

THE LIVELIHOOD REGULATIONS REPORT

AHMEDABAD



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

Ahmedabad is the largest city in the state of Gujarat and one of the largest urban agglomerations in India, with a population of 45 lakhs (4.5 million). Located on the banks of the River Sabarmati, the city is the administrative centre of Ahmedabad district and was the capital of Gujarat from 1960 to 1970; the capital was shifted to Gandhinagar thereafter. In colloquial Gujarati, it is commonly called Amdavad.

With the creation of the state of Gujarat in 1960, Ahmedabad gained prominence as the political and commercial capital of the state. Once characterized by dusty roads and bungalows, the city is witnessing a major construction boom and population increase. A rising centre of education, information technology and scientific industries, Ahmedabad remains the cultural and commercial heart of Gujarat and much of western India

As per the 2001 Indian census, the area under Ahmedabad Municipal Corporation has a population of 3,520,085. The urban agglomeration accounts for 21.7% of Gujarat's urban population. Ahmedabad has a literacy rate of 79.89%, which is the highest in Gujarat; 87.81% males and 71.12% females are literate. According to the census for the Ninth Plan, there are 30,737 rural families living in Ahmedabad. Of those, 5.41% (1663 families) live below the poverty line. Approximately 440,000 people live in slums within the city. Ahmedabad is home to a large population of Varnias (i.e., traders), belonging to the Vaishnava sect of Hinduism and the sects of Jainism. Most of the residents of Ahmedabad are native Gujaratis. Hindi and English are commonly spoken, especially in commerce, education, politics and government.

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

AHMEDABAD

The trades chosen for the study are:

- 1. Dhabha/ food courts.**
- 2. Vegetable Sellers**
- 3. Auto Rickshaw**
- 4. Meat Shop**
- 5. Barber Shop**

Ahmedabad Municipal Corporation regulates all the trades in Ahmedabad as per the provisions of Bombay Provincial Municipal Act, 1949. The Bombay shops and Establishment Act 1948 prescribes timing for operation where as motor vehicles are regulated By Gujarat Motor Vehicle Rules 1989 and Motor vehicles Act 1988. Trade wise details are as follows:

I DHABA:

Dhaba's are regulated as per the direction of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

Bombay Shops and Establishment Act defines eating house as any premises in which is carried on wholly or principally the business of the supply meals or refreshments to the public or a class of the public for consumption on the premises.

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

Section 318 says that the commissioner on the satisfaction in the public interest by a written order directs that any place where food or drinks are sold or prepared, stored or exposed for sale which a case of dangerous disease exists or has recently occurred shall be closed for such period as may be specified in the order. Provided that the place will be declared as open if medical officer of health certifies that it has been disinfected or is free from infection.

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

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

In Ahmedabad dhabas are regulated by Ahmedabad Municipal Corporation. Here dhaba's are licensed under hawker's license.

Regulatory Body Issuing the License:

License is issued by the Estate Department of the Ahmedabad Municipal Corporation as per the provisions of Bombay Provincial Municipal Act, 1949

Licensing Procedure:

The applicant has to file an application in the prescribed form issued by the estate department along with the required documents. The required documents have to be submitted to the estate department. One more licence from health department is also needed if the trade is food related business. It has the same procedure.

As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
3. Time duration of opening and closing of shop?)

Documents Required:

1. Ration Card / any Address Proof
2. Voter Identity Card. (Identity Proof)

License Fees:

The license fees for the shop license and food license is Rs. 60. Rs. 500 is charged for getting the entertainment license. Dhabas includes in the edible category. So the fees are as follows:

The fees for 2 year is Rs.450/- which includes the license fees of Rs.400/- and Rs.50 /- as the License Card Fees. License Fee for 3 year is Rs.650/- which includes the license fees of Rs.600/- and Rs.50 /-

Terms for the License:

1. Applicant can sell the articles in the entire zone/area/election ward except those mentioned in the restricted area list
2. Applicant has to apply at the city civic center along with the proof of address (Ration Card) and identity (election card),
3. The area where the trader is intending to do his business has to clearly mentioned in the application
4. Hawkers can sell their articles in the allowed area but cannot get still at any particular place for more than 30 minutes
5. All the Hawkers of a particular area should stand at a single place in a single row only. Making more than 1 row is not allowed
6. When the hawkers are standing at that time they have to be near the curb of the road. The vehicle must be placed at least 30 meter away from the bus stops and the road corners and 50 feet away from the corners of the small streets
7. The vehicle should be placed at least 50 meters away from the junction of the main road
8. The licensee is allowed to sell the articles from 7 am to 11 pm
9. The hawkers have to use the "lorry" designed by the AMC in advance. According to which, it should not be long than 1.5 meter, broad than 1.10 meter, and high (along with the goods) than 1.40 meter from the ground. The roofs are not included in the height; also nothing could be included viz. stands or supports outside the permitted width
10. The licensee should not get indulged in any act that causes any problem to the citizen of the respective area also he will not disturb the streets and the footpaths by restricting the pathways
11. The licensee cannot take his "lorry" in the NO HOCKING ZONE
12. If the licensee has to pass from the NO HOCKING ZONE than he has to cover the goods on the "lorry" so that they cannot be seen by others
13. He should stay away at least by 30 meters from any municipal or private market.
14. The license will not use any sirens, horns or bells to grab the attention of the passer by
15. Licensee will keep the "lorry" neat and clean
16. For the sale of DRINKS and EDIBLES, the licensee also has to follow the PREVENTION AND FOOD ADULTERATION ACT 1954, and have to take separate license coming under the act. If the licensee or the partners indulged in the selling activity is suffering from any disease than they cannot go for the business unless and until they get completely cured
17. The licensee cannot change the license in any condition
18. The licensee has to keep the license with him during the working hours and has to show it to the authorized person whenever asked for
19. License fee is not refundable
20. The licensee has to paste the license number and license card on the front of the vehicle
21. The licensee can select any three of the total election ward for hocking. If he wants more two places than he has to pay 50% extra fees

LIST OF NO HAWKING ZONES:

1. Gandhi Road (from Teen Darwaja to Railway station including footpath)
2. Tilak Road, Relief Road (from Sardar Baug to Ahmedabad railway Station including footpath.)
3. Ashram Road (from Vasna Octroi Naka to Sabarmati Municipal Limit)
4. The Ring Road starting from Delhi Darwaja, Dariapur Darwaja, Kalupur Darwaja, Ahmedabad Railway station, Sarangpur Darwaja, Raipur darwaja up to Astodia Darwaja
5. The Area besides Astodia GSRTC Bus Terminal
6. Sardar Baug, Sidi Saiyad's Jaali, Jilla Panchayat Bhavan, Apna Bazaar, Lal Darwaja AMTS Bus stop, SBI House, Congress House, Bhadra Temple, Bank of India Building, UCO Bank Building, Kaaranj Police Station, Advance Cinema, Ahmedabad Electricity Building, BOB Building, Road nearby Polyclinic Building, and foot path.
7. Jamalpur Darwaja to Chandola Talav
8. The road from Shahi Baug Sardar Patel Smarak Bhavan and Circuit House, Delhi Darwaja and Ghee Kaanta to Paankor Naka
9. Victoria Garden to Astodia Darwaja
10. Parimal Garden, Panchvati, Navrangpura Market, Swastik Char Rasta, Sardar Patel Stadium Circle, Old High Court, Railway Under Bridge and Income tax Circle
11. From Sardar Patel Stadium Circle to Sardar Patel Colony
12. Ashram Road
13. Kankaria Talav
14. Public Gardens
15. Historical Areas of Central Government
16. Maninagar Railway Crossing to Daaxini Railway Crossing

License Renewal:

The department gives license for two years and three years. The person should renew his license after the expiry period mentioned in the license. The renewal procedure is filling up of the application form and no other documents are required. The renewal fees for the trades are same as the first hand licence fee as paid for the issue of license.

Inspection:

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

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

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs.25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Suspension and Revocation:

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

Timings:

As per the Bombay shops and Establishment Act 1948, no eating-house shall be opened earlier than 5a.m and closed later than 12 at midnight for service. An employee can start his work from 4.30 a.m. However, cannot work after 00.30 a.m. No sale is allowed before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week.

Violations and Penalties:

If the licensee is found working against any of the related law the license can be cancelled or revoked by the authorized personnel on the spot. If the licensee gives the license to some other person to carry on the trade than also the license is cancelled. The penalty is decided by the magistrate as per the norms and the related official decisions.

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

II. VEGETABLE SELLERS:

In Ahmedabad, Vegetable Vendors are regulated by Ahmedabad Municipal Corporation as per the direction of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

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

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

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

Procedures:

The procedures are same as that of dhabas. But it does not have to follow the guidelines for eating houses. In Ahmedabad vegetable vendors are regulated by Ahmedabad Municipal Corporation. They are licensed under hawker's license.

Regulatory Body Issuing the License:

License is issued by the Estate Department of the Ahmedabad Municipal Corporation as per the provisions of Bombay Provincial Municipal Act, 1949

Licensing Procedure:

The applicant has to file an application in the prescribed form issued by the estate department along with the required documents. The required documents have to be submitted to the estate department. One more licence from health department is also needed if the trade is food related business. It has the same procedure.

