

THE LIVELIHOOD REGULATIONS REPORT

AJMER



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

Ajmer District is a district of the state of Rajasthan in western India. Ajmer is situated about 135 km southwest of Jaipur and is the most sacred of all Muslim places of pilgrimage in India. The city of Ajmer is the district headquarters. Ajmer District has an area of 8,481 km² and a population of 2,180,526 (2001 census). The district is situated in the center of Rajasthan, and is bounded by Nagaur District to the north, Jaipur and Tonk districts to the east, Bhilwara District to the south, and Pali District to the west. As of 2001 India census, Ajmer had a population of 485,197. Males constitute 52% of the population and females 48%. Ajmer has an average literacy rate of 74%, higher than the national average of 59.5%; with 56% of the males and 44% of females literate. 12% of the population is under 6 years of age.

Ajmer Municipal Corporation is an oldest local Municipal Body of Rajasthan established in the established in the year 1866. The first chairman of the Council was Major Davidson. Ajmer Municipal Corporation is the recipient of National Award as number one city in implementation of e-governance system and adopting accounting reforms.

The present study on the livelihood regulations in Ajmer city covers dhaba, vegetable sellers, fruit Sellers, auto rickshaw and meat Shop.

AJMER

The selected trades are:

1. **Dhaba**
2. **Vegetable seller**
3. **Fruit Sellers**
4. **Auto rickshaw**
5. **Meat Shop**

Ajmer Municipal Corporation is regulating all these trades based on the regulations set down by the Rajasthan Municipalities Act and Prevention of Food Adulteration Act 1954. Rajasthan Motor Vehicle Rules and Motor Vehicles Act regulate the city permits for Auto Rickshaws in the city. Trade wise details are as follows:

I.Dhaba:

In Ajmer, dhaba's are regulated as per the directions of Ajmer city (hotel, restaurants, bakery, sweets, paan etc control and regulation) bye-laws,1977 which is made under the Rajasthan municipal law 1959 section B part III and I. Details of the licensing procedures are as follows.

Licensing Procedures:

Ajmer Nagar Nigam issues two license based on the regulations set down by the Rajasthan Municipalities Act and Prevention of Food Adulteration Act 1954.

As per the Byelaw, to apply for a license, application needs to be made on a specified application form which can be obtained for 50 paise from the municipal corporation office and has to be submitted along with the map of the proposed site after being passed, the specific amount of money has to be submitted after which the officer issues the license. If any problems are found, the applicant is made aware of those which have to be corrected within the specified time failing which the application would be considered null and void.

Temporary License:

If a person wants to open a hotel, dhaba etc. at a place for a specified time, a temporary license is issued right then the validity of which would not be more than a month. The prescribed fee of such a license would be 1/6th of the usual fee.

Issue of License and License Fees:

The time limit to issue the license is not prescribed in the act. The time taken depends on the time taken by the committee meetings and the time taken by the applicant to submit fees. After the satisfactory validation of the documents, license is provided without any delay.

Time period is not fixed but after site inspection by the inspector department issue the license in 15 to 30 days. PFA (Prevention of Food Adulteration Act) license is given within the duration

of 1st January and 30th December and Under the Rajasthan Municipalities Act, license is given within the period of a financial year.

License Fees:

PFA (Prevention of Food Adulteration Act) license is given within the duration of 1st January and 30th December and the fee has been fixed at Rs.12 for every license year. For license under Rajasthan Municipal Act, the following fees are charged.

Name of business	License fee(in Rs.)
Tea shop	50
Ice, soda, lemon sherbet manufacture/shop	100 if made and sold by hawkers 500 if made and sold by factories
sweet shop	100 if made out of vansapati 500 if made out of ghee
Paan shop	50
hawkers	50

Renewal of License:

The license would be valid only for a year from 1st April to 31st march. License obtained after 1st October the license fee would be half the stipulated amount and those obtained after 1st January would be one-fourth the amount. The renewal would not be done if the officer has any objection to it. The licensee would be informed about the non-renewal through correspondence. The renewal can be done by 15th April once the license lapses. After that the licensee would have to pay a late fee of 25 paise per day. As per rules the validity of P.F.A license lasts from 1st January to 31st December and R.M license lasts from 1st April to 31st march.

