

# THE LIVELIHOOD REGULATIONS REPORT

## PURI



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

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## PREFACE

The Livelihood regulations report aims at documenting the livelihood regulations and barriers in the informal sector. It was conducted in 63 cities across India where the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) is being implemented. This project was conducted by Centre for Public Policy Research, Cochin in partnership with Centre for Civil Society, New Delhi and is financed by Sir Dorabji Tata Trust (SDTT), Mumbai.

The report aims to unveil the laws applicable to entry-level professions like Auto Rickshaws, Barber Shops, Dhaba's, Meat Shops and mobile/stationary street vegetable/fruit vendors. These documents will effectively draw public attention to the issues faced by the entry-level professions in the informal sectors

Puri is a city in the east Indian state of Orissa. Puri being a coastal district of Orissa, is famous for its Historic antiquities, Religious sanctuaries, Architectural Grandeur, Sea-scape beauty, moderate climate. It holds a wealth of attraction for the visitors. It boasts of a continuous history from the 3rd Century B.C. to the present day and its unique monuments like those of Lord Jagannath at Puri, the Sun God at Konark are the famous in the world. It has the Chilika lake, one of the largest brackish water lakes in India, that holds a picturesque Sea-Scape beauty. It offers an ideal resort for birds who migrate from different parts of the continent.

Puri is one of the oldest cities in the eastern part of the country. It is situated on the coast of the Bay of Bengal and is a popular beach resort, positioned in a unique place so that both sunset and sunrise can be viewed from the beach.

As of 2001 India census, Puri had a population of 157,610. Males constitute 52% of the population and females 48%. Puri has an average literacy rate of 75%, higher than the national average of 59.5%: male literacy is 80%, and female literacy is 70%. In Puri, 10% of the population is under 6 years of age.

The present report of the livelihood regulations in Puri covers dhaba, vegetable sellers, auto rickshaw, barber shop and meat Shop.

## PURI

The trades chosen for the study are:

1. **Dhabha/ food courts.**
2. **Vegetable Sellers**
3. **Auto Rickshaw**
4. **Meat Shop**
5. **Barber Shop**

The licensing of trades in Puri is regulated as per the relevant provisions of Orissa Municipal Manual. Prevention of Food Adulteration Act is applicable for food related items whereas Orissa Shops and Establishments act prescribes timings for operation. Motor Vehicles Rules is regulating the Auto Rickshaw.

### **I. Dhaba:**

The provisions of the Orissa Municipal Manual and Prevention of Food Adulteration Act 1954 regulate Dhaba.

As per section 290 of the Orissa Municipal Act, no place within the Municipal Area as notified by the Municipality cannot be used without license. As per the list provided in the section 290, eating-house needs a license.

As per section 295 of the Orissa Municipal Act, the municipality may provide places for the use of public markets and it can charge for it's usage. No person shall without the permission of Municipality can sell or expose for sale any animal or article within any public market. The Executive officer can expel a person from the public market for the violation of regulations.

is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than there domestic use without or except ion conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

Therefore, it is clear that a dhaba needs license.

### **Licensing Procedure:**

As per Orissa Municipal Act, owner or occupier of every place listed in section 290 shall within thirty days of the Publication of notification apply to the Executive Officer for a license. The Executive Officer may by order and under such restrictions and regulations will

grant the license or refuse it. Application for fresh license has to be made not less than thirty days before the trade is opened.

As per the Orissa Municipal Act, the license shall specify the period, restrictions, conditions etc and should contain the signature of the Executive Officer. The fees fixed by the municipality may be charged from the licensee. The licensee is bound to produce the license when the commissioner requires it. After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business.

**Regulatory Body:**

As per the act, the executive officer is the regulatory body.

**Documents Needed:**

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed to use the premise for the storage of the articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

**Fees:**

There is no proper information of the fees at present. But As per the section 298 of the Orissa Municipal Act 1950, when a license granted under section 297 does not permit the levy of any fees, it shall be granted free of charge. But when such permission is given a fee not exceeding twenty per centum of the gross income of the owner from the market in the preceding year shall be charged by the municipality for such license.

**Operation Timings:**

As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The State Government may, after making an enquiry in the prescribed manner, by general or special order, fix the time at which any establishment or class of such establishments shall be opened or closed in any local area. The act also says that every establishment shall remain closed for one day in a week. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. This day can not be altered more than once in three months.

