink unless such article is protected from flies, dust and other sources of contamination by means of sufficient covering or such other ways as may be prescribed from time to time. For breach of this bye law the Medical Officer, Sanitary Inspector or any officer authorized for the purpose shall be competent to seize and dispose of such article in any manner as he deems fit and proper
  16. No person shall satisfy a call of nature within any market area except at a urinal/latrine provide for the purpose
  17. No person shall carry on wholesale trade in fish and vegetable within or without the municipal market before making payment of prescribed toll fees to the authorized municipal market is farmed out
  18. No vehicle or animal other than those intended for shall be permitted to remain in any part of a market except in such places provided for the purpose<sup>48</sup>. No person shall spit in any avenue or passage in such market except in such places as may be provided for the purpose
  19. The Commissioner or any other officer-in-charge of the markets may expel any such person who is found drunk or begging or loitering or making noise or fighting or quarrelling or using insulting, abusive or obscene language or misconduct or creating disturbance in any manner in such market
  20. The flooring and the drainage shall be kept at all times in good order and repair and there shall be provision for suitable means of ventilation and lighting along with sufficient supply of wholesome water
  21. The sale of animal, fish and vegetable in the same stall shall be prohibited
  22. The licensee shall ensure the absence of rats and other rodents in the premises
  23. No person suffering from leprosy, open sore or any loathsome, infectious or contagious disease shall be allowed to enter the market

**Procedure for regularizing the trades without license:**

On the basis of supporting document submitted by the applicant if found proper and valid trade licenses are regularized

**Penalty:**

As per the Municipal Corporation act of Guwahati, there are provisions for the imposition of fine and closure of trades etc operating without the trade license. If license is not renewed in due time then 20% penalty will be realized with the license fees. If delayed the office is empowered to impose the penalty of 20% upon the defaulter traders.

## **II. Vegetable seller:**

People who are selling vegetables (Both whose sale and retail) are known as vegetable sellers and the trade room is known as vegetable shop.

Vegetable Sellers are regulated as per the directions of Guwahati Municipal Corporation Act 1971. In addition they are also supposed to follow the Prevention of Food Adulteration act 1954. Some important details are as follows:

Under Section 180 of Guwahati Municipal Corporation Act 1971, it is been directed that every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act.

Act says that the license has to be affixed in some conspicuous place at or near the entrance of every such market. When a license has been refused or withheld as aforesaid, the Commissioner shall cause a notice of such refusal or withholding, to be affixed in some conspicuous place at or near the entrance of such market. Any shop or stall keeper of the municipal market closing his shop or stall, unless for some unavoidable reasons of a private or domestic nature or refusing to sell goods to any person offering the market price for the same will be liable for cancellation of the competent to eject the shop or the stall keeper from the municipal market.

### **License Procedure:**

Application for a Trade license has to be done within one month from the date of opening the shop. Application should be attached with prescribed documents. Any person carrying on any trade, profession or calling in Guwahati city needs to obtain trade license from Guwahati Municipal Corporation. One may apply for trade license in the prescribed form in respective zonal revenue office of Guwahati Municipal Corporation. For convenience of public Guwahati Municipal Corporation (GMC) issues provisional trade license for ordinary trades and professions immediately. The applications are sent to the deputy commissioner of the respective zones.

As per section 180 of the Guwahati Municipal Corporation Act 1971, every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act.

The act also sets provisions for the commissioner to grant a license for a person even for a previous year in which no license has been taken out on the payment of the fees which would have been payable thereof in the first instance. But if a person has been prosecuted by the police, this provision cannot be used in defense for the prosecution. In case of delay, additional amount will be realized from the traders. The trade license is issued after application in prescribed form with required supporting documents and proper spot verification of the business. As per RTI reply, the traders are supposed to take out a license before 1st day of April in each year. If delayed the office have the power to impose the penalty of 20 % upon the defaulter traders.

**Departments involved:**

The Guwahati Municipal Corporation is involved. The Zonal Deputy Commissioner area is empowered to issue such license on behalf of the Commissioner. Deputy Commissioner of the respective zones is the authority in charge.

**Documents Required:**

1. Agreement with the landlord by the tenant in case of rented house.
2. Tax payment receipt. (Tax payment receipt up-to-date.)
3. No-Objection Certificate for building permission.
4. Partnership deed.
5. House rent receipt.

**License Fees:**

Remission of fees will be done to the Commissioner on the basis of the application submitted by the traders on valid grounds and the fees will adjust in Zonal office if Commissioner satisfied.

A fee of Rs.30 is charged for official application form as application fee. The license fee is charged as per the directions in the IV schedule. As per the schedule, class IX includes any other place of business, which includes in any other classes. The trades, which are at the entry level of operation, come in this class as the other class includes bigger trades. The fees for this class trades are Rs.30. So vegetable vendors has to remit fees of Rs.30.

As per section 180 of the Guwahati Municipal Corporation Act, the commissioner may refund the fees if he feels that the trade has not been exercised for more than consecutive six months. He can also exempt a person who is unable to pay the fees according to him He can declare that particular person to be entitled to take out a license under a lower class.

**License processing:**

As per section RTI reply, there is no prescribed time limit for processing such license. Undue delay may be found, if anything found unsatisfactory. This may be brought to the notice of the commissioner, Guwahati Municipal Commissioner either by officials or by the applicant for redressal.

**Time prescribed:**

There is no such prescribed time limit for processing such license. As soon as verification of trades also relevant documents submitted, the license is issued immediately. Undue delay may be happened if anything found not satisfactory. This may be brought to the notice of the commissioner either by the officials or by the applicant for redressal.

