

# THE LIVELIHOOD REGULATIONS REPORT

## MUMBAI



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

© Rights reserved 2008

## 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 study 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

Mumbai formerly Bombay, is the capital of the Indian state of Maharashtra and the financial capital of India. With an estimated population of thirteen million, it is the second most populous city in the world. Along with the neighbouring suburbs of Navi Mumbai and Thane, it forms, at nineteen million, the world's fifth most populous metropolitan area. Mumbai lies on the west coast of India and has a deep natural harbour. Mumbai's port handles over half of India's maritime cargo.

Mumbai is the commercial and entertainment centre of India, generating 5% of India's GDP and accounting for 25% of industrial output, 40% of maritime trade, and 70% of capital transactions to India's economy. Mumbai is one of the world's top ten centres of commerce by global financial flow, home to such important financial institutions as the Reserve Bank of India, the Bombay Stock Exchange, the National Stock Exchange of India and the corporate headquarters of many Indian companies and numerous multinational corporations. The city also houses India's Hindi film and television industry, known as Bollywood. Mumbai's business opportunities, as well as its high standard of living, attract migrants from all over India and, in turn, make the city a potpourri of many communities and cultures.

According to the 2001 census, the population of Mumbai was 11,914,398. According to extrapolations carried out by the *World Gazetteer* in 2008, Mumbai has a population of 13,662,885 and the Mumbai Metropolitan Area has a population of 20,870,764. The population density is estimated to be about 22,000 persons per square kilometer. The overall literacy rate of the city is above 86%, higher than the national average. There are 875 females to every 1,000 males, lower than the national average.

The religions represented in Mumbai include Hindus (80%), Muslims (14 %%), and Christians and Sikhs (2.5%). The remainder are Parsis 100,000, Jains 4% or around 500,000, Buddhists, Jews and atheists.

Municipal Corporation of Greater Mumbai (MCGM) is the primary agency responsible for governance. The present study on the livelihood regulations in the limits of Municipal Corporation of Greater Mumbai covers dhaba, florists, and auto rickshaw, barber shops Shop and fashion street bazaar.

## MUMBAI

The sectors chosen for the study are:

1. **Dhabha.**
2. **Florists.**
3. **Barber Shop.**
4. **Fashion Streets.**
5. **Auto Rickshaw.**

In Mumbai the trades are regulated as per the directions of Mumbai Municipal Corporation Act 1888 and Prevention of food Adulteration Act 1954. The Bombay shops and Establishment Act 1948 prescribes timing for operation where as motor vehicles are regulated By Maharashtra Motor Vehicle Rules 1989 and Motor vehicles Act 1988.

The trades are regulated by the Municipal Corporation of Greater Mumbai. There are three departments of Municipal Corporation of Greater Mumbai that primarily regulate the trade. They are the Shops and Establishment Department, Public Health Department and the License Department.

### **I. Shops and Establishment Department:**

This department is governed by the Bombay Shops and Establishment Act, 1948. The major activities of the department involves the enforcement of the provisions of the labour enactments and rules framed there under in the interest of securing maximum benefit of the Act, to the employees. The Bombay Shops & Establishment Act, 1948, The Minimum Wages Act, 1948, The Payment of Wages Act, 1936, The Maternity Benefit Act, 1961 and The Child Labour (Prohibition and Regulation) Act, 1986 are the major enactments concerning the Shops and Establishment Department.

The powers and duties of the Shops & Establishment Inspectors are thoroughly described under Section 49 of the Bombay Shops & Establishment Act, 1948 and Rule 18 of the Maharashtra Shops & Establishment Rules 1961. The department also assist the Municipal Corporation of Greater Mumbai in collecting the Trade Refuse Charges as prescribed under the Mumbai Municipal Corporation Act, 1888 from the employers amenable to the Bombay Shops & Establishment Act, 1948.

The shops & Establishments Department is headed by the Chief Inspector, Shops & Establishment. The Chief Inspector, Shops & Establishments is assisted by Four Deputy Chief Inspectors. The working of this department is carried out by the Senior Inspector (Shops & Establishments.) in each Municipal Corporation of Greater Mumbai Ward who is assisted by the Shop Inspector, clerks and Shop Attendants.