Inspection:

Applicant would keep a register in the place of work which would always stay open under the responsibility of a member of the chairman's council. Any person authorized by the health officer or ayukta can enter the place under scrutiny at any time during the office hours and would inspect food, crockery, furniture and provide a report to license officer. It is mandatory for the owner to comply.

If any food unsuited for human consumption is found, the owner would be considered as a violator of the by laws. In case of small violation of quality rules, the license office would send the applicant a notice in the hope that the directions given would be complied with.

Timings:

As per Rajasthan Shops and Establishments Act 1958, no establishment on any day can be opened earlier than and closed later the hours prescribed by Government by general or special order. The government will fix the time after making an enquiry in the prescribe manner on the opening and closure of shops and establishments in local area

Appeal:

An appeal can be filed within 30 days of any directions or commands as given by any official under these by laws.

Punishment:

As reported in Hotel Byelaws, In case of a violation, the license may be scrapped. Under part I, the violator would get a chance for explaining the reason for violation in front of the court. Apart from being de-licensed, he or she would also be told about the by laws. On violation of any clause, the accused will be tried in the presence of an able punishing authority and if found guilty would be up to fined Rs.500 and if constantly found guilty would be fined Rs.1 per day. All kinds of claims on the owner would be made under chapter 8 of the specific act.

Reconciliation:

According to the provisions of reconciliation rules, 1966 the chairman and the violator can reach a reconciliation.

II. Vegetable shop:

For Vegetable sellers, the licenses for hawkers are issued under Rajasthan municipalities Act. Whereas Secretary, Krishi Upaj Mandi is providing the license only to the vegetable whole seller (big shopkeepers) not retailer or street vegetable hawkers. Krishi Upaj Mandi issues license under the Rajasthan Krishi Upaj Mandi Act, 1963 (Act no.69 and 72).

Licensing Procedures:

To apply for a license, application needs to be made on a specified application form which can be obtained for 50 paise from the municipal corporation office and has to be submitted along with the map of the proposed site after being passed, the specific amount of money has to be submitted after which the officer issues the license. If any problems are found, the applicant is made aware of those which have to be corrected within the specified time failing which the application would be considered null and void.

Issue of License:

The time limit to issue the license is not prescribed in the act. The time taken depends on the time taken by the committee meetings and the time taken by the applicant to submit fees. After the satisfactory validation of the documents, license is provided without any delay.

Time period is not fixed but after site inspection by the inspector department issue the license in 15 to 30 days. Under the Rajasthan Municipalities Act, license is given within the period of a financial year. So Rajasthan Municipalities Act license will be issued within the period of a financial year.

LICENSE FEES:

For license under Rajasthan Municipal Act, Rs.50/- will charged from hawkers. For wholesale sellers, under the Rajasthan Krishi Upaj Mandi Act, 1963 (Act no.69 and 72) the fee is Rs.200/- for this license.

Renewal of License:

The license would be valid only for a year from 1st April to 31st march. License obtained after 1st October the license fee would be half the stipulated amount and those obtained after 1st January would be one-fourth the amount.

The renewal would not be done if the officer has any objection to it. The licensee would be informed about the non-renewal through correspondence. The renewal can be done by 15th April once the license lapses. After that the licensee would have to pay a late fee of 25 paise per day. As per rules the validity of R.M license lasts from 1st April to 31st march.

Inspection:

As per the Rajasthan Municipalities Act, any person authorized by the health officer or ayukta can enter the place under scrutiny at any time during the office hours and would inspect the premises. It is mandatory for the owner to comply with it.

Timings:

As per Rajasthan Shops and Establishments Act 1958, no establishment on any day can be opened earlier than and closed later the hours prescribed by Government by general or special order. The government will fix the time after making an enquiry in the prescribe manner on the opening and closure of shops and establishments in local area

Penalty:

The violators of the provisions of any laws or byelaws will get punishment as per the Rajasthan Municipalities act.