**License Renewal:**

Every license will expire at the end of the year unless for special reasons provided by the Executive Officer. The application for renewal shall be made not less than thirty days before the end of the year license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

**Inspection:**

As per the section 337 of the act, it shall be the duty of the Executive Officer to inspect places in respect of which a license or permission is required by or under this Act and he may enter any such place between sunrise and sunset , if it is open to the public or any industry is being carried in at the time and if he has reasons to believe that anything is being done in place without a license or permission where the same is required by or under the Act, or otherwise than in conformity with the same ,he may at any time by day or night without notice enter such place for the purpose of whether any provisions of laws, rules, bye laws etc has been contravened and no claim shall lie against any person for any damage by the Executive Officer for the enforcement of the force under the Act .

If a person is convicted of an offence in respect in respect of the failure to obtain a license or permission required by the provisions of the Actor any rule or regulations or byelaw under the Act , the Magistrate shall , in addition to any fine which may be imposed , recover summarily and pay over to the municipality the amount of the fees chargeable for the license or permission and may in his discretion also recover summarily and pay over the amount if any as he may fix as the costs of prosecution. Such recovery shall not entitle the person convicted to a license or permission.

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 or for preparation for sale and intended for human food or for medicine.

Section 577 says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. 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.

**Penalty:**

Penalties will be levied as per the directions of Orissa Municipal Act 1950. As per the act, using any place which needs the license (Section 290) without license will result in penalty of Rs.100/- In the caser of continuance of contravention, the fine may extend.

**II Fruit Seller:**

A fruit seller is regulated as per the provisions of the Orissa Municipal Corporation Act 2003 and Prevention of Food Adulteration Act 1954. In addition Orissa shops and establishment Act 1956 prescribes timings.

As per section 290 of the Orissa Municipal Act, no place within the Municipal Area as notified by the Municipality as may be fixed by it can be used without license.

As per section 295 of the Orissa Municipal Act, the municipality may provide places for the use of public markets and it can charge for it's usage. No person shall without the permission of Municipality can sell or expose for sale any animal or article within any public market. The Executive officer can expel a person from the public market for the violation of regulations. No one is allowed to keep in or upon any premise for any articles as may

be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than there domestic use without or except ion conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

So fruit sellers need a license.

As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

Therefore, it is clear that a fruit shop needs license.

### **Licensing Procedure:**

As per Orissa Municipal Act, owner or occupier of every place listed in section 290 shall within thirty days of the Publication of notification apply to the Executive Officer for a license. The Executive Officer may by order and under such restrictions and regulations will grant the license or refuse it. Application for fresh license has to be made not less than thirty days before the trade is opened.

As per the Orissa Municipal Act, the license shall specify the period, restrictions, conditions etc and should contain the signature of the Executive Officer. The fees fixed by the municipality may be charged from the licensee. The licensee is bound to produce the license when the commissioner requires it. After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business.

### **Fees:**

There is no proper information of the fees at present. But As per the section 298 of the Orissa Municipal Act 1950, when a license granted under section 297 does not permit the levy of any fees, it shall be granted free of charge. But when such permission is given a fee not exceeding twenty per centum of the gross income of the owner from the market in the preceding year shall be charged by the municipality for such license.

### **Regulatory Body:**

As per the Act, the executive officer is the regulatory body.

### **Documents Needed:**

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed to use the premise for the storage of he articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

**Operation Timings:**

As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The State Government may, after making an enquiry in the prescribed manner, by general or special order, fix the time at which any establishment or class of such establishments shall be opened or closed in any local area. The act also says that every establishment shall remain closed for one day in a week. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. This day can not be altered more than once in three months.

**License Renewal:**

The license will be valid till the 31<sup>st</sup> march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

**Inspection:**

As per 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 or for preparation for sale and intended for human food or for medicine. The commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. 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.

**Penalty:**

Penalties will be levied as per the directions of Orissa Municipal Act 1950. As per the act, using any place which needs the license (Section 290) without license will result in penalty of Rs.100/- In the case of continuance of contravention, the fine may extend.

**III Meat Shop:**

The provisions of the Orissa Municipal Act and Prevention of Food Adulteration Act 1954 and in addition Orissa shops regulate meat shop and establishment Act 1956 prescribes timings.

According to the section 313 of the Orissa Municipal Act, slaughter houses are under the control of the municipality and it will provide places for the establishment of public slaughter houses.

