

THE LIVELIHOOD REGULATIONS REPORT

RAIPUR



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

Raipur is the capital city of the state of Chhattisgarh, India. The population is 1,509,887 (agglomeration) 2006. The city is the administrative headquarters of Raipur District. It was formerly a part of Madhya Pradesh before the state of Chhattisgarh was formed on November 1, 2000. A World Class City Naya Raipur is being

Being an important regional centre and a city with a history stretching back more than a thousand years, Raipur has been attracting persons from different parts of Madhya Pradesh and neighbouring states.

The demographic composition is a mixed one: North Indians, South Indians, local ethnic Chattisgarhri and few from North East. The city is essentially inhabited by the trading communities like Baniyas, Agrawal/Agarwals, Jains, Gujaratis, and Marwaris. The city also houses immigrant population that includes Sindhis and the Sikhs. It also has a sizable Bengalis, Telugu, Malayalees and Maharashtrians population. Muslims and Christians are minorities. Muslims primarily reside in such areas as Moudhapara (occupied by the immigrants from UP and Bihar), Baijnathpara, Chota Para, Momin Para (Shia Islam community) and Byron Bazaar (which is named after a Briton who is supposed to have formed the place; Byron Bazar was once mostly inhabited by the Muslims from the "Madras Paltan" i.e. those serving in the British Army (Madras Regiment), and had occupied Byron Bazaar as a result of their regiment getting disbanded). The Christian population is scattered around the city.

As of 2001 India census, Raipur had a population of 39,09,887 with an extended agglomeration population of 700,113. Males constitute 52% of the population and females 48%. Raipur has an average literacy rate of 72%, higher than the national average of 59.5%: male literacy is 78%, and female literacy is 65%. In Raipur, 13% of the population is under 6 years of age.

The present report of the livelihood regulations in Raipur covers dhaba, vegetable/ fruit sellers, auto rickshaw, cobblers and meat Shop.

RAIPUR

The sectors chosen for the study are:

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

The licensing of trades in the corporation of Raipur is under the regulations set by the Municipal Corporation of Raipur under the C.G. Municipal Corporation Act, 1956. Trade wise details are as follows:

I. DHABA:

According to section 259 of C.G. Municipal Corporation Act, 1956, no person can sell, expose or hawk or keep for sale any adulterated, diseased and unfit food or animal intended for human consumption.

Section 267 permits inspector or any authorised officer of the corporation to inspect the places where the sale of animal or food intended for human consumption is taking place. The officer has the power to seize and remove the materials that is against the prescribed standards. He also has the power to arrest the person in charge for violations.

Licensing Procedure:

As per section 366, licenses are needed for doing any act that is specified by or under the corporation Act. Every application for license shall be applied to the commissioner and every license shall be signed by the commissioner and shall specify:

1. The date of granting
2. The purpose and the period
3. The restrictions and the conditions for grant
4. The name of the person to which the license is granted
5. The tax paid for the license
6. The date for renewal

License fees:

As provided in the Section 366 (3) of the C.G. Municipal Corporation Act, 1956 a fees for every license may be charged at such rate as may be fixed by the commissioner and such fees shall be payable by the person to whom the license is granted. As per the RTI reply, the fees for a hawker is Rs.30 /- and for a teashop, it is Rs.500 /- As per the act, the fees shall be revised in every three years.

General Instructions:

The person is obliged to produce the license when it is asked for inspection. The commissioner has the power to suspend or revoke the license for the breach of the provisions of the Act or byelaws. If the applicant has applied for renewal on or before the

date prescribed for renewal and the renewal is pending, then the applicant has the right to act as if it is renewed. Suspended licenses will make the effect that license period has been expired till the inspector cancel the order of suspension.

Timings:

No shop or establishment is allowed to open earlier or be kept open later than the timings fixed by the government. The last customer must be served before a half an hour of the closure.

As per the shops and establishment Act, hawking in public places is prohibited before the opening and after the closing hours. For dhabas, no establishments are allowed to open earlier than 5.00 am or later than 1.30a.m and the employer shall not commence the work earlier than 4.30 am and later than 2.00 am. The employers in eating houses or restaurants shall be entitled to produce identity cards, if asked for an inspection. No employer is allowed to work more than 48 hours in a week.

