

# THE LIVELIHOOD REGULATIONS REPORT

## PONDICHERRY



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.

Puducherry (formerly Pondicherry) is a Union Territory of India. It is a former French colony, consisting of four non-contiguous enclaves, or districts, and named for the largest, Pondicherry.

In September 2006, the territory changed its official name from Pondicherry to the vernacular original, Puducherry, which means "New village". It is also known as The French Riviera of the East (*La Côte d'Azur de l'Est*).

As of 2007 India census, Puducherry had a population of 735,332. Males constitute 50% of the population and females 50%. Puducherry has an average literacy rate of 76%, higher than the national average of 59.5%: male literacy is 82%, and female literacy is 71%. In Puducherry, 11% of the population is under 6 years of age.

The majority of Puducherrians speak Tamil, Telugu or Malayalam. At the time of their departure from the country, the French colonisers gave Puducherrians the option to secure French nationality. However, few accepted the offer. There is a community of French people in Puducherry and a number of French institutions such as a consulate, French schools, the French Institute, and L'Alliance Française. A fascination for the French language and French culture is very common. Many French tourists visit this charming seaside town out of curiosity and because it feels familiar to their home country to a certain extent.

There is also a sizeable community of Indians from other states of India, notably Bengal, Gujarat and Orissa. Many amongst them are there because of the Sri Aurobindo Ashram, founded by Sri Aurobindo and his disciple, Meera Alfasa.

The present report of the livelihood regulations in Pondicherry covers vegetable sellers, cobblers, auto rickshaws, barber shops and meat Shops.

## **REPORT OF PROJECT -PONDICHERRY**

The Trades under study are:

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

### **Introduction:**

The trades in Pondicherry are being regulated by the Pondicherry Municipality as per the provisions of Pondicherry Municipalities Act, 1973 and the Rules framed under the PONDICHERRY MUNICIPALITIES GRANT OF (LICENCES AND PERMISSIONS) Rules, 1976.

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

#### **I. Vegetable sellers:**

The issue of license is regulated by the Pondicherry Municipality as per the provisions of Pondicherry Municipalities Act, 1973 and the Rules framed under the PONDICHERRY MUNICIPALITIES GRANT OF (LICENCES AND PERMISSIONS) Rules, 1976.

#### **Licensing Procedure**

According to section 355, no person can use any premise in municipal limit for any purpose mentioned in schedule III without the license from the commissioner and except in accordance with the conditions specified. The council may declare it through notification provided that no such notification shall take effect until sixty days from the date of application.

The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license in the prescribed application form. The application must be made not less than thirty days and not more than ninety days before they are opened. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees

**Regulatory Body:**

The Municipality is the issuing authority. The commissioner pond cherry municipality is the chief authority and revenue department is involved in the process.

**Documents Required:**

No specific documents are required. Applicants are required to submit those attachments, if anything is asked in particular at the time of the submission of application.

**Processing:**

No specific time limit has been stipulated for the issue of license and goes according to the provisions contained in the Act. But as per the Act and rules, The Commune panchayat council as soon as may be after the receipt of the application and within sixty days from the date of receipt grants the permission applied, subjecting to conditions prescribed. The commissioner may refuse permission if he is of the opinion that the establishment is likely to cause any nuisance or any other valid reasons to be recorded in writing.

**FEES:**

The licensing fees for whole sale vegetable sellers are Rs.750 per year and Rs.100 per year for retail traders. As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the act in the case of default in the payment of fees and taxes. Provided that the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees.

**Fees Remittance:**

The fees mentioned must be remitted in the office of the commissioner, Pondicherry Municipality.

**Duration**

According to "THE PONDICHERRY COMMUNE PANCHAYATS (GRANT OF LICENSES AND PERMISSIONS) RULES, 1976", every license granted shall expire at the end of the year unless for special reasons with the commissioner's consideration to expire at an earlier date as may be specified.

**License Renewal:**

Every trade license is to be renewed before 28<sup>th</sup> February/ 29<sup>th</sup> February of every year as the case may be .Failing will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees.