As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
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Documents Required:

1. Ration Card / any Address Proof
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License Fees:

The license fees for the shop license and food license is Rs.60/- Rs.500/- is charged for getting the entertainment license. Vegetable sellers includes in the edible category. So the fees are as follows:

The fees for 2 year is Rs.450/- which includes the license fees of Rs.400/- and Rs.50 /- as the License Card Fees. License Fee for 3 year is Rs.650/- which includes the license fees of Rs.600/- and Rs.50 /-

Terms for the License:

1. Applicant can sell the articles in the entire zone/area/election ward except those mentioned in the restricted area list
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5. All the Hawkers of a particular area should stand at a single place in a single row only. Making more than 1 row is not allowed
6. When the hawkers are standing at that time they have to be near the curb of the road. The vehicle must be placed at least 30 meter away from the bus stops and the road corners and 50 feet away from the corners of the small streets
7. The vehicle should be placed at least 50 meters away from the junction of the main road
8. The licensee is allowed to sell the articles from 7 am to 11 pm
9. The hawkers have to use the "lorry" designed by the AMC in advance. According to which, it should not be long than 1.5 meter, broad than 1.10 meter, and high (along with the goods) than 1.40 meter from the ground. The roofs are not included in the height; also nothing could be included viz. stands or supports outside the permitted width

10. The licensee should not get indulged in any act that causes any problem to the citizen of the respective area also he will not disturb the streets and the footpaths by restricting the pathways
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17. The licensee cannot change the license in any condition
18. The licensee has to keep the license with him during the working hours and has to show it to the authorized person whenever asked for
19. License fee is not refundable
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16. Maninagar Railway Crossing to Daaxini Railway Crossing

License Renewal:

The department gives license for two years and three years. The person should renew his license after the expiry period mentioned in the license. The renewal procedure is filling up of the application form and no other documents are required. The renewal fees for the trades are same as the first hand licence fee as paid for the issue of license.

Inspection:

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

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

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs.25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Suspension and Revocation:

As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to

be without a license until the canceling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

Timings:

As per the Bombay Shops and establishments Act 1948, no shops dealing wholly with vegetables, fruits, meats etc or any other goods notified by the State Government shall open any day be opened earlier than 5 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour.

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

Violations and Penalties:

If the licensee is found working against any of the related law the license can be cancelled or revoked by the authorized personnel on the spot. If the licensee gives the license to some other person to carry on the trade than also the license is cancelled.

The penalty is decided by the magistrate as per the norms and the related official decisions.

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

III.AUTO RICKSHAW:

Auto Rickshaws are regulated by the RTO (Regional Transport Office). The permits are issued and regulated by the Permit Section of the Regional Transport Office as per the section 66 of Motor Vehicle Act 1988; permit is required for plying a motor vehicle in public places.

Permit Procedure:-

For getting a city permit, One has to apply in the form "PCOPA" under section 73 and 74 of the Motor Vehicles Act 1988 to the Regional Transport Authority along with the fees of Rs. 350/-.

Permit Fees:-

The Fees for city permit is Rs.350 as per Gujarat Motor vehicle rules 1989.

Processing Time:

The City permit for auto rickshaws will be issued within a time period of 3 days. The permit will be issued within 3 days only when all the required documents & Processes are done.

Documents Required:

1. Application in a prescribed format
2. Documents of the Vehicle. (Driving licence, Fitness certificate, Registration Certificate of the Vehicle, Insurance - vehicle insurance and pollution under control certificate.)
3. Partnership Deed if needed
4. NOC for other partners. (if any partners for the vehicle)
5. Driving License

Renewal procedure: -

Renewal procedure is the submission of the filled renewal form (PCSR) to Regional Transport Office (RTO).

As per the motor vehicles act and rules a permit will be valid for five years. The renewal fees are the same. Fifty Rupees before the expiry date and fifty rupees plus three rupees per day after the date of expiry will also be charged as the late fees for renewal.

Conditions:

As per the Gujarat Motor Vehicle Rules 1989, the following are the conditions:

1. The permit cannot be driven in any public place except by a permit holder or a driver approved by the Regional Transport Officer or his assistant. The driver is supposed to carry the permit with him and shall produce it when it is demanded
2. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit
3. No advertisement can be exhibited in the vehicle
4. The holder of a permit shall maintain a register showing the list of passengers travelling in the vehicle in each and every trip in the particular form and shall produce it as demanded by the checking officers
5. These conditions cannot be applicable to motor cabs and maxi cabs
6. In addition to the above conditions the permit shall always kept with the driver or any person taking care of the vehicle and produces it as demanded by any officer of the Motor vehicles Department of and above the rank of assistant Inspector of Motor Vehicles or any police officer not below the rank of a Sub-Inspector of Police

Variations of conditions:

The permit holder may apply to the Transport Authority to vary the conditions of a permit in the prescribed form along with the fees as prescribed. The transport authority will give one month to vary the conditions or to attach some conditions further in the official Gazette. After the expiry of the period of the date of publication in notice gazette the conditions shall be deemed to have been attached and such permit holders shall produce their permit before Transport Authority by which the permit is issued for inspection of such variations.

