

# THE LIVELIHOOD REGULATIONS REPORT

## SHILLONG



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

Shillong (Khasi Shillong) is the capital of Meghalaya, one of the smallest states in India. It is also the district headquarters of the East Khasi Hills District and is situated at an average altitude of 4,908 ft (1,496 m) above sea level, with the highest point being "lum shyllong" at 1965 m. The city has a population of approximately 260,000 according to the 2001 census. Shillong has steadily grown in size and significance in its own traditional way from a mere village as it used to be when it was made the new civil station of the Khasi and Jaintia Hills in 1864 by the British. It remained the summer capital of Eastern Bengal and Assam for many years. In 1874, on the formation of Assam as a Chief Commissioner's Province, it was chosen as the headquarters of the new administration because of its convenient location between the Brahmaputra and Surma Valley and more so because the climate of Shillong was much cooler than tropical India. Shillong remained the capital of undivided Assam until the creation of the new state of Meghalaya on January 21, 1972 when Shillong became the capital of Meghalaya and Assam moved its capital to Dispur.

As of 2001 India census, Shillong had a population of 132,876. Males constitute 50% of the population and females 50%. Shillong has an average literacy rate of 80%, higher than the national average of 59.5%: male literacy is 83%, and female literacy is 78%. In Shillong, 11% of the population is under 6 years of age.

Khasis make up the majority of the population though the percentage of Khasi people in the city continues to fall as a result of the large number of migrants from other Indian states. All the other northeast Indian tribes are represented here as well as significant numbers of Bengali, Nepali, Assamese, Biharis and Marwaris making it a fairly cosmopolitan city.

Christianity is the dominant religion in the city. The major denominations are the Presbyterian Church and the Roman Catholic Church along with significant numbers of other denominations. A sizable proportion of the population follows the original Khasi religion. Other religions found in India are also represented in significant numbers in the city.

The present report of the livelihood regulations in Shillong covers vegetable sellers, cobblers, auto rickshaw, barber shop and meat shop.

## SHILLONG

The Trades under study are:

1. **Vegetable sellers**
2. **Cobblers**
3. **Meat Shops**
4. **Barber Shops**
5. **Auto Rickshaw**

### **Introduction:**

The trades in Shillong are being regulated by the Shillong Municipal Board as per the provisions of the Bye laws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973. Further details can be obtained from <http://smb.gov.in/>. License department will be taking care of the issue of licenses. The License Department performs four activities. The functions of these activities are as follows:

### **License for pets:**

The License Department issues one-year license for pets (dogs and horses). The owners are provided with a ticket for a pet. The ticket holds the number, session, the names of the owner and SMB (Shillong Municipal Board) written on the top. The license fees are collected yearly.

### **License for Stall:**

The License Department of Shillong Municipal Board issues licenses to Municipal Market, Stallholder on a yearly basis. The person using the stall has to pay the tax monthly.

### **License for Parking Places and Tollgates:**

The License Department on contract basis issues One-year license to the Contractor for collecting the taxes for the Parking Places and Tollgates. Tenders are invited from the interested parties through advertisement in newspaper. The contract is for one year.

### **License for Commercial establishments:**

The License Department issues one-year license for commercial establishments. Person who wants to set up a Commercial Establishment must have a trade license issued by the Chief Executive Officer (CEO) of the Shillong Municipal Board.

### **Trade wise details are as follows:**

#### **I.Dhaba:**

The issue of license for dhaba's are regulated by the Shillong Municipal Board as per the provisions of byelaws framed by the Shillong Municipal Board which is framed under Meghalaya

Municipality Act 1973. Shillong Municipal Board is the supreme regulatory Board. (Byelaws can be referred in <http://smb.gov.in/byelaws.htm>)

### **Licensing Procedure**

License will be issued after furnishing all the required particulars along with the consent of the Meghalaya State Pollution Control Board. One has to apply in the prescribed application form which can be obtainable from the office of the Shillong Municipal Board at the cost of Rs.10/- along with other supportive documents. One has to approach the Municipal board for license whereas the Meghalaya State Pollution Control Board for consent.

### **Regulatory Body:**

Shillong Municipal Board is the supreme regulatory Board. One has to approach the Municipal board for license whereas the Meghalaya State Pollution Control Board for consent. The officer in charge for the issue of license is the Chief Executive Officer.

