

RULES AND REGULATIONS GOVERNING THE LICENSING OF FASHION STREET BAZAARS IN MUMBAI

State: Maharashtra

Details of licensing procedures are as follows:

Fashion streets are regulated as per the directions of Mumbai Municipal Corporation Act 1888 and Prevention of Food Adulteration Act 1954. The timings for operation are fixed by Bombay shops and Establishment Act 1948

As per section 394 of Mumbai Municipal Corporation Act 1888, no person shall except under and in accordance with the terms and conditions of the license granted by the commissioner carry any of the trades specified in part IV of schedule M or any process or operation connected with such trade or any trade which in the opinion of the commissioner is dangerous to life, health property etc or likely to create nuisance. If an animal or article appears to be dangerous to the commissioner, he can seize that animal or article. He will by order in writing cause the same to be destroyed or otherwise disposed of as he thinks fit.

This follows almost the same procedures of barbers shops. So the procedures are as follows:

The license for fashion street Bazar is issued under Section 394 of the Mumbai Municipal Corporation (amendment) Act 1962. The Brihan Mumbai Municipal Corporation's health department is drawing up guidelines to grade barber shops across the city. These guidelines are being drawn and not finalised yet. The requirement is the Gumasta Licence to run their businesses. The shops are regulated by the BMC, but only to the extent of checking if they were paying the taxes and following the norms in terms of paying their employees and looking after their wellbeing. The BMC will also regulate the use of oils and lotions and insist on certain standards of service based on a shop's grade. However, the department does not intend to dictate rate cards at these shops.

Requirements :

Along with shops and Establishment department and License department, the Health Department will have a role in Licensing and controlling trades dealing in food or any trade coming under the purview of sections 394 of the Bombay Municipal Corporation Act 1962. Hence it is mandatory for the establishment to register with the health department. The License department- Application needs to be made under Section 394 of the Mumbai Municipal Corporation Act 1888 (amendment of 1962) for various commodities and trades mentioned in schedule 'M' of the Act. The person has to obtain a license from the corporation. The details are as follows:

Licensing Procedure:

Multiple governmental departments and sub-departments need to be contacted for approvals. The required statements for the registration of the establishment need to be submitted to the Senior Inspector of the Shops & Establishments Department in the Municipal Corporation of Greater Mumbai between 9 a.m. to 12 p.m. on any working day. It also needs clearance from the licensing department which shall see if the shop is encroaching on the footpath.

The license department shall also issue license to the shops for the signboards outside the shop. It is necessary for Establishment to take necessary license from License department before starting manufacturing, storage or trade of any commodity/activity. The application must be received from the establishment three months prior to starting the activity.

The application can be made at any of the nearest Citizen Facilitation Center (CFC) established by the Municipal Corporation of Greater Mumbai. These applications will also be available online on Citizen portal. Applicant needs to submit the duly completed and signed application form, along with required documents and fees at the Citizen Facilitation Centre.

As per Mumbai Municipal Corporation Act 1888, It shall be the in the discretion of the commissioner to grant any license subject to the restrictions and conditions imposed by him. The commissioner is obliged to record the reasons for withholding the license and to furnish a copy to the person concerned.

As per the act, every licensee is supposed to keep the license in the premises, put up a board outside the premises indicating the nature of the trade being carried. The act also insists the traders not to make any corruption to the water in lake, reservoirs, well etc.

Authority:

For a license from the license department, Sr. Inspector (License Department) will be the Approving Authority

Documents required: (<http://www.mcgm.gov.in>)

For a license from the license department following documents are required:

1. Proof of Possession
2. Proof of authenticity of premises. Any one of A, B or C is needed (A- premises in declared slum on state government or corporation (Photo pass for commercial user, proof of existence for commercial user, electric city bill, shops and establishment registration certificate, holders of license, tax receipt etc) or B- premises in non declared slum of state Government or corporation Photo pass for commercial user, proof of existence for commercial user, electric city bill, shops and establishment registration certificate, holders of license, tax receipt etc) or C- premises in non slum area (proof of existence prior to 01-04-1962, assessment extract, CTS Plan and PR card , Occupation Certificate or building completion certificate or approved change of user.)

3. Proof of fire safety measures
4. License under Bombay Shops and Establishment Act or Under Mumbai Municipal Corporation Act, if any.
5. No Objection Certificate from the commissioner of police
6. List of Ancillary Commodities

License Fees:

As per the information provided by the corporation, Scrutiny Fee payable at the time of submission of New Trade License Application and Schedule Fee will be payable after approval of application by the competent authority for all applications.

For the State of Maharashtra Schedule 1 of the Maharashtra Shops and Establishments Rules prescribe the fees for registration and renewal of registration, which vary depending on the number of employees in the establishment. It can Cost Rs.100 to a maximum of Rs.6,000 per year, depending on the number of employees. In addition, a sum three (3) times the registration and renewal fee per year is charged as Trade Refuse Charges (TRC) when you have not paid the renewal fees. As per the provisions of Mumbai Municipal Corporation Act, 1888, the fees fixed by the corporation will also be charged. The additional fees for barbers are Rs. 50 as this is a commercial establishment. (specified in schedule-II appended to Rule-I of Maharashtra Shops & Establishment Rules, 1961.)

License Processing:

New license will be delivered after verification whereas Renewal and Duplicate certificate application as the certificate will be delivered at the time of submission of valid application along with the prescribed fees. Seven days (per scrutiny level) for all other applications is needed from the date of submission of valid application along with required documents.

Inspection:

As per Mumbai Municipal Corporation Act 1888, the commissioner may by at any time, by day or night, without notice, enter into or upon and inspect or examine, any premises used or likely to be used for the purposes mentioned in section 394 or 394 A and upon any premises in which a furnace is employed for the purposes of a trade and into any bake house and take samples if needed by breaking upon the container or call upon any person who may be carrying or allowing to carrying any trade, to give the samples of the article kept or products of the trade, process or operation in order to satisfy himself as to whether any provisions of Act, byelaws, regulations or notifications issued under Act has been or is being contravened and as to whether any nuisance is created or likely to be created upon such premises. No claim will be lie against any persons for any damages caused for this.

Section 414 says that the commissioner have to make provisions for constant and vigilant inspection of the list of materials mentioned in section 414 which 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.

The meat, fish, vegetable or other article of a perishable nature seized and in the opinion of the commissioner, diseased unsound or unwholesome or unfit for human food, the commissioner may destroy that. The animal or article seized which is not of a perishable nature and any utensils or vessels seized shall be taken before a magistrate

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.

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 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.

License Renewal:

The person has to apply in the Prescribed form for renew the application. For the renewal of a license from the license department , the following documents are also required :

1. Original License
2. Proof of Identity

3. Application

Duplicate License:

One has to apply to the corporation along with the following documents:

1. Reasons for the new licenses
2. Torned license, if torned
3. F.I.R or N.C, if license is lost.
4. Proof of identity

Cancellation

One has to apply to the corporation along with the following documents:

1. Valid license
2. Proof of identity

Restoration of license:

One has to apply to the corporation along with the following documents:

1. Fresh No Objection Certificate / requirement from CFO
2. Proof of possession of premises

Penalty:

Contravention of the regulations and the provisions of the Act will result in the imposition of penalty as per the regulation of Mumbai Municipal Corporation Act and the relevant regulations of Corporations. As per the act, contravention of the provisions of the Act will result in the seizure. As per the act, prohibition of sale in municipal market without license will result in a penalty of two hundred and fifty rupees.