Section 314 says that government on notification may require that no person without or otherwise than in conformity with the written permission of the Executive officer slaughter or permit to be slaughtered, or cut off or skinned any cattle, sheep, horse, goats or pig in any place other than a public slaughter house provided by the Municipality. Provided

nothing in this sub-section shall affect the slaughtering for religious purposes. The notification will have no validity until sixty days from the date of publication.

The act also says that no person for the purpose of sale to the public slaughter or permit to be slaughtered, or cut off or skinned any cattle, sheep, horse, goats or pig without or otherwise than in conformity with the written permission of the Executive officer. The license may be granted subjecting to the regulations made by the Municipality for supervision, inspection, disposal of filthy and effluents from the slaughterhouse and examination of animals before and after slaughter house.

Act says that 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. 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.

As per section 290 of the Orissa Municipal Act, no place within the Municipal Area as notified by the Municipality as may be fixed by it can be used without license.

As per section 295 of the Orissa Municipal Act, the municipality may provide places for the use of public markets and it can charge for its usage. No person shall without the permission of Municipality can sell or expose for sale any animal or article within any public market. The Executive officer can expel a person from the public market for the violation of regulations.

No one is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than their domestic use without or except on conditions of a license. No body can carry out any trades or operation specified in the Act or rule without a license. The act also says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.

Therefore, it is clear that a meat shop needs license.

### **Licensing Procedure:**

As per Orissa Municipal Act, owner or occupier of every place listed in section 290 shall within thirty days of the Publication of notification apply to the Executive Officer for a license. The Executive Officer may by order and under such restrictions and regulations will grant the license or refuse it. Application for fresh license has to be made not less than thirty days before the trade is opened.

### **Regulatory Body :**

As per the regulations, the executive officer is the regulatory body.



**Documents Needed:**

As per the regulations, the application shall accompany the fees as provided in the schedule. If the applicant is the owner of premises and any other person allowed to use the premise for the storage of the articles, the applicant shall furnish the details of the person using the premises as required by the commissioner.

**Fees:**

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**Operation Timings:**

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**License Renewal:**

The license will be valid till the 31<sup>st</sup> march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay

**Inspection:**

As per 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 or for preparation for sale and intended for human food or for medicine. Act says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. 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.

Act also provides for the inspection of premises used for manufacture where the furnace is used for any trade or manufacture. The inspection can be at reasonable hours without notice. No claim shall lie against any person for the compensation for any damage caused. Provided that the force shall not be used for entry unless there is a reason to believe that an offence is being omitted against the provision of Act or Bye-law.

**Penalty:**

Penalties will be levied as per the directions of Orissa Municipal Act 1950. As per the act, using any place which needs the license (Section 290) without license will result in penalty of Rs.100/- In the case of continuance of contravention, the fine may extend.

**IV Vegetable Seller:**

A Vegetable seller is regulated as per the provisions of the Orissa Municipal Corporation Act 2003 and Prevention of Food Adulteration Act 1954. In addition Orissa shops and establishment Act 1956 prescribes timings.

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So vegetable sellers need a license.

As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

**Licensing Procedure:**

As per Orissa Municipal Act, owner or occupier of every place listed in section 290 shall within thirty days of the Publication of notification apply to the Executive Officer for a license. The Executive Officer may by order and under such restrictions and regulations will grant the license or refuse it. Application for fresh license has to be made not less than thirty days before the trade is opened.

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**Regulatory Body:**

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**License Renewal:**

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**Inspection:**

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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.

**Penalty:**

Penalties will be levied as per the directions of Orissa Municipal Act 1950. As per the act, using any place which needs the license (Section 290) without license will result in penalty of Rs.100/- In the case of continuance of contravention, the fine may extend.

**V.Auto Rickshaw:**

Auto Rickshaws are regulated by the RTO (Regional Transport Office). The permits are issued by the Regional Transport office.

**Permit Procedure:-**

The application for contract carriage permit shall be in the form XVI; The application shall be addressed to the Secretary, State Transport Authority or the Secretary, Regional Transport Authority, as the case may be accompanied with receipt in support of deposit of the fees prescribed in rule 48. Provided that in case of bordering check-gate the application should be accompanied with a receipt showing the payment of the required fee and submitted to the Officer-in-charge of the said check-gate. The Permit for contract carriage shall be issued in Form-XXIII;

**Application for permits and receipt thereof:**

Application for permit shall be presented personally by the applicant or by his lawyer or duly authorized representative before the Secretary of the State/Regional Transport Authority or any other responsible officer authorized by the Chairman to receive the same. Provided Secretary of the State or Regional Transport Authority or such other responsible officer may also receive such application at his discretion from any other person authorized by the applicant in this behalf if his identity is well known to him.