III. Fruit sellers:

For fruit sellers, the licenses for hawkers are issued under Rajasthan municipalities Act. Details of licensing procedures are as follows:

Licensing Procedures:

To apply for a license, application needs to be made on a specified application form which can be obtained for 50 paise from the municipal corporation office and has to be submitted along with the map of the proposed site after being passed, the specific amount of money has to be submitted after which the officer issues the license. If any problems are found, the applicant is made aware of those which have to be corrected within the specified time failing which the application would be considered null and void.

Issue of License:

The time limit to issue the license is not prescribed in the act. The time taken depends on the time taken by the committee meetings and the time taken by the applicant to submit fees. After the satisfactory validation of the documents, license is provided without any delay.

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LICENSE FEES:

For license under Rajasthan Municipal Act, Rs.50/- will charged from hawkers.

Renewal of License:

The license would be valid only for a year from 1st April to 31st march. License obtained after 1st October the license fee would be half the stipulated amount and those obtained after 1st January would be one-fourth the amount.

The renewal would not be done if the officer has any objection to it. The licensee would be informed about the non-renewal through correspondence. The renewal can be done by 15th April once the license lapses. After that the licensee would have to pay a late fee of 25 paise per day. As per rules the validity of Rajasthan Municipal Act license lasts from 1st April to 31st march.

Inspection:

As per the Rajasthan Municipalities Act, any person authorized by the health officer or ayukta can enter the place under scrutiny at any time during the office hours and would inspect the premises. It is mandatory for the owner to comply with it.

Timings:

As per Rajasthan Shops and Establishments Act 1958, no establishment on any day can be opened earlier than and closed later the hours prescribed by Government by general or special order. The government will fix the time after making an enquiry in the prescribe manner on the opening and closure of shops and establishments in local area

Penalty:

The violators of the provisions of any laws or byelaws will get punishment as per the Rajasthan Municipalities act.

IV. Auto Rickshaw:

Auto Rickshaws are regulated by Rajasthan Motor Vehicle Rules and Motor Vehicles Act 1988. As per Section 66 of Motor Vehicles Act 1988, permit is necessary. Motor Vehicles Act 1988 is the legislative directions towards the issue of permit. License relates to driver whereas permit relates to the control of operation of Motor Vehicle. Permits are issued to ply on certain routes Authorized by the Transport Authorities. The Transport Department Officials is the regulatory authorities for the implementation of Motor Vehicles Act. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle. Auto Rickshaws are regulated by the RTO (Regional Transport Office) on the basis of motor Vehicles Act 1988 and Rajasthan Motor Vehicle Rules 1989.

Permit Procedure:

Every application for the permit has to be made in the form "R.S.5.3". The application shall be made to the State Transport Authority or the Regional Transport officer as the case may be. The application shall be accompanied by the documents required.

The secretary of the transport authority shall scrutinize the application. If any application is not complete, the applicant shall be required to make the correction. All such applications found complete shall be entered date wise in a separate register. The secretary shall dispose the application on behalf of the Transport Authority where the powers to deal these has been delegated to him. In case where an application is required to be considered by the Regional Transport authority, the secretary shall submit the application received from 1st to 15th of each month with a factual report regarding correctness of the application, whether the proposed route or area is overlapped or not by nationalized route and all other matters based on the documents submitted by the applicant before 22nd of the same month likewise the complete applications received from 16th to the last date of the month shall be submitted before the Regional transport Authority by the 7th of the next month.

The applications submitted found complete by the State Transport Authority/ Regional transport Authority shall be disposed off within two months from the date of receipt. Before rejecting the application the state transport Authority/ Regional Transport Authority shall issue a show-cause notice to the applicant to appear before him on the appointed date, place and time, either in person or through authorized representative. After giving him an opportunity of being heard or in case no body appears on the mentioned in the notice, he shall decide the application on the merit. If the application is rejected, reasons for rejecting the application should be given in writing immediately.

In the case of applications Where the number of permit for contract Carriage which was fixed under the Act has been exhausted, the regional transport authority shall notify this fact on the notice board of its office and may decline to receive any further application for permit in respect of a class of vehicles in the area or on the route aforesaid.

The Secretary / Executive officer State Transport Authority/Regional Transport Authority shall intimate the applicant within seven days from the date of order of the State Transport Authority / Regional transport authority regarding grant or rejection of the application and on receipt of the prescribed form, the permit shall be issued in the prescribed format.