Extension of the area of the validity of permits:

The Regional Transport Authority can extend the area of the validity of the permit within the state in accordance with general or special resolution passed and recorded by the Transport Authority. The extended area shall be kept with the area of original Transport Authority. The Transport authority which issues a permit to be operative in any other regions shall intimate the fact and send a copy to the Transport Authority in such regions. The original transport authority shall not extend the area of the validity of the contract carriage permit other than the contract carriage permit in respect of motor cabs and maxi cabs unless it attaches the conditions to the permit that if the vehicle visiting the other regions is discharged or released from the contract by the passengers in such regions. It shall not be affixed for hire or rewarded on its return journey for picking any passengers traffic from any place within the region for the purpose of visiting the place in the state.

Suspension and Cancellation:

The holder of any permit may at any time surrender the permit to the Original Transport Authority and the authority can cancel any permit so surrendered. When a regional Transport Authority suspends a permit, it shall be intimated to the Transport Authority by which the permit has been countersigned and to the authority by which the validity of the permit has been extended. In the case of suspension or cancellation of permit of countersignature the authority cancelling shall intimate the fact to which the permit was granted by Regional Transport Authority shall suspend or cancel any permit.

Upon the cancellation of any permit or a counter signature of a permit, the holder shall surrender the permit or counter signature. Upon suspension the holder shall also surrender the certificate of registration and plates bearing the registration mark.

The holder of the permit shall within the fifteen days of the receipt of the suspension or cancellation order intimate to the Transport authority suspending or cancelling the permit or the countersignature was made and to the authority in the region of the validity has been extended the place where the vehicle in respect of which the order is passed will be kept during the period of suspension or cancellation. Such holder shall not remove the vehicle from the place so intimated without the prior permission of the Regional Transport authority in whose region

Transfer:

As per the section 82 of the Gujarat Motor Vehicle rules, the permit holder along with the person he intends to transfer the permit has to apply in prescribe form under Rule 70 to the Transport Authority which the permit was granted showing the reasons for the transfer and along with the fees Prescribed under Rule 71. The transport authority will call both the parties. If the authority is properly satisfied after the enquiry the authority will ask the holder to surrender the permit within seven days of the receipt of the order. The authority will take the further actions as provided in the Gujarat Motor Vehicle rules.

Replacement of vehicle:

An application shall be made to the Transport Authority by which the permit is issued in the prescribed form accompanied by fees prescribed and produce the details as required by the authority. The holder shall produce the registration and vehicle details as mentioned in the Gujarat Motor Vehicle rules. The transport authority which replaces a vehicle on permit operative in any other region shall intimate the fact to the authority by which the permit has been countersigned.

Change of the address:

Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form under Rule 70 accompanied by the document as specified by the Transport Authority by which the permit or counter signature was granted. On the receipt of the intimation the authority after the verification may enter the address and shall intimate the changed address to the concerned Transport authority. Nothing in this section shall apply where the change of address recorded in the permit is due to temporary change which is not intended to exceed three months in duration.

Penalty:

Auto Rickshaws plying without valid permit will be charged compounding fees of Rs.200/- under the section 200 of the motor vehicles act 1988. 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. The person using the vehicle must reports about the same to the Regional Transport Authority within seven days from the date of such use.

As per Section 200 any offence whether committed before or after the commencement of this Act punishable section 192, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf. As per subsection (2) of section 200, an offence which has been compounded under sub-section (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

IV.MEAT SHOP:

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

As per the Section376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that barber shops needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the

premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

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

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

The commissioner may at any time by day or night , without notice, enter any place if he suspects that the animal slaughtered or exposed for sale is not duly authorized under the Act or byelaw. He may seize ay such animal or such flesh found therein. The commissioner may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized. If the owner fails to appear within one month and prove his claim to the commissioner or if the owner is convicted of an offence, the proceeds of any sale shall vest in the corporation. No claim shall lie against any person for compensation for any damage necessarily caused by an entry made or the use of necessary force for effecting such entry.

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

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

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

Licensing Procedures:

The procedures are same of dhaba's. The applicant has to file an application in the prescribed form issued by the estate department along with the required documents. The required documents have to be submitted to the estate department. One more licence from health department is also needed if the trade is food related business. It has the same procedure.

As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
3. Time duration of opening and closing of shop?)

Documents Required:

1. Ration Card / any Address Proof
2. Voter Identity Card. (Identity Proof)

Regulatory Body:

The regulatory Body issuing the license will be the TALUKA DEVELOPMENT OFFICER (TDO) Slaughter House and Health Department of Ahmedabad Municipal Corporation. The applications should be submitted to the concerned zonal health license branch.