Subject to the provisions of rule 87, every application shall contain all required particulars including the correct permanent address of the applicant and shall invariably be accompanied by the motor vehicles documents like the registration certificate of the vehicle, fitness certificate and insurance certificate where required, together with the tax clearance certificate in respect of the Motor Vehicles obtained from the taxing authority. Applications for renewal of permit shall also be accompanied by the renewal fee and part A of the permit.

An application which is not complete in all respect may not be entertained for consideration. The officer receiving the application shall check it or cause it to be checked forthwith to see if it is in order. If the application is defective, then it shall not be registered but returned to the party forthwith pointing out the defects found therein and requiring its resubmission after rectifying the defects. If the application is found to be in order, it shall be registered forthwith in the relevant register of applications and a receipt in the form attached to the application form shall be given to the person presenting the application.

An application for a temporary permit under clauses (a) and (b) of sub-section (1) of section 87 shall, if it is received complete in all respects, be disposed of as far as possible within four days of its presentation. In cases, falling under clause (c) of sub-section (1) of section 87, necessary steps for initiating preliminary proceedings should be taken within five days of the receipt of the application and shall be disposed of within fifteen days thereafter.

The permit when ready to be delivered may be handed over to the applicant personally or to any person authorized by him after taking his signature on the reverse of the receipt in that behalf. It may also be sent by registered post to any address, if so desired specifically by the application at the time of taking the receipt mentioned in sub-rule (5). An application received by post may be entertained for consideration only when it is received correctly filled up in all respects including the permanent address of the applicant and is also accompanied by the required documents and fees where necessary. In such cases, when the permit is ready it shall be dispatched to the applicant by registered post to his permanent address or to such other address as shall have been mentioned in the application. If the application is defective, then it shall not be registered but returned to the party pointing out the defects found therein

#### **Grant of receipt:**

When any person has submitted a certificate of registration, certificate of fitness, insurance certificate, permit and any other such documents to the registering or other authorities for renewal or for any other purpose and has deposited the prescribed fee/tax, where necessary, or when a police officer or any court or other competent authority has taken temporary possession of such document (s) for any enquiry, investigation or other purpose and the documents has not been suspended or cancelled, the registering or other authority, the court, the police officer or other competent authority, as the case may be, shall furnish a receipt for the documents (s) deposited or taken possession of in form XXXVIII to the person from whom it is taken/seized. During such period as may be specified in the said Form the production of such receipt on demand, shall be deemed to be production of the documents (s) specified therein;

Provided that the authority, court, or the police officer, by which receipt was granted, may in its or his direction by order in writing endorsed thereon extend the period specified in the said Form but such extension shall not be beyond the period of the original documents (s).

#### **Hearing of Application:**

An applicant for a permit which is considered at a meeting of Transport Authority shall be entitled to appear and conduct his case in person or through a lawyer or other person duly authorised in his behalf.

#### **Entry of Registration Mark on permit:**

Save in the case of temporary permit, where the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of application in possession of the registration mark of the vehicle duly registered, then the applicant shall, within one month of the sanction of the application by the State or Regional Transport Authority or such longer period as the authority may specify, produce the certificate of registration of

the vehicle before that authority in order that the particular of the registration mark may be entered in the permit.

No permit shall be issued until the registration mark of the vehicle to which it relates has, if the form of permit so requires, been entered therein and in the event of any applicant falling to produce the certificate of registration within the prescribed period, the State or Regional Transport Authority may revoke its sanction of the application.

**Fees:-**

Subject to the Provisions of the Orissa Motor Vehicle Rules 1998, the fees in respect of application for the grant , renewal , extension , counter signature or transfer of permit for a contract carriage permit other than the motor cab is Rs.50 and the fees in respect of grant , renewal , extension , counter signature or transfer of permit for a contract carriage permit other than the motor cab is Rs.150 per vehicle per annum or part thereof. The fees for a transfer of permit of a contract carriage permit other than the motor cab is Rs.500

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 form.
2. certificate of registration
3. certificate of fitness, i
4. Insurance certificate,

**Renewal procedure:**

Application for the renewal of a permit shall be made in writing to the State/ Regional Transport Authority by which the permit was issued with in the time specified in sub-section (2) of section 81 and shall be accompanied by Part A of the permit and the fees prescribed in rule 48. Provided that the State/Regional Transport Authority may entertain an application for renewal of the permit made after the time referred to above as per the enabling provisions of sub-section (3) of section 81

On receipt of the application, the State/Regional Transport Authority may call for such further particulars or documents as it may consider being necessary. The State/ Regional Transport Authority renewing a permit shall call upon the holder to produce Part A thereof, and shall endorse Parts A and B accordingly and shall return them to the holder.