**Renewal of license:**

Validity of the trade license is only for one year (i.e. 1<sup>st</sup> April to 31 March). If license is not renewed in due time then 20% penalty will be realized with the license fees. Annually take out a trade license before the 1<sup>st</sup> day of April in each year. If delayed the office have empowered to impose the penalty of 20% upon the defaulter traders.

### **Some Directions:**

As per the Municipal Corporation Act, the traders are supposed to follow these guidelines. The guidelines are:

1. No person shall store, sell or sale animal, fish, vegetable or any article on approaches, foot-paths within the municipal market and shall in no way obstruct, put hurdles on free movement of people visiting the market. Any person contravening this provision and animal, fish, vegetable or any article so exposed for sale by person may be summarily removed from the market by or under the orders of the Commissioner or any employee of the Corporation authorized by the Commissioner in this behalf
2. No person shall hold any sale of article by auction in any municipal limit without the written permission of the Commissioner
3. No person shall hawk any article in such market without permission from the Commissioner
4. No person shall use any weights, scales or measures except such standard weights, scales and measures as prescribed from time to time by the Government
5. No trader or person shall throw or deposit any article on the road or path or on the drain or in any way obstruct free flow of drain and/ or surrounding the municipal market
6. No person shall obstruct or hinder or put hurdles to any staff engaged in clearance of drain, interior path and *open spaces in between the room, stall* or shed in a municipal market
7. No person shall exhibit or display advertisement of any nature in a municipal market without specific permission from the Commissioner
8. No person shall keep or allow to keep any basket bags, bags or other such articles on the roof of room, stall or shed or make provision for improvised shed for any purpose by spreading over the, sky/ hessian, cotton or any other substance and take or allow to take *any* action, which indirectly contributes to creation of nuisance and breaking the orderly states of affairs in the municipal market
9. No trader shall keep or expose for sale fish or meat on raised paved platforms and at places set apart from the municipal market
10. No person shall carry any meat in a market unless it properly covered
11. No person shall sell or expose for sale any stale fish, meat or decayed vegetables in municipal market and the Municipal Officer or the Sanitary Inspectors of the Corporation shall be competent for destroying such fish, meat and vegetables in any manner as he deems fit and proper
12. Every tenant in occupation of room, stall or shed in a municipal market shall keep and maintain every such room , stall or shed in his occupation in proper sanitary condition.
13. No trader shall keep inflammable articles in a room , stall or shed or use any part thereof for storage of such article without proper care and the Commissioner or the Medical Officer or any officer authorized for the purpose shall be competent to order removal or cause removal of such article from the said room, stall or shed
14. No person suffering from leprosy, an open sore or any loathsome, infectious or contagious disease may enter any market place and the Commissioner or any officer-in-charge of market shall be competent to remove such persons from such market place.
15. No person shall sell or expose for sale in any market or by the side of any road any prepared or manufactured article intended for human food or drink unless such article is protected from flies, dust and other sources of contamination by means of sufficient covering or such other ways as may be prescribed from time to time. For breach of this bye law the Medical Officer, Sanitary Inspector or any officer authorized for the purpose

- shall be competent to seize and dispose of such article in any manner as he deems fit and proper
16. No person shall satisfy a call of nature within any market area except at a urinal/latrine provide for the purpose
  17. No person shall carry on wholesale trade in fish and vegetable within or without the municipal market before making payment of prescribed toll fees to the authorized municipal market is farmed out
  18. No vehicle or animal other than those intended for shall be permitted to remain in any part of a market except in such places provided for the purpose<sup>48</sup>. No person shall spit in any avenue or passage in such market except in such places as may be provided for the purpose
  19. The Commissioner or any other officer-in-charge of the markets may expel any such person who is found drunk or begging or loitering or making noise or fighting or quarrelling or using insulting, abusive or obscene language or misconduct or creating disturbance in any manner in such market
  20. The flooring and the drainage shall be kept at all times in good order and repair and there shall be provision for suitable means of ventilation and lighting along with sufficient supply of wholesome water
  21. The sale of animal, fish and vegetable in the same stall shall be prohibited.
  22. The licensee shall ensure the absence of rats and other rodents in the premises.
  23. No person suffering from leprosy, open sore or any loathsome, infectious or contagious disease shall be allowed to enter the market

#### **Procedure for regularizing the trades without license:**

On the basis of supporting document submitted by the applicant if found proper and valid trade licenses are regularized.

#### **Penalty:**

As per the Municipal Corporation act of Guwahati, there are provisions for the imposition of fine and closure of trades etc operating without the trade license. If license is not renewed in due time then 20% penalty will be realized with the license fees. If delayed the office is empowered to impose the penalty of 20% upon the defaulter traders.

### **III. Meat shops:**

Meat Shops are regulated as per the directions of *Guwahati Municipal Corporation Act 1971 and GUWAHATI MUNICIPAL CORPORATION (REGULATING THE USE OF MARKETS AND SLAUGHTER HOUSES) BYELAWS, 1976*. In addition they are also supposed to follow the Prevention of Food Adulteration act 1954.

The Corporation may provide places for use as municipal markets. Meat shops are allowed to run there. Some important details are as follows:

Under Section 180 of Guwahati Municipal Corporation Act 1971, it is been directed that every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act. Under IV schedule, Dhaba's are entitled to take a license.