Except in the case of temporary permit, every permits shall be in two portion 'A' and 'B'. One Copy of part A only shall be issued. One copy of Part B shall be issued in respect of every vehicle authorized by the permit and where a permit relates to more than one vehicle each such copy shall carry, in addition to the number of permit a separate serial number contained Brackets after the number of permit. Each such copy shall be sealed and signed by the authority by which the permit is issued and by the authority by which the permit is countersigned.

The holder of a permit shall cause the relevant copy of part 'B' thereof or the Temporary permit, as the case may be, to carried in Glassed Frame or other suitable container in or fixed to the interior of the vehicle in such a way as to maintain it in a clean and legible condition, readily available for inspection at any time by the authorized person

Documents Required:

1. proof of residence
2. In the case of the Scheduled Caste or Scheduled Tribe applicants, the proof in regard of that from a competent authority is also needed.
3. A self-addressed envelope for intimation.
4. Prescribed fees.
5. Registration Certificate
6. Fitness certificate
7. Driver Commercial license
8. Health certificate from any MBBS (Dispensary Doctor) is needed.

Permit Fees:

The fees for permit is Rs.210/-

Renewal procedure:

As per Section 81 of The Motor vehicles Act 1988 which deals with the duration and renewal of permits, A permit other than a temporary permit issued under section 87 or a special permit issued under sub-section (8) of section 88 shall be effective from the date of issuance or renewal thereof for a period of five years. Provided the permit is countersigned under sub-section (1) of section 88, such counter-signature shall remain effective without renewal for such period so as to synchronies with the validity of the primary permit.

The Act also says that the permit may be renewed on an application made not less than fifteen days before the date of its expiry. Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be, entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified. Applicant can renew his permit up to 1st April to 10 April by the remitting the permit renewal fees of Rs.285/- and Fitness renewal fees of Rs.200

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

1. The financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;
2. the applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely:-

(a) Plying any vehicle-

(1) Without payment of tax due on such vehicle;

(2) Without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle;

(3) On any unauthorized route;

(b) Making unauthorized trips:

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

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

Conditions:

As per the Rajasthan Motor Vehicle Rules 1990, the following are the conditions for contract carriage permit:

1. No driver authorized to drive the public service vehicle shall drive the vehicle without written authorization by the permit holder, if he is not himself a permit holder. He should also produce such authority, on demand by the concerned officers who empowered to check the permit.
2. The number of the persons to be carried in the vehicle shall not exceed the number which may be specified in the registration certificate or permit.
3. In case of contract carriage, having seating capacity more than 12 in all, the vehicle shall carry a list of passengers traveling therein in the prescribed form in respect of each trip and such list shall on demand be produced before the officer of the Transport Department not below the rank of Motor Vehicle Sub- Inspector.

Extension of the area of the validity of permits:

The Regional Transport Authority can extend the area of the validity of the permit to any other region within the Rajasthan and may attach additional conditions. The authority can vary the conditions of the permit in different regions provided always that the vehicle to which the permit refers are normally kept within the region of the regional Transport authority and subject to the provisions of rules and regulations.

The original Transport Authority can issue permit valid in any other region in accordance with any general or special resolution recorded by any other Regional Transport Authority and any permit so issued shall be of like effect in the region of the other transport Authority as if it were issued by the Transport Authority. The original Transport authority may issue a contract carriage permit to be operative in any other region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport authority under contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire when outside that region.

The original transport authority which issues permit with effect in any other region shall send a copy to the authority of the other region. Nothing in this rule shall effect the right of the holder of any permit to apply to any Regional Authority for countersignature of a permit.

Penalty:

The minimum is 15% per month of the permit fees and the Maximum is Rs.200/- If applicant does not collect the permit in 6 month he has to again pay Rs.210. If any Auto Rickshaw Driver does not have permit or any essential document, the District Transport Office will punish him in form of Chalan. Minimum penalty is levied, If candidate collect his license within 6 month and after that candidate has to pay Rs.210/- minimum challan fee is Rs.500/- in this matter Regional Transport Officer fix composition amount and maximum fee up to Rs.10,000/- it is depend on situation.