Penalty:

As per the section 246, the establishment of a factory etc without a permission from the commissioner can add a fine of Rs.500/- and selling animals, meat etc without a license can give a fine of Rs.500/-

II.VEGETABLE SELLERS:

According to section 259 of C.G. Municipal Corporation Act, 1956, no person can sell, expose or hawk or keep for sale any adulterated, diseased and unfit food or animal intended for human consumption

Section 267 permits inspector or any authorised officer of the corporation to inspect the places where the sale of animal or food intended for human consumption is taking place. The officer has the power to seize and remove the materials which is against the prescribed standards. He also has the power to arrest the person in charge for violations

So Vegetable sellers also needs license. The Fees and Procedures are as follows :

Licensing Procedure:

As per section 366, licenses are needed for doing any act that is specified by or under the corporation Act. Every application for license shall be applied to the commissioner and every license shall be signed by the commissioner and shall specify:

1. The date of granting
2. The purpose and the period
3. The restrictions and the conditions for grant
4. The name of the person to which the license is granted
5. The tax paid for the license
6. The date for renewal

License fees:

As per the RTI reply, the fees fixed by the corporation for a hawker in general is Rs.30/- and for whole sale of Fruits and vegetables is Rs.1000/-

General Instructions:

The person is obliged to produce the license when it is asked for inspection. The commissioner has the power to suspend or revoke the license for the breach of the provisions of the Act or byelaws. If the applicant has applied for renewal on or before the date prescribed for renewal and the renewal is pending, then the applicant has the right to act as if it is renewed. Suspended licenses will make the effect that license period has been expired till the inspector cancel the order of suspension.

Timings:

No shop or establishment is allowed to open earlier or be kept open later than the timings fixed by the government. The last customer must be served before a half an hour of the closure.

As per the shops and establishment Act, hawking in public places is prohibited before the opening and after the closing hours. No establishments are allowed to open earlier than 5.00 a.m or later than 1.30a.m and the employer shall not commence the work earlier than 4.30 a.m and later than 2.00 am. No employer is allowed to work more than 48 hours in a week.

Penalty:

As per the section 246, the establishment of a factory etc without a permission from the commissioner can add a fine of Rs.500/- and selling animals, meat etc without a license can give a fine of Rs.500/-

III.COBBLERS:

As per section 366 of the C.G. MUNICIPAL CORPORATION ACT 1956, licenses are needed for doing any act which is specified by or under the corporation Act. Every application for license shall be applied to the commissioner and every license shall be signed by the commissioner and shall specify:

1. The date of granting
2. The purpose and the period
3. The restrictions and the conditions for grant
4. The name of the person to which the license is granted
5. The tax paid for the license
6. The date for renewal

The above directions clearly state that Cobblers also needs a license. The licensing procedures are as follows:

Licensing Procedure:

As per section 366, licenses are needed for doing any act that is specified by or under the corporation Act. Every application for license shall be applied to the commissioner and every license shall be signed by the commissioner and shall specify:

1. The date of granting
2. The purpose and the period
3. The restrictions and the conditions for grant
4. The name of the person to which the license is granted
5. The tax paid for the license
6. The date for renewal

License fees:

As per the RTI reply, the fees for a cobbler Shop is Rs.100/-

General Instructions:

The person is obliged to produce the license when it is asked for inspection. The commissioner has the power to suspend or revoke the license for the breach of the provisions of the Act or byelaws. If the applicant has applied for renewal on or before the date prescribed for renewal and the renewal is pending, then the applicant has the right to act as if it is renewed. Suspended licenses will make the effect that license period has been expired till the inspector cancel the order of suspension.

Timings:

No shop or establishment is allowed to open earlier or be kept open later than the timings fixed by the government. The last customer must be served before a half an hour of the closure.

As per the shops and establishment Act, hawking in public places is prohibited before the opening and after the closing hours. No establishments are allowed to open earlier than 5.00 am or later than 1.30a.m and the employer shall not commence the work earlier than 4.30 am and later than 2.00 am. No employer is allowed to work more than 48 hours in a week.

Penalty:

As per the section 246, the establishment of a factory etc without a permission from the commissioner can add a fine of Rs.500/- and selling animals, meat etc without a license can give a fine of Rs.500/-

IV. MEAT SHOP:

According to section 434 of C.G. Municipal Corporation Act,1956 certain offences are punishable with fine i.e. section 225 imposes a maximum fine of Rs.1000 and fine of Rs.5000 is the animals, meat etc., are sold outside the market without license. Also a daily fine of Rs.5000 may be imposed when the offence is a continuing one.