**Renewal of Countersignature of Permits:**

An application for the renewal of a countersignature of a permit shall be made in writing to the State/ Regional Transport Authority concerned within the appropriate period specified in sub-section (2) of section 81 of and shall, subject to the provisions of sub-rule (2) be accompanied by part A of the permit. An application for renewal of countersignature of a permit issued under the Reciprocal Agreement may however be made after the permit is renewed.

If at the time of application for renewal of a countersignature of a permit, Part A of the permit is not available being under renewal by the authority by which it was issued, the application shall state the number and date of the permit the name of the authority by which it was granted, the number and date of the countersignature to be renewed. The Transport Authority granting, the renewal of a countersignature shall call upon the holder to produce Parts A and B of the permit and shall endorse the Part A and B accordingly the return them to the holder

**Production of permit:**

Part A of a permit shall be produced on demand made at any reasonable time by any Police Officer not below the rank of Sub-Inspector or any officer of the Motor Vehicles Department not below the rank of Traffic Sub-Inspector. Any Police Officer in Uniform or any officer of the Motor Vehicle Department shall be, permitted on demand, to inspect Part B of the permit of any transport vehicle.

**Conditions:**

As per the Orissa Motor Vehicle Rules 1998, the following are the conditions for contract carriage permit:

1. No goods shall be carried on the top deck of a double decked stage carriage or contract carriage.
2. No goods, liable to foul the interior of the Vehicle or to tender it in sanitary, shall be carried at any time in any stage carriage or contract carriage.
3. The State Transport Authority or Regional Transport Authority may specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the conditions subject to which certain classes of goods may be so carried
4. Subject to the provisions of the preceding sub-rules, goods may be carried in a stage carriage or a contract carriage in accordance with the conditions specified in the permit, provided that the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged.
5. If the holder of a stage carriage or contract carriage permit uses a vehicle for the carriage of goods to the detriment of the public convenience by falling there by to meet the demand for passenger transport, State Transport Authority or Regional Transport Authority may, after giving the holder of such permit an opportunity of being heard, declare that a breach of the condition of the permit has occurred and any thereafter proceed under the provisions of section 86.

**Extension of Validity:**

Subject to the provision of section 88 of Orissa Motor Vehicle Rules, a Regional Transport Authority which issues a permit (hereinafter referred to as the Original Transport Authority) may extend the effect of the permit to any other region within the State and may attach conditions to the permit with effect to such other region and may vary the conditions of the permit in different regions. The Original Transport Authority may issue permit having validity in any other region in accordance with any general or special resolution recorded by any other Regional Transport Authority and any permit so issued shall be of life effect in the region of the other Transport Authority as if it were issued by that Authority.

Subject to the provisions of sub-rule (2) the Original Transport Authority may issue a contract carriage permit to be operative in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be issued beyond the region of the Original Transport Authority under contract for a return journey commencing and ending within the Original Transport Authority and shall not be offered for hire outside the region.

The Original Transport authority, which issues a permit, to be operative in any other region shall send a copy of the permit to the authority or that other region. Nothing in this rule shall affect the right of the holder of any permit to apply to Any Regional Transport Authority for countersignature of a permit.

Subject to the provisions of sub-rule (2) the Original Transport Authority may issue a contract carriage permit to be operative in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be issued beyond the region of the Original Transport Authority under contract for a return journey commencing and ending within the Original Transport Authority and shall not be offered for hire outside the region.

On receipt of an application under sub-rule (6), the State Transport Authority shall follow the same procedure in considering the application as for grant of a Contract Carriage Permit under the Act and these rules and may grant the permit in the prescribed form.

Where a Permit is granted under sub-rule (7), the State Transport Authority shall forward to every other State Transport Authority information relating to the number of the permit and the registration mark and other particulars of the vehicle necessary for the purpose of its identification; the suspension or cancellation, if any, of the permit; and; the grant of say, if any where on appeal or revision stay has been granted and when the appeal or

### **Transfer:**

When the holder permit desire to transfer the permit to some other person under sub-section (1) of section 82, he shall together with the person to whom he desires to make the transfer, make joint application in writing to the State/Regional Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer.