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 lo ten thousand rupees but shall not be less than five thousand rupees or with both. Provided that the court may for reasons to be recorded, impose a lesser punishment. Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or for the transport of food or materials to relieve distress or of medical supplies for a like purpose: Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

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.

V. Meat Shops (slaughter houses)

Meat Shops are regulated by the "The Ajmer Municipal Council (Sale of Meat) Bye-laws, 1963" formulated under section 90 of the Rajasthan Municipalities Act 1959.

As per the bye-law, "Licenses" includes occupier, his servant or agent. "Animal" means He goat, He sheep(Ram) slaughtered in a Municipal or cantonment slaughter house and "Meat" means the flesh of an animal intended for human consumption. "Sale" includes preparation or exposure for sales and "Shop" means a place where the meat is offered for sale.

License Procedure:

The Council may by public Notification prescribe from time to time the areas or localities for which licensee may be granted for use of any place as shop. A person shall newly establish or maintain a shop without having obtained a license from the licensing officer in form "A" appended to these bye-laws which shall not be transferable.

Authority:

The Medical Officer of Health of the Council shall be the licensing officer for the purpose of these bye-laws.

Renewal:

For the grant or renewal of a license under these bye-laws, the license fee shall be Rs.1/- per annum per shop.

Eligibility for License:

No license shall be granted for keeping any place as a shop unless:

1. It has a floor make of bricks, stone, cement or other pernicious material.
2. The walls of the place are properly cement plastered and time washed.
3. It is provided with adequate light and ventilation to the satisfaction of the licensing officer.
4. It is provided with suitable drainage system and the whole floor is so sloped as to allow all liquid to flow off the drain.
5. It is not at a site, which in the opinion of the licensing officer is not suitable for any general reasons.
6. It has not got any direct communication with a room or premises used for sleeping or residential purposes.

7. It is provided with a slab of wood covered with mine sheeting and metal seals.
8. It is provided with a receptacle of suitable time with a cover for the collection of all sorts of refuse including discarded meat and bones.
9. All opening sire wire gauzed to avoid the entry of flies and else to screen the sale of meat from public view to the satisfaction of the licensing officer.

Conditions:

Any person to whom a license has been granted, under these byelaws shall have to comply with the following conditions.

1. The licensee shall not employ or permit to be employed in the licensed premises any person suffering from any contagious or infectious disease or from latherer sores or who have recently been attending on any person so suffering.
2. The licensee shall not allow or permit to be allowed any person to cook, dwell or sleep in the licensed premises;
3. The licensee shall not keep or permit to be kept in licensed premises any bedding or animal bird sold clothes or any other things unconnected with the purposes for which the license has been obtained;
4. The licensee shall keep all tables, receptacles, scales and implements in a state of thorough cleanliness.
5. The licensee shall cause the shop to be white washed twice a year and oftener if so required by the licensing officer;
6. The licensee shall keep it in light and air and shall not place it in any box, closed receptacles unless it is in a perforated iron sheet or wire gauze cup board to prevent the flies getting at the meat and shall have a suitable screen or screens preventing the sight of articles exposed for sale from the public gaze;
7. The licensee shall hang up all meat not intended for immediate sale by means of hooks and chains so covered as to serve as a protection against flies;
8. The licensee shall preserve all meat bearing the stamp of the slaughter house and cause it to be sold only after the unstamped portion has been disposed off;
9. The licensee shall not sale meat of an animal which has died from a natural cause or any meat which has been blown up or artificially stuffed.
10. The licensee shall not carry or permit to be carried any trade or occupation other than the sale of meat in the licensed premises;
11. The licensee shall not spit or smoke or suffer any other person to spit or smoke in the licensed premises and a notice prohibiting spitting and smoking be hung up on some conspicuous port of the shop;
12. The licensee shall not sale meat at any place other then mentioned in the license;
13. The licensee shall cause the serial number of his license painted on his shop in the manner as direct by the licensing officer;

14. The licensee if selling "JHATKA" meat shall so indicate by tin plate; permanently fixed on the front portion of his shop;
15. The licensee shall not carry meat from the slaughter house to his shop through any street or public place except in a clean receptacle covered with a clean cloth or in a fly proof meat thela as may be recommended by the licensing officer.
16. The licensee shall provide in the licensed premises sufficient quantity of clean water whenever water supply from the Municipal main could not be available.
17. The licensee shall keep his chopping blocks and meat boards always well scraped and cleaned with sloped plain surface and shall keep them safe and secure from dogs and other animals
18. The licensee shall cause the premises to be properly cleaned and washed between 6 and 7 A.M. and again between 6 and 7 P.M. and shall keep the shop in a clean condition at all hours and shall store the refuse in cleaned covered receptacles and shall remove it to the nearest refuse depot specially provided for the purpose.