Section 255 of the Municipal Corporation Act, 1956 requires one to acquire license to sell or expose for sale any animal or any meat or fish for human consumption in any place other than a licensed market or a Corporation. It will not include any meat or flesh or fish sold in any hotel or eating houses for consumption on premises.

Section 257 of C.G. Municipal Corporation Act, 1956 imposes a maximum fine of Rs.5000 if the slaughter of animal is done without permission outside municipal slaughter house.

The above provisions clarifies that meat shops also needs license. The Fees and Procedures are as follows:

Licensing Procedure:

As per section 366, licenses are needed for doing any act that is specified by or under the corporation Act. Every application for license shall be applied to the commissioner and every license shall be signed by the commissioner and shall specify:

1. The date of granting
2. The purpose and the period
3. The restrictions and the conditions for grant
4. The name of the person to which the license is granted
5. The tax paid for the license
6. The date for renewal

License fees:

The fees for a butcher shop is Rs.200 /-

General Instructions:

The person is obliged to produce the license when it is asked for inspection. The commissioner has the power to suspend or revoke the license for the breach of the provisions of the Act or byelaws. If the applicant has applied for renewal on or before the date prescribed for renewal and the renewal is pending, then the applicant has the right to act as if it is renewed. Suspended licenses will make the effect that license period has been expired till the inspector cancel the order of suspension.

Timings:

No shop or establishment is allowed to open earlier or be kept open later than the timings fixed by the government. The last customer must be served before a half an hour of the closure.

As per the shops and establishment Act, hawking in public places is prohibited before the opening and after the closing hours. No establishments are allowed to open earlier than 5.00 am or later than 1.30a.m and the employer shall not commence the work earlier than 4.30 am and later than 2.00 am. No employer is allowed to work more than 48 hours in a week.

Penalty:

As per the section 246, the establishment of a factory etc without a permission from the commissioner can add a fine of Rs.500/- and selling animals, meat etc without a license can give a fine of Rs.500/-

V.AUTO RICKSHAWS:

The Motor Vehicles Act, 1988, is the principal Central legislation governing the transport system in the country, and as such, is also the source of most of the laws applicable to all Transport systems in India.

The MV Act in section 2(7) defines "contract carriage" as a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorized by him in this behalf on a fixed or an agreed rate on a time basis, whether or not with reference to any route or distance or from one point to another. It also includes maxi cabs. So an auto rickshaw also comes under contract carriages.

Necessity for permits:

As per section 66(1), No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place without a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorizing him the use of the vehicle in that place

Application Procedure:

As per the section (73),of the central Act an application for a permit in respect of a contract carriage shall contain the following particulars, namely:-

1. the type and seating capacity of the vehicle;
2. the area for which the permit is required;
3. any other particulars which may be prescribed

According to the section (74,) the grant of permit is as follows:

A Regional Transport Authority may, on an application made to it under section 73, grant a contract carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit: Provided that no such permit shall be granted in respect of any area not specified in the application. The Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may be made under Motor Vehicles Act.

Permit Procedure in Raipur:

In Raipur, anyone licensed to drive an auto rickshaw is eligible to apply for a permit. The procedure for obtaining a permit is fairly simple.

As per the RTI Reply, The vehicle permit is for authorizing the vehicle where as driving license is for authorizing the driver. It is mandatory for the auto-rickshaw drivers to obtain their driving license and also obtain a permit from the transportation department. On the completion of the formalities (of a quasi-legal nature), permits are issued. In some exceptional cases of non-issuance, complete information can be obtained from the office and can complete the formalities. After completion of all formalities, and an application to related Area Transport Officer or Secretary Area Transport Authority through quasi-legal procedures and they are considered for permit.

Permit Procedure:

After the applicant submits the filled application, it will be decided by the board through a structured process if the applicant can be given a permit or not.

Regulatory Body:

Area Transport Officer, Raipur is the authorizing officer for issuing Permits.

Transfer of permits:

As per section (82) a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not, without such permission, operate to confer on any person to whom a vehicle covered by the permit is transferred without any right to use that vehicle in the manner authorized by the permit.

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. The permit has to be renewed on an application made not less than fifteen days before the date of its expiry.

Penalty:

Under the Vehicles Act 1988 and State Transport authority, auto rickshaws are given permits. If found without a permit, the owner of the vehicle is liable for a stipulated amount of fine under the vehicles act 1988 under section 200.the violator can also be punished under section 86 of the Motor vehicles Act.