### **Directions for License:**

As per section 457 of Pondicherry Municipalities Act 1973 and section 4 and 5 of Pondicherry Commune Panchayats (Forms and Contents of Licenses and Permissions) Rules, 1976, every license issued under the Act shall specify the period and also the conditions, limitations and restrictions for which the license is granted and shall be signed by the commissioner. The commissioner or any other authority shall in that behalf or every order granting license/ permission shall be published on the notice board of the commune panchayat council. Any license or permission under the Act or any rule made there under may at any time, be modified suspended or cancelled by the commissioner in the breach of any provisions of act or rule or contravening any conditions. Provided the grantee must get an opportunity to be heard. He must get an opportunity for appeal but that appeal must be considered only if it is received in the office within the ten days after the date of receipt by the grantee of the order appealed against. The grounds for rejection/ suspension / modification/ cancellation shall be stated. The grantee is obliged to produce the license at all reasonable times when it is asked by the commissioner or any authorized person while the license is in force.

### **Inspection:**

The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act

### **Suspension of License:**

The commissioner have the power to revoke or suspend license, if it is obtained fraudulently, used for any other purpose than the license obtained contravention of any conditions in license, and also if the commissioner believes that the premise can no longer be used for the purpose mentioned. Provided the reason has to be recorded.

### **Timings:**

Pondicherry Shops and Establishments Act says that no shop shall on any day be opened earlier or closed than the hours fixed by the government by order and every shop shall be remained entirely closed in one day in a week. As per the provisions for other establishment than shops as provided in Shops and Establishments Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty- eight hours in a week.

**Penalty:**

Section 355 of Pondicherry Municipalities Act, 1973 contemplates the fine of Rs.200/- and a daily fine of Rs. 60 /- for using a place for any purpose specified without license or in contrary to license. Failing to renew license in time will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

**II.Cobblers:**

According to section 355, no person can use any premise in municipal limit can be used for any purpose mentioned in schedule III without the license from the commissioner and except in accordance with the conditions specified. The council may declare it through notification provided that no such notification shall take effect until sixty days from the date of application. The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license. The application must be made not less than thirty days and not more than ninety days before they are opened. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application. The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act. The procedures are same as that of vegetable sellers except fees.

**Licensing Procedure**

According to section 355, no person can use any premise in municipal limit for any purpose mentioned in schedule III without the license from the commissioner and except in accordance with the conditions specified. The council may declare it through notification provided that no such notification shall take effect until sixty days from the date of application.

The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license in the prescribed application form. The application must be made not less than thirty days and not more than ninety days before they are opened. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees

**Regulatory Body:**

The Municipality is the issuing authority. The commissioner pond cherry municipality is the chief authority and revenue department is involved in the process.

**Documents Required:**

No specific documents are required. Applicants are required to submit those attachments, if anything is asked in particular at the time of the submission of application.

**Processing:**

No specific time limit has been stipulated for the issue of license and goes according to the provisions contained in the Act. But as per the Act and rules, The Commune panchayat council as soon as may be after the receipt of the application and within sixty days from the date of receipt grants the permission applied, subjecting to conditions prescribed. The commissioner may refuse permission if he is of the opinion that the establishment is likely to cause any nuisance or any other valid reasons to be recorded in writing.

**License Fees:**

The licensing fees for cobblers are Rs. 50.00 per year for retail traders. As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the act in the case of default in the payment of fees and taxes. Provided that the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees. The fees must be remitted in the office of the commissioner, Pondicherry Municipality.

**Duration**

According to "THE PONDICHERRY COMMUNE PANCHAYATS (GRANT OF LICENSES AND PERMISSIONS) RULES, 1976", every license granted shall expire at the end of the year unless for special reasons with the commissioner's consideration to expire at an earlier date as may be specified.

**License Renewal:**

Every trade license is to be renewed before 28<sup>th</sup> February/ 29<sup>th</sup> February of every year as the case may be. Failing will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees.

**Directions for License:**

As per section 457 of Pondicherry Municipalities Act 1973 and section 4 and 5 of Pondicherry Commune Panchayats (Forms and Contents of Licenses and Permissions ) Rules , 1976 , every license issued under the Act shall specify the period and also the conditions, limitations and restrictions for which the license is granted and shall be signed by the commissioner. The commissioner or any other authority shall in that behalf or every order granting license/ permission shall be published on the notice board of the commune panchayat council. Any license or permission under the Act or any rule made there under may at any time , be modified suspended or cancelled by the commissioner in the breach of any provisions of ct or rule or contravening any conditions. Provided the grantee must get an opportunity to being heard. He must get an opportunity for appeal but that appeal must be considered only I it is received in the office within the ten days after the date of receipt by the grantee of the order appealed against. The grounds for rejection/ suspension / modification/ cancellation shall be stated. The grantee is obliged to produce the license at all reasonable times when it is asked by the commissioner or any authorized person while the license is in force.