### **Documents Required:**

If the premises are a rented one, the counter signature of the house owner is also needed in the application. The application form must be accompanied with the latest municipal holding tax receipt if the establishment is own. The recommendation of local headman (Rangbah Shnong) is also mandatory. Other documents are:

1. Proof of Nationality (EPIC, Driving License, Passport, PRC)
2. Rough sketch map of the location of shop.
3. Municipal Tax Receipt / NOC from land lord
4. Consent by MSPCB

### **Processing:**

No prescribed time limit has been stipulated for the issue of license. After submitting the completed application, an inspection to the premises where shop is to be established will be conducted. Then the license will be issued on the satisfaction of the inspector and the authority regarding the feasibility to set up the trade in the premise. Based on that license will be issued and processed. Generally this will take around 5-8 working days after submitting the application.

### **FEES:**

Once the license is processed the applicant has to pay the fees applicable for each trade. It is Rs.750/- for dhaba's. The fees mentioned must be remitted in the Municipal Board of Shillong.

### **License Renewal:**

Every trade license is valid up to 31<sup>st</sup> March every year regardless of when it is issued. The license holder has to renew it before it. After that license will be treated as lapse and the shop

or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days

### **Inspection:**

After submitting the completed application, an inspection to the premises where shop is to be established will be conducted by an authorized officer of the Municipal Board.

### **Terms and Conditions:**

1. All refuse accumulated in the course of day's working should not be exposed to public view or thrown on the nearby road but kept in a receptacle and after the day's work is deposited into the nearest dustbin.
2. Rubbing of lime in the shop or shop building and careless spitting here and there shall not be allowed for which necessary arrangements should be kept in the shop.
3. As far as possible, the premises shall be kept neat and clean and in sanitary condition and proper drainage system shall be provided to drain out refuse water or lubricating oil to the nearest municipal drain.
4. All inflammable materials, such as gas and gasoline shall be handled with due care and store in a secure place and a sign board clearly and distinctly written with the inscription "SMOKING OR LIGHTING OF MATCHSTICKS STRICTLY PROHIBITED" exhibited in a prominent place of the premises dealing with such dangerous articles.
5. Proper arrangements shall be made for the exit of smoke and all precaution taken so that the working of the machinery tools and plant does not create any usual noise and sound creating nuisance or disturbances to the neighbouring locality.
6. Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor of a factory, workshop or work place or shopping centre violates or infringes any of the conditions of the permission, shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences.
7. This license does not confer on you any right or title over the stall/shop building or the land in question.
8. This license will remain in force for a period of one year from the date of issue and shall not be renewed if the terms and conditions are not fulfilled.
9. No cars or any vehicle are allowed to be parked on the roadside, which will obstruct the pedestrians or the flow of traffic.
10. This license shall stand automatically cancelled on default of the above terms and conditions.
11. Realization of license fees through a license shall be prescribed by the Board, and the license fee shall be determined by the Board from time to time as the case may be. The fee is subject to alteration from time to time by the Board at a meeting



**Penalty:**

As per the provisions of the act and byelaws one is supposed to obtain the license before starting. Failure will result in the closure of the shop and the seizure of the materials by the Municipal Board. A fine will also be levied upon the traders. After the renewal date, license will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days.

As per the Bye laws, Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor violates or infringes any of the conditions of the permission, then he shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences.

**II Vegetable Sellers:**

Vegetable seller is defined as a person who sells any or more than one kind of vegetables.

The issue of license for vegetable sellers is regulated by the Shillong Municipal Board as per the provisions of byelaws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973. Shillong Municipal Board is the supreme regulatory Board. As per the RTI reply, Shillong Municipal Bye law 136 B is regulating the vegetable sellers.

**Licensing Procedure**

License will be issued after furnishing all the required particulars. But the consent of the Meghalaya State Pollution Control Board is not necessary. One has to apply in the prescribed application form which can be obtainable from the office of the Shillong Municipal Board at the cost of Rs.10/- along with other supportive documents. One has to approach the Municipal board for license.

**Regulatory Body:**

Shillong Municipal Board is the supreme regulatory Board. One has to approach the Municipal board for license. The officer in charge for the issue of license is the Chief Executive Officer.

**Documents Required:**

If the premises are a rented one, the counter signature of the house owner is also needed in the application. The application form must be accompanied with the latest municipal holding tax receipt if the establishment is own. The recommendation of local headman (Rangbah Shnong) is also mandatory. Other documents are:

1. Proof of Nationality (EPIC, Driving License, Passport, PRC)
2. Rough sketch map of the location of shop.

3. Municipal Tax Receipt / NOC from land lord
4. Consent by MSPCB

### **Processing:**

No prescribed time limit has been stipulated for the issue of license. After submitting the completed application, an inspection to the premises where shop is to be established will be conducted. Then the license will be issued on the satisfaction of the inspector and the authority regarding the feasibility to set up the trade in the premise. Based on that license will be issued and processed. Generally this will take around 5-8 working days after submitting the application.