### **II. License Department:**

The License department is not a Revenue earning department but it is a controlling and regulating Department under the decentralized setup, however, all the functions are carried on at the respective ward office level and only policy decision is taken at central office with the approval of the concerned local authorities. The main activities dealt by the license department are as follows:

**Hawkers Licenses:**

Section 313 (A) (B) pertains to hawkers Licenses, however no licenses under section 313A are issued under 313 B at present only P.C.O. Licenses to the handicapped persons and cobbler pitch licenses are being issued. There are in all 14,970 licenses issued to hawkers for different category such as stall, pitch license, handcarts, P.C.O. and cobbler pitch/stall licenses etc and Section 314 (c) action against unauthorized hawkers is taken without notice at ward level.

**Projection Licenses:**

Projection licenses such as weather frame stall board, cub-board, steps, overhanging awning and rolling shutters are granted.

**Advertisement under section 328/328A of MMC Act:**

Permission for advertisement hoarding and glow signboards etc. is granted at the ward level as per policy guidelines. There are in all 2052 hoardings as well as 11566 glow signboards are permitted

**Licenses for trades & Storages:**

Under Section 394 of M.M.C. Act licenses are granted for trades and storages, under One Window Scheme at the Ward level by obtaining Chief Fire Officer's NOC There are 61969 licenses issued by the License Department in different Wards. Prosecutions are launched against unauthorized trades and storages in the Metropolitan Court and the Metropolitan Court levies fine ranging between Rs.500/- to Rs.2,500/-

**Conditions for Getting a License from the License Department:**

The application form must be filled completely and correctly. If the information given in the application is found at any time to be incorrect, the License if and when granted will be liable to be cancelled without notice and no refund of fees will be allowed for the unexpired period of such license.

**III. Public Health Department:**

The major functions are Prevention of adulteration and misbranding of articles of good, Licensing and controlling the trades dealing in food which comes under the purview of sections 394 and 412 A of the Mumbai Municipal Corporation Act 1888 and the Prevention of Food Adulteration Act, Licensing and controlling trades (Other than food establishments) involving nuisance or danger to public health, Expansion programme of public health and medical relief services and Other miscellaneous functions (enquiries about proper lunatic cases, control over Dhobi Wada at Mahalaxmi, control on Venereal Disease Clinic and Laboratory, life guard services at Juhu Beach seizure and impounding of stray cattle, etc).

The details of Trade wise licensing (<http://www.mcgm.gov.in>) is as follows:

**I.DHABAS:**

Dhaba's 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.

To run dhaba in Bombay, 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 article being sold and 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, Senior 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 to a maximum of Rs.6000 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. Along with the above, the trader has to remit Rs.50 as specified in schedule-II appended Rule-' 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 Establishment Act 1948, no eating-house shall be open earlier than 5a.m and close 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 will be encouraged 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.

**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.



## **II.FLORISTS:**

Florists 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.

The procedures for florists are same as dhaba's. To run the trade of florists in Bombay, 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 article being sold and 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. Along with the above, the trader has to remit Rs.50/- as specified in schedule-II appended to 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 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.

**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

**Some additional formalities for Florists:**

The florists only need to register with the license department other than the Bombay shops and Establishments Act. The licensing department only comes in if there is a board outside or anything that may be categorized as advertising for the shop. This is strictly the informal sector and not the flower shops with the brand names. The flower shops have to be the

legitimate ones and not the hawkers. If the shop is encroaching the pavements like the hawkers, the same penalties would apply.

**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.

**III. BARBER SHOP:**

Barber Shops 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.

The license for barber shops is issued under Section 394 of the Bombay 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. 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.

To run a barber shop in Bombay, 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-' 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.

**IV .AUTTO RICKSHAW:**

Auto Rickshaws are regulated by the RTO (Regional Transport Office). The permits are issued by the Regional Transport office. One needs a permit to ply regularly in the district for offering auto Rickshaw on hire or rewards permit in the form 'PCOP' which is valid for five years and for temporary purposes (visit places outside the region or state) temporary permits are issued.

**Permit Procedure:**

Every application for permit shall be in the form PCo.P. As per the section 72 of Maharashtra Motor vehicle Rules 1989, every permit shall be signed and sealed by the transport authority by which permit is issued. The countersigning of the permit must be done by the Countersigning Transport Authority. He shall sign and seal the permit.

As per the motor vehicle rules, no permit shall be issued until the registration mark is not entered in the vehicle. If an applicant fails to produce the registration certificate within the stipulated time, the Regional Transport Authority may withdraw the sanction of permit.