*As per the GAUHATI MUNICIPAL CORPORATION (REGULATING THE USE OF MARKETS AND SLAUGHTER HOUSES) BYE-LAWS, 1976, "Licensee" means a person, firm, corporation or association who is licensed to run the establishment in municipal and private markets and slaughter house. "License" means a formal written permission granted to person/persons for carrying out business within the markets or in the slaughter houses as defined in the Act. Year" means a year commencing on the 1<sup>st</sup> day of April as defined under Section 3(87) of the Act. The Commissioner shall cause a notice to the effect that the market has been so licensed, to be affixed in some conspicuous place at or near the entrance of every such market.*

*As per the GAUHATI MUNICIPAL CORPORATION (REGULATING THE USE OF MARKETS AND SLAUGHTER HOUSES) BYE-LAWS, 1976, no person shall, without a valid license from the Commissioner, occupy and carry on business in a shed, stall or room in a municipal market. Only one license is needed to open a meat shop and slaughter house each from Guwahati Municipal Corporation.*

Act says that the license has to be affixed in some conspicuous place at or near the entrance of every such market. When a license has been refused or withheld as aforesaid, the Commissioner shall cause a notice of such refusal or withholding, to be affixed in some conspicuous place at or near the entrance of such market. Any shop or stall keeper of the municipal market closing his shop or stall, unless for some unavoidable reasons of a private or domestic nature or refusing to sell goods to any person offering the market price for the same will be liable for cancellation of the competent to eject the shop or the stall keeper from the municipal market.

#### **License Procedure:**

Application for a Trade license has to be done within one month from the date of opening the shop. Application should be attached with prescribed documents. Any person carrying on any trade, profession or calling in Guwahati city needs to obtain trade license from Guwahati Municipal Corporation. One may apply for trade license in the prescribed form in respective zonal revenue office of Guwahati Municipal Corporation. For convenience of public Guwahati Municipal Corporation (GMC) issues provisional trade license for ordinary trades and professions immediately. The applications are sent to the deputy commissioner of the respective zones.

As per section 180 of the Guwahati Municipal Corporation Act 1971, every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act.

The act also sets provisions for the commissioner to grant a license for a person even for a previous year in which no license has been taken out on the payment of the fees which would have been payable thereof in the first instance. But if a person has been prosecuted by the police, this provision cannot be used in defense for the prosecution.

Provisional license for ordinary trades may be issued immediately within half an hour of the receipt of the application and the payment of license fees if the application form is filled up properly. On submission of necessary documents and physical verification, provisional licenses may be made regular. In case of the delay, imposition of penalty or the closure of the shop may be done.

In case of delay, additional amount will be realized from the traders. The trade license is issued after application in prescribed form with required supporting documents and proper spot verification of the business.

As per RTI reply, the traders are supposed to take out a license before first day of April in each year. If delayed the office have the power to impose the penalty of 20 % upon the defaulter traders.

### **Departments involved:**

The Guwahati Municipal Corporation is involved. The commissioner of the Guwahati Municipal Corporation or the authorized officer is responsible. The Veterinary Branch, Guwahati Municipal Corporation and the authority issuing license is the Commissioner, Guwahati Municipal Corporation or his authorized officer is the department dealing. The Commissioner and /or any officer or employee in charge of a municipal market shall be competent to inspect, take measurement of any rooms, stall, or shed during working hours and may demand opening of a closed room, stall or shed to ascertain if any of the bye-laws and terms and conditions of the license and agreement has been violated.

### **Documents Required:**

1. Agreement with the landlord by the tenant in case of rented house.
2. Tax payment receipt. (Tax payment receipt up-to-date.)
3. No-Objection Certificate for building permission.
4. Partnership deed.
5. House rent receipt.

### **License Fees:**

Remission of fees will be done to the Commissioner on the basis of the application submitted by the traders on valid grounds and the fees will adjust in Zonal office if Commissioner satisfied. At present application fees is Rs.30, medical fees is Rs.200 and the License fee is Rs.1250. So a total fee of Rs.1480 has to be submitted.

As per the GAUHATI MUNICIPAL CORPORATION (REGULATING THE USE OF MARKETS AND SLAUGHTER HOUSES) BYE-LAWS, 1976, the Commissioner may levy fees at such rates as the Standing Committee may determine and may place collection of such fees under the management of such persons as may appear to him proper on such terms and subject to such conditions as he may deem fit. Further, such fees shall be recoverable in such manner as the Commissioner may deem fit.

As per section 180 of the Guwahati Municipal Corporation Act, the commissioner may refund the fees if he feels that the trade has not been exercised for more than consecutive six months. He can also exempt a person who is unable to pay the fees according to him . He can declare that particular person to be entitled to take out a license under a lower class.

### **License processing:**

As per section RTI reply, there is no prescribed time limit for processing such license. Undue delay may be found, if anything found unsatisfactory. This may be brought to the

notice of the commissioner, Guwahati Municipal Commissioner either by officials or by the applicant for redressal.

### **Time prescribed:**

There is no such prescribed time limit for processing such license. As soon as verification of trades also relevant documents submitted, the license is issued immediately. Undue delay may be happened if anything found not satisfactory. This may be brought to the notice of the commissioner either by the officials or by the applicant for redressal.

### **Renewal of license:**

Validity of the trade license is only for one year (i.e. 1<sup>st</sup> April to 31 March). If license is not renewed in due time then 20% penalty will be realized with the license fees. Annually take out a trade license before the 1<sup>st</sup> day of April in each year. If delayed, then the office has the power to impose the penalty of 20% upon the defaulter traders.

### **Opening and Closing Hours:**

Subject to restrictions that may be imposed by the Government, every shop and stall keeper of a municipal market shall be bound to keep his shop and stall open from 8 am to 8pm unless for unavoidable domestic cause in individual cases.