### **FEES:**

Once the license is processed the applicant has to pay the fees applicable for each trade. It is Rs.120/- for vegetable sellers. The fees mentioned must be remitted in the Municipal Board of shillong.

### **License Renewal:**

Every trade license is valid up to 31<sup>st</sup> March every year regardless of when it is issued. The license holder has to renew it before it. After that license will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days

### **Inspection:**

After submitting the completed application, an inspection to the premises where shop is to be established will be conducted by an authorized officer of the Municipal Board.

### **Terms and Conditions:**

1. All refuse accumulated in the course of day's working should not be exposed to public view or thrown on the nearby road but kept in a receptacle and after the day's work is deposited into the nearest dustbin
2. Rubbing of lime in the shop or shop building and careless spitting here and there shall not be allowed for which necessary arrangements should be kept in the shop
3. As far as possible, the premises shall be kept neat and clean and in sanitary condition and proper drainage system shall be provided to drain out refuse water or lubricating oil to the nearest municipal drain
4. All inflammable materials, such as gas and gasoline shall be handled with due care and store in a secure place and a sign board clearly and distinctly written with the inscription "SMOKING OR LIGHTING OF MATCHSTICKS STRICTLY PROHIBITED" exhibited in a prominent place of the premises dealing with such dangerous articles
5. Proper arrangements shall be made for the exit of smoke and all precaution taken so that the working of the machinery tools and plant does not create any usual noise and sound creating nuisance or disturbances to the neighbouring locality.

6. Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor of a factory, workshop or work place or shopping centre violates or infringes any of the conditions of the permission, shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences.
7. This license does not confer on you any right or title over the stall/shop building or the land in question.
8. This license will remain in force for a period of one year from the date of issue and shall not be renewed if the terms and conditions are not fulfilled.
9. No cars or any vehicle are allowed to be parked on the roadside, which will obstruct the pedestrians or the flow of traffic.
10. This license shall stand automatically cancelled on default of the above terms and conditions.
11. Realization of license fees through a license shall be prescribed by the Board, and the license fee shall be determined by the Board from time to time as the case may be. The fee is subject to alteration from time to time by the Board at a meeting

### **Penalty:**

As per the provisions of the act and byelaws one is supposed to obtain the license before starting. Failure will be result in the closure of the shop and the seizure of the materials by the Municipal Board. A fine will also be levied upon the traders. After the renewal date, license will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days.

As per the Bye laws, Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor violates or infringes any of the conditions of the permission, then he shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences.

(For Byelaws, please refer <http://smb.gov.in/byelaws.htm> or annexure)

### **III Meat Shops:**

Meat shop is defined as a place where any or all kind of meat is sold.

The issue of license for meat shops is regulated by the Shillong Municipal Board as per the provisions of byelaws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973. Shillong Municipal Board is the supreme regulatory Board. Shillong Municipal Bye law 105 is regulating the meat shop.



### **Licensing Procedure:**

License will be issued after furnishing all the required particulars. But the consent of the Meghalaya State Pollution Control Board is not necessary. One has to apply in the prescribed application form which can be obtainable from the office of the Shillong Municipal Board at the cost of Rs.10/- along with other supportive documents. One has to approach the Municipal board for license.

### **Regulatory Body:**

Shillong Municipal Board is the supreme regulatory Board. One has to approach the Municipal board for license. The officer in charge for the issue of license is the Chief Executive Officer.

### **Documents Required:**

If the premises are a rented one, the counter signature of the house owner is also needed in the application. The application form must be accompanied with the latest municipal holding tax receipt if the establishment is own. The recommendation of local headman (Rangbah Shnong) is also mandatory. Other documents are:

1. Proof of Nationality (EPIC, Driving License, Passport, PRC)
2. Rough sketch map of the location of shop.
3. Municipal Tax Receipt / NOC from land lord
4. Consent by MSPCB

### **Processing:**

No prescribed time limit has been stipulated for the issue of license. After submitting the completed application, an inspection to the premises where shop is to be established will be conducted. Then the license will be issued on the satisfaction of the inspector and the authority regarding the feasibility to set up the trade in the premise. Based on that license will be issued and processed. Generally this will take around 5-8 working days after submitting the application.

### **FEES:**

Once the license is processed the applicant has to pay the fees applicable for each trade. It is Rs.188/- for meat shops. The fees mentioned must be remitted in the Municipal Board of shillong.