**Fees:**

Subject to the Provisions of the Maharashtra Motor Vehicle Rules 1989, the fees in respect of application for the grant and renewal of a permit or a countersignature for the metered cab is Rs.100, for the grant and renewal of a permit or a countersignature for the non metered motor cab is Rs.150 and for the grant and renewal of a permit or a countersignature for the maxi cab is Rs.150 and for the grant and renewal of a permit or a countersignature for the contract carriage other than the above is Rs.200.

The fees in respect of an application for a temporary permit or a countersignature on a temporary permit shall be Rs.50 for each calendar month or part thereof in respect of each vehicle.

**Documents Required:-**

For city permit (PCOP) necessary document are

1. Filled PCOP form.
2. Copy of the latest property tax paid receipt in proof of ownership
3. Auto rickshaw valid motor driving license with public service badge,
4. Fitness certificate
5. Registration Certificate of the Vehicle
6. Insurance - vehicle insurance
7. Pollution under control certificate

**Time Prescribed:**

There is no time limit for the processing of permit as per the law.

**Renewal procedure: -**

An application shall be made to the transport authority which have issued permit and shall be accompanied by the permit. The application shall state the period for which renewal is desired and shall accompanied by the fees prescribed. The renewal fee is same as for a new one. Renewal procedure is the submission of the filled renewal form to RTO (Regional Transport office) before 15 days of the expiry date of permit. As per the motor vehicles act and rules a permit will be valid for five years.

**Conditions:**

As per the Maharashtra Motor Vehicle Rules 1989, the following are the conditions for contract carriage permit:

1. The permit cannot be driven in any public place except by a permit holder or a licensed driver holding an authorisation to drive a public service Vehicle and duly authorized by the permit holder in writing shall be carried by the

driver when driving and produced on demand by any Police Officer or Officers of the Motor Vehicle Department. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit .No advertisement can be exhibited in the vehicle.

2. A permit for public service vehicle shall subject to condition that the holder shall make provision for the conveyance of a reasonable quantity of passenger's luggage with efficient means for securing it and protecting it against rain.
3. The holder of permit shall comply with all provisions of act and rules.
4. The carriage of goods is prohibited except in the conditions mentioned in section 80.

### **Extension of the area of the validity of permits:**

The extension must comply with section 74 of the Maharashtra Motor vehicle Rules. The Regional Transport Authority can extend the area of the validity of the permit to any other region within the state in accordance to additional conditions attached for different regions. The extended are shall be kept with the vehicle to which the permit relates shall be normally kept within the region of the Original Transport authority. The original Transport Authority can issue permit valid in any other region in accordance with any general or special resolution recorded by any other 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 to be operative in other regions shall send a copy to the Transport Authority in such regions.

### **Suspension and Cancellation:**

The holder of any permit may at any time surrender the permit to the Transport Authority by which it was granted and the authority shall forthwith cancel any permit so surrendered. The holder shall surrender the permit immediately and the suspension or cancellation shall take effect 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 with effect to the time of suspension or cancellation and to any authority by which the validity of the permit has been extended. Upon the cancellation of any permit or a counter signature of a permit, the holder shall also surrender the certificate of registration and plates bearing the registration mark.

The holder of the permit shall within the fourteen days of the expiry of any permit by efflux of time, the holder shall deliver the permit to the Transport Authority by which the permit was issued and the Transport authority receiving any such permit shall intimate the fact to the authority or authorities by which it was countersigned with effect up to the date of expiry and to any authority by which the validity of the permit has been extended

The holder of permit shall, if so required by the Transport Authority intimate to it within twenty four hours of the receipt of the suspension order, the place where the vehicle in respect of which the order is passed shall 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 91 of the Maharashtra Motor Vehicle rules, the permit holder along with the person he intends to transfer the permit has to jointly apply in prescribed form to the Transport Authority by which the permit was granted showing the reasons for the transfer. The transport authority may require the both parties to state in writing whether any premium, payment or other consideration arising out of the transfer, is to pass or has passed between them and the nature and amount of any such premium, payment or other consideration.

Without prejudice to any liable penalties, the authority may declare void any transfer and thereupon such transfer shall be void and of no effect if the transport authority is satisfied about any false information provided in application.

The transport authority may summon both parties to the application to appear before it and may, deal with application as if it were an application for permit.

If the authority is properly satisfied that the transfer of a permit may properly be made, it shall call upon the holder of a permit in writing to surrender the permit within seven days of the receipt of the order and shall like wise call upon the person to whom the permit is to be transferred to pay a sum of Rs.100 as transfer fees.

The provisions of this rule shall not apply in respect of transfer of contract carriage permits issued for motor cabs.