### **Killing Permit (abattoir license):**

For slaughter of cattle, people need to take an abattoir license from Shillong to kill the cattle outside Guwahati or in the border of Shillong and Guwahati.

### **Road Permit:**

For carrying the meat through Guwahati roads or entering into Guwahati with the meat they have to take a road permit from Deputy Commissioner. For getting a Road permit, he has to file a petition addressing to Deputy Commissioner for issuing a permit and submit the petition in the Superintendent, Magistracy Branch of D.C office. From the District Commissioner's office it is forwarded to Superintendent of Police of the concerned district for enquiry report. From the Superintendent of Police, it is forwarded to the officer in charge of the Police station of the place where the beef center is going to be located. If there is no objection report comes from the police station, he is given the permit from the Deputy Commissioner.

### **Some Directions:**

1. No person shall store, sell or sale animal, fish, vegetable or any article on approaches, foot-paths within the municipal market and shall in no way obstruct, put hurdles on free movement of people visiting the market. Any person contravening this provision and animal, fish, vegetable or any article so exposed for sale by person may be summarily removed from the market by or under the orders of the Commissioner or any employee of the Corporation authorized by the Commissioner in this behalf
2. No person shall hold any sale of article by auction in any municipal limit without the written permission of the Commissioner
3. No person shall hawk any article in such market without permission from the Commissioner

4. No person shall use any weights, scales or measures except such standard weights, scales and measures as prescribed from time to time by the Government.
5. No trader or person shall throw or deposit any article on the road or path or on the drain or in any way obstruct free flow of drain and/ or surrounding the municipal market.
6. No person shall obstruct or hinder or put hurdles to any staff engaged in clearance of drain, interior path and *open spaces in between the room, stall* or shed in a municipal market
7. No person shall exhibit or display advertisement of any nature in a municipal market without specific permission from the Commissioner
8. No person shall keep or allow to keep any basket bags, bags or other such articles on the roof of room, stall or shed or make provision for improvised shed for any purpose by spreading over the, sky/ Hessian, cotton or any other substance and take or allow to take *any* action, which indirectly contributes to creation of nuisance and breaking the orderly states of affairs in the municipal market
9. No trader shall keep or expose for sale fish or meat on raised paved platforms and at places set apart from the municipal market
10. No person shall carry any meat in a market unless it properly covered
11. No person shall sell or expose for sale any stale fish, meat or decayed vegetables in municipal market and the Municipal Officer or the Sanitary Inspectors of the Corporation shall be competent for destroying such fish, meat and vegetables in any manner as he deems fit and proper.
12. Every tenant in occupation of room, stall or shed in a municipal market shall keep and maintain every such room, stall or shed in his occupation in proper sanitary condition.
13. No trader shall keep inflammable articles in a room, stall or shed or use any part thereof for storage of such article without proper care and the Commissioner or the Medical Officer or any officer authorized for the purpose shall be competent to order removal or cause removal of such article from the said room, stall or shed
14. No person suffering from leprosy, an open sore or any loathsome, infectious or contagious disease may enter any market place and the Commissioner or any officer-in-charge of market shall be competent to remove such persons from such market place
15. No person shall sell or expose for sale in any market or by the side of any road any prepared or manufactured article intended for human food or drink unless such article is protected from flies, dust and other sources of contamination by means of sufficient covering or such other ways as may be prescribed from time to time. For breach of this byelaw the Medical Officer, Sanitary Inspector or any officer authorized for the purpose shall be competent to seize and dispose of such article in any manner as he deems fit and proper
16. No person shall satisfy a call of nature within any market area except at a urinal/latrine provide for the purpose.
17. No person shall carry on wholesale trade in fish and vegetable within or without the municipal market before making payment of prescribed toll fees to the authorized municipal market is farmed out
18. No vehicle or animal other than those intended for shall be permitted to remain in any part of a market except in such places provided for the purpose<sup>48</sup>. No person shall spit in any avenue or passage in such market except in such places as may be provided for the purpose
19. The Commissioner or any other officer-in-charge of the markets may expel any such person who is found drunk or begging or loitering or making noise or fighting or quarrelling or using insulting, abusive or obscene language or misconduct or creating disturbance in any manner in such market

**Conditions for Licenses:**

1. The flooring and the drainage shall be kept at all times in good order and repair and there shall be provision for suitable means of ventilation and lighting along with sufficient supply of wholesome water
2. The sale of animal, fish and vegetable in the same stall shall be prohibited
3. The licensee shall ensure the absence of rats and other rodents in the premises
4. No person suffering from leprosy, open sore or any loathsome, infectious or contagious disease shall be allowed to enter the market

**Provisions applicable to the "SLAUGHTER HOUSES"**

The owner of any place within the limits of the city or at a distance within three miles of such limits which is used or proposed to be used as a slaughter house for the slaughtering of animals or for the skinning or cutting up of carcasses for the purpose of sale within the city shall get a license. One is supposed to take a license from the commissioner before the opening of the It shall not be less than forty-five days before the opening of the trade. For Renewal, it shall not be less than thirty days before the commencement of the year for which renewal of the license for the first time is sought for. Provided that no license for slaughterhouse within and outside the limits of the city shall be granted except with the previous sanction of the Government.

The Commissioner may, by an order and subject and subject to such restrictions and regulations as to supervision and regulations and inspection, as he thinks fit, grant or refuse to grant such license.