### **License Renewal:**

Every trade license is valid up to 31<sup>st</sup> March every year regardless of when it is issued. The license holder has to renew it before it. After that license will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days

**Inspection:**

After submitting the completed application, an inspection to the premises where shop is to be established will be conducted by an authorized officer of the Municipal Board.

**Terms and Conditions:**

1. All refuse accumulated in the course of day's working should not be exposed to public view or thrown on the nearby road but kept in a receptacle and after the day's work is deposited into the nearest dustbin.
2. Rubbing of lime in the shop or shop building and careless spitting here and there shall not be allowed for which necessary arrangements should be kept in the shop.
3. As far as possible, the premises shall be kept neat and clean and in sanitary condition and proper drainage system shall be provided to drain out refuse water or lubricating oil to the nearest municipal drain.
4. All inflammable materials, such as gas and gasoline shall be handled with due care and store in a secure place and a sign board clearly and distinctly written with the inscription "SMOKING OR LIGHTING OF MATCHSTICKS STRICTLY PROHIBITED" exhibited in a prominent place of the premises dealing with such dangerous articles.
5. Proper arrangements shall be made for the exit of smoke and all precaution taken so that the working of the machinery tools and plant does not create any usual noise and sound creating nuisance or disturbances to the neighbouring locality.
6. Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor of a factory, workshop or work place or shopping centre violates or infringes any of the conditions of the permission, shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences.
7. This license does not confer on you any right or title over the stall/shop building or the land in question.
8. This license will remain in force for a period of one year from the date of issue and shall not be renewed if the terms and conditions are not fulfilled.
9. No cars or any vehicle are allowed to be parked on the roadside, which will obstruct the pedestrians or the flow of traffic.
10. This license shall stand automatically cancelled on default of the above terms and conditions.
11. Realization of license fees through a license shall be prescribed by the Board, and the license fee shall be determined by the Board from time to time as the case may be. The fee is subject to alteration from time to time by the Board at a meeting

**Penalty:**

As per the provisions of the act and byelaws one is supposed to obtain the license before starting. Failure will be result in the closure of the shop and the seizure of the materials by the Municipal Board. A fine will also be levied upon the traders. After the renewal date, license

[www.cpnr.in](http://www.cpnr.in)

[www.ccs.in](http://www.ccs.in)

will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days.

As per the Bye laws, Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor violates or infringes any of the conditions of the permission, then he shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences.

(For Byelaws, please refer <http://smb.gov.in/byelaws.htm> or annexure)

#### **IV. Barber Shops:**

Barber shop is defined as a saloon or any place where hair dressing / hair care is done. The issues of license for barber shops are regulated by the Shillong Municipal Board as per the provisions of byelaws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973. Shillong Municipal Board is the supreme regulatory Board. As per RTI reply, Shillong Municipal Bye law 136 B is regulating the barber shop.

#### **Licensing Procedure**

License will be issued after furnishing all the required particulars. But the consent of the Meghalaya State Pollution Control Board is not necessary. One has to apply in the prescribed application form which can be obtainable from the office of the Shillong Municipal Board at the cost of Rs.10/- along with other supportive documents. One has to approach the Municipal board for license.

#### **Regulatory Body:**

Shillong Municipal Board is the supreme regulatory Board. One has to approach the Municipal board for license. The officer in charge for the issue of license is the Chief Executive Officer.

#### **Documents Required:**

If the premises are a rented one, the counter signature of the house owner is also needed in the application. The application form must be accompanied with the latest municipal holding tax receipt if the establishment is own. The recommendation of local headman (Rangbah Shnong) is also mandatory. Other documents are:

1. Proof of Nationality (EPIC, Driving License, Passport, PRC)
2. Rough sketch map of the location of shop.
3. Municipal Tax Receipt / NOC from land lord
4. Consent by MSPCB

**Processing:**

No prescribed time limit has been stipulated for the issue of license. After submitting the completed application, an inspection to the premises where shop is to be established will be conducted. Then the license will be issued on the satisfaction of the inspector and the authority regarding the feasibility to set up the trade in the premise. Based on that license will be issued and processed. Generally this will take around 5-8 working days after submitting the application.

**FEES:**

Once the license is processed the applicant has to pay the fees applicable for each trade. It is Rs.120/- for barber shops. The fees mentioned must be remitted in the Municipal Board of Shillong.

**License Renewal:**

Every trade license is valid up to 31<sup>st</sup> March every year regardless of when it is issued. The license holder has to renew it before it. After that license will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days

**Inspection:**

After submitting the completed application, an inspection to the premises where shop is to be established will be conducted by an authorized officer of the Municipal Board.