In the case of the death of the permit holder, the person succeeding to the possession of the vehicle covered by the permit may within sixty days from the death of the permit holder, inform the transport authority by which the permit was granted about the death and his intention to use the permit. The person has to apply in the prescribed form complying with provisions of section 92 of Maharashtra 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 stating the reasons for replacement. The holder shall produce the registration and vehicle details as mentioned in the section 88 of Maharashtra Motor Vehicle Rules 1989. On receipt of an application, the transport authority after ensuring that the conditions for granting permits are fulfilled, grant permission for replacement. The transport authority may reject an application if the holder of permit has contravened any provisions of the Act or Rule.

**Change of the address:**

If the permit holder change his address, he shall send fourteen days the permit to Transport Authority by which the permit was issued intimating the new address. The change should not be for a temporary period not exceeding three months. Upon 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.

**CONDITIONS OF PARTICULAR CONTRACT CARRIAGE PERMITS (MOTOR CAB)  
FOR OPERATION IN BOMBAY REGION)**

1. The number of passengers carried shall not exceed the seating capacity assigned to the vehicle by the registration authority
2. The permit shall not be transferred and the permit holder shall not confer on any person to whom a vehicle covered by the permit is transferred by any right to use the vehicle in the authorised manner by the permit
3. The conditions as laid down under section 84 of M.V. Act and rules made there under shall be strictly observed
4. The vehicle shall not be driven in a public place except by the permit holder or licensed driver authorised by him in writing and approved by the Regional Transport Authority and such writing and approval shall be carried by with the driver while driving and shall be produced on demand before any officer of the motor vehicles department, or police officer not below the rank of sub-inspector. The driver's daily logbook duly stamped at each page by the official seal of the Regional Transport Officer and with the necessary certificate as to the number of pages and the last page shall be maintained and signed by the permit holder
5. Except for a reasonable cause, no intending passengers shall be refused to be carried
6. The vehicle covered by the permit shall not be replaced by any other vehicle except with the prior permission of the Regional Transport Authority (rule 88 of M.M.V. Rules 1989)
7. The permit shall not be kept dormant without reasonable and lawful cause and without intimation thereof to the Regional Transport Authority and if such dormancy exceeds two months, the permit holder shall surrender the permit to the Regional Transport Authority within seven days from the date of commencement to the dormancy
8. The vehicle relating to the permit shall not be used on any route beyond the areas specified in the permit, except for the return journey only commencing and ending within that area and unless as authorized by temporary permit granted by the Regional Transport Authority
9. The vehicle to which this permit relates shall not be used for the carriage of contraband goods such as illicit liquor, ganja etc
10. The permit holder shall remain present at the time inspection of vehicle covered by this permit for the purpose of renewal of certificate by of fitness and also at the time of renewal of permit issued by the authority
11. Every vehicle shall be fitted with a taximeter of approved type
12. The fares and language charges shall be charged as prescribed by the Regional Transport Authority Bombay.

13. Whenever the fares fixed by the Regional Transport Authority are not directly indicated on a meter but are required to be computed with reference to a tariff card duly approved and bearing the seal of the executive officer of the Regional Transport Authority, shall be exhibited in a transparent jacket at the back of the drivers seat so as to be easily available for reference to the passengers which shall be maintained in a clean legible condition.

**Penalty:**

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: 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.FASHION STREET:**

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 Bombay 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-1 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.