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 that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

FINDINGS FROM THE STUDY

The licensing of trades in the corporation of Raipur is under the regulations set by the Municipal Corporation of Raipur under the C.G. Municipal Corporation Act, 1956

DHABA'S , COBBLERS AND VEGETABLE SELLERS:

1. According to section 259 of C.G. Municipal Corporation Act, 1956, no person can sell, expose or hawk or keep for sale any adulterated, diseased and unfit food or animal intended for human consumption
2. Section 267 permits inspector or any authorised officer of the corporation to inspect the places where the sale of animal or food intended for human consumption is taking place. The officer has the power to seize and remove the materials that is against the prescribed standards. He also has the power to arrest the person in charge for violations
3. As per section 366, licenses are needed for doing any act that is specified by or under the corporation Act
4. Every application for license shall be applied to the commissioner and every license shall be signed by the commissioner and shall specify the date of granting, the purpose and the period, the restrictions and the conditions for grant, the name of the person to which the license is granted, the tax paid for the license and the date for renewal etc
5. The person is obliged to produce the license when it is asked for inspection. The commissioner has the power to suspend or revoke the license for the breach of the provisions of the Act or byelaws
6. Suspended licenses will make the effect that license period has been expired till the inspector cancel the order of suspension
7. No shop or establishment is allowed to open earlier or be kept open later than the timings fixed by the government. The last customer must be served before a half an hour of the closure
8. As per the shops and establishment Act, hawking in public places is prohibited before the opening and after the closing hours
9. For dhaba's, no establishments are allowed to open earlier than 5.00 am or later than 1.30a.m and the employer shall not commence the work earlier than 4.30 am and later than 2.00 am. The employers in eating houses or restaurants shall be entitled to produce identity cards, if asked for an inspection. No employer is allowed to work more than 48 hours in a week

10. As per the section 246, the establishment of a factory etc without a permission from the commissioner can add a fine of Rs.500/- and selling animals, meat etc without a license can give a fine of Rs.500/-

MEAT SHOP:

1. Section 255 of the Municipal Corporation Act, 1956 requires one to acquire license to sell or expose for sale any animal or any meat or fish for human consumption in any place other than a licensed market or a Corporation. It will not include any meat or flesh or fish sold in any hotel or eating houses for consumption on premises
2. Section 257 of C.G. Municipal Corporation Act, 1956 imposes a maximum fine of Rs.5000 if the slaughter of animal is done without permission outside municipal slaughter house
3. The Fees and Procedures are same as of dhaba

AUTO RICKSHAWS:

1. The MV Act in section 2(7) defines "contract carriage" as a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorized by him in this behalf on a fixed or an agreed rate on a time basis, whether or not with reference to any route or distance or from one point to another. It also includes maxi cabs. So an auto rickshaw also comes under contract carriages
2. As per section 66(1), No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place without a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorizing him the use of the vehicle in that place
3. As per the section (73), of the central Act an application for a permit in respect of a contract carriage shall contain the following particulars, namely the type and seating capacity of the vehicle, the area for which the permit is required, any other particulars which may be prescribed
4. A Regional Transport Authority may, on an application made to it under section 73, grant a contract carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit: Provided that no such permit shall be granted in respect of any area not specified in the application. The Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may be made under Motor Vehicles Act
5. In Raipur, anyone licensed to drive an auto rickshaw is eligible to apply for a permit
6. As per the RTI Reply, The vehicle permit is for authorizing the vehicle where as driving license is for authorizing the driver
7. It is mandatory for the auto-rickshaw drivers to obtain their driving license and also obtain a permit from the transportation department. On the completion of the formalities (of a quasi-legal nature), permits are issued. In some exceptional cases

of non-issuance, complete information can be obtained from the office and can complete the formalities. After completion of all formalities, and an application to related Area Transport Officer or Secretary Area Transport Authority through quasi-legal procedures and they are considered for permit

8. After the applicant submits the filled application, it will be decided by the board through a structured process if the applicant can be given a permit or not
9. Area Transport Officer, Raipur is the authorizing officer for issuing Permits
10. As per section (82) a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not, without such permission, operate to confer on any person to whom a vehicle covered by the permit is transferred without any right to use that vehicle in the manner authorized by the permit
11. 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. The permit has to be renewed on an application made not less than fifteen days before the date of its expiry
12. Under the Vehicles Act 1988 and State Transport authority, auto rickshaws are given permits. If found without a permit, the owner of the vehicle is liable for a stipulated amount of fine under the vehicles act 1988 under section 200.the violator can also be punished under section 86 of the Motor vehicles Act