**Terms and Conditions:**

1. All refuse accumulated in the course of day's working should not be exposed to public view or thrown on the nearby road but kept in a receptacle and after the day's work is deposited into the nearest dustbin.
2. Rubbing of lime in the shop or shop building and careless spitting here and there shall not be allowed for which necessary arrangements should be kept in the shop.
3. As far as possible, the premises shall be kept neat and clean and in sanitary condition and proper drainage system shall be provided to drain out refuse water or lubricating oil to the nearest municipal drain.
4. All inflammable materials, such as gas and gasoline shall be handled with due care and store in a secure place and a sign board clearly and distinctly written with the inscription "SMOKING OR LIGHTING OF MATCHSTICKS STRICTLY PROHIBITED" exhibited in a prominent place of the premises dealing with such dangerous articles.
5. Proper arrangements shall be made for the exit of smoke and all precaution taken so that the working of the machinery tools and plant does not create any usual noise and sound creating nuisance or disturbances to the neighbouring locality.
6. Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor of a factory, workshop or work place or shopping centre violates or

infringes any of the conditions of the permission, shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences.

7. This license does not confer on you any right or title over the stall/shop building or the land in question.
8. This license will remain in force for a period of one year from the date of issue and shall not be renewed if the terms and conditions are not fulfilled.
9. No cars or any vehicle are allowed to be parked on the roadside, which will obstruct the pedestrians or the flow of traffic.
10. This license shall stand automatically cancelled on default of the above terms and conditions.
11. Realization of license fees through a license shall be prescribed by the Board, and the license fee shall be determined by the Board from time to time as the case may be. The fee is subject to alteration from time to time by the Board at a meeting

### **Penalty:**

As per the provisions of the act and byelaws one is supposed to obtain the license before starting. Failure will be result in the closure of the shop and the seizure of the materials by the Municipal Board. A fine will also be levied upon the traders. After the renewal date, license will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days.

As per the Bye laws, Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor violates or infringes any of the conditions of the permission, then he shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences.

(For Byelaws, please refer <http://smb.gov.in/byelaws.htm> or annexure)

### **V. Auto Rickshaw:**

Auto Rickshaw when engaged in carriage of passengers from point to point distance are treated as transport vehicle. In shillong it is mandatory to obtain permit from the prescribed authority (Regional Transport Authority -Shillong region). Permit may also be understood and interpreted as license to operate Auto rickshaw as transport Vehicle. Driving license is necessary. Permits will be granted in relation to a particular auto Rickshaw for plying in Shillong Region only.

As per Section 66 of Motor Vehicles Act, 1988; permit is necessary. The Transport Officials and Police Officials are the regulatory authorities for the implementation of Motor Vehicles Act. Permits are issued by Regional Transport Authority / State transport Authority for a transport Vehicle to ply on a public Road where as the licenses to drive vehicles are issued by the

Licensing Authority / assistant Licensing Authority in the Transport department. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle

### **Permit Procedure:**

Applications for permits are available in the office of the secretary S.T.A. and secretary R.T.A. The application for permit can be made at any time supported by the evidence of address and Election Photo identity card from Electoral Registration Officer. The permit application will be processed on the public representation highlighting the desirability and advantages likely to be afforded to the traveling public. Granting of permit is entirely depending upon the decision of Regional Transport Authority Board East Khasi Hills District Shillong. Rationing and quota in permits is in practice.

Permits are granted by the Regional Transport authority Board on an application made on consideration of the following factors:

1. The interest of the general Public
2. Advantages to the public of services of Auto Rickshaws
3. Benefit to only particular locality or localities likely to afford by in services of Auto Rickshaw
4. Inadequacy of other mode of Public services.

### **Different types of permit issued from the Transport authority:**

There are different categories of permit:

1. Contract Carriage : Taxi Cab and Maxi Cab.
2. Stage Carriage : Line Bus, Mini Bus and City Bus
3. Goods Carriage : Carriage of goods on hire and carriage of owner's own goods.
4. Casual Contract Carriage : partly for carriage of passengers and partly for carriage of goods

There are two types of permit. It is Periodic and Temporary. A permit other than a temporary permit shall remain effective for a period of 5 (five) years. The state transport authority is vested with powers to grant permit on inter state route to cover long distance goods traffic and passengers traffic. The State Transport Authority can also issue permit to transport vehicle for operation in route and areas falling under jurisdiction of inter regions. The regional transport authority is empowered to issue regional road permits to transport vehicle for operation in and within the jurisdiction of the regional authority. The Regional Transport Authorities can also issue / extend the operation of permits in other regions subject to countersignature by the R.T.A. of the regions concerned. In special occasion and circumstances, special road permits are granted for a very short duration on application made.