The State/Regional Transport Authority may summon both the parties to the application to appear before it and may, if it deems fit, deal with the application as if it were an application for a permit.

If the State/Regional Transport Authority is satisfied that the transfer a permit may be made, it shall call upon the holder of the permit in writing to surrender Parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the transfer fees specified under rule 48.

Upon receipt of Parts A and B of the permit and of the prescribed fee, the State/Regional Transport Authority shall cancel the particulars of the holder thereon and endorse particulars of the transferee and shall return the permit to the transferee:

Provided that where the transfer has got more than one vehicle covered by Part A of the permit, the State/Regional Transport Authority shall cancel the particulars of the vehicle



not required by the transferor and return the permit to him. The transferee shall be issued a fresh Part A of the permit in respect of the transferred vehicle.

The State Regional Transport Authority making a transfer of permit as aforesaid may, unless any other Regional Transport Authority by which the permit has been countersigned has by general or special order otherwise required, endorse on Part A and B of the permit with the words "Transfer of permit valid for ....." and also inserting the name of the authority by which the permit has countersigned with effect from the date of transfer.

Unless Parts A and B of the permit have been endorsed as provided in sub-rule (3) or unless the transfer of the permit has been approved by endorsement by the authority which countersigned the permit, the countersignature shall be of no effect after the date of transfer.

### **Duplicate Permits:**

When part A or part B of any permit has been lost or destroyed, the holder shall forthwith intimate the fact in an application to the Authority by which the permit was issued and shall deposit the prescribed fee for the issue of a duplicate and in the case of the loss or destruction of Part B, he shall forward also Part A of the permit. The name of the Police Station where the loss is reported is to be specified in this application and it shall also be accompanied by an affidavit indicating the manner of loss or destruction.

The Authority shall, upon receipt of application under sub-rule (1) and on being satisfied regarding the genuineness of the loss or destruction of the original, issue a duplicate permit or part of permit, as the case may be, and to the extent that it is able to verify the facts may endorse thereon countersignature of other authority and intimate the fact to that authority. A duplicate permit or duplicate part of permit issued under this rule shall be clearly stamped "Duplicate" in red ink and the endorsement of any countersignature of any other Transport Authority on a permit or a part of permit made under this rule shall be valid in the region of that other authority as if it were a countersignature.

When a permit or a part of permit has become mutilated so as in the opinion of the Transport Authority to be illegible, the holder thereof shall surrender the permit or part of the permit, as the case may be, to the Transport Authority and apply for the issue of a duplicate permit or part of a permit in accordance with this rule.

The fees for the issue of a duplicate permit or a duplicate part of a permit shall be the same as permit fee prescribed under rule 48.

Any permit or part of a permit which is found by any person other than the permit holder shall be delivered to the nearest police station or to the holder or to the Transport Authority by which it was issued and if the holder finds or receives any part of the permit in respect of which a duplicate has been issued, he shall return the original to the Transport Authority, by which it was issued.

The Officer-in-charge of the police station after receiving the permit or any part of the permit or any part of the permit from any person, shall forward the same to the Transport Authority by which it was issued.

### **Change of the address:**

If the holder of a permit ceases to reside or to have his place of business as the case may be at the address set forth in the permit, he shall within one month send Part A of the permit to the Transport Authority by which the permit was issued intimating the new address. Upon receipt at intimation provided, the Regional Transport Authority or the State Transport Authority, as the case may be shall after making such enquiries as the Authority deems fit enter in the permit the new address and shall intimate the particulars to the Authority any region in which the permit is valid by virtue of countersignature or otherwise

**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 subsection (1) the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

**FINDINGS FROM THE STUDY**

**General Findings:**

1. The licensing of trades are regulated as per the relevant provisions of Orissa Municipal Act 1950. Prevention of Food Adulteration Act is applicable for food related items whereas Orissa Shops and Establishments act prescribes timings for operation. Motor Vehicles Rules is regulating the Auto Rickshaw.
2. As per section 290 of the Orissa Municipal Act, no place within the Municipal Area as notified by the Municipality as may be fixed by it can be used without license.
3. As per section 295 of the Orissa Municipal Act, the municipality may provide places for the use of public markets and it can charge for it's usage.