**Inspection:**

The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act

**Suspension of License:**

The commissioner have the power to revoke or suspend license, if it is obtained fraudulently, used for any other purpose than the license obtained contravention of any conditions in license, and also if the commissioner believes that the premise can no longer be used for the purpose mentioned. Provided the reason has to be recorded.

**Timings:**

Pondicherry Shops and Establishments Act says that no shop shall on any day be opened earlier or closed than the hours fixed by the government by order and every shop shall be remained entirely closely in one day in a week. As per the provisions for other establishment than shops as provided in Shops and Establishments Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty- eight hours in a week.

**Penalty:**

Section 355 of Pondicherry Municipalities Act, 1973 contemplates the fine of Rs.200/- and a daily fine of Rs. 60 /- for using a place for any purpose specified without license or in contrary to license. Failing to renew license in time will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.



### **III Meat Shops:**

According to section 355, no person can use any premise in municipal limit can be used for any purpose mentioned in schedule III without the license from the commissioner and except in accordance with the conditions specified. The council may declare it through notification provided that no such notification shall take effect until sixty days from the date of application. The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license. The application must be made not less than thirty days and not more than ninety days before they are opened. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application. The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act. The procedures are same as that of vegetable sellers except fees.

### **Special directions for meat Shops/ slaughter houses:**

The municipal council shall provide sufficient number of places within the municipal limits for slaughter houses. To get a license for slaughter house, one has to apply to the commissioner for a license sixty days before the opening of such place as slaughter house and before the commencement of the year for which license is to be renewed. According to section 364, no person is allowed to slaughter within the municipality except in a public or licensed slaughter house without or otherwise than in conformity with a license from the commissioner. Provide that the commissioner may authorize a person to slaughter without license and fees for religious ceremonies. According to section 389, the corporation authorities have the power to inspect slaughter house or any place animals or other articles of food are being exposed for sale or manufactured and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act. Section 379 says that no person shall without a license or against the conditions of license can use the place for a butchering.

### **Licensing Procedure**

According to section 355, no person can use any premise in municipal limit for any purpose mentioned in schedule III without the license from the commissioner and except in accordance with the conditions specified. The council may declare it through notification provided that no such notification shall take effect until sixty days from the date of application.

The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license in the prescribed application form. The application must be made not less than thirty days and not more than ninety days before they are opened. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the

period. According to section 371, the license for public markets cannot exceed six hundred rupees

### **Regulatory Body:**

The Municipality is the issuing authority. The commissioner pond cherry municipality is the chief authority and revenue department is involved in the process.

### **Documents Required:**

No specific documents are required. Applicants are required to submit those attachments, if anything is asked in particular at the time of the submission of application.

### **Processing:**

No specific time limit has been stipulated for the issue of license and goes according to the provisions contained in the Act. But as per the Act and rules, The Commune panchayat council as soon as may be after the receipt of the application and within sixty days from the date of receipt grants the permission applied, subjecting to conditions prescribed. The commissioner may refuse permission if he is of the opinion that the establishment is likely to cause any nuisance or any other valid reasons to be recorded in writing.

### **License Fees:**

The licensing fees for meat shops are Rs. 200.00 per year for retail traders. As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the act in the case of default in the payment of fees and taxes. Provided that the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees. The fees must be remitted in the office of the commissioner, Pondicherry Municipality.

### **Duration**

According to "THE PONDICHERRY COMMUNE PANCHAYATS (GRANT OF LICENSES AND PERMISSIONS) RULES, 1976", every license granted shall expire at the end of the year unless for special reasons with the commissioner's consideration to expire at an earlier date as may be specified.

### **License Renewal:**

Every trade license is to be renewed before 28<sup>th</sup> February/ 29<sup>th</sup> February of every year as the case may be. Failing will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default

in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees.

### **Directions for License:**

As per section 45 of Pondicherry Municipalities Act 1973 and section 4 and 5 of Pondicherry Commune Panchayats (Forms and Contents of Licenses and Permissions ) Rules , 1976 , every license issued under the Act shall specify the period and also the conditions, limitations and restrictions for which the license is granted and shall be signed by the commissioner. The commissioner or any other authority shall in that behalf or every order granting license/ permission shall be published on the notice board of the commune panchayat council. Any license or permission under the Act or any rule made there under may at any time , be modified suspended or cancelled by the commissioner in the breach of any provisions of ct or rule or contravening any conditions. Provided the grantee must get an opportunity to being heard. He must get an opportunity for appeal but that appeal must be considered only I it is received in the office within the ten days after the date of receipt by the grantee of the order appealed against. The grounds for rejection/ suspension / modification/ cancellation shall be stated. The grantee is obliged to produce the license at all reasonable times when it is asked by the commissioner or any authorized person while the license is in force.