**Authority issuing City Permit:**

District Transport Officer, East Khasi Hills, District Shillong in relation to register of Auto Rickshaws as a transport Vehicles and the Regional Transport authority Board are the authorities involved in relation to granting of permit. Permit is granted by the Regional Transport Authority Board East Khasi Hills District Shillong.

**Time for Processing:**

There is no time prescribed in the Act for disposal of application for permit. Every one has the right to apply for permit from amongst whom the choice is made by the Transport Authority and only the suitable candidate is in order of suitability or merit is selected.

**Documents Required:**

Evidence of address and Election Photo identity card from Electoral Registration Office.

**Issue of Permits:**

The permit will be granted within 10 days after the approval of STA. In case of delay, the applicant may contact the concerned officials of this Department.

**Permit Fees:**

Only court fees stamp of Rs.25 / is needed to be affixed on the application form for permit and no other fees are required.

**Permit Renewal:**

Permits can be renewed on application made subject to compliance of the requirements. The permit has to be renewed as per prescribed I under Sub- Section (2) of Section 81 of the Motor Vehicles Act 1988. A permit may be renewed on application made not less than 15 days before the date of expiring.

**Terms and Conditions:**

The holders of permit are supposed to follow the following terms and conditions.

1. The Auto Rickshaw to which the permit relates shall be used in compliance of all the provisions of Act and Rules.
2. The Auto Rickshaw to which permit relates must carry the valid certificates of fitness, insurance certificate and certificate of registration with evidence of payment of Road Tax.
3. The driver performing the duty of driving must carry the valid and appropriate driving license.
4. The restrictions and prohibition imposed for public good and convenience are strictly adhered to.

5. Auto Rickshaw to which permit relates should be used or caused to be used in compliance of Traffic Rules and Regulations.
6. Auto Rickshaw to which permit relates shall carry with it the fare table and charge fare as per the rate fixed by the Government.
7. Auto Rickshaw to which permit relates shall be so maintained as to comply with the requirement of the Acts and Rules.

### **Penalty:**

It is important to note that permits issued / granted are valid (subject to validity of the documents of the vehicles and compliance of all the conditions attached to permits). Using and permitting use of a transport vehicle in violation and contravention of the provision of the M.V. act and rules will attract penalty.

As provided in Section 66(1) of the act, if the concerned authority has the reason to believe that any motor vehicle has been or being used without a valid permit, it has the power to suspend the registration of the vehicle for a period not exceeding four months. As per the act, it can be punishable with both imprisonment and fine. After disposal of the offence case, it is subject to consideration and discretion of the Regional Transport Authority Board whether to grant permit or not. It is up to the owner to apply for permit or to submit representation before the Regional transport authority Board for deciding the case of regularization by way of grant of formal permit.

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.

## **FINDINGS FROM THE STUDY**

### **General Findings:**

1. The trades in shillong are being regulated by the Shillong Municipal Board as per the provisions of the Bye laws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973
2. License department will be taking care of the issue of licenses
3. Shillong Municipal Board is the supreme regulatory Board

### **Dhaba:**

1. The issue of license for dhaba is regulated by the Shillong Municipal Board as per the provisions of byelaws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973
2. License will be issued after furnishing all the required particulars along with the consent of the Meghalaya State Pollution Control Board
3. One has to approach the Municipal board for license whereas the Meghalaya State Pollution Control Board is giving the consent
4. The officer in charge for the issue of license is the Chief Executive Officer
5. If the premises are a rented one, the counter signature of the house owner is also needed in the application. The application form must be accompanied with the latest municipal holding tax receipt if the establishment is own. The recommendation of local headman (Rangbah Shnong) is also mandatory. Other documents required are Proof of Nationality (EPIC, Driving License, Passport, PRC), Rough sketch map of the location of shop, Municipal Tax Receipt / NOC from land lord and Consent by Meghalaya State Pollution Control Board
6. No prescribed time limit has been stipulated for the issue of license. After submitting the completed application, an inspection to the premises where shop is to be established will be conducted. Then the license will be issued on the satisfaction of the inspector and the authority regarding the feasibility to set up the trade in the premise. Based on that license will be issued and processed. Generally this will take around 5-8 working days after submitting the application
7. Every trade license is valid up to 31<sup>st</sup> March every year regardless of when it is issued. The license holder has to renew it before it. After that license will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days
8. After submitting the completed application, an inspection to the premises where shop is to be established will be conducted by an authorized officer of the Municipal Board
9. As far as possible, the premises shall be kept neat and clean and in sanitary condition and proper drainage system shall be provided to drain out refuse water or lubricating oil to the nearest municipal drain