4. No person shall without the permission of Municipality can sell or expose for sale any animal or article within any public market. The Executive officer can expel a person from the public market for the violation of regulations.
5. No one is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner. Individuals are directed not to use any premises for sale or for use of any articles specified in the rules other than their domestic use without or except on conditions of a license.
6. No body can carry out any trades or operation specified in the Act or rule without a license. The act says that the trades which are in the opinion of commissioner is dangerous or likely to create nuisance shall be prohibited in the city. A notice with the commissioner's signature sent him in person or notice affixed to the premises will be proving that the trade will be dangerous in commissioner's opinion.
7. As per the Act, the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

#### **Dhaba, Fruit Seller, Vegetable sellers :**

1. Dhaba's are regulated by the provisions of the Orissa Municipal Act 1950 and Prevention of Food Adulteration Act 1954.
2. As per the regulations, the executive officer is the regulatory body.
3. As per the Orissa shops and establishment Act 1956, no establishment on any day can be opened earlier or closed later than the time fixed by the government. The employer shall fix that day at the beginning of the year and notify it to the inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. This day cannot be altered more than once in three months.
4. The license will be valid till the 31<sup>st</sup> march of the year in which it is issued. The license may be renewed within one month of its expiry. Renewal after one month of expiry shall be liable to pay 5% of the license fees for every subsequent month of the delay
5. Commissioner / any authorized officer must be permitted for inspection at all reasonable times and without a notice.
6. As per 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 or for preparation for sale and intended for human food
7. Section 577 says that the commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensils or vessels used for preparing, manufacturing or containing the same. 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.

#### **Meat Shop:**

1. According to the section 313 of the Orissa Municipal Act slaughter houses are under the control of the municipality and it will provide places for the establishment of public slaughter houses.
2. Section 314 says that government on notification may require that no person without or otherwise than in conformity with the written permission of the Executive officer slaughter or permit to be slaughtered, or cut off or skinned any cattle, sheep, horse, goats or pig in any place other than a public slaughter house provided by the Municipality. Provided nothing in this sub-section shall affect the slaughtering for religious purposes. The notification will have no validity until sixty days from the date of publication.
3. The act also says that no person for the purpose of sale to the public slaughter or permit to be slaughtered, or cut off or skinned any cattle, sheep, horse, goats or pig without or otherwise than in conformity with the written permission of the Executive officer. The license may be granted subjecting to the regulations made by the Municipality for supervision, inspection, disposal of filthy and effluents from the slaughterhouse and examination of animals before and after slaughter house.
4. Act says that 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. 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.
5. As per section 290 of the Orissa Municipal Act, no place within the Municipal Area as notified by the Municipality as may be fixed by it can be used without license.
6. As per section 295 of the Orissa Municipal Act, the municipality may provide places for the use of public markets and it can charge for its usage. No person shall without the permission of Municipality can sell or expose for sale any animal or article within any public market. The Executive officer can expel a person from the public market for the violation of regulations.
7. No one is allowed to keep in or upon any premise for any articles as may be specified in the rules framed under the Act except under and in conformity with terms and conditions of license granted by the commissioner

#### **Auto Rickshaw:**

1. Auto Rickshaws are regulated by the RTO (Regional Transport Office). The permits are issued by the Regional Transport office.
2. The application for contract carriage permit shall be in the form XVI;
3. The application shall be addressed to the Secretary, State Transport Authority or the Secretary, Regional Transport Authority, as the case may be accompanied with receipt in support of deposit of the fees prescribed in rule 48.
4. Application for permit shall be presented personally by the applicant or by his lawyer or duly authorised representative before the Secretary of the State/Regional Transport Authority or any other responsible officer authorised by the Chairman to receive the same.
5. Subject to the provisions of rule 87, every application shall contain all required particulars including the correct permanent address of the applicant and shall invariably be accompanied by the motor vehicles documents like the registration certificate of the vehicle, fitness certificate and insurance certificate where required,

together with the tax clearance certificate in respect of the Motor Vehicles obtained from the taxing authority. Applications for renewal of permit shall also be accompanied by the renewal fee and part A of the permit.