### **Inspection:**

The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act

### **Suspension of License:**

The commissioner have the power to revoke or suspend license, if it is obtained fraudulently, used for any other purpose than the license obtained contravention of any conditions in license, and also if the commissioner believes that the premise can no longer be used for the purpose mentioned. Provided the reason has to be recorded.

### **Timings:**

Pondicherry Shops and Establishments Act says that no shop shall on any day be opened earlier or closed than the hours fixed by the government by order and every shop shall be remained entirely closely in one day in a week. As per the provisions for other establishment than shops as provided in Shops and Establishments Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty- eight hours in a week.

### **Penalty:**

Section 355 of Pondicherry Municipalities Act, 1973 contemplates the fine of Rs.200/- and a daily fine of Rs.60 /- for using a place for any purpose specified without license or in contrary

to license. Failing to renew license in time will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

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

According to section 355, no person can use any premise in municipal limit can be used for any purpose mentioned in schedule III without the license from the commissioner. And except in accordance with the conditions specified. The council may declare it through notification provided that no such notification shall take effect until sixty days from the date of application. The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license. The application must be made not less than thirty days and not more than ninety days before they are opened. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application. The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act.

#### **Licensing Procedure:**

The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license in the prescribed application form. The application must be made not less than thirty days and not more than ninety days before they are opened. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees

#### **Regulatory Body:**

The Municipality is the issuing authority. The commissioner pond cherry municipality is the chief authority and revenue department is involved in the process.

#### **Documents Required:**

No specific documents are required. Applicants are required to submit those attachments, if anything is asked in particular at the time of the submission of application.

#### **Processing:**

No specific time limit has been stipulated for the issue of license and goes according to the provisions contained in the Act. But as per the Act and rules, The Commune panchayat council

as soon as may be after the receipt of the application and within sixty days from the date of receipt grants the permission applied, subjecting to conditions prescribed. The commissioner may refuse permission if he is of the opinion that the establishment is likely to cause any nuisance or any other valid reasons to be recorded in writing.

### **License Fees:**

The licensing fee for a barbershop is Rs. 50.00 per year for retail traders. As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the act in the case of default in the payment of fees and taxes. Provided that the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees. The fees must be remitted in the office of the commissioner, Pondicherry Municipality.

### **Duration**

According to "THE PONDICHERRY COMMUNE PANCHAYATS (GRANT OF LICENSES AND PERMISSIONS) RULES, 1976", every license granted shall expire at the end of the year unless for special reasons with the commissioner's consideration to expire at an earlier date as may be specified.

### **License Renewal:**

Every trade license is to be renewed before 28<sup>th</sup> February/ 29<sup>th</sup> February of every year as the case may be. Failing will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees.

### **Directions for License:**

As per section 457 of Pondicherry Municipalities Act 1973 and section 4 and 5 of Pondicherry Commune Panchayats (Forms and Contents of Licenses and Permissions ) Rules , 1976 , every license issued under the Act shall specify the period and also the conditions, limitations and restrictions for which the license is granted and shall be signed by the commissioner. The commissioner or any other authority shall in that behalf or every order granting license/ permission shall be published on the notice board of the commune panchayat council. Any license or permission under the Act or any rule made there under may at any time , be modified suspended or cancelled by the commissioner in the breach of any provisions of ct or rule or contravening any conditions. Provided the grantee must get an opportunity to being heard. He must get an opportunity for appeal but that appeal must be considered only I it is

received in the office within the ten days after the date of receipt by the grantee of the order appealed against. The grounds for rejection/ suspension / modification/ cancellation shall be stated. The grantee is obliged to produce the license at all reasonable times when it is asked by the commissioner or any authorized person while the license is in force.

**Inspection:**

The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act

**Suspension of License:**

The commissioner have the power to revoke or suspend license, if it is obtained fraudulently, used for any other purpose than the license obtained contravention of any conditions in license, and also if the commissioner believes that the premise can no longer be used for the purpose mentioned. Provided the reason has to be recorded.