10. All inflammable materials, such as gas and gasoline shall be handled with due care and store in a secure place and a sign board clearly and distinctly written with the inscription "SMOKING OR LIGHTING OF MATCHSTICKS STRICTLY PROHIBITED" exhibited in a prominent place of the premises dealing with such dangerous articles.
11. Proper arrangements shall be made for the exit of smoke and all precaution taken so that the working of the machinery tools and plant does not create any usual noise and sound creating nuisance or disturbances to the neighbouring locality
12. Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor of a factory, workshop or work place or shopping centre violates or infringes any of the conditions of the permission, shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences
13. This license does not confer on you any right or title over the stall/shop building or the land in question
14. This license will remain in force for a period of one year from the date of issue and shall not be renewed if the terms and conditions are not fulfilled
15. No cars or any vehicle are allowed to be parked on the roadside, which will obstruct the pedestrians or the flow of traffic
16. This license shall stand automatically cancelled on default of the terms and conditions.
17. Realisation of license fees through a license shall be prescribed by the Board, and the license fee shall be determined by the Board from time to time as the case may be. The fee is subject to alteration from time to time by the Board at a meeting
18. As per the provisions of the act and byelaws one is supposed to obtain the license before starting. Failure will be result in the closure of the shop and the seizure of the materials by the Municipal Board. A fine will also be levied upon the traders
19. After the renewal date, license will be treated as lapse and the shop or the establishment is liable to close down. Notice will be sent to the holder after the license has lapsed for seven days.
20. As per the Bye laws, Any person who starts or establishing a factory, workshop or work place or a shop for any of the foregoing items of business or trade without written permission of the Municipality and without taking a license obtained in advance or if any owner or a proprietor violates or infringes any of the conditions of the permission, then he shall be liable to a fine not exceeding fifty rupees for everyday during which the factory, workshop or work place or shopping centre is maintained and continued functioning after he/she has been convicted of the offences

### **Vegetable Sellers:**

1. Vegetable seller is defined as a person who sells any or more than one kind of vegetables
2. The issue of license for vegetable sellers is regulated by the Shillong Municipal Board as per the provisions of byelaws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973. Shillong Municipal Board is

the supreme regulatory Board. Shillong Municipal Bye law 136 B is regulating the vegetable sellers

3. License will be issued after furnishing all the required particulars. But the consent of the Meghalaya State Pollution Control Board is not necessary. One has to apply in the prescribed application form which can be obtainable from the office of the Shillong Municipal Board at the cost of Rs.10/- along with other supportive documents. One has to approach the Municipal board for license
4. Shillong Municipal Board is the supreme regulatory Board. One has to approach the Municipal board for license. The officer in charge for the issue of license is the Chief Executive Officer
5. Other procedures are same as dhabas

### **Meat Shops:**

1. Meat shop is defined as a place where any or all kind of meat is sold
2. The issue of license for meat shops is regulated by the Shillong Municipal Board as per the provisions of byelaws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973. Shillong Municipal Board is the supreme regulatory Board. Shillong Municipal Bye law 105 is regulating the meat shop
3. License will be issued after furnishing all the required particulars. But the consent of the Meghalaya State Pollution Control Board is not necessary. One has to apply in the prescribed application form which can be obtainable from the office of the Shillong Municipal Board at the cost of Rs.10/- along with other supportive documents. One has to approach the Municipal board for license
4. Shillong Municipal Board is the supreme regulatory Board. One has to approach the Municipal board for license. The officer in charge for the issue of license is the Chief Executive Officer
5. Other procedures are same as dhaba's

### **Barber Shops:**

1. Barber shop is defined as a saloon or any place where hair dressing / hair care is done.
2. The issues of license for barber shops are regulated by the Shillong Municipal Board as per the provisions of byelaws framed by the Shillong Municipal Board which is framed under Meghalaya Municipality Act 1973. Shillong Municipal Board is the supreme regulatory Board. Shillong Municipal Bye law 136 B is regulating the barber shop
3. License will be issued after furnishing all the required particulars. But the consent of the Meghalaya State Pollution Control Board is not necessary.. One has to apply in the prescribed application form which can be obtainable from the office of the Shillong Municipal Board at the cost of Rs.10/- along with other supportive documents. One has to approach the Municipal board for license
4. Shillong Municipal Board is the supreme regulatory Board. One has to approach the Municipal board for license. The officer in charge for the issue of license is the Chief Executive Officer
5. Other procedures are same as dhaba's