## FINDINGS FROM THE STUDY

### General Findings:

1. In Mumbai the trades are regulated as per the directions of Mumbai Municipal Corporation Act 1888 and Prevention of food Adulteration Act 1954. The Bombay shops and Establishment Act 1948 prescribes timing for operation where as motor vehicles are regulated By Maharashtra Motor Vehicle Rules 1989 and Motor vehicles Act 1988.
2. The trades are regulated by the Municipal Corporation of Greater Mumbai. There are three departments of Municipal Corporation of Greater Mumbai that primarily regulate the trade. They are the Shops and Establishment Department, Public Health Department and the License Department.
3. The major activities of the shops and establishments department involves the enforcement of the provisions of the labour enactments and rules framed , assisting the Municipal Corporation of Greater Mumbai in collecting the Trade Refuse Charges as prescribed under the Mumbai Municipal Corporation Act, 1888 etc.
4. The shops & Establishments Department is headed by the Chief Inspector, Shops & Establishment. The Chief Inspector, Shops & Establishments is assisted by Four Deputy Chief Inspectors. The working of this department is carried out by the Senior Inspector (Shops & Establishments.) in each Municipal Corporation of Greater Mumbai Ward who is assisted by the Shop Inspector, clerks and Shop Attendants.
5. The License department is a controlling and regulating Department under the decentralized setup, however, all the functions are carried on at the respective ward office level and only policy decision is taken at central office with the approval of DMC, AMC and MC The main sections dealt with by license department are as follows:
6. Section 313 (A) (B) pertains to hawkers Licenses, however no licenses under section 313A are issued under 313 B at present only P.C.O. Licenses to the handicapped persons and cobbler pitch licenses are being issued. There are in all 14,970 licenses issued to hawkers for different category such as stall, pitch license, handcarts, P.C.O. and cobbler pitch/stall licenses etc and Section 314 (c) action against unauthorized hawkers is taken without notice at ward level.
7. Under Section 394 of Mumbai Municipal .Corporation Act, licenses are granted for trades and storages, under One Window Scheme at the Ward level by obtaining Chief Fire Officer's NOC There are 61969 licenses issued by the License Department in different Wards. Prosecutions are launched against unauthorized trades and storages in the Metropolitan Court and the Metropolitan Court levies fine ranging between Rs.500/- to Rs.2,500/-
8. To get a license from license department, The application form must be filled completely and correctly. If the information given in the application is found at any time to be incorrect, the License if and when granted will be liable to be cancelled without notice and no refund of fees will be allowed for the unexpired period of such license.
9. The major functions of public health department are Prevention of adulteration and misbranding of articles of good, Licensing and controlling the trades dealing in food which comes under the purview of sections 394

and 412 A of the Mumbai Municipal Corporation Act 1888 and the Prevention of Food Adulteration Act, Licensing and controlling trades (Other than food establishments) involving nuisance or danger to public health, Expansion programme of public health and medical relief services and Other miscellaneous functions (enquiries about proper lunatic cases, control over Dhobi Wada at Mahalaxmi, control on Venereal Disease Clinic and Laboratory, life guard services at Juhu Beach seizure and impounding of stray cattle, etc).

### **Trade wise Findings:**

#### **Dhaba and Florists**

1. The regulations are 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
2. 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.
3. 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.
4. 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.
5. The license department shall also issue license to the shops for the signboards outside the shop. The application must be received from the establishment three months prior to starting the activity.
6. The application can be made at any of the nearest Citizen Facilitation Center (CFC) established by the Municipal Corporation of Greater Mumbai. Applicant needs to submit the duly completed and signed application form, along with required documents and fees at the Citizen Facilitation Centre.
7. 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.
8. 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 article being sold and the trade being carried. The act also insists the traders not to make any corruption to the water in lake, reservoirs, well etc.
9. For a license from the license department, Sr. Inspector (License Department) will be the Approving Authority

10. 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.
11. 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.
12. 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. No claim will be lie against any persons for any damages caused for this.
13. 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 .
14. The commissioner can seize the animal or article which has appeared as unfit for human consumption.
15. 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
16. 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.
17. As per the Bombay shops and Establishment Act 1948, no eating-house shall be open earlier than 5a.m and close 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 will be encouraged 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.
18. 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.
19. 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.

20. 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.

### **Barber Shop and Fashion Street Bazaar's :**

1. The license is issued under Section 394 of the Bombay Municipal Corporation (amendment) Act 1962.
2. 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.
3. The requirement is the Gumasta Licence to run their businesses. ( Barber shop only. )
4. 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.
5. 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 making it mandatory for the establishment to register with the health department.
6. 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.
7. Other procedures are same as that of dhabas.

### **AUTO RICKSHAW:**

1. Auto Rickshaws are regulated by the RTO (Regional Transport Office).
2. As per the section 72 of Maharashtra Motor vehicle Rules 1989, every permit shall be signed and sealed by the transport authority by which permit is issued.
3. The countersigning of the permit must be done by the Countersigning Transport Authority. He shall sign and seal the permit.
4. As per the motor vehicle rules, no permit shall be issued until the registration mark is not entered in the vehicle. If an applicant fails to produce the registration certificate within the stipulated time, the Regional Transport Authority may withdraw the sanction of permit.
5. Permit given by the authority is only for five 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 original transport authority shall extend the area of the validity of the contract carriage complying with the provisions provided in the rules.
10. Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form 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.
11. Auto Rickshaws plying without valid permit will be charged compounding fees of Rs. 200/- under the section 200 of the motor vehicles act 1988.