6. An application which is not complete in all respect may not be entertained for consideration. The officer receiving the application shall check it or cause it to be checked forthwith to see if it is in order. If the application is defective, than it shall not be registered but returned to the party forthwith pointing out the defects found therein and requiring its resubmission after rectifying the defects. If the application is found to be in order, it shall be registered forthwith in the relevant register of applications and a receipt in the form attached to the application form shall be given to the person presenting the application.
7. The permit when ready to be delivered may be handed over to the applicant personally or to any person authorized by him after taking his signature on the reverse of the receipt in that behalf. It may also be sent by registered post to any address, if so desired specifically by the application at the time of taking the receipt mentioned in sub-rule (5). An application received by post may be entertained for consideration only when it is received correctly filled up in all respects including the permanent address of the applicant and is also accompanied by the required documents and fees where necessary.
8. Save in the case of temporary permit, where the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of application in possession of the registration mark of the vehicle duly registered, then the applicant shall, within one month of the sanction of the application by the State or Regional Transport Authority or such longer period as the authority may specify, produce the certificate of registration of the vehicle before that authority in order that the particular of the registration mark may be entered in the permit.
9. No permit shall be issued until the registration mark of the vehicle to which it relates has, if the form of permit so requires, been entered therein and in the event of any applicant falling to produce the certificate of registration within the prescribed period, the State or Regional Transport Authority may revoke its sanction of the application.
10. Application for the renewal of a permit shall be made in writing to the State/Regional Transport Authority by which the permit was issued with in the time specified in sub-section (2) of section 81 and shall be accompanied by Part A of the permit and the fees prescribed in rule 48. Provided that the State/Regional Transport Authority may entertain an application for renewal of the permit made after the time referred to above as per the enabling provisions of sub-section (3) of section 81. On receipt of the application, the State/Regional Transport Authority may call for such further particulars or documents as it may consider being necessary. The State/Regional Transport Authority renewing a permit shall call upon the holder to produce Part A thereof, and shall endorse Parts A and B accordingly and shall return them to the holder.
11. Part A of a permit shall be produced on demand made at any reasonable time by any Police Officer not below the rank of Sub-Inspector or any officer of the Motor Vehicles Department not below the rank of Traffic Sub-Inspector. Any Police Officer

in Uniform or any officer of the Motor Vehicle Department shall be, permitted on demand, to inspect Part B of the permit of any transport vehicle.

12. As per the Orissa Motor Vehicle Rules 1998, permit holders of auto rickshaw are supposed to follow the conditions for contract carriage permit. Important conditions are:
  13. No goods shall be carried on the top deck of a double decked stage carriage or contract carriage.
  14. No goods, liable to foul the interior of the Vehicle or to tender it in sanitary, shall be carried at any time in any stage carriage or contract carriage.
  15. The State Transport Authority or Regional Transport Authority may specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the conditions subject to which certain classes of goods may be so carried
  16. Subject to the provisions of the preceding sub-rules, goods may be carried in a stage carriage or a contract carriage in accordance with the conditions specified in the permit, provided that the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged.
  17. If the holder of a stage carriage or contract carriage permit uses a vehicle for the carriage of goods to the detriment of the public convenience by falling there by to meet the demand for passenger transport, State Transport Authority or Regional Transport Authority may, after giving the holder of such permit an opportunity of being heard, declare that a breach of the condition of the permit has occurred and any thereafter proceed under the provisions of section 86.
  18. 13. When the holder permit desire to transfer the permit to some other person under sub-section (1) of section 82, he shall together with the person to whom he desires to make the transfer, make joint application in writing to the State/Regional Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer. The State/Regional Transport Authority may summon both the parties to the application to appear before it and may, if it deems fit, deal with the application as if it were an application for a permit.
  19. 14. When part A or part B of any permit has been loss or destroyed, the holder shall forthwith intimate the fact in an application to the Authority by which the permit was issued and shall deposit the prescribed fee for the issue of a duplicate and in the case of the loss or destruction of Part B, he shall forward also Part A of the permit. The name of the Police Station where the loss is reported is to be specified in this application and it shall also be accompanied by an affidavit indicating the manner of loss or destruction.
  20. 15. A duplicate permit or duplicate part of permit issued under this rule shall be clearly stamped "Duplicate" in red ink and the endorsement of any countersignature of any other Transport Authority on a permit or a part of permit made under this rule shall be valid in the region of that other authority as if it were a countersignature.
  21. 16. If the holder of a permit ceases to reside or to have his place of business as the case may be at the address set forth in the permit, he shall within one month send Part A of the permit to the Transport Authority by which the permit was issued intimating the new address. Upon receipt at intimation provided, the Regional Transport Authority or the State Transport Authority, as the case may be shall after making such enquiries as the Authority deems fit enter in the permit the new address and shall intimate the particulars to the Authority any region in which the permit is valid by virtue of countersignature or otherwise

22. 17.As per Section 192A of The Motor Vehicles Act 1988, using vehicle without permit is punishable. The act says that Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to one year but shall not be less than three months or with fine which may extend lo ten thousand rupees but shall not be less than five thousand rupees or with both.
23. 18.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.