**Timings:**

Pondicherry Shops and Establishments Act says that no shop shall on any day be opened earlier or closed than the hours fixed by the government by order and every shop shall be remained entirely closely in one day in a week. As per the provisions for other establishment than shops as provided in Shops and Establishments Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty- eight hours in a week.

**Penalty:**

Section 355 of Pondicherry Municipalities Act, 1973 contemplates the fine of Rs.200/- and a daily fine of Rs.60 /- for using a place for any purpose specified without license or in contrary to license. Failing to renew license in time will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

**V. Auto Rickshaw**

As per Section 66 of Motor Vehicles Act 1988, permit is necessary. Pondicherry Motor Vehicle Rules 1989 and Motor Vehicles Act 1988 is the legislative directions towards the issue of permit. 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:**

Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle. Application shall be submitted in Form P.Co.C with prescribed fees of Rs.500/- and document for correctness of address such as Ration Card/Election I. D. Card etc.

**Authority issuing City Permit:**

Regional Transport Authority/State Transport Authority is the authority to grant Permits.The Transport Department and Police Department are involved in the processing of the pen-nit application.

**Documents Required:**

Document for correctness of address such as Ration Card/Election I. D. Card etc is required.

**Issue of Permits:**

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

**Permit Fees:**

The prescribed Fees is Rs. 500 /- and the fees is to be paid at the Cash Counter of Transport Department, Puducherry/Karaikal/Mahe/Yanam as the case may be, in the form of cash/DD drawn in favour of Secretary, STA, Puducherry.

**Renewal Of permits:**

As per Section 81 of The Motor vehicles Act 1988 that deals with the duration and renewal of permits, a permit other than a temporary permit issued under section 87 or a special permit issued under sub-section (8) of section 88 shall be effective from the date of issuance or renewal thereof for a period of five years. Provided the countersignature where the permit is countersigned under the provision of section 88 shall remain effective without renewal for such period so as to synchronies with the validity of the primary permit.

The Act also says that the permit may be renewed on an application made not less than fifteen days before the date of its expiry. Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority as the case may be, entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

As per the Section (4) Of the section 81 of the Motor Vehicles Act 1988, The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit on one or more of the following grounds, namely:-

1. The financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;
2. The applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely Plying any vehicle Without payment of tax due on such vehicle, Without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle on any unauthorized route and making unauthorized trips:

Provided that in computing the number of punishments for the purpose of clause (b), any punishment stayed by the order of an appellate authority shall not be taken into account: Provided further that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.

In the case of the permits which has been renewed after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refused.

#### **CONDITIONS OF PERMIT IN RESPECT OF CONTRACT CARRIAGES:**

1. The contract carriages should ply in the route or area for which the permit has been issued.
2. Trip-sheet should be maintained in the prescribed form.
3. The vehicle covered by the permit should not be replaced except with the permission of the Transport Authority.
4. It should not carry persons in excess of the number allowed in the permit.
5. The permit is not transferable without the prior permission of the Transport Authority that granted the permit.
6. Tax shall be paid at the scheduled rate under the prevailing taxation rules.
7. Part 'B' permit shall be carried in the vehicle.
8. The fare—table should be exhibited in the vehicle in a conspicuous place.
9. Change of address and stoppages from service should be intimated to the Transport Authority.
10. No advertisement shall be exhibited without the permission of the Transport Authority.
11. The vehicle covered by the permit shall always have current certificate of fitness.
12. The vehicles, covered by permit shall be duly insured under the provisions of the Chapter X1 of the Motor Vehicles Act, 1988.
13. There shall not be present in the vehicle even when it is stationary any class of description of goods, the conveyance of which contravenes any law or any rules, by law or order made there under prohibiting or regulating the import, export or transport of such goods.
14. The permit does not entitle the holder to use the vehicle as a stage carriage or public carrier.