No tenant or occupier or a servant of a tenant or occupier of any slaughter house shall clean a carcass or meat elsewhere than upon a cleaning block or chopping board or otherwise than when properly attached to the hooks provided for the purpose in, upon or in connection with such a house. Ban on Slaughter of cattle below 14 years is in existence as per the Assam Cattle Preservation Act, 1950 which states that Slaughter of all cattle allowed on 'fit-for-slaughter' Certificate to be given if cattle is over 14 yrs of age or has become permanently incapacitated for work or breeding due to injury, deformity or any incurable disease as per the Assam Cattle Preservation Act, 1950.

**Procedure for regularizing:**

After duly filled up application for license form of Guwahati Municipal Corporation, a physical verification will be done by authorized employee of Guwahati Municipal Corporation and after getting report and other documents as mentioned at Sl.No 6, the authority will finalized in this aspect.

**Penalty:**

Penalty may be charged or shop may be closed as directed by the Commissioner, Guwahati Municipal Corporation for violations. A fine of Rs.500 or more can be charged. Any sale within the municipal market animal, fish, vegetable or any article so exposed for sale by person may be summarily removed from the market by or under the orders of the Commissioner or any employee of the Corporation authorized by the Commissioner in this behalf, if it is violating the regulations by the bylaws.

The Commissioner may expel from any municipal market any person who or whose servants have been convicted of contravening any of the bye-laws made under the Act of the time in force in such markets and may prevent such person or his servants, furthering or carrying on any trade or business in such market or occupying any room, stall, shed or other place and may terminate the tenure which the person may have in any such room, stall, shed or place. Whoever commits a breach of any of the bye-laws or any other condition of the license and agreement in addition to the measures specified under bye-laws shall be punishable with a fine which may extend to two hundred fifty rupees and which may extend to 50 rupees for every day during which such contravention continues after the first such contravention. Imprisonment up to maximum of six month or fine of up to rupees one thousand or both for violating the Ban on Slaughter of cattle below 14 years as per the directions of The Assam Cattle Preservation Act, 1950.

#### **IV Barber shops:**

Barber Shops are regulated as per the directions of Guwahati Municipal Corporation Act 1971. Procedures are as follows:

Under Section 180 of Guwahati Municipal Corporation Act 1971, it is been directed that every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act. Under IV schedule barber shops are entitled to take a license.

Act says that the license has to be affixed in some conspicuous place at or near the entrance of every such market. When a license has been refused or withheld as aforesaid, the Commissioner shall cause a notice of such refusal or withholding, to be affixed in some conspicuous place at or near the entrance of such market. Any shop or stall keeper of the municipal market closing his shop or stall, unless for some unavoidable reasons of a private or domestic nature or refusing to sell goods to any person offering the market price for the same will be liable for cancellation of the competent to eject the shop or the stall keeper from the municipal market

#### **License Procedure:**

Application for a Trade license has to be done within one month from the date of opening the shop. Application should be attached with prescribed documents. Any person carrying on any trade, profession or calling in Guwahati city needs to obtain trade license from Guwahati Municipal Corporation. One may apply for trade license in the prescribed form in respective zonal revenue office of Guwahati Municipal Corporation. For convenience of public Guwahati Municipal Corporation (GMC) issues provisional trade license for ordinary trades and professions immediately. The applications are sent to the deputy commissioner of the respective zones.

As per section 180 of the Guwahati Municipal Corporation Act 1971, every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade. Provided the grant of such license shall not be deemed to affect the liability of the licensee to take out a license under any section of the Act.

The act also sets provisions for the commissioner to grant a license for a person even for a previous year in which no license has been taken out on the payment of the fees which would have been payable thereof in the first instance. But if a person has been prosecuted by the police, this provision cannot be used in defense for the prosecution.

In case of delay, additional amount will be realized from the traders. The trade license is issued after application in prescribed form with required supporting documents and proper spot verification of the business.

As per RTI reply, the traders are supposed to take out a license before 1st day of April in each year. If delayed the office have the power to impose the penalty of 20 % upon the defaulter traders.

### **Departments involved:**

The Guwahati Municipal Corporation is involved. The Zonal Deputy Commissioner area is empowered to issue such license on behalf of the Commissioner. Deputy commissioner of the respective zones is the authority in charge

### **Documents Required:**

1. Agreement with the landlord by the tenant in case of rented house.
2. Tax payment receipt. (Tax payment receipt up-to-date.)
3. No-Objection Certificate for building permission.
4. Partnership deed.
5. House rent receipt.

### **License Fees:**

Remission of fees will be done to the Commissioner on the basis of the application submitted by the traders on valid grounds and the fees will adjust in Zonal office if Commissioner satisfied.

Barber shops falls under II class items (For those whose income out of profession, income tax payable on an income of not less than Rs.10000) is Rs.1250/- The fees for all class III item (not included in class I or Class II) are Rs.1000/- The fees for class Iv item (not in class I, II, III and fair letting value of place is Rs.250 per mensem or onwards) are Rs.625/- and in class IX includes the shops or other place of business, which does not includes in any other classes. The trades, which are at the entry level of operation, can come in this class as the other class includes bigger trades. The fees for this class trades are Rs.30. So barbershops have to remit fees of Rs.30/-

As per section 180 of the Guwahati Municipal Corporation Act, the commissioner may refund the fees if he feels that the trade has not been exercised for more than consecutive six months. He can also exempt a person who is unable to pay the fees according to him .He can declare that particular person to be entitled to take out a license under a lower class.

### **License processing:**

As per section RTI reply, there is no prescribed time limit for processing such license. Undue delay may be found, if anything found unsatisfactory. This may be brought to the

notice of the commissioner, Guwahati Municipal Commissioner either by officials or by the applicant for redressal.