Documents Required:

1. Application in a prescribed format.
2. Possession/Ownership Proof of the premises.
3. Property Tax Bill of last year.
4. B. U. Permission Copy.
5. Partnership Deed if needed.
6. NOC for other partners.

License Fees:

The fees for the forms are Rs.100. License fees are based upon the area of premises. All the fees should be paid at the health License branch of respective Zone.

Renewal Procedure:

The renewal procedures are same as that of dhba's. The department gives license for two years and three years. The person should renew his license after the expiry period mentioned in the license. The renewal procedure is filling up of the application form and no other documents are required. In Ahmedabad the renewal application as well as the fresh license is to be filed to the health license department of the respective zone. The license should be renewed within 2 months of the expiry without late fee and after wards a late fee is to be paid.

Terms for the License:

1. Applicant can sell the articles in the entire zone/area/election ward except those mentioned in the restricted area list
2. Applicant has to apply at the city civic center along with the proof of address (Ration Card) and identity (election card),
3. The area where the trader is intending to do his business has to clearly mentioned in the application
4. Hawkers can sell their articles in the allowed area but cannot get still at any particular place for more than 30 minutes
5. All the Hawkers of a particular area should stand at a single place in a single row only. Making more than 1 row is not allowed
6. When the hawkers are standing at that time they have to be near the curb of the road. The vehicle must be placed at least 30 meter away from the bus stops and the road corners and 50 feet away from the corners of the small streets
7. The vehicle should be placed at least 50 meters away from the junction of the main road
8. The licensee is allowed to sell the articles from 7 am to 11 pm
9. The hawkers have to use the "lorry" designed by the AMC in advance. According to which, it should not be long than 1.5 meter, broad than 1.10 meter, and high (along with the goods) than 1.40 meter from the ground. The roofs are not included in the height; also nothing could be included viz. stands or supports outside the permitted width
10. The licensee should not get indulged in any act that causes any problem to the citizen of the respective area also he will not disturb the streets and the footpaths by restricting the pathways
11. The licensee cannot take his "lorry" in the NO HOCKING ZONE
12. If the licensee has to pass from the NO HOCKING ZONE than he has to cover the goods on the "lorry" so that they cannot be seen by others
13. He should stay away at least by 30 meters from any municipal or private market
14. The license will not use any sirens, horns or bells to grab the attention of the passer by
15. Licensee will keep the "lorry" neat and clean
16. For the sale of DRINKS and EDIBLES, the licensee also has to follow the PREVENTION AND FOOD ADULTERATION ACT 1954, and have to take separate license coming under the act. If the licensee or the partners indulged in the selling activity is suffering from any disease than they cannot go for the business unless and until they get completely cured
17. The licensee cannot change the license in any condition

18. The licensee has to keep the license with him during the working hours and has to show it to the authorized person whenever asked for
19. License fee is not refundable.
20. The licensee has to paste the license number and license card on the front of the vehicle
21. The licensee can select any three of the total election ward for hocking. If he wants more two places than he has to pay 50% extra fees

LIST OF NO HAWKING ZONES:

1. Gandhi Road (from Teen Darwaja to Railway station including footpath)
2. Tilak Road, Relief Road (from Sardar Baug to Ahmedabad railway Station including footpath.)
3. Ashram Road (from Vasna Octroi Naka to Sabarmati Municipal Limit)
4. The Ring Road starting from Delhi Darwaja, Dariapur Darwaja, Kalupur Darwaja, Ahmedabad Railway station, Sarangpur Darwaja, Raipur darwaja up to Astodia Darwaja.
5. The Area besides Astodia GSRTC Bus Terminal
6. Sardar Baug, Sidi Saiyad's Jaali, Jilla Panchayat Bhavan, Apna Bazaar, Lal Darwaja AMTS Bus stop, SBI House, Congress House, Bhadra Temple, Bank of India Building, UCO Bank Building, Kaaranj Police Station, Advance Cinema, Ahmedabad Electricity Building, BOB Building, Road nearby Polyclinic Building, and foot path
7. Jamalpur Darwaja to Chandola Talav
8. The road from Shahi Baug Sardar Patel Smarak Bhavan and Circuit House, Delhi Darwaja and Ghee Kaanta to Paankor Naka
9. Victoria Garden to Astodia Darwaja
10. Parimal Garden, Panchvati, Navrangpura Market, Swastik Char Rasta, Sardar Patel Stadium Circle, Old High Court, Railway Under Bridge and Income tax Circle.
11. From Sardar Patel Stadium Circle to Sardar Patel Colony
12. Ashram Road
13. Kankaria Talav
14. Public Gardens
15. Historical Areas of Central Government
16. Maninagar Railway Crossing to Daaxini Railway Crossing

Inspection:

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

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

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs.25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Suspension and Revocation:

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

Timings:

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

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

Violations and Penalties:

If the licensee is found working against any of the related law the license can be cancelled or revoked by the authorized personnel on the spot. If the licensee gives the license to some other person to carry on the trade than also the license is cancelled

The penalty is decided by the magistrate as per the norms and the related official decisions.