15. The permit is subject to all rules relating to permits under the Motor Vehicles Act, 1988 and in force for the time being.
16. The permit holder of a contract carriage should see that the person in-charge of the vehicle should not refuse to ply for hire at any time when the vehicle is not actually engaged and does not demand fare in excess of the prescribed fare.
17. Drivers who are not duly authorized to drive public service vehicles and drivers who are disqualified from driving public service vehicles should not be employed to drive the contract carriages by the permit holders.
18. The owner of taxi should communicate to the Secretary, State Transport Authority the name and address of the drivers who are at present working under him. Any change in the name or address of the personnel should also be reported and when they occur within three days of such change to the Secretary, State Transport Authority.
19. The permit holder should on demand by the State Transport Authority or by any officer authorized in this behalf give all particulars regarding the name and address and the license and the badge number held by the driver of the public service vehicles which are in his possession or any reasonable diligence can be ascertained by him.
20. The vehicle to which the permit relates shall not be allowed or caused to be
21. allowed to carry any stolen or contraband property with the knowledge that the same was stolen or contraband
22. It shall be a condition of permit of every contract carriage that the vehicles shall be so maintained as to be available for the service for which the permit was granted for the entire period of currency of the permit. The permit is liable to be suspended or cancelled after due notice to the permit holders, if the vehicle has not been used for the purpose for which the permit was granted for a continuous period of more than 15 days during its validity, unless the holders of the permit had obtained in writing the prior permission of the Transport Authority to suspend the service of the vehicle for specific period exceeding 15 days.
23. The vehicle shall be let on, contract expressed or implied for the use of the vehicle either as a whole or as a part by passengers who may pay separate fares to ply from one point to another without stopping to pick up or let down along the line or the route.
24. The permit holder shall exercise such supervision over the work of his employees as is necessary to ensure that the vehicle is operated in conformity with the Act and Rules and shall not use or cause or allow to be used the vehicle in the commission of any offence under any general or special local law or any statutory control under in force in the State of Pondicherry and shall be responsible for the conduct of his driver and his other employees.
25. The permit holder shall ensure that adequate arrangements are made for the comfort, convenience and safety of the passengers carried.
26. In the case of Motor –Cabs the word "Taxi" should be painted on both front and rear registration number plates in red.
27. The driver shall use only those cab ranks that are prescribed under section 76 of the Act and no other cab rank.
28. In case of a two- seater auto- rickshaw the permit holder shall fix and maintain a milometer or a fare meter in proper working order and shall not drive the vehicle or cause to be driven in a public place unless such a metre is fixed and maintained.
29. In the case of motor-cabs, a weight of 15 kilograms of passenger luggage per passenger shall be carried free of charge and for every additional 10 kilograms of passenger luggage at rate of 50 paise for 10 kilograms shall be charged.

30. The authority may after giving notice of not less than one month vary the conditions of permit and attach to the permit further conditions
31. The conditions of permit shall not be departed from save with the approval of the authority
32. Every contract carriage shall have a first-aid box containing the following articles
  - a. Sterilized finger dressings
  - b. Sterilized hand and foot dressings
  - c. Sterilized large or body dressings
  - d. One extra large, two large and three small sterilized burn dressings.
  - e. Two half ounce packets of sterilized cotton wool
  - f. A bottle of 2 percent tincture iodine
  - g. A bottle of salvolathile
  - h. Empty bottle fitted with cork and camel hair brush for eye drops
  - i. Two ounce medicine glass

### **Penalty:**

An amount of Rs.2000/- will be collected as Compounding fees for vehicles without 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 the person using the vehicle must report about the same to the Regional Transport Authority within seven days from the date of such use.

## **FINDINGS FROM THE STUDY**

### **General Findings:**

1. The trades in Pondicherry are being regulated by the Pondicherry Municipality as per the provisions of Pondicherry Municipalities Act, 1973 and the Rules framed under the PONDICHERRY MUNICIPALITIES GRANT OF (LICENCES AND PERMISSIONS) Rules, 1976.
2. The issue of license is regulated by the Pondicherry Municipality as per the provisions of Pondicherry Municipalities Act, 1973 and the Rules framed under the PONDICHERRY MUNICIPALITIES GRANT OF (LICENCES AND PERMISSIONS) Rules, 1976.

3. No person can use any premise in municipal limit for any purpose mentioned in schedule III of the Municipalities Act without the license from the commissioner