### **Auto Rickshaw:**

1. Auto Rickshaw when engaged in carriage of passengers from point to point distance are treated as transport vehicle. In Shillong it is mandatory to obtain permit from the prescribed authority (Regional Transport Authority -Shillong region)
2. In Shillong Permit may also be understood and interpreted as license to operate Auto rickshaw as transport Vehicle. Driving license is necessary. Permits will be granted in relation to a particular auto Rickshaw for plying in Shillong Region only
3. The Transport Officials and Police Officials are the regulatory authorities for the implementation of Motor Vehicles Act
4. Permits are issued by Regional Transport Authority / State transport Authority for a transport Vehicle to ply on a public Road where as the licenses to drive vehicles are issued by the Licensing Authority / assistant Licensing Authority in the Transport department. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle
5. Applications for permits are available in the office of the secretary S.T.A. and secretary R.T.A. The application for permit can be made at any time supported by the evidence of address and Election Photo identity card from Electoral Registration Officer
6. The permit application will be processed on the public representation highlighting the desirability and advantages likely to be afforded to the traveling public. Granting of permit is entirely depending upon the decision of Regional Transport Authority Board East Khasi Hills District Shillong. Rationing and quota in permits is in practice
7. Permits are granted by the Regional Transport authority Board on an application made on consideration of the interest of the general Public, Advantages to the public of services of Auto Rickshaws, Benefit to only particular locality or localities likely to afford by in services of Auto Rickshaw, Inadequacy of other mode of Public services
8. There are two types of permit. It is Periodic and Temporary
9. A permit other than a temporary permit shall remain effective for a period of 5 (five) years.
10. The state transport authority is vested with powers to grant permit on inter state route to cover long distance goods traffic and passengers traffic
11. The State Transport Authority can also issue permit to transport vehicle for operation in route and areas falling under jurisdiction of inter regions
12. The regional transport authority is empowered to issue regional road permits to transport vehicle for operation in and within the jurisdiction of the regional authority
13. The Regional Transport Authorities can also issue / extend the operation of permits in other regions subject to countersignature by the R.T.A. of the regions concerned. In special occasion and circumstances, special road permits are granted for a very short duration on application made
14. District Transport Officer East Khasi Hills District Shillong in relation to register of Auto Rickshaws as a transport Vehicles and the Regional Transport authority Board in relation to granting of permit
15. Permit is granted by the Regional Transport Authority Board East Khasi Hills District Shillong
16. There is no time prescribed in the Act for disposal of application for permit



17. Every one has the right to apply for permit from amongst whom the choice is made by the Transport Authority and only the suitable candidate is in order of suitability or merit is selected
18. Evidence of address and Election Photo identity card from Electoral Registration Office are required
19. The permit will be granted within 10 days after the approval of STA. In case of delay, the applicant may contact the concerned officials of this Department
20. Permits can be renewed on application made subject to compliance of the requirements. The permit has to be renewed as per prescribed I under Sub- Section (2) of Section 81 of the Motor Vehicles Act 1988. A permit may be renewed on application made not less than 15 days before the date of expiring
21. It is important to note that permits issued / granted are valid (subject to validity of the documents of the vehicles and compliance of all the conditions attached to permits)
22. As provided in Section 66(1) of the act, if the concerned authority has the reason to believe that any motor vehicle has been or being used without a valid permit, it has the power to suspend the registration of the vehicle for a period not exceeding four months.
23. After disposal of the offence case, it is subject to consideration and discretion of the Regional Transport Authority Board whether to grant permit or not. It is up to the owner to apply for permit or to submit representation before the Regional transport authority Board for deciding the case of regularization by way of grant of formal permit
24. As per Section 192A of The Motor Vehicles Act 1988, using vehicle without permit is punishable.
25. The holders of permit are supposed to follow the following terms and conditions
26. The Auto Rickshaw to which the permit relates shall be used in compliance of all the provisions of Act and Rules.
27. The Auto Rickshaw to which permit relates must carry the valid certificates of fitness, insurance certificate and certificate of registration with evidence of payment of Road Tax.
28. The driver performing the duty of driving must carry the valid and appropriate driving license.
29. The restrictions and prohibition imposed for public good and convenience are strictly adhered to.
30. Auto Rickshaw to which permit relates should be used or caused to be used in compliance of Traffic Rules and Regulations.
31. Auto Rickshaw to which permit relates shall carry with it the fare table and charge fare as per the rate fixed by the Government.
32. Auto Rickshaw to which permit relates shall be so maintained as to comply with the requirement of the Acts and Rules.