### **Time prescribed:**

There is no such prescribed time limit for processing such license. As soon as verification of trades also relevant documents submitted, the license is issued immediately. Undue delay may be happened if anything found not satisfactory. This may be brought to the notice of the commissioner either by the officials or by the applicant for redressal.

### **Renewal of license:**

Validity of the trade license is only for one year (i.e. 1<sup>st</sup> April to 31 March). If license is not renewed in due time then 20% penalty will be realized with the license fees. Annually take out a trade license before the 1<sup>st</sup> day of April in each year. In the case of delay the authorities are empowered to impose the penalty of 20% upon the defaulter traders.

### **Some Directions:**

As per the Municipal Corporation Act, the traders are supposed to follow these guidelines. The guidelines are:

1. No person shall store, sell or sale animal, fish, vegetable or any article on approaches, foot-paths within the municipal market and shall in no way obstruct, put hurdles on free movement of people visiting the market. Any person contravening this provision and animal, fish, vegetable or any article so exposed for sale by person may be summarily removed from the market by or under the orders of the Commissioner or any employee of the Corporation authorized by the Commissioner in this behalf.
2. No person shall hold any sale of article by auction in any municipal limit without the written permission of the Commissioner.
3. No person shall hawk any article in such market without permission from the Commissioner.
4. No person shall use any weights, scales or measures except such standard weights, scales and measures as prescribed from time to time by the Government.
5. No trader or person shall throw or deposit any article on the road or path or on the drain or in any way obstruct free flow of drain and/ or surrounding the municipal market.
6. No person shall obstruct or hinder or put hurdles to any staff engaged in clearance of drain, interior path and *open spaces in between the room, stall* or shed in a municipal market.
7. No person shall exhibit or display advertisement of any nature in a municipal market without specific permission from the Commissioner.
8. No person shall keep or allow to keep any basket bags, bags or other such articles on the roof of room, stall or shed or make provision for improvised shed for any purpose by spreading over the, sky/ Hessian, cotton or any other substance and take or allow to take *any* action, which indirectly contributes to creation of nuisance and breaking the orderly states of affairs in the municipal market.
9. No trader shall keep or expose for sale fish or meat on raised paved platforms and at places set apart from the municipal market.
10. No person shall carry any meat in a market unless it properly covered.
11. No person shall sell or expose for sale any stale fish, meat or decayed vegetables in municipal market and the Municipal Officer or the Sanitary Inspectors of the

Corporation shall be competent for destroying such fish, meat and vegetables in any manner as he deems fit and proper.

12. Every tenant in occupation of room, stall or shed in a municipal market shall keep and maintain every such room, stall or shed in his occupation in proper sanitary condition.
13. No trader shall keep inflammable articles in a room, stall or shed or use any part thereof for storage of such article without proper care and the Commissioner or the Medical Officer or any officer authorized for the purpose shall be competent to order removal or cause removal of such article from the said room, stall or shed.
14. No person suffering from leprosy, an open sore or any loathsome, infectious or contagious disease may enter any market place and the Commissioner or any officer-in-charge of market shall be competent to remove such persons from such market place.
15. No person shall sell or expose for sale in any market or by the side of any road any prepared or manufactured article intended for human food or drink unless such article is protected from flies, dust and other sources of contamination by means of sufficient covering or such other ways as may be prescribed from time to time. For breach of this bye law the Medical Officer, Sanitary Inspector or any officer authorized for the purpose shall be competent to seize and dispose of such article in any manner as he deems fit and proper.
16. No person shall satisfy a call of nature within any market area except at a urinal/latrine provide for the purpose.
17. No person shall carry on wholesale trade in fish and vegetable within or without the municipal market before making payment of prescribed toll fees to the authorized municipal market is farmed out.
18. No vehicle or animal other than those intended for shall be permitted to remain in any part of a market except in such places provided for the purpose<sup>48</sup>. No person shall spit in any avenue or passage in such market except in such places as may be provided for the purpose.
19. The Commissioner or any other officer-in-charge of the markets may expel any such person who is found drunk or begging or loitering or making noise or fighting or quarrelling or using insulting, abusive or obscene language or misconduct or creating disturbance in any manner in such market.
20. The flooring and the drainage shall be kept at all times in good order and repair and there shall be provision for suitable means of ventilation and lighting along with sufficient supply of wholesome water.
21. The sale of animal, fish and vegetable in the same stall shall be prohibited.
22. The licensee shall ensure the absence of rats and other rodents in the premises.
23. No person suffering from leprosy, open sore or any loathsome, infectious or contagious disease shall be allowed to enter the market.

#### **Procedure for regularizing the trades without license:**

On the basis of supporting document submitted by the applicant if found proper and valid trade licenses are regularized.

#### **Penalty:**

As per the Municipal Corporation act of Guwahati, there are provisions for the imposition of fine and closure of trades etc operating without the trade license. If license is not renewed in due time then 20% penalty will be realized with the license fees. If delayed the office is empowered to impose the penalty of 20% upon the defaulter traders.

## **V.Machine Boat:**

Machine Boat is regulated as per the directions of Inland Vessels Act 1917. As per the Inland Vessels Act 1917, inland Vessel means a mechanically propelled vessel which ordinarily plies on any inland water and the inland water means any canal, river, lake or other navigable water. So Machine boat is an inland vessel.

### **PERMIT PROCEDURE:**

For plying a machine boat, two licenses are required one is ownership license to ply and another is engine Driver permit.