**Trade wise details are as follows:**

**Vegetable sellers:**

1. The issue of license is regulated by the Pondicherry Municipality as per the provisions of Pondicherry Municipalities Act, 1973 and the Rules framed under the PONDICHERRY MUNICIPALITIES GRANT OF (LICENCES AND PERMISSIONS) Rules, 1976.
2. The owner or occupier within thirty days of publication of such notification shall apply to the commissioner for the license in the prescribed application form. The application must be made not less than thirty days and not more than ninety days before they are opened.
3. On receipt of application, the commissioner will grant the license specifying the conditions. Before granting license, there will be a complete investigation in respect of the application.
4. The Municipality is the issuing authority. The commissioner pond cherry municipality is the chief authority and revenue department is involved in the process.
5. No specific documents are required. Duly filled application form along with the required attachments if anything is asked in particular at the time of application
6. No specific time limit has been stipulated for the issue of license and goes according to the provisions contained in the Act. But as per the Act and rules, The Commune panchayat council as soon as may be after the receipt of the application and within sixty days from the date of receipt grants the permission applied, subjecting to conditions prescribed. The commissioner may refuse permission if he is of the opinion that the establishment is likely to cause any nuisance or any other valid reasons to be recorded in writing.
7. According to "THE PONDICHERRY COMMUNE PANCHAYATS (GRANT OF LICENSES AND PERMISSIONS) RULES, 1976", every license granted shall expire at the end of the year unless for special reasons with the commissioner's consideration to expire at an earlier date as may be specified.
8. Every trade license is to be renewed before 28<sup>th</sup> February/ 29<sup>th</sup> February of every year as the case may be .Failing will result in 25% of penalty. as per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.
9. The commissioner have the power to revoke or suspend license, if it is obtained fraudulently, used for any other purpose than the license obtained contravention of any conditions in license, and also if the commissioner believes that the premise can no longer be used for the purpose mentioned. Provided that the reason has to be recorded.
10. As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees.

11. The commissioner or any person authorized has the power to inspect the licensed premise and no claim shall lie against any person for any inconvenience or damage for the exercise of powers under the Act
12. Section 355 of Pondicherry Municipalities Act, 1973 contemplates the fine of Rs.200/- and a daily fine of Rs. 60 /- for using a place for any purpose specified without license or in contrary to license. Failing to renew license in time will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.

### **Cobblers and Barber Shop:**

1. The procedures are same as that of vegetable sellers except fees.

### **Meat Shop:**

1. No person shall without a license or against the conditions of license can use the place for a butchering
2. No place can be used for the purpose of slaughtering without a valid license from the commissioner

### **Auto Rickshaw:**

1. As per Section 66 of Motor Vehicles Act, 1988; permit is necessary.
2. The Transport Officials and Police Officials are the regulatory authorities for the implementation of Motor Vehicles Act.
3. 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.
4. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle
5. Permits are issued for the vehicle but license is issued to a person to drive a particular type of vehicle. Application shall be submitted in Form P.C.O with prescribed fees of Rs.500/- and document for correctness of address such as Ration Card/Election I. D. Card etc.
6. Regional Transport Authority/State Transport Authority is the authority to grant Permits.
7. The Transport Department and Police Department are involved in the processing of the permit application.
8. 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.
9. An amount of Rs.2000/- will be collected as Compounding fees for vehicles without Permit. Transport Vehicles plying without Permit will be ceased and detained.
10. Conditions Of Permit are as follows:
  - a. The contract carriages should ply in the route or area for which the permit has been issued.
  - b. Trip-sheet should be maintained in the prescribed form.

- c. The vehicle covered by the permit should not be replaced except with the permission of the Transport Authority.
- d. It should not carry persons in excess of the number allowed in the permit.
- e. The permit is not transferable without the prior permission of the Transport Authority which granted the permit.
- f. The fare—table should be exhibited in the vehicle in a conspicuous place.
- g. Change of address and stoppages from service should be intimated to the Transport Authority.
- h. No advertisement shall be exhibited without the permission of the Transport Authority.
- i. The vehicle covered by the permit shall always have current certificate of fitness.
- j. The vehicles, covered by permit shall be duly insured under the provisions of the Chapter X1 of the Motor Vehicles Act, 1988.
- k. There shall not be present in the vehicle even when it is stationary any class of description of goods, the conveyance of which contravenes any law or any rules, by law or order made there under prohibiting or regulating the import, export or transport of such goods.
- l. The permit does not entitle the holder to use the vehicle as a stage carriage or public carrier.
- m. The permit is subject to all rules relating to permits under the Motor Vehicles Act, 1988 and in force for the time being.
- n. The permit holder of a contract carriage should see that the person in-charge of the vehicle should not refuse to ply for hire at any time when the vehicle is not actually engaged and does not demand fare in excess of the prescribed fare.
- o. Drivers who are not duly authorized to drive public service vehicles and drivers who disqualified from driving public service vehicles should not employed to drive the contract carriages by the permit holders.
- p. The owner of taxi should communicate to the Secretary, State Transport Authority the name and address of the drivers who are at present working under him. Any change in the name or address of the personnel should also be reported and when they occur within three days of such change to the Secretary, State Transport Authority.
- q. The vehicle to which the permit relates shall not be allowed or caused to be allowed to carry any stolen or contraband property with the knowledge that the same was stolen or contraband .The permit holder shall ensure that adequate arrangements are made for the comfort, convenience and safety of the passengers carried.
- r. In the case of Motor –Cabs the word “Taxi” should be painted on both front and near registration number plates in red.
- s. The driver shall use only those cab ranks which are prescribed under section 76 of the Act and no other cab rank.
- t. In case of a two- seater auto- rickshaw the permit holder shall fix and maintain a milometer or a fare meter in proper working order and shall not drive the vehicle or cause to be driven in a public place unless such a metre is fixed and maintained.