Renewal:

Every license granted under these bye-laws shall expire on the 31st March of every year following the date on which the license is issued unless cancelled or suspended earlier owing to the breach of any of the conditions provided in these bye-laws. Applications for the renewal of licenses accompanied with the license fee shall be submitted to the licensing officer one month before the expiration of the license.

Inspection:

As per the bye-laws, the licensing officer or any other official duly authorized by him shall have the power to enter and inspect the licensed premises at all reasonable hours without previous notice.

Timings:

As per Rajasthan Shops and Establishments Act 1958, no establishment on any day can be opened earlier than and closed later the hours prescribed by Government by general or special order. The government will fix the time after making an enquiry in the prescribe manner on the opening and closure of shops and establishments in local area.

Penalty:

A breach of any of the conditions mentioned in bye-law No. 9 (cancelled or suspended earlier owing to the breach of any of the conditions provided in these bye-laws.) may involve in suspension or cancellation of the license. Any person aggrieved by the orders of the licensing officer may appeal to the Health and Sanitation Committee of the Council within 15 days from the date of the communication of the order

FINDINGS FROM THE STUDY

General Findings:

1. Ajmer Municipal Corporation is regulating all these trades based on the regulations set down by the Rajasthan Municipalities Act and Prevention of Food Adulteration Act 1954. Rajasthan Motor Vehicle Rules and Motor Vehicles Act regulates the city permits for Auto Rickshaws
2. As per Rajasthan Shops and Establishments Act 1958, no establishment on any day can be opened earlier than and closed later the hours prescribed by Government by general or special order. The government will fix the time after making an enquiry in the prescribe manner on the opening and closure of shops and establishments in local area

Trade wise details are as follows:

Dhaba:

1. In Ajmer, dhaba's are regulated as per the directions of Ajmer city (hotel, restaurants, bakery, sweets, paan etc control and regulation) by laws,1977
2. Ajmer Nagar Nigam issues two license based on the regulations set down by the Rajasthan Municipalities Act and Prevention of Food Adulteration Act 1954
3. As per the Byelaw, to apply for a license, application needs to be made on a specified application form and has to be submitted along with the map of the proposed site after being passed, the specific amount of money has to be submitted after which the officer issues the license
4. If any problems are found, the applicant is made aware of those which have to be corrected within the specified time failing which the application would be considered null and void
5. If a person wants to open a hotel, dhaba etc at a place for a specified time, a temporary license is issued right then the validity of which would not be more than a month. The prescribed fee of such a license would be 1/6th of the usual fee
6. The time taken to issue a license depends on the time taken by the committee meetings and the time taken by the applicant to submit fees. After the satisfactory validation of the documents, license is provided without any delay
7. The license would be valid only for a year from 1st April to 31st march. License obtained after 1st October the license fee would be half the stipulated amount and those obtained after 1st January would be one-fourth the amount
8. The renewal would not be done if the officer has any objection to it
9. As per rules the validity of P.F.A license lasts from 1st January to 31st December and R.M license lasts from 1st April to 31st march
10. There is provision for Inspection
11. An appeal can be filed within 30 days of any directions or commands as given by any official under these by laws
12. As reported in Hotel Byelaws, In case of a violation, the license may be scrapped
13. On violation of any clause, the accused will be tried in the presence of an able punishing authority and if found guilty would be up to fined Rs.500 and if constantly found guilty would be fined Rs.1 per day. All kinds of claims on the owner would be made under chapter 8 of the specific act

14. According to the provisions of reconciliation rules, 1966 the chairman and the violator can reach a reconciliation

Vegetable shop and Fruit Sellers:

1. For Vegetable sellers and Fruit sellers The licenses for hawkers are issued under Rajasthan municipalities Act
2. Secretary, Krishi Upaj Mandy is providing the license only to the vegetable whole seller (big shopkeepers) not retailer or street vegetable hawkers. Krishi Upaj Mandy issues license under the Rajasthan Krishi Upaj Mandi Act, 1963 (Act no.69 and 72),
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5. The time taken to issue the license depends on the time taken by the committee meetings and the time taken by the applicant to submit fees. After the satisfactory validation of the documents, license is provided without any delay
6. The license would be valid only for a year from 1st April to 31st march.
7. License obtained after 1st October the license fee would be half the stipulated amount and those obtained after 1st January would be one-fourth the amount
8. The renewal would not be done if the officer has any objection to it
9. As per the Rajasthan Municipalities Act, any person authorized by the health officer or ayukta can enter the place under scrutiny at any time during the office hours and would inspect the premises. It is mandatory for the owner to comply with it
10. The violators of the provisions of any laws or byelaws will get punishment as per the Rajasthan Municipalities act

IV Auto Rickshaw:

1. Auto Rickshaws are regulated by Rajasthan Motor Vehicle Rules and Motor Vehicles Act 1988
2. Motor Vehicles Act 1988 is the legislative directions towards the issue of permit. License relates to driver whereas permit relates to the control of operation of Motor Vehicle. Permits are issued to ply on certain routes Authorized by the Transport Authorities.
3. As per Section 66 of Motor Vehicles Act, 1988, permit is necessary
4. License is needed for a driver whereas permit is need for a vehicle
5. A taximeter is to be attached with the vehicle
6. The Transport Officials are the regulatory authorities for the implementation of Motor Vehicles Act. Regional transport Authority or the secretary of regional transport Authority deals with the issue of permits

7. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle
8. An amount of Rs.2000/- will be collected as Compounding fees for vehicles without Permit. Transport Vehicles plying without Permit will be ceased and detained
9. The permit is subject to all rules relating to permits under the Motor Vehicles Act, 1988 and in force for the time being
10. Except in the case of temporary permit, every permits shall be in two portion 'A' and 'B'. One Copy of part A only shall be issued. One copy of Part B shall be issued in respect of every vehicle authorised by the permit and where a permit relates to more than one vehicle each such copy shall carry, in addition to the number of permit a separate serial number contained Brackets after the number of permit. Each such copy shall be sealed and signed by the authority by which the permit is issued and by the authority by which the permit is countersigned
11. The holder of a permit shall cause the relevant copy of part 'B' thereof or the Temporary permit, as the case may be, to carried in Glassed Frame or other suitable container in or fixed to the interior of the vehicle in such a way as to maintain it in a clean and legible condition, readily available for inspection at any time by the authorized person
12. proof of residence, self-addressed envelope for intimation , Prescribed fees, Registration Certificate, Fitness certificate, Driver Commercial license and In the case of the Scheduled Caste or Scheduled Tribe applicants, the proof in regard of that from a competent authority is also needed
13. permit may be renewed on an application made not less than fifteen days before the date of its expiry
14. Applicant can renew his permit up to 1st April to 10 April by the remitting the permit renewal fees of Rs. 285/- and Fitness renewal fees of Rs.200/-
15. In the case of the permits which has been renewed after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refused
16. As per the Rajasthan Motor Vehicle Rules 1990, the following are the conditions for contract carriage permit:
17. No driver authorized to drive the public service vehicle shall drive the vehicle without written authorization by the permit holder, if he is not himself a permit holder. He should also produce such authority, on demand by the concerned officers who empowered to check the permit
18. The number of the persons to be carried in the vehicle shall not exceed the number which may be specified in the registration certificate or permit
19. In case of contract carriage, having seating capacity more than 12 in all, the vehicle shall carry a list of passengers traveling therein in the prescribed form in respect of each trip and such list shall on demand be produced before the officer of the Transport Department not below the rank of Motor Vehicle Sub- Inspector
20. The minimum is 1.5% per month of the permit fees and the Maximum is Rs.200/- If applicant does not collect the permit in 6 month he have to again pay Rs.210.If any Auto Rickshaw Driver does not have permit or any essential document, the District Transport Office will punish him in form of Chalan.