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

V.Barber Shop:

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

As per the Section376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that barber shops needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

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

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

At present Barbershops, do not need any license in Ahmedabad Municipal Corporation.

Licensing Procedures:

The procedures are same as that of dhaba's. But it does not have to follow the guidelines for food related establishments.

The applicant has to file an application in the prescribed form issued by the estate department along with the required documents. The required documents have to be submitted to the estate department. One more licence from health department is also needed if the trade is food related business. It has the same procedure.

As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
3. Time duration of opening and closing of shop?)

Documents Required:

1. Ration Card / any Address Proof
2. Voter Identity Card. (Identity Proof)

License Fees:

The license fees for the shop license and food license is Rs.60. Rs.500 is charged for getting the entertainment license. At present the licenses are not issued to barber shop. So there is not much information on this regard.

Terms for the License:

1. Applicant can sell the articles in the entire zone/area/election ward except those mentioned in the restricted area list
2. Applicant has to apply at the city civic center along with the proof of address (Ration Card) and identity (election card),
3. The area where the trader is intending to do his business has to clearly mentioned in the application
4. Hawkers can sell their articles in the allowed area but cannot get still at any particular place for more than 30 minutes
5. All the Hawkers of a particular area should stand at a single place in a single row only. Making more than 1 row is not allowed
6. When the hawkers are standing at that time they have to be near the curb of the road. The vehicle must be placed at least 30 meter away from the bus stops and the road corners and 50 feet away from the corners of the small streets
7. The vehicle should be placed at least 50 meters away from the junction of the main road
8. The licensee is allowed to sell the articles from 7 am to 11 pm
9. The hawkers have to use the "lorry" designed by the AMC in advance. According to which, it should not be long than 1.5 meter, broad than 1.10 meter, and high (along with the goods) than 1.40 meter from the ground. The roofs are not included in the height; also nothing could be included viz. stands or supports outside the permitted width

10. The licensee should not get indulged in any act that causes any problem to the citizen of the respective area also he will not disturb the streets and the footpaths by restricting the pathways
11. The licensee cannot take his "lorry" in the NO HOCKING ZONE
12. If the licensee has to pass from the NO HOCKING ZONE than he has to cover the goods on the "lorry" so that they cannot be seen by others
13. He should stay away at least by 30 meters from any municipal or private market.
14. The license will not use any sirens, horns or bells to grab the attention of the passerby.
15. Licensee will keep the "lorry" neat and clean
16. For the sale of DRINKS and EDIBLES, the licensee also has to follow the PREVENTION AND FOOD ADULTERATION ACT 1954, and have to take separate license coming under the act. If the licensee or the partners indulged in the selling activity is suffering from any disease than they cannot go for the business unless and until they get completely cured
17. The licensee cannot change the license in any condition
18. The licensee has to keep the license with him during the working hours and has to show it to the authorized person whenever asked for
19. License fee is not refundable
20. The licensee has to paste the license number and license card on the front of the vehicle
21. The licensee can select any three of the total election ward for hocking. If he wants more two places than he has to pay 50% extra fees

LIST OF NO HAWKING ZONES:

1. Gandhi Road (from Teen Darwaja to Railway station including footpath)
2. Tilak Road, Relief Road (from Sardar Baug to Ahmedabad railway Station including footpath.)
3. Ashram Road (from Vasna Octroi Naka to Sabarmati Municipal Limit)
4. The Ring Road starting from Delhi Darwaja, Dariapur Darwaja, Kalupur Darwaja, Ahmedabad Railway station, Sarangpur Darwaja, Raipur darwaja up to Astodia Darwaja.
5. The Area besides Astodia GSRTC Bus Terminal.
6. Sardar Baug, Sidi Saiyad's Jaali, Jilla Panchayat Bhavan, Apna Bazaar, Lal Darwaja AMTS Bus stop, SBI House, Congress House, Bhadra Temple, Bank of India Building, UCO Bank Building, Kaaranj Police Station, Advance Cinema, Ahmedabad Electricity Building, BOB Building, Road nearby Polyclinic Building, and foot path.
7. Jamalpur Darwaja to Chandola Talav
8. The road from Shahi Baug Sardar Patel Smarak Bhavan and Circuit House, Delhi Darwaja and Ghee Kaanta to Paankor Naka
9. Victoria Garden to Astodia Darwaja
10. Parimal Garden, Panchvati, Navrangpura Market, Swastik Char Rasta, Sardar Patel Stadium Circle, Old High Court, Railway Under Bridge and Income tax Circle
11. From Sardar Patel Stadium Circle to Sardar Patel Colony
12. Ashram Road.

