

RULES AND REGULATIONS GOVERNING THE LICENSING OF MEAT SHOPS IN NASHIK

State: Maharashtra

Details of licensing are as follows:

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

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

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

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

The commissioner may at any time by day or night, without notice, enter any place if he suspects that the animal slaughtered or exposed for sale is not duly authorized under the Act or byelaw. He may seize any such animal or such flesh found therein. The commissioner may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized. If the owner fails to appear within one month and prove his claim to the commissioner or if the owner is convicted of an offence, the

proceeds of any sale shall vest in the corporation. No claim shall lie against any person for compensation for any damage necessarily caused by an entry made or the use of necessary force for effecting such entry.

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

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

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

Licensing Procedures:

The applicant has to obtain the 'A' form s for trade license from any of the range offices or citizen centre and give details of Form 'A' is with necessary documents .The property owner's consent in plain paper is also needed r. The owner has to file a copy of latest property tax paid receipt in proof of ownership. Demand draft towards the license fee payable for the trade is needed. If applicant needs power she /he need to apply for power license.

Documents Required:

1. Application in a prescribed format.
2. Copy of the latest property tax paid receipt in proof of ownership
3. Occupation place design three blue print with measurements plan
4. Separate demand draft or power, if needed.
5. Fire brigade non objection certificate
6. Receipt of service charge (Non residential purpose)
7. Submit Affidavit of Rs.20

The procedures are same, except the license fees. The fees are as follows:

License Fees schedule: -

Sr. No.	Item	Fresh fee
1	Private Beef, Pork, Mutton	Rs.650
2	Private Fish Shop	Rs.400
3	Corporation Beef, Pork, Mutton	Rs.200
4	Chicken Shop	Rs.400

Inspection:

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

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

The license Inspector will make a physical verification and also checks the premises prior to the issue of license. The officers will visit to the site and they will enquire from the neighbours for any hindrance/nuisance and also to get the verification and signatures along with complete address of the neighbours.

License Renewal

The License issued expires on every five year. One need to apply for every five years and there after one has to renew the license. For renewal of license, renewal application form can be purchased from the corporation. Procedures are the same as that of new license. Six months after the expiry, Rs.150 per month will be charged as penalty.

License Renewal Fee:

Sr. No.	Particular	Renewal Fee	Late fee per six mounts
1	Private Beef, Pork, Mutton	Rs.650	Rs.325
2	Private Fish Shop	Rs.400	Rs.200
3	Corporation Birch, Pork, Mutton	Rs.200	Rs.100
4	Chicken Shop	Rs.400	Rs.200

Documents Required for Renewal:

1. Filled Renewal application Form
2. Copy of the latest property tax paid receipt in proof of ownership

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 deposits Rs. 25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

Suspension_and Revocation:

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

Timings:

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

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

Punishment:

The License is not renewed in time then the License will be expired. As per the act any contravention of any provision of the act or rule, bye-law, standing order, notice etc will liable to a fine of Rs.100 and a further fine that can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.(Act can be referred in Annexure)