Minimum penalty is levied, If candidate collect his license within 6 month and after that candidate has to pay Rs.210/- minimum challan fee is Rs.500/- in this matter Regional Transport Officer fix composition amount and maximum fee up to Rs.10,000/- it is depend on situation

Meat Shops (slaughter houses)

1. Meat Shops are regulated by the "The Ajmer Municipal Council (Sale of Meat) Bye-laws, 1963" formulated under section 90 of the Rajasthan Municipalities Act 1959
2. As per the Bye law, "Licences" includes occupier, his servant or agent. "Animal" mean He goat, He sheep(Ram) slaughtered in a Municipal or cantonment slaughter house and "Meat" means the flesh of an animal intended for human consumption. "Sale" includes preparation or exposure for sales and "Shop" means a place where the meat is offered for sale
3. The Council may by public Notification prescribe from time to time the areas or localities for which licensee may be granted for use of any place as shop. A person shall newly establish or maintain a shop without having obtained a license from thelicensing officer in form "A" appended to these bye-laws which shall not be transferable
4. The Medical Officer of Health of the Council shall be the licensing officer for the purpose of these by-laws
5. Every license granted under these bye-laws shall expire on the 31st March of every year following the date on which the license is issued unless cancelled or suspended earlier owing to the breach of any of the conditions provided in these bye-laws. Applications for the renewal of licenses accompanied with the license fee shall be submitted to the licensing officer one month before the expiration of the license
6. As per the Byelaws, The licensing officer or any other official duly authorized by him shall have the power to enter and inspect the licensed premises at all reasonable hours without previous notice
7. A breach of any of the conditions mentioned in bye-law. No. 9 (cancelled or suspended earlier owing to the breach of any of the conditions provided in these bye-laws.) may involve in suspension or cancellation of the license
8. Any person aggrieved by the orders of the licensing officer may appeal to the Health and Sanitation Committee of the Council within 15 days from the date of the communication of the order
9. License shall comply with eligibility criteria's and conditions provided in "The Ajmer Municipal Council (Sale of Meat) Bye-laws, 1963"

10. Adequate light, drainage and ventilation facilities must be made to the satisfaction of the licensing officer
11. The licensee shall not allow or permit to be allowed any person to cook, dwell or sleep in the licensed premises;
12. The licensee shall cause the shop to be white washed twice a year and oftener if so required by the licensing officer;
13. The licensee shall keep it in light and air and shall not place it in any box, closed receptacles unless it is in a perforated iron sheet or wire gauze cup board to prevent the flies getting at the meat and shall have a suitable screen or screens preventing the sight of articles exposed for sale from the public gaze;
14. The licensee shall hang up all meat not intended for immediate sale by means of hooks and chains so covered as to serve as a protection against flies;
15. The licensee shall preserve all meat bearing the stamp of the slaughter house and cause it to be sold only after the unstamped portion has been disposed off;
16. The licensee shall not sale meat of an animal which has died from a natural cause or any meat which has been blown up or artificially stuffed.
17. The licensee shall not carry or permit to be carried any trade or occupation other than the sale of meat in the licensed premises;
18. smoking is prohibited
19. The licensee shall not sale meat at any place other then mentioned in the license;
20. The licensee shall cause the serial number of his license painted on his shop in the manner as direct by the licensing officer;
21. The licensee if selling "JHATKA" meat shall so indicate by tin plate; permanently fixed on the front portion of his shop;
22. The licensee shall not carry meat from the slaughter house to his shop through any street or public place except in a clean receptacle covered with a clean cloth or in a fly proof meat thela as may be recommended by the licensing officer.
23. The licensee shall provide in the licensed premises sufficient quantity of clean water whenever water supply from the Municipal main could not be available. He shall also keep his chopping blocks and meat boards always well scraped and cleaned with sloped plain surface and shall keep them safe and secure from dogs and other animals

24. The licensee shall cause the premises to be properly cleaned and washed between 6 and 7 A.M. and again between 6 and 7 P.M. and shall keep the shop in a clean condition at all hours and shall store the refuse in cleaned covered receptacles and shall remove it to the nearest refuse depot specially provided for the purpose.