13. Kankaria Talav
14. Public Gardens
15. Historical Areas of Central Government
16. Maninagar Railway Crossing to Daaxini Railway Crossing

License Renewal:

The department gives license for two years and three years. The person should renew his license after the expiry period mentioned in the license. The renewal procedure is filling up of the application form and no other documents are required. The renewal fees for the trades are same as the first hand licence fee as paid for the issue of license.

Inspection:

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

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

Prohibition of Hawking:

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs.25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Suspension and Revocation:

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

the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed.

Timings:

As per the Bombay Shops and establishments Act 1948, no shops other than those dealing with vegetables, fruits, meats etc or any other goods notified by the State Government shall on any day be opened earlier than 7 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m.. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour.

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

Violations and Penalties:

If the licensee is found working against any of the related law the license can be cancelled or revoked by the authorized personnel on the spot. If the licensee gives the license to some other person to carry on the trade than also the license is cancelled. The penalty is decided by the magistrate as per the norms and the related official decisions.

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

FINDINGS

General Findings:

1. All the trades in Ahmedabad are regulated by the Ahmedabad Municipal Corporation as per the provisions of Bombay Provincial Municipal Act, 1949
2. The Bombay shops and Establishment Act 1948 prescribes timing for operation
3. Motor vehicles are regulated By Gujarat Motor Vehicle Rules 1989 and Motor vehicles Act 1988
4. License is issued by the Estate Department of the Ahmedabad Municipal Corporation as per the provisions of Bombay Provincial Municipal Act, 1949
5. The applicant has to file an application in the prescribed for issued by the estate department along with the required documents. The required documents have to be submitted to the estate department. One more licence from health department is also needed if the trade is food related business. It has the same procedure
6. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates
7. As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner

8. After submitting the application with the supportive documents, the concerned officer will verify the shop premises
9. Ration Card / any Address Proof and Voter Identity Card. (Identity Proof) is required.
10. The department gives license for two years and three years. The person should renew his license after the expiry period mentioned in the license
11. As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed
12. As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted
13. . The licensee is bound to produce the license when the commissioner requires it
14. Every application for a license shall address the commissioner. The acceptance by or on behalf of the commissioner of the fees of a license shall not in itself entitle the person paying the fees to the license or permission. The BPMC act entitles the commissioner the power for inspection. However, it cannot be made between sunrise and sunset except in the specially described situations
15. Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section
16. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it
17. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the canceling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed
18. Applicant can sell the articles in the entire zone/area/election ward except those mentioned in the restricted area list. Hawkers can sell their articles in the allowed area but cannot remain at any particular place for more than 30 minutes
19. The area where the trader is intending to do his business has to clearly mentioned in the application
20. All the Hawkers of a particular area should stand at a single place in a single row only. Making more than 1 row is not allowed. When the hawkers are standing at that time they have to be near the curb of the road. The vehicle must be placed at least 30 meter away from the bus stops and the road corners and 50 feet away from the corners of the small streets
21. The vehicle should be placed at least 50 meters away from the junction of the main road
22. The licensee is allowed to sell the articles from 7 am to 11 pm
23. The hawkers have to use the "lorry" designed by the AMC in advance. According to which, it should not be long than 1.5 meter, broad than 1.10 meter, and high (along with the goods) than 1.40 meter from the ground. The roofs are not included in the height; also nothing could be included viz. stands or supports outside the permitted width
24. The licensee should not disturb the streets and the footpaths by restricting the pathways and he should not create any disturbance to the citizen of the respective area
25. The licensee cannot take his "lorry" in the NO HOCKING ZONE. If the licensee has to pass from the NO HOCKING ZONE than he has to cover the goods on the "lorry" so

that others cannot see them. He should stay away at least by 30 meters from any municipal or private market

26. The licensee cannot change the license in any condition
27. The licensee can select any three of the total election ward for hocking. If he wants more two places than he has to pay 50% extra fees
28. If the licensee is found working against any of the related law the license can be cancelled or revoked by the authorized personnel on the spot. If the licensee gives the license to some other person to carry on the trade than also the license is cancelled
29. The penalty is decided by the magistrate as per the norms and the related official decisions
30. As per the act any contravention of any provision of the act or ,rule , bye-law, standing order notice etc will liable to a fine of Rs.100 and a further fine which can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act

Trade wise Findings:

DHABAS:

1. Bombay Shops and Establishment Act defines eating house as any premises in which is carried on wholly or principally the business of the supply meals or refreshments to the public or a class of the public for consumption on the premises
2. In Ahmedabad, Ahmedabad Municipal Corporation regulates dhabas. Here dhaba's are licensed under hawker's license
3. License is issued by the Estate Department of the Ahmedabad Municipal Corporation as per the provisions of Bombay Provincial Municipal Act, 1949
4. As per the Bombay shops and Establishment Act 1948, no eating-house shall be opened earlier than 5a.m and closed later than 12 at midnight for service. An employee can start his work from 4.30 a.m. However, cannot work after 00.30 a.m. No sale is allowed before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week

VEGETABLE SHOP:

1. In Ahmedabad Vegetable Vendors are regulated by Ahmedabad Municipal Corporation as per the direction of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to food related items
2. The procedures are same as that of dhabas. But it does not have to follow the guidelines for eating houses
3. As per the Bombay Shops and establishments Act 1948, no vegetable shops can be opened earlier than 5 am and closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour

AUTO RICKSHAW:

1. Auto Rickshaws are regulated by the RTO (Regional Transport Office).
2. The permits are issued and regulated by the Permit Section of the Regional Transport Office As per the section 66 of Motor Vehicle Act 1988; permit is required for plying a motor vehicle in public places
3. The City permit for auto rickshaws will be issued within a period of 3 days. The permit will be issued within 3 days only when all the required documents & Processes are done
4. For city permit (PCOP) necessary document are Court stamp Rs.10 Rupee, Driving licence, Fitness certificate, Insurance - vehicle insurance, pollution under control certificate, Meter No / Bill and Permit fee
5. Permit given by the authority is only for three years and after three year permit must be renewed
6. A motor vehicle cannot be driven in any public place except by a permit holder or a driver approved by the Regional Transport Officer or his assistant. The driver is supposed to carry the permit with him and shall produce it when it is demanded
7. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit
8. No advertisement can be exhibited in the vehicle
9. The holder of a permit shall maintain a register showing the list of passengers travelling in the vehicle in each and every trip in the particular form and shall produce it as demanded by the checking officers
10. The original transport authority shall not extend the area of the validity of the contract carriage permit other than the contract carriage permit in respect of motor cabs and maxi cabs unless it attaches the conditions to the permit that the vehicle visiting the other regions is discharged or released from the contract by the passengers in such regions. It shall not be affixed for hire or rewarded on its return journey for picking any passengers traffic from any place within the region for the purpose of visiting the place in the state
11. Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form under Rule 70 accompanied by the document as specified by the Transport Authority by which the permit or counter signature was granted. On the receipt of the intimation the authority after the verification may enter the address and shall intimate the changed address to the concerned Transport authority. Nothing in this section shall apply where the change of address recorded in the permit is due to temporary change which is not intended to exceed three months in duration
12. Auto Rickshaws plying without valid permit will be charged compounding fees of Rs.200/- under the section 200 of the motor vehicles act 1988

MEAT SHOP:

1. Meat Shops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948
2. As provided in section 328 the commissioner when authorized by the corporation may establish a municipal market or a municipal slaughterhouse. The authorities may from time to time build and maintain such municipal markets, slaughterhouses
3. The commissioner may close the municipal market and slaughterhouse or any portion thereof and the premises occupied for any market or slaughterhouse with the

sanction of the corporation. The closed premises can be disposed of as the corporation's property

4. No person without a license can import cattle, sheep, goats or swine intended for human consumption or flesh of any such animal, which has been slaughtered at any place not licensed under the Act. Any police officer can arrest without warrant any person bringing into the city any animal or flesh in contravention of the act
5. Animal brought into the city can be seized by the commissioner or any municipal officer or by any police officer
6. The seizure of articles in or upon railway premises can be done by any railway servant
7. The animal or flesh so seized can be sold or otherwise disposed of as the commissioner shall direct and the proceeds, if any, shall belong to the corporation. These conditions shall not apply to the preserved or cured meat
8. The procedures are same of dhabas. But the regulatory Body issuing the license will be the TALUKA DEVELOPMENT OFFICER (TDO) Slaughter House and Health Department of Ahmedabad Municipal Corporation. The applications should be submitted to the concerned zonal health license branch
9. Possession/Ownership Proof of the premises, Property Tax Bill of last year, B. U. Permission Copy, Partnership Deed if needed and NOC for other partners is also required
10. License fees are based upon the area of premises. All the fees should be paid at the health License branch of respective Zone
11. The license should be renewed within 2 months of the expiry without late fee and after wards a late fee is to be paid
12. Other procedures are same as that of dhabas. But it does not have to follow the guidelines for establishments selling food items
13. As per the Bombay Shops and establishments Act 1948, meat shops not be opened earlier than 5 am and closed later than 8.30.p.m

Barber Shop:

1. Barber Shops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948
2. The procedures are same as that of dhabas. But it does not have to follow the guidelines for food related establishments
3. As per the Bombay Shops and establishments Act 1948, barber shops cannot be opened earlier than 7 am and can be closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour