

# THE LIVELIHOOD REGULATIONS REPORT

## DEHRADUN



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

Dehradun also sometimes spelled Dehra Doon, is the capital city of the Uttarakhand state (earlier called *Uttaranchal*) in India, and the headquarters of Dehradun District.

It is located in the Doon valley, 230 kilometers north of India's capital New Delhi and the Delhi metropolitan area. The district is surrounded by the Himalayas in the north, Shivalik Hills in the south, the river Ganga in the east, and the river Yamuna in the west. The water divide of Ganga and Yamuna passes through the city.

It is also located on the northwestern side of the fertile Gangetic plains of India. Before the creation of Uttarakhand on November 9 2000, Dehradun was a part of Uttar Pradesh. Neighbouring cities and towns include Haridwar, Rishikesh, Roorkee, Mussoorie and Saharanpur.

A product that has made Dehradun known within India is "Dehradooni basmati rice" and Lychee, besides it has always been known as the home of institutions like, Survey of India, Forest Research Institute (FRI), and educational institutions like, Rashtriya Indian Military College, Indian Military Academy (IMA) and The Doon School.

The city has an approximate population of 84,79,562. Out of this, the approximate number of males seems to be around 43,16,401 while the approximate number of females is about 41,63,161. The consequent sex ratio has been revealed as 964 females per every 1000 males. The rural population of Dehradun averages about 63,09,317.

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

## DEHRADAUN

The trades chosen for study are:

1. **Vegetable Sellers**
2. **Dhabha**
3. **Vikram**
4. **Meat Shop**
5. **Barber Shop**

The licensing of trades in Dehradaun is regulated by the municipal corporation on the basis of U.P municipal Corporation Act 1959(U.P Nagar Palika Adhinyam 1959). There are various departments engaged with the issue of licenses to the various Trades. For the purpose of licenses, five sectors are based on location. They are:

1. Rajpur Road
2. Chukhuwala
3. Paltan Bazaar
4. Race Course
5. Aarat Bazaar

The corporation is responsible for the issue, renewal and regulation of licenses and the prosecution of defaulters. The corporation shall use all powers bestowed upon it as per the Municipal Corporation rules in the framing of laws, rules bye laws, licensing of trades and levy of fees and work according to the provision of the Act regarding grant suspension or revocation of licenses. As there is no single department or authority for granting of licenses, further details of licensing procedures are mentioned with the individual trades studied. The different types of licenses issued by the corporation include one under the Prevention of Food Adulteration Act, Setting up and regulation of markets, slaughter houses and also for carrying on certain trades in the municipal area including architects, engineers, structural designers, surveyors or plumbers etc. A new license is issued after the required verification with the concerned department and it takes 2-3 days for issue a new license.

The trade wise details are as follows

### **I. Vegetable Sellers:**

#### **Licensing procedure:**

All fruit/vegetable sellers in Dehradaun use Theli (four wheeler trolley) to sell their goods. So they have to get a permit for its use. The Theli is used for other purposes as well (like by mobile sellers for selling fast food or rajma-chawal) for selling fruits/vegetables etc. The procedure is the same just an extra license fee of Rs.50/- is charged. Furthermore a token charge (which is given to the applicant) of Rs.25 is

charged from the applicant Therefore the total fees for the license is Rs.375/-. The Fees is remitted in the land department itself. The form is to be submitted along with an application and an additional photograph to the officer in the land section of the municipal corporation. The cost of the form is Rs.2/- The new fees regulation is by the GO dated 06/10/2004. The Theli form has the local Thaana's recommendation to provide the proof that the Theli is in its jurisdiction and also to look after its sound legal working after the license is issued. The above procedures are on the basis of Prevention of food adulteration rules, 1995 (rule 49 and 50) and Uttar Pradesh Municipal Corporation Adhiniyam, 1959 (chapter XVI)

### **LICENSE FEES:**

For selling fruits/ vegetables etc, the fees is just an extra license fee of Rs. 50 is charged than other trades. Furthermore a token charge (which is given to the applicant) of Rs.25 is charged from the applicant. Therefore the total fees for the license is Rs. 375/-. Fee is remitted in the land department itself.

### **Duration of license:**

1 year

### **Department Issuing License:**

Land department, Municipal Corporation and the authority in charge is the Tax superintendent, Land department.

### **Renewal:**

The process of renewal of the license is exactly the same. The application to renew the license is to be given 30 days in advance of the expiry of the license. The license is applicable for one year and expires on 31<sup>st</sup> march. The late fee is as follows:

DATE	PERCENTAGE
March 1 <sup>st</sup> to April 30	10%
May 1 <sup>st</sup> to June 30	20%
July 1 <sup>st</sup> to October31	30%
November 1 <sup>st</sup> onwards	50%

**Documents required for applying:**

1. Completed form
2. A photocopy of the Ration card.
3. An affidavit in form of Rs.10 court stamp paper.

**Time for Processing:**

Time to process license and renew the license is usually 1-2 days.

**Fees Remittance:**

The fees to be remitted at the land department, Municipal Corporation

**Regulation of the Theli's:**

For the purpose of regulation of the theli's, the municipal area is divided into four zones. They are

1. Eastern area of Bindal River
2. Western area of Bindal River
3. Clock tower area
4. Rajpur area

Every Theli user is required to put his photo, address, Theli no. and operational area in his license. Theli should not be kept within 50mts of a quadrivial.

**Penalty:**

In exercise of the powers conferred by section 550 of the U. P Municipal Corporation Act 1959, the board directs that a breach of any bye-laws shall be punishable with a fine that may extend to Rs. 500/- and in case of continuing breach, With a further fine which may extend to Rs. 50/- for everyday after the date of the first conviction during which the offender is found to have persisted in the breach. This means that if once a person is found breaking certain laws, he will be fined for that by 500 of maximum as stated above and if the person still continues to do the same mistake, he can be fined Rs.50 of maximum per day.

**II.Dhaba:**

Dhaba's are regulated in Dehradaun on the basis of Prevention of food adulteration rules, 1995 (rule 49 and 50) and Uttar Pradesh Municipal Corporation adhiniyam, 1959 (chapter XVI)

**Licensing procedure:**

The person has to apply for a License in the Health department of the Municipal Corporation. The licensing requirements for Dhabas in dehradun are in correspondence to the U.P prevention of food adulteration rules 1995 rules 49 and 59]

**License fees:**

The fee is owed to the U.P government and is paid through treasury form to the bank.

**Departments involved:**

The license issuing department is the health department and the license issuing authority is the health officer, Municipal Corporation.

**Duration of the license:**

1 year

**Renewal procedure:**

The process of renewal of his license is exactly the same. The application to renew the license is to be given 30 days in advance of the expiry of the license. The license is applicable for one year and expires on 31<sup>st</sup> march. The late fee/fine is as follows

DATE	PERCENTAGE
March 1 <sup>st</sup> to April 30	10%
May 1 <sup>st</sup> to June 30	20%
July 1 <sup>st</sup> to October31	30%
November 1 <sup>st</sup> onwards	50%

**Penalty:**

A breach of any bye-laws shall be punishable with a fine that may extend to Rs. 500/- and in case of continuing breach, with a further fine which may extend to Rs. 50/- for everyday after the date of the first conviction during which the offender is found to have persisted in the breach.

### **III. Meat Shops:**

Meat Shops are regulated as per the UP Municipal Corporation Adhiniyam, 1959, chapter XVI, UP Prevention Of food adulteration rules, 1995 and Bye laws for proper control of the sale of meat and fish within the limits of dehradun municipality. The License is required for goat and pig meat. However no license is required for chicken.

#### **Procedure to obtain license:**

An application is to be submitted in the health department of the Municipal Corporation.

#### **Documents Required:**

A No objection certificate (from the immediate neighbors) and the recommendation from the Inspector (regarding the place and shop) stating whether it's suitable or not. Further it is required that the shop be properly whitewashed, furnished with meshed doors and windows and an exhaust fan.

#### **Duration of the license:**

1 year

#### **License Fees:**

100/-

#### **Department involved:**

The license issuing department is the health department and the license issuing authority is the health officer, Municipal Corporation.

#### **Renewal procedure:**

Renewal procedure is same procedure as for Dhabas

#### **Penalty:**

Any breach of the provisions of byelaws 2,4,9 shall be punishable with fine which may extend to Rs.500/- and when the breach is a continuing one with a further fine which may extend to Rs.50/- for everyday after the date of the first conviction during which the offender is proved to have persisted in the offence.

#### **IV. Vikram/ Auto- rickshaws:**

The permits are regulated as per the Motor Vehicle Act 1988.

##### **Permit Procedure:**

To apply for a permit an, applicant has to fill form no. SR-21 (under section 66 of Motor Vehicle act), and must submit to the regional transport authority (RTA), who has the right to accept or reject the application. The authority shall not ordinarily refuse to grant an application for permit of any kind made at any time under this Act. Regional Transport Authority, State Transport Authority or any prescribed authority refuses an application for the grant of a permit of any kind under this Act, shall give to the applicant in writing its reasons for the refusal of the same and an opportunity of being heard in the matter. Once the authority grants the permit, vehicle is checked as per rules for fitness and once the registration is done, permit is issued which is valid for a particular area. Regarding the licensing of Vikrams is concerned, the RTO has decided not to issue any more new vikram permits to control pollution in the dehradun municipality since year 1998. It is not some particular number that caused the alarm ringing but it is a general steps taken towards controlling pollution.

##### **Authority:**

Regional Transport Authority

##### **Fees:**

As per the Motor Vehicle act 1988.

##### **Duration of Permit:**

5 years.

##### **Renewal Procedure:**

The procedure as of a new permit.

##### **Conditions of Permit:**

Section 84 of Motor Vehicle Act 1988 lists the conditions. There are certain other conditions apart from these standard conditions, which are set by the RTA. They are:

1. The routes set by the authority for Vikrams and Auto-rickshaws are as follows: (a) Vikrams can move anywhere in the radius of 25kms from the concerned center( except hilly areas) ; (b) Auto-rickshaw can move

anywhere in the radius of 16kms from the dehradun center( except hilly areas)

2. The authority prohibits all Vikrams operating in different areas others than the city area to run in the city area.
3. In order to control pollution, scrubbers are put in all vikrams other than the EURO vehicles (vehicles which abide by the EURO emission norms to control pollution] and it is also mandatory for auto-rickshaws to put catalytic converter either put by the manufacturer or approved by ARAI Pune(The Automotive Research Association of India)
4. Vikrams and Auto-rickshaws are restricted from operating in hilly areas/routes.
5. Different colours have been allotted to vikrams in different routes.
6. RTA has put a life limit of 7 years for vikrams operating in the city.

### **Renewal procedures:**

A permit may be renewed on an application made not less than fifteen days before the date of its expiry. The Regional Transport Authority may 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. The Regional Transport authority may reject an application for the renewal of a permit on one or more of the following grounds, namely:-

- a. 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;
- b. the applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely Plying any vehicle
  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;
  4. (ii) 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 where a permit has been renewed under this section 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.

**Penalty:**

The vehicle can be seized and penalty imposed in accordance with the motor vehicle act 1988, motor vehicle rules 1989 and Uttaranchal taxation improvement rules & act-2003 in case of no or illegal license or problems relating to vehicle fitness, registration etc.

**V. Barber Shop:**

There is no license required for working as a Barber in the Dehradun municipality and currently there is no department involved with this trade there isn't any rules made by Municipal Corporation for the barbers and they do not deal with this sector completely There is no authority what so ever dealing with the barbershops in Dehradun. As regards cutting and shaving on the pavements is concerned there is no restriction for that too. Health department, Municipal Corporation has the major role of issuing license to the trades which needs license and also for looking after inspection to ensure everything is according to the rules.

As far as regulation by any authority is concerned, any person can start the cutting and shaving business. As regards the shaving and cutting on the pavements is concerned, there aren't many of them in Dehradun, as people generally don't prefer going to them. As regards some serious disease happening to the customer he can take recourse to the blades etc. The blades should not be reused. There is no law. Municipality has denied straight away being dealing with this trade and there isn't any other body in city relating to this.

**FINDINGS FROM THE STUDY****General Findings:**

1. The licensing of trades in Dehradaun is regulated majorly by the municipal corporation on the basis of U.P municipal Corporation Act 1959(U.P Nagar Palika Adhiniyam 1959)
2. There are various departments engaged with the issue of licenses to the various Trades
3. For the purpose of licenses, five sectors are based on location. They are Rajpur Road, Chukhuwala , Paltan Bazaar, Race Course and Aarat Bazaar
4. There is no single department or authority for granting of licenses
5. The different types of licenses issued by the corporation include one under the Prevention of Food Adulteration Act, Setting up and regulation of markets, slaughter houses and also for carrying on certain trades in the municipal area including architects, engineers, structural designers, surveyors or plumbers etc
6. A new license is issued after the required verification with the concerned department and it takes 2-3 days for issue a new license
7. The duration of licenses is 1 year

8. The renewal procedure is same and the application to renew the license is to be given 30 days in advance of the expiry of the license. The late fees will be charged for late application of renewal
9. As per section 550 of the U. P Municipal Corporation Act 1959, Violations are punishable with a fine that may extend to Rs500/- and in case of continuing breach, With a further fine which may extend to Rs.50/- for everyday after the date of the first conviction
10. Every manufacturer or retail seller will have to keep a register to record all transactions of produce, sale and also consignment of goods sent outside along with its destination. This should be shown to the license reporting officer or a person appointed by him at any time of request
11. According to the U.P Nagar Palika Adhiniyam 1959, It shall be the duty of the municipal Commissioner to make provision of a constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fruit, vegetable, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or preparation for sale and intended for human consumption or for medicine
- 12.

The trade wise details are as follows

### **I Vegetable Sellers:**

1. All fruit/vegetable sellers in Dehradaun use Theli (four wheeler trolley) to sell their goods and these theli's a permit for its use
2. .The Theli form has the local Thaana's recommendation to provide the proof that the Theli is in its jurisdiction and also to look after its sound legal working after the license is issued
3. Departments involved for the Issue of License is the Land department of Municipal Corporation and the authority in charge is the Tax superintendent of Land department
4. A photocopy of the Ration card and an affidavit in form of Rs.10 court stamp paper is to be submitted along with the application
5. Time to process and renew the license is usually 1-2 days
6. For the purpose of regulation of the theli's the Municipal area is divided into four zones
7. Every Theli user is required to put his photo, address, Theli no. and operational area in his license
8. Theli's should not be kept within 50mts of a quadrivial

### **II Dhaba:**

1. No person shall establish an eating-house or within 100 feet of any cow house, stable, public latrine, or public dustbin
2. Every person running an eating house or restaurant shall put up a sign board at least 3'x 1' in bold Hindi characters on a conspicuous place at his or her eating house, or restaurant indicating whether eatable articles are prepared at his or

- her eating house, or restaurant indicating whether eatable article are prepared at his or her eating house with pure ghee or with vegetable
3. The person has to apply for a License in the Health department of the Municipal Corporation. The licensing requirements for Dhaba in Dehradun are in correspondence to the U.P prevention of food adulteration rules 1995 rules 49 and 59
  4. The license issuing department is the health department and the license issuing authority is the health officer, Municipal Corporation
  5. An itinerant vendor granted a license under PFA rules, shall carry a metallic badge on his arm showing clearly the license number, the nature of articles for the sale of which the license has been granted, his name and address and the name, address of the owner, if any, for whom he is working. His containers of food and the vehicle shall also be similarly marked. In addition to the metallic badge the vendor shall, if so required by the State Government or the local authority, carry an identity card with his photograph and the number of the license. The identity card shall be renewed every year

### **III Meat Shop:**

1. The License is required for goat and pig meat. However no license is required for chicken
2. A no objection certificate (from the immediate neighbors) and the Inspector recommendation (regarding the place and shop) whether it's suitable or not is required
3. The shop must be properly whitewashed, furnished with meshed doors and windows and an exhaust fan
4. The license issuing department is the health department and the license issuing authority is the health officer, Municipal Corporation
5. No sweet meats or meats shall be prepared or stored in any building or place which has not been approved of as sanitary and suitable by an officer of the board duly appointed for the purpose
6. Sweetmeats and meats intended for sale shall not be placed in or on a dirty utensil, and some material such as glass, gauze, or other material considered suitable by the health officer shall be used to protect sweetmeats and meats exposed for sale from flies and dust
7. All shops shall be open during business hours to inspection by the board and the occupiers thereof shall be bound to comply with all reasonable directions consistent with the purpose of these byelaws issued to them by the board
8. Sweetmeats and meats intended for sale shall not be sold, in printed or written papers but the vendors should use leaves or blank papers for supplying sweetmeats and meats to customers
9. No person shall sell, store or expose for sale any meat in a meat market or shop or hawk it within the limits of the municipality unless he has been granted a license in this behalf

10. Meat may be sold or exposed for sale to a customer at his private residence provided that this does not involve exposure of the meat in any street or public place
11. Any vendor licensed under these byelaws shall vend meat or offer it for sale only in the meat shop or meat market mentioned in the license unless he does so elsewhere through a licensed hawker
12. Every licensed hawker shall hawk only meat that has been passed and stamped by the veterinary assistant surgeon. Any unsold mutton hawked for sale shall be stored only in the municipal mutton market
13. No mutton pork, poultry hawking licenses will be issued unless the applicant agrees to take a stall in the meat market at the present rate fixed by the board from time to time. (Gazette, dated 17-3-34, page 76)
14. No license shall be issued for selling, storing or for exposing for sale more than one of the two kinds of meat viz. mutton or pork, in the same shop or by the same hawker. (No. 5745 dated 8-7-39)
15. The license holder shall produce his license at any time when so required by any person authorized by the municipal board in this behalf. He shall at all times keep his license in the shop in a suitable glass frame
16. No person shall be allowed to import Beef and buffalo's meat within the municipal limits
17. No person shall carry meat through any street or on any public road except in a clean receptacle and properly covered with a clean cloth or wire gauge
18. No person shall without the written permission of the Municipal Commissioner bring into the city any cattle, sheep, goats or swine intended for human consumption, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this act. Any police officer may arrest without warrant any person doing so and the animal can be seized
19. Municipal Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this act suspected

#### **IV. Vikram/ Auto- rickshaws**

1. Regarding the licensing of Vikrams are concerned, the RTO has decided not to issue any more new vikram permits to control pollution in the Dehradun municipality since year 1998. It is not some particular number that caused the alarm ringing but it is a general step taken towards controlling pollution
2. The routes will be set by the authority
3. The authority prohibits all Vikrams operating in different areas others than the city area to run in the city area
4. Vikrams and Auto-rickshaws are restricted from operating in hilly areas/routes
5. Different colours have been allotted to vikrams in different routes
6. RTA has put a life limit of 7 years for vikrams operating in the city
7. A permit may be renewed on an application made not less than fifteen days before the date of its expiry

8. The vehicle can be seized and penalty imposed in accordance with the motor vehicle act 1988, motor vehicle rules 1989 and Uttaranchal taxation improvement rules & act-2003 in case of no or illegal license or problems relating to vehicle fitness, registration etc
9. Permit holders are also advised to follow the regulation for the permit holders of contract carriages prescribed in Motor Vehicle Act 1988
10. The Regional Transport authority may reject an application for the renewal of a permit on depending upon 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 and if the applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely Plying any vehicle
  - a. without payment of tax due on such vehicle
  - b. Without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle
  - c. On any unauthorized route
  - d. Making unauthorized trips

#### **V. Barber Shop:**

1. There is no license required for working as a Barber in the dehradun municipality and currently there is no department involved with this trade
2. There is no any rules made by Municipal Corporation for the barbers and they do not deal with this sector completely
3. There is no authority dealing with the barbershops in Dehradun
4. As regards cutting and shaving on the pavements is concerned there is no restriction for that too
5. As far as regulation by any authority is concerned, any person can start the cutting and shaving business. As regards the shaving and cutting on the pavements is concerned, there aren't many of them in dehradun, as people generally don't prefer going to them
6. As regards some serious disease happening to the customer he can take recourse to the blades etc. The blades should not be reused. There is no law
7. Municipality has denied straight away being dealing with this trade and there isn't any other body in city relating to this