### **Owner Ship License:**

For getting the ownership license, one has to apply for license in the Inland Water Transport Office Ulubari, Guwahati addressing to the Director of Inland Water Transport with two copies photo and Fees Rs.6/- and for getting engine permit one has to apply in the same way as ownership license and after that he has to go through training in the Crew training Centre office of Inland Water Transport if he is not trained and if he is trained already then he is examined. If he passes the exam he gets the permit. There is no readymade form. License is valid for one year. Permits can be obtained from the Director, IWT & Chief Ship Surveyor, and Assam after passing required examination conducted as per Act & prevailing rules in the Department. As per the provisions made under Inland Vessels Act, 1917, Section 21(I) Certificate of competency is issued to the engine Driver and Master.

### **Documents Required:**

The following documents are needed for plying a mechanized boat:

1. Registration certificate of the boat
2. Survey/Fitness certificate issued by the Director, Inland Water Transport and Chief Ship Surveyor, Assam
3. Permit of the Engine Driver-
4. Permit of the Haliman. (Haliman is the controller of the Machine Boat. His job is like the captain of a ship.)

### **Department involved:**

Department of Inland Water Transport, Govt. of Assam. Authority issuing permit is the Director, Inland Water Transport and Chief Ship Surveyor, Assam, Ulubari, Guwahati-781007.

### **Boat Registration:**

For the registration of the boat, the applicant has to apply in prescribed format available in the office of the DIWT & CSS, Assam along with signature of the Magistrate and Treasury Challan of necessary prescribed fees for Survey and examination. It shall be accompanied by a copy of certificate of survey in force.

**Processing Time:**

Generally there is no fixed time but it depends upon the boat owner or applicant who has to submit required documents with a certificate of experience in operating boats.

**Fees remittance:**

Rs.90.00 (Registration fee Rs.20.00. survey fees Rs.60.00. Examination of Driver & Master fees Rs.10.00) by Treasury Challan in the head of Account 1056-IWT.

**Renewal of permit:**

Registration and the Survey certificates only normally has to be renewed after every 1(one) year. If delayed documents become invalid. The act also says that the certificate of survey shall not be in force after the survey thereof.

**Suspension:**

A certificate of survey shall not be in force after the notice of the government regarding the cancellation or suspension of it. The suspension must be in accordance of section 13 and 14 of the Inland Vehicles Act. If the ceasing of a certificate is in force, the same can be renewed only after a fresh survey to which the certificate relates.

**Terms and Conditions:**

Permit and documents have to be kept in owner's safe custody at all the time and should be produced if required by higher authority or any Ship Surveyor.

**Procedure for regularizing machine-boats without permit:**

There is no Enforcement Machinery of the Government of Assam to regularize non permit mechanized boats. The District Authority with the help of River Police Department only can regularize this matter

**Penalty:**

As per section 55(1) says that the contravention of section 3 of section 19 A of IV Act 1917 will result in the punishment of the owner and the Master of the vessel/boat and they shall be punishable with fine extendable up to Rs.1000 (one thousand Rupees), along with cancellation of license/permit, if any of the Master/pilot (Section 55(2)).

As per section 59(a), 59(b) any person acting as Master or Driver during a voyage without certificate of competency shall be punishable up to Rs.500.00/- (Rupees five hundred) only. (Act can be referred in Annexure)

## **FINDINGS FROM THE STUDY**

### **General Findings:**

1. The Licensing of trades in Guwahati is regulated as per the provision of the Guwahati Municipal Corporation Act 1971 and the related byelaws framed under the Act. Prevention of Food Adulteration Act 1954 also sets down the regulations for food related items
2. For property tax and trade license purposes, the corporation area is divided into four zones
3. Any person carrying on any trade, profession or calling in Guwahati city needs to obtain trade license from Guwahati Municipal Corporation. One may apply for trade license in the prescribed form in respective zonal revenue office of Corporation. For convenience of public Guwahati Municipal Corporation issues provisional trade license for ordinary trades and professions. The application shall be addressed to deputy commissioner of respective zones immediately
4. As per section 180 of the Guwahati Municipal Corporation Act 1971, every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade.
5. The commissioner may refund the fees if he feels that the trade has not been exercised for more than consecutive six months
6. Commissioner can exempt a person who is unable to pay the license fees and can declare that particular person to be entitled to take out a license under a lower class than that under which he is chargeable. In any other case the commissioner may exempt any person in taking a license which the person is unable to pay the license fees or he can declare that particular person to be entitled to take out a license under a lower class than he is entitled to take the license
7. The act also sets provisions for the commissioner to grant a license for a person even for a previous year in which no license has been taken out on the payment of the fees which would have been payable thereof in the first instance. But if a person has been prosecuted by the police, this provision cannot be used in defense for the prosecution
8. Section 276 emphasizes that the carrying of any of the prescribed trade or a any trade which is dangerous in the opinion of commissioner to life health property etc requires a license from the commissioner
9. No person shall hold any sale of article by auction in any municipal limit without the written permission of the Commissioner
10. No person shall hawk any article in such market without permission from the Commissioner.
11. No person shall exhibit or display advertisement of any nature in a municipal market without specific permission from the Commissioner
12. No trader shall keep or expose for sale fish or meat on raised paved platforms and at places set apart from the municipal market
13. No person shall carry any meat in a market unless it properly covered
14. The sale of animal, fish and vegetable in the same stall shall be prohibited
15. As per the Municipal Corporation act of Guwahati, there are provisions for the imposition of fine and closure of trades etc operating without the trade license. If license is not renewed in due time then 20% penalty will be realized with the license fees. If delayed the office is empowered to impose the penalty of 20% upon the defaulter traders

Trade wise details are as follows:

**Dhabas, Vegetable sellers, Barber shop:**

1. Dhabas are regulated as per the directions of Guwahati Municipal Corporation Act 1971. In addition they are also supposed to follow the Prevention of Food Adulteration act 1954
2. Under Section 180 of Guwahati Municipal Corporation Act 1971, it is been directed that every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade
3. The license has to be affixed in some conspicuous place at or near the entrance of every such market
4. When a license has been refused or withheld as aforesaid, the Commissioner shall cause a notice of such refusal or withholding, to be affixed in some conspicuous place at or near the entrance of such market
5. Application for a Trade license has to be done within one month from the date of opening the shop. Application should be attached with prescribed documents
6. One may apply for trade license in the prescribed form in respective zonal revenue office of Guwahati Municipal Corporation. For convenience of public, Guwahati Municipal Corporation (GMC) issues provisional trade license for ordinary trades and professions immediately
7. As per section 180 of the Guwahati Municipal Corporation Act 1971, every person who exercise any trade indicated in the fourth schedule shall annually take out a license before the first day of April in each year or within one month of the commencement of the trade
8. The traders are supposed to take out a license before first day of April in each year. If delayed the office have the power to impose the penalty of 20 % upon the defaulter traders
9. The Zonal Deputy Commissioner area is empowered to issue such license on behalf of the Commissioner. Deputy commissioner of the respective zones is the authority in charge
10. Documents required are Agreement with the landlord by the tenant in case of rented house, Tax payment receipt. (Tax payment receipt up-to-date.), No-Objection Certificate for building permission, Partnership deed and House rent receipt
11. In schedule we can see different class for prescribing fees. The classes are as follows: II class items (For those whose income out of profession, income tax payable on an income of not less than Rs.10000), class III item (not included in class I or Class II) are Rs.1000, class IV item (not in class I, II, III and fair letting value of place is Rs.250 per mensem or onwards) class IX includes the shops or other place of business which does not includes in any other classes
12. Validity of the trade license is only for one year (i.e. 1<sup>st</sup> April to 31 March). If license is not renewed in due time then 20% penalty will be realized with the license fees. Annually take out a trade license before the 1<sup>st</sup> day of April in each year. If delayed the office have empowered to impose the penalty of 20% upon the defaulter traders

### **Meat Shop:**

1. Meat Shops are regulated as per the directions of Guwahati Municipal Corporation Act 1971 and GUWAHATI MUNICIPAL CORPORATION (REGULATING THE USE OF MARKETS AND SLAUGHTER HOUSES) BYELAWS, 1976. In addition they are also supposed to follow the Prevention of Food Adulteration act 1954
2. The Veterinary Branch, Guwahati Municipal Corporation and the authority issuing license is the Commissioner, Guwahati Municipal Corporation or his authorized officer is the department dealing
3. Other procedures are same as that of dhabas

### **Machine Boat:**

1. Machine Boat is regulated as per the directions of Inland Vessels Act 1917
2. As per the Inland Vessels Act 1917, inland Vessel means a mechanically propelled vessel which ordinarily plies on any inland water and the inland water means any canal, river, lake or other navigable water. So Machine boat is an inland vessel
3. For plying a machine boat, two licenses are required one is ownership license to ply and another is engine Driver permit. For getting the ownership license, one has to apply for license in the Inland Water Transport and for getting engine permit one has to apply in the same way as ownership license and after that he has to go through training in the Crew training Centre office of Inland Water Transport if he is not trained and if he is trained already then he is examined. If he passes the exam he gets the permit
4. License is valid for one year
5. Permits can be obtained from the Director, IWT & Chief Ship Surveyor, and Assam after passing required examination conducted as per Act & prevailing rules in the Department. As per the provisions made under Inland Vessels Act, 1917, Section 21(I) Certificate of competency is issued to the engine Driver and Master
6. The documents needed for plying a mechanized boat are registration certificate of the boat, Survey/Fitness certificate issued by the Director, Inland Water Transport and Chief Ship Surveyor, Assam, Permit of the Engine Driver and Permit of the Haliman. (Haliman is the controller of the Machine Boat. His job is like the captain of a ship.)
7. Department of Inland Water Transport, Govt. of Assam. Authority issuing permit is the Director, Inland Water Transport and Chief Ship Surveyor, Assam, Ulubari, Guwahati-781007
8. For the registration of the boat, the applicant has to apply in prescribed format available in the office of the DIWT & CSS, Assam along with signature of the Magistrate and Treasury Challan of necessary prescribed fees for Survey and examination
9. Registration and the Survey certificates only normally has to be renewed after every 1(one) year. If delayed, the documents become invalid. The act also says that the certificate of survey shall not be in force after the expiry of survey period
10. A certificate of survey shall not be in force after the notice of the government regarding the cancellation or suspension of it. The suspension must be in accordance of section 13 and 14 of the Inland Vehicles Act
11. If the ceasing of a certificate is in force, the same can be renewed only after a fresh survey to which the certificate relates
12. As per section 55(1). In contravention of section 3 of section 19 A of IV Act.1917 the owner and the Master of the vessel/boat shall each be punishable with fine

- extendable up to Rs.1000 (one thousand Rupees), along with cancellation of license/permit, if any of the Master/pilot(Section 55(2))
13. As per section 59(a), 59(b) any person acting as Master or Driver during a voyage without certificate of competency shall be punishable up to Rs.500.00 (Rupees five hundred) only