- u. In the case of motor-cabs, a weight of 15 kgs of passenger luggage per passenger shall be carried free of charge and for every additional 10 kgs of passenger luggage at rate of 50 paise for 10 kms shall be charged.
- v. The authority may after giving notice of not less than one month vary the conditions of permit, attach to the permit further conditions.
- w. Every contract carriage shall have a first-aid box

### **FINDINGS FROM THE PONDICHERRY MUNICIPALITIES ACT**

1. According to section 355, no person can use any premise in municipal limit for any purpose mentioned in schedule III without the license from the commissioner and except in accordance with the conditions specified. The council may declare it through notification provided that no such notification shall take effect until sixty days from the date of application.
2. As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period.
3. According to section 371, the license for public markets cannot exceed six hundred rupees
4. As per section 344, commissioner has the power to refuse to grant or renew a license without contravening any provisions provided in the Act. This comes significant in the case of default in the payment of fees and taxes. Provided the commissioner may grant or renew license for period not exceeding two months on his satisfaction that the payment will be done within the period. According to section 371, the license for public markets cannot exceed six hundred rupees.
5. As per section 457of Pondicherry Municipalities Act 1973 and section 4 and 5 of Pondicherry Commune Panchayats (Forms and Contents of Licenses and Permissions ) Rules , 1976 , every license issued under the Act shall specify the period and also the conditions, limitations and restrictions for which the license is granted and shall be signed by the commissioner.
6. The commissioner or any other authority shall in that behalf or every order granting license/ permission shall be published on the notice board of the commune panchayat council. Any license or permission under the Act or any rule made there under may at any time , be modified suspended or cancelled by the commissioner in the breach of any provisions of ct or rule or contravening any conditions. Provided that the grantee must get an opportunity to being heard.
7. Section 355 of Pondicherry Municipalities Act, 1973 contemplates the fine of Rs.200/- and a daily fine of Rs. 60 /- for using a place for any purpose specified without license or in contrary to license. Failing to renew license in time will result in 25% of penalty. As per the act, application for the renewal shall be made not less than thirty and not more than ninety days before the end of the every year.
8. As per section 457of Pondicherry Municipalities Act 1973 and section 4 and 5 of Pondicherry Commune Panchayats (Forms and Contents of Licenses and Permissions ) Rules , 1976 , every license issued under the Act shall specify the period and also the conditions, limitations and restrictions for which the license is granted and shall be signed by the commissioner.

9. The commissioner or any other authority shall in that behalf or every order granting license/ permission shall be published on the notice board of the commune panchayat council.
10. He must get an opportunity for appeal but that appeal must be considered only if it is received in the office within the ten days after the date of receipt by the grantee of the order appealed against. The grounds for rejection/ suspension / modification/ cancellation shall be stated. The grantee is obliged to produce the license at all reasonable times when it is asked by the commissioner or any authorized person while the license is in force.

#### **FINDINGS FROM THE PONDICHERRY MOTOR VEHICLE RULES**

1. According to Section 10 (6) of the Pondicherry Motor Vehicle Rules, No driver shall not shout in order to attract the passengers
2. According to the act, no cab can be used in connection with the prostitution
3. No driver shall not demand/ accept any fees in excess than which is legally entitled
4. The vehicle shall not use for more than the seating capacity

#### **FINDINGS FROM THE PONDICHERRY SHOPS AND ESTABLISHMENTS ACT, 1964**

1. Pondicherry Shops and Establishments Act says that no shop shall on any day be opened earlier or closed than the hours fixed by the government by order and every shop shall be remained entirely closed in one day in a week.
2. As per the provisions for other establishment than shops as provided in Shops and Establishments Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty- eight hours in a week.