

THE LIVELIHOOD REGULATIONS REPORT

VADODARA



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

Vadodara *Baroda* is the third most-populated city in the Indian state of Gujarat after Ahmedabad and Surat. It is one of four cities in the state with a population of over 1 million, the other being Rajkot and the two cities listed above. It is also known as the *Sayaji Nagari* (*Sayaji's City* after its famous ruler, Maharaja Sayajirao Gaekwad III) or *Sanskari Nagari* (*The City of Culture*, a reference to its status as the *Cultural Capital of Gujarat*). Vadodara or Baroda, formerly the capital city of the Gaekwar State, is situated on the banks of the Vishwamitri, a river whose name derived from the great saint Rishi Vishwamitra. It is located southeast of Ahmedabad. It is the administrative headquarters of Vadodara District.

Vadodara is home to almost 1.6 million people (as of 2005), the beautiful Lakshmi Vilas Palace and the Maharaja Sayajirao University of Baroda (M.S.U.) which is famous for various departments, including the Fine Arts, Performing Arts, Technology, Management, Psychology, Social Work and Medicine streams. It has a high literacy rate by Indian standards of 78% (2001). Major industries include petrochemicals, engineering, pharmaceuticals, plastics and Forex.

As of 2001 India census, Vadodara metropolitan area had a population of 1,492,398. Males constitute 52% of the population and females 48%. Vadodara has an average literacy rate of 78%, higher than the national average of 59.5%; male literacy is 82%, and female literacy is 74%. In Vadodara, 11% of the population is under 6 years of age. Gujarati, Hindi, Marathi and English are the languages spoken in the city.

The present report of the livelihood regulations in vadodara covers dhaba, vegetable sellers, auto rickshaw, barber shop and cycle repair shop.

VADODARA

The trades chosen for the study are:

- 1. Dhabha/ food courts.**
- 2. Vegetable/Fruit/Flower Sellers**
- 3. Auto Rickshaw**
- 4. Barber Shop**
- 5. Cycle Repair Work Shop**

Vadodara Municipal Corporation is functioning under the regulations of Bombay Provincial Municipal Act, 1949. So the trades here are regulated by the same Act. Bombay Shops and establishments Act 1948 fixes the timings and regulations for operation. Gujarat Motor Vehicle Rules 1989 and Motor Vehicles Act 1988 regulate the motor vehicles in the city.

Trade wise details are as follows:

I.DHABA:

Dhaba's are regulated as per the direction of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to food related items.

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

Section 318 says that the commissioner on the satisfaction in the public interest by a written order directs that any place where food or drinks are sold or prepared, stored or exposed for sale which a case of dangerous disease exists or has recently occurred shall be closed for such period as may be specified in the order. Provided that the place may be declared to be open if medical officer of health certifies that it has been disinfected or is free from infection.

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

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

As per the Bombay shops and establishment Act, 1948, it is compulsory for every establishment to register with the Shop and Establishment Department of the Municipal Corporation before starting the operations. The person have to contact Shops and Establishment Office near Navrang Complex on Prof. Manekrao Road in Raopura and send the application in the prescribed form for Shops and Establishment license. The applicant has to attach copies of latest Municipal Tax Bill, Building Permission letter and Occupation Certificate of the Corporation. For restaurant, hotels or shops of sweet meats, a Health Licence should be obtained from concerned Ward Office first. (Part I, II, III of the B.P.M.C. Act.)

As per the Bombay Provincial Municipal Corporation Act 1949 the license shall specify the period, restrictions and conditions, date for renewal etc and it should contain the signature of the commissioner. The licensee is bound to produce the license when the commissioner requires it.

Licensing Procedures:

Eating houses needs the health license and shops and establishment license. Details are as follows:

Health License:

One have to obtain a health license for starting any of the business mentioned in Part I,II, III of the B.P.M.C. Act.. So eating houses / dhaba also needs a health license. The applicant has to apply in the prescribed form along with required documents. The applications have to be submitted in the health department.

On receipt of the application, a notice will be issued by the Vadodara Municipal Corporation inviting the attention of persons living nearby to file their objections within 7 days. On expiry of the stipulated time, the license committee of VMC will visit the site to examine if any additional safety measures are required to be taken. The committee will also hear the persons who may have objected to the grant of such license. After considering the objections and inspection of site, the committee will decide on the grant of license. This process takes about 45 days. The applicant will be informed of the decision of the department within 45 days of the application.

License Fees:

The fees is Rs. 25/- sq. meter and thereafter Rs. 10/- for every 10 sq. meter. Maximum fee is Rs. 150/- per fee.

License Renewal:

The licensee has to renew the license on the 1st of April every year. The process is same of a new license including the fees.

Duplicate License:

In case of the loss of the license, the licensee can apply to the health department with the same procedure. The fees is Rs. 1/- where the license fee is up to Rs. 50/- and is Rs.3/- if the license fee is more than Rs. 50/-.

Shops and Establishment license:

For a shop license, the applicant has to apply in the prescribed form along with the supportive documents. The documents must be submitted to the shops and establishment department.

Documents required:

For initial registration of an establishment, following documents are required.

1. Form 'A' & form 'D'.
2. Rubber Stamp with name & address of the establishment
3. Rubber Stamp required for signature of partner/proprietor
4. Proof of business- Xerox of the first purchase bill. Xerox copy of the sales bill.
5. Proof of occupation of premises, if the owner of the establishment is owner of the premises then he has to produce a Photostat copy of last tax paid bill. If the premise of establishment is on rent, then the copy of the application made to the assessment department to insert the name as tenant. If the premise of establishment is purchased then the copy of sale deed is submitted.
6. If the name doesn't appear in the tax bill, an application to include it should be made to the assessment branch of VMC & its Xerox copy should be attached.
7. 6. Those units which are engaged in sale of milk or milk products, cold drinks, eatables etc. have to produce a copy of an NOC from the health Dept. (Hostels, Lodges, Petrol Pumps, Cinema houses etc. included)

Documents required for making Changes:

1. Form – 'E'
2. Purchase & sale bills as a proof of charge in business.
3. Required rubber stamps.
4. Notarized stamp agreement in case of partnership OR proof of termination of partnership, if any.
5. Receipt of the latest paid tax bill.

License Processing:

Site inspection by an officer of Vadodara Municipal Corporation must be there within seven days. A certificate of registration is usually issued within 15 days. If no information about acceptance / rejection of the application is received within 15 days, the applicant can contact the shops and establishments office.

License fees:

A fee of Rs.60 in cash/DD must be paid in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara.

License Renewal:

Regardless of the date of issue, the initial registration is valid up to 31st December of the year in which registration takes place, to be renewed each year. Application for renewal should be made in 'Form – D'. Other requirements are the same as for initial registration. The registration may be renewed for the maximum period of 3 years. It is to be renewed again.

Notice of Change:

For any and every change during the registration period, please give notice in 'Form – E' with the prescribed fee of Rs.2 in cash / Demand Draft drawn in favour of Municipal Commissioner, payable at Vadodara.

Inspection:

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

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

Suspension_and Revocation:

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

Timings:

As per the Bombay shops and Establishment Act 1948, no eating-house shall be open earlier than 5a.m and closed later than 12 at midnight for service. An employee can start his work from 4.30 a.m. But cannot work after 00.30 a.m. No sale is allowed before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week.

Punishment

As per the Bombay Provincial Municipal corporation act 194 any contravention of any provision of the act or ,rule , bye-law, standing order , notice etc will be liable to a fine of Rs.100 and a further fine which can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.

In regard to the penalty for the defaulters of health license Rs. 1/- for each month if the license fee is up to Rs. 50/- and .Rs. 3/- per month if the license fee is more than Rs. 50/-

II.MEAT SHOP:

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

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

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

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

The commissioner may at any time by day or night , without notice , enter any place if he suspects that the animal slaughtered or exposed for sale is not duly authorized under the Act or byelaw. He may seize ay such animal or such flesh found therein. The commissioner may remove and sell by auction or otherwise dispose of any animal or the carcass of any animal or any flesh seized. If the owner fails to appear within one month and prove his claim to the commissioner or if the owner is convicted of an offence, the proceeds of any sale shall vest in the corporation. No claim shall lie against any person for compensation for any damage necessarily caused by an entry made or the use of necessary force for effecting such entry.

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

the flesh of any animal intended for human consumption or any place without the city for the sale of such flesh for consumption in the city.

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

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

Licensing Procedures:

Meat Shops needs the health license and shops and establishment license. Details are as follows:

Health License:

One have to obtain a health license for starting any of the business mentioned in Part I,II, III of the Bombay Provincial Municipal Corporation Act. So eating houses / dhaba also needs a health license. The applicant has to apply in the prescribed form along with required documents. The applications have to be submitted in the health department.

On receipt of the application, a notice will be issued by the Vadodara Municipal Corporation inviting the attention of persons living nearby to file their objections within 7 days. On expiry of the stipulated time, the license committee of Vadodara Municipal Corporation will visit the site to examine if any additional safety measures are required to be taken. The committee will also hear the persons who may have objected to the grant of such license. After considering the objections and inspection of site, the committee will decide on the granting of the license. This process takes about 45 days. The applicant will be informed of the decision of the department within 45 days of the application.

License Fees:

Rs.25/- per square meter is charged as the fees for health license, and thereafter Rs.10/- for every 10 square meter is charged and the maximum fee of Rs.150/- as the fees for the trades or operations connected with trade mentioned in Part-IV of Chapter-XVIII of Schedule A of the B.P.M.C. Act, 1949. The fixed flat rate of Rs. 100/- is levied for the trades and operations mentioned in Part I, II and III of Chapter – XVIII of Schedule – A of the B.P.M.C. Act, 1949.

However, meat shops and slaughterhouses are not involved in either the part IV or the part II or Part III of the schedule. There is a mention of bones and dried fish in the part III.

For shop and establishment License, a fee of Rs. 60 in cash / DD in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara.

License Renewal:

The licensee has to renew the license on the 1st of April every year. The process is same of a new license including the fees.

Duplicate License:

In case of the loss of the license, the licensee can apply to the health department with the same procedure. The fees is Rs.1/- where the license fee is up to Rs.50/- and is Rs.3/- if the license fee is more than Rs.50/-.

Shops and Establishment license:

For a shop license, the applicant has to apply in the prescribed form along with the supportive documents. The documents must be submitted to the shops and establishment department.

Documents required:

For initial registration of an establishment, following documents are required.

1. Form 'A' & form 'D'.
2. Rubber Stamp with name & address of the establishment.
3. Rubber Stamp required for signature of partner/proprietor.
4. Proof of business- Xerox of the first purchase bill.- Xerox copy of the sales bill.
5. Proof of occupation of premises, if the owner of the establishment is owner of the premises then he has to produce a Photostat copy of last tax paid bill. If the premise of establishment is on rent, then the copy of the application made to the assessment department to insert the name as tenant. If the premise of establishment is purchased then the copy of sale deed is submitted.
6. If the name doesn't appear in the tax bill, an application to include it should be made to the assessment branch of VMC & its Xerox copy should be attached.
7. 6. Those units which are engaged in sale of milk or milk products, cold drinks, eatables etc. have to produce a copy of an NOC from the health Dept. (Hostels, Lodges, Petrol Pumps, Cinema houses etc. included)

Documents required for making Changes:

1. Form – 'E'
2. Purchase & sale bills as a proof of change in business.
3. Required rubber stamps.
4. Notarized stamp agreement in case of partnership OR proof of termination of partnership, if any.
5. Receipt of the latest paid tax bill.

License Processing:

Site inspection by an officer of Vadodara Municipal Corporation must be there within seven days. A certificate of registration is usually issued within 15 days. If no information about

acceptance / rejection of the application is received within 15 days, the applicant can contact the shops and establishments office.

License fees:

A fee of Rs.60 in cash/DD must be paid in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara.

License Renewal:

Regardless of the date of issue, the initial registration is valid up to 31st December of the year in which registration takes place, to be renewed each year. Application for renewal should be made in 'Form – D'. Other requirements are the same as for initial registration. The registration may be renewed for the maximum period of 3 years. It is to be renewed again.

Notice of Change:

For any and every change during the registration period, please give notice in 'Form – E' with the prescribed fee of Rs.2 in cash / Demand Draft drawn in favour of Municipal Commissioner, payable at Vadodara.

Inspection:

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

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

Suspension_and Revocation:

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

Timings:

As per the Bombay Shops and establishments Act 1948, no shops dealing wholly with vegetables, fruits, meats etc or any other goods notified by the State Government shall not on any day be opened earlier than 5 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed

later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour.

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

Punishment

As per the Bombay Provincial Municipal corporation act 194 any contravention of any provision of the act or ,rule , bye-law, standing order , notice etc will be liable to a fine of Rs.100 and a further fine which can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.

In regard to the penalty for the defaulters of health license Rs.1/- for each month if the license fee is up to Rs.50/- and Rs.3/- per month if the license fee is more than Rs.50/-

III.AUTO RICKSHAW:

Auto Rickshaws are regulated by the RTO (Regional Transport Office)

Permit Procedure:-

For getting a city permit, one has to apply in the form- PCOP to the Regional Transport Officer. PCOP is basically the license of city permit given by RTO (Regional Transport Office)

Fees:-

The Fees for city permit is Rs. 350 as per Motor vehicle rules

Documents Required:-

For city permit (PCOP) necessary document are

1. Filled PCOP form.
2. Court stamp Rs.10 Rupee
3. Driving licence
4. Fitness certificate
5. Insurance - vehicle insurance
6. Pollution under control certificate.
7. Meter No / Bill. Meter should be compulsory
8. Permit fee

Renewal procedure: -

Permit given by authority is only for three years and after three year permit must be renewed. Renewal procedure is the submission of the filled renewal form to RTO department. As per the motor vehicles act and rules a permit will be valid for five years. The renewal fee is the same and in case of delay late fees is also charged.

Conditions:

As per the Gujarat Motor Vehicle Rules 1989, the following are the conditions:

1. The permit cannot be driven in any public place except by a permit holder or a driver approved by the Regional Transport Officer or his assistant. The driver is supposed to carry the permit with him and shall produce it when it is demanded.
2. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit
3. No advertisement can be exhibited in the vehicle.
4. The holder of a permit shall maintain a register showing the list of passengers travelling in the vehicle in each and every trip in the particular form and shall produce it as demanded by the checking officers.
5. These conditions cannot be applicable to motor cabs and maxi cabs.
6. In addition to the above conditions the permit shall always kept with the driver or any person taking care of the vehicle and produces it as demanded by any officer of the Motor vehicles Department of and above the rank of assistant Inspector of Motor Vehicles or any police officer not below the rank of a Sub-Inspector of Police.

Variations of conditions:

The permit holder may apply to the Transport Authority to vary the conditions of a permit in the prescribed form along with the fees as prescribed. The transport authority will give one month to vary the conditions or to attach some conditions further in the official Gazette. After the expiry of the period of the date of publication in notice gazette the conditions shall be deemed to have been attached and such permit holders shall produce their permit before Transport Authority by which the permit is issued for inspection of such variations.

Extension of the area of the validity of permits:

The Regional Transport Authority can extend the area of the validity of the permit with the state in accordance with general or special resolution passed and recorded by the Transport Authority. The extended area shall be kept with the area of original Transport Authority. The Transport authority which issues a permit to be operative in any other regions shall intimate the fact and send a copy to the Transport Authority in such regions. The original transport authority shall not extend the area of the validity of the contract carriage permit other than the contract carriage permit in respect of motor cabs and maxi cabs unless it attaches the conditions to the permit that if the vehicle visiting the other regions is discharged or released from the contract by the passengers in such regions. It shall not be affixed for hire or rewarded on its return journey for picking any passengers traffic from any place within the region for the purpose of visiting the place in the state.

Suspension and Cancellation:

The holder of any permit may at any time surrender the permit to the Original Transport Authority and the authority can cancel any permit so surrendered. When a regional Transport Authority suspends a permit, it shall be intimated to the Transport Authority by which the permit has been countersigned and to the authority by which the validity of the permit has been extended. In the case of suspension or cancellation of permit of countersignature the authority cancelling shall intimate the fact to which the permit was granted by Regional Transport Authority shall suspends or cancel any permit.

Upon the cancellation of any permit or a counter signature of a permit, the holder shall surrender the permit or counter signature. Upon suspension the holder shall also surrender the certificate of registration and plates bearing the registration mark.

The holder of the permit shall within the fifteen days of the receipt of the suspension or cancellation order intimate to the Transport authority suspending or cancelling the permit or the countersignature was made and to the authority in the region of the validity has been extended the place where the vehicle in respect of which the order is passed will be kept during the period of suspension or cancellation. Such holder shall not remove the vehicle from the place so intimated without the prior permission of the Regional Transport authority in whose region

Transfer:

As per the section 82 of the Gujarat Motor Vehicle rules, the permit holder along with the person he intends to transfer the permit has to apply in prescribe form under Rule 70 to the Transport Authority which the permit was granted showing the reasons for the transfer and along with the fees Prescribed under Rule 71. The transport authority will call both the parties. If the authority is properly satisfied after the enquiry the authority will ask the holder to surrender the permit within seven days of the receipt of the order. The authority will take the further actions as provided in the Gujarat Motor Vehicle rules.

Replacement of vehicle:

An application shall be made to the Transport Authority by which the permit is issued in the prescribed form accompanied by fees prescribed and produce the details as required by the authority. The holder shall produce the registration and vehicle details as mentioned in the Gujarat Motor Vehicle rules. The transport authority which replaces a vehicle on permit operative in any other region shall intimate the fact to the authority by which the permit has been countersigned.

Change of the address:

Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form under Rule 70 accompanied by the document as specified by the Transport Authority by which the permit or counter signature was granted. On the receipt of the intimation the authority after the verification may enter the address and shall intimate the changed address to the concerned Transport authority. Nothing in this section shall apply where the change of address recorded in the permit is due to temporary change which is not intended to exceed three months in duration.

Penalty:

If person is not having driving license and drive auto in city, a fine is charged. It will be Rs.100 for driver and Rs.100 for Auto owner. As per MVA (motor vehicle authority Act-139). Otherwise, the vehicle will be taken by the authority. If any case delays of renewal, punishment is Rs.50 for first year and Rs.100 for second year

IV.Barber Shop:

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

As per the Section376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that barber shops needs license. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

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

Procedures:

The barber shop has to obtain a shop license only. There is no need of health license. Other procedures are as same as of dhabas. So the procedures are as :

Shops and Establishment license:

For a shop license, the applicant has to apply in the prescribed form along with the supportive documents. The documents must be submitted to the shops and establishment department.

Documents required:

For initial registration of an establishment, following documents are required.

1. Form 'A' & form 'D'.
2. Rubber Stamp with name & address of the establishment
3. Rubber Stamp required for signature of partner/proprietor
4. Proof of business- Xerox of the first purchase bill. Xerox copy of the sales bill.
5. Proof of occupation of premises, if the owner of the establishment is owner of the premises then he has to produce a Photostat copy of last tax paid bill. If the premise of establishment is on rent, then the copy of the application made to the assessment

department to insert the name as tenant. If the premise of establishment is purchased then the copy of sale deed is submitted

6. If the name doesn't appear in the tax bill, an application to include it should be made to the assessment branch of VMC & its Xerox copy should be attached.
7. 6. Those units which are engaged in sale of milk or milk products, cold drinks, eatables etc. have to produce a copy of an NOC from the health Dept. (Hostels, Lodges, Petrol Pumps, Cinema houses etc. included)

Documents required for making Changes:

1. Form – 'E'
2. Purchase & sale bills as a proof of charge in business.
3. Required rubber stamps.
4. Notarized stamp agreement in case of partnership OR proof of termination of partnership, if any.
5. Receipt of the latest paid tax bill.

License Processing:

Site inspection by an officer of VMC within seven days. A certificate of registration is usually issued within 15 days. If no information about acceptance / rejection of the application is received within 15 days, the applicant can contact the shops and establishments office.

License fees:

The fees is Rs.60 in cash/DD in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara.

License Renewal :

Regardless of the date of issue, the initial registration is valid up to 31st December of the year in which registration takes place, to be renewed each year. Application for renewal should be made in 'Form – D'. Other requirements are the same as for initial registration. The registration may be renewed for the maximum period of 3 years. It is to be renewed again.

Notice of Change:

For any and every change during the registration period, please give notice in 'Form – E' with the prescribed fee of Rs. 2 in cash / DD drawn in favour of Municipal Commissioner, payable at Vadodara.

Inspection:

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

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

Suspension_and Revocation:

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

Timings:

As per the Bombay Shops and establishments Act 1948, no shops other than those dealing with vegetables, fruits, meats etc or any other goods notified by the State Government shall on any day be opened earlier than 7 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour.

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

Punishment

As per the Bombay Provincial Municipal corporation act 194 any contravention of any provision of the act or ,rule , bye-law, standing order , notice etc will be liable to a fine of Rs.100 and a further fine which can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act.

V. Cycle Repair Workshop.

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

As per the Section376 of the Bombay Provincial Municipal Corporation Act 1949, no person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion.

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

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

Procedures:

The Cycle Repair shop has to obtain a shop license only. There is no need of health license. Other procedures are as same as of dhaba's. So the procedures are as:

Shops and Establishment license:

For a shop license, the applicant has to apply in the prescribed form along with the supportive documents. The documents must be submitted to the shops and establishment department.

Documents required:

For initial registration of an establishment, following documents are required.

1. Form 'A' & form 'D'.
2. Rubber Stamp with name & address of the establishment
3. Rubber Stamp required for signature of partner/proprietor
4. Proof of business- Xerox of the first purchase bill.- Xerox copy of the sales bill.
5. Proof of occupation of premises, if the owner of the establishment is owner of the premises then he has to produce a Photostat copy of last tax paid bill. If the premise of establishment is on rent, then the copy of the application made to the assessment department to insert the name as tenant. If the premise of establishment is purchased then the copy of sale deed is submitted.
6. If the name doesn't appear in the tax bill, an application to include it should be made to the assessment branch of VMC & its Xerox copy should be attached.
7. Those units which are engaged in sale of milk or milk products, cold drinks, eatables etc. have to produce a copy of an NOC from the health Dept. (Hostels, Lodges, Petrol Pumps, Cinema houses etc. included)

Documents required for making Changes:

1. Form – 'E'
2. Purchase & sale bills as a proof of charge in business.
3. Required rubber stamps.
4. Notarized stamp agreement in case of partnership OR proof of termination of partnership, if any.
5. Receipt of the latest paid tax bill.

License Processing:

Site inspection by an officer of Vadodara Municipal Corporation will be there within seven days. A certificate of registration is usually issued within 15 days. If no information about acceptance / rejection of the application is received within 15 days, the applicant can contact the shops and establishments office.

License fees:

The fees of Rs.60 must be submitted in cash/ DD in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara.

License Renewal:

Regardless of the date of issue, the initial registration is valid up to 31st December of the year in which registration takes place, to be renewed each year. Application for renewal should be made in 'Form – D'. Other requirements are the same as for initial registration. The registration may be renewed for the maximum period of 3 years. It is to be renewed again.

Notice of Change:

For any and every change during the registration period, please give notice in 'Form – E' with the prescribed fee of Rs.2 in cash / DD drawn in favour of Municipal Commissioner, payable at Vadodara.

Inspection:

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

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

Suspension and Revocation:

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

Timings:

As per the Bombay Shops and establishments Act 1948, no shops other than those dealing with vegetables, fruits, meats etc or any other goods notified by the State Government shall on any day be opened earlier than 7 am and no shops other than those clause b of Subsection (1) (trades dealing with pan bidi, cigarettes, matches and other ancillary articles) can be closed later than 8.30.p.m. Provided any customer waiting must be served during the quarter of an hour immediately following such hour.

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

Punishment

As per the Bombay Provincial Municipal Corporation Act 1994 any contravention of any provision of the act or rule, bye-law, standing order, notice etc will be liable to a fine of Rs.100 and a further fine which can extend to Rs.20/- for every day if no penalty is provided for the offence in any other section of the Act.

FINDINGS FROM THE STUDY**General Findings:**

1. Vadodara Municipal Corporation is functioning under the regulations of Bombay Provincial Municipal Act, 1949. So the trades here are regulated by the same Act.
2. Bombay Shops and establishments Act 1948 fixes the timings and regulations for operation
3. Gujarat Motor Vehicle Rules 1989 and Motor Vehicles Act 1988 regulate the motor vehicles in the city
4. As per the Section376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance
5. Commissioner can grant the license and the licensee is supposed to keep the license in the premises upon which it relates. Section 376 gives power to the commissioner to stop the use of any premises if it is a nuisance or dangerous to life health etc in his opinion
6. As per the Bombay shops and establishment Act, 1948, it is compulsory for every establishment to register with the Shop and Establishment Department of the Municipal Corporation before starting the operations
7. Every application for a license shall address the commissioner. The acceptance by or on behalf of the commissioner of the fees of a license shall not in itself entitle the person paying the fees to the license or permission. The BPMC act entitles the commissioner the power for inspection. However, it cannot be made between sunrise and sunset except in the specially described situations
8. Section 318 says that the commissioner on the satisfaction in the public interest by a written order directs that any place where food or drinks are sold or prepared , stored

or exposed for sale which a case of dangerous disease exists or has recently occurred shall be closed for such period as may be specified in the order. Provided that the place may be declared to be open if medical officer of health certifies that it has been disinfected or is free from infection

9. Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section
10. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it
11. As per the act, any license may at any time can be suspended or revoked by the commissioner if the commissioner is satisfied that the license is secured by the holder through misrepresentation or fraud or if any restriction or condition is infringed or evaded by the person to whom the license has been granted
12. When any license is suspended or revoked or the period for which the license granted is expired the licensee will be deemed to be without a license until the canceling of the suspension or revoking order or the renewal as the case may be. If the licensee is applying for renewal on the specified date then the applicant shall be entitled to act as if it is renewed
13. As per the Bombay Provincial Municipal corporation act 1949 any contravention of any provision of the act or ,rule , bye-law, standing order , notice etc will be liable to a fine of Rs.100 and a further fine which can extend to Rs.20 for every day if no penalty is provided for the offence in any other section of the Act
14. In regard to the penalty for the defaulters of health license Rs. 1/- for each month if the license fee is up to Rs. 50/- and .Rs. 3/- per month if the license fee is more than Rs. 50/-

Health License:

1. The applications for health license have to be submitted in the health department. The processing of license will take about 45 days. The applicant will be informed of the decision of the department within 45 days of the application
2. The health license has to renew the license on the 1st of April every year. The process is same of a new license including the fees
3. For the trades or operations connected with trade mentioned in Part-IV of Chapter-XVIII of Schedule – A of the B.P.M.C. Act, 1949. Rate: Rs. 25/- sq. meter and thereafter Rs. 10/- for every 10 sq. meter, maximum fee is Rs. 150/- per fee
4. For the trades and operations mentioned in Part I, II and III of Chapter – XVIII of Schedule – A of the B.P.M.C. Act, 1949. Rate: Fixed flat rate of Rs. 100/- is levied
5. In case of the loss of the license, the licensee can apply to the health department with the same procedure. The fees is Rs. 1/- where the license fee is up to Rs. 50/- .and is Rs. 3/- if the license fee is more than Rs. 50/-

Shops and Establishment license:

1. For a shop license, the applicant have to apply in the prescribed form along with the supportive documents. The documents must be submitted to the shops and establishment department
2. Form 'A' & form 'D' , Rubber Stamp with name & address of the establishment and signature of partner/proprietor, Proof of business, Proof of occupation of premises etc is

- needed. If the name doesn't appear in the tax bill, an application to include it should be made to the assessment branch of VMC & its Xerox copy should be attached
3. Form – 'E' , Purchase & sale bills as a proof of charge in business, Required rubber stamps, Notarized stamp agreement in case of partnership OR proof of termination of partnership, if any and the Receipt of the latest paid tax bill etc are required for making changes
 4. Site inspection by an officer of VMC within seven days. A certificate of registration is usually issued within 15 days. If no information about acceptance / rejection of the application is received within 15 days, the applicant can contact the shops and establishments office
 5. Regardless of the date of issue, the initial registration is valid up to 31st December of the year in which registration takes place, to be renewed each year. Application for renewal should be made in 'Form – D'. Other requirements are the same as for initial registration. The registration may be renewed for the maximum period of 3 years. It is to be renewed again
 6. For any and every change during the registration period, please give notice in 'Form – E' with the prescribed fee of Rs.2 in cash / DD drawn in favour of Municipal Commissioner, payable at Vadodara

Trade wise Findings:

Dhaba:

1. Dhabas are regulated as per the direction of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948. Provisions of Prevention of Food Adulteration Act are also applicable to dhabas as to all food related items
2. One have to obtain a health license for starting any of the business mentioned in Part I,II, III of the B.P.M.C. Act.. So eating houses / dhaba also needs a health license. Eating houses needs the health license and shops and establishment license
3. As per the Bombay shops and Establishment Act 1948, no eating-house shall be open earlier than 5a.m and closed later than 12 at midnight for service. An employee can start his work from 4.30 a.m. However, cannot work after 00.30 a.m. No sale is allowed before and after the opening and closing hours. An employee in an eating-house cannot be required or allowed to work more than nine hours in a day and 48 hours in a week

MEAT SHOP:

1. Meat Shops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948
2. As per section, 327 of the Bombay Provincial Municipal Corporation Act 1949, all markets and slaughterhouses, which belong to or are maintained by the corporation, shall be called "Municipal Markets" and "Municipal Slaughter houses"
3. Section 355 says that no person without a license can import cattle, sheep, goats or swine intended for human consumption or flesh of any such animal, which has been slaughtered at any slaughterhouse or place, not maintained or licensed under the Act
4. Section 382 says that no person shall without or otherwise than in conformity with the terms of a license granted by the commissioner can carry or within the city or at any

municipal slaughterhouse, the trade of a butcher. No person can use any place in the city for the sale of the flesh of any animal intended for human consumption or any place without the city for the sale of such flesh for consumption in the city

5. The procedures are same of dhabas
6. Regarding the fees for health license, Vadodara Municipal corporation website says that Rs. 25/- square meter and thereafter Rs. 10/- for every 10 square meter is charged and the maximum fee of Rs. 150/- per is charged for the trades or operations connected with trade mentioned in Part-IV of Chapter-XVIII of Schedule – A of the B.P.M.C. Act, 1949. The Fixed flat rate of Rs. 100/- is levied for the trades and operations mentioned in Part I, II and III of Chapter – XVIII of Schedule – A of the B.P.M.C. Act, 1949. However, meat shops and slaughterhouses are not involved in either the part IV or the part II or Part III of the schedule. There is a mention of bones and dried fish in the part III. For shop and establishment License, a fee of Rs. 60 in cash / DD in favour of Municipal Commissioner, Municipal Corporation Vadodara, payable at Vadodara
7. As per the Bombay Shops and establishments Act 1948, no meat shops can be opened earlier than 5 am and closed later than 8.30.p.m. Provided that any customer waiting must be served during the quarter of an hour immediately following such hour
8. No person shall carry on or in adjacent to a street or any public place the sale of any goods before the opening and after the closing hours fixed. Any person contravening the section shall be liable to have his good seized by an Inspector. If a person fails to produce the goods then it shall be produced without delay before a magistrate. No person shall be allowed or required to work in any shop or commercial establishment for more than nine hours in a day and more than forty- eight hours in any week

AUTO RICKSHAW:

1. For city permit (PCOP) necessary document are Court stamp Rs.10 Rupee, Driving licence, Fitness certificate, Insurance - vehicle insurance, pollution under control certificate, Meter No / Bill and Permit fee
2. Age limit is minimum 20 years and Time required for procedure is 30 days
3. Permit given by the authority is only for three years and after three year permit must be renewed
4. As per Rules. For renewal, we require only final license photocopy and address proof. If any case delays of renewal, punishment is Rs.50 for first year and Rs.100 for second year
5. The permit cannot be driven in any public place except by a permit holder or a driver approved by the Regional Transport Officer or his assistant. The driver is supposed to carry the permit with him and shall produce it when it is demanded
6. The number of person/ weight of kilograms carrying in the vehicle cannot exceed the weight specified in the permit
7. No advertisement can be exhibited in the vehicle
8. The holder of a permit shall maintain a register showing the list of passengers travelling in the vehicle in each and every trip in the particular form and shall produce it as demanded by the checking officers
9. The original transport authority shall not extend the area of the validity of the contract carriage permit other than the contract carriage permit in respect of motor cabs and maxi cabs unless it attaches the conditions to the permit that the vehicle visiting the other regions is discharged or released from the contract by the passengers in such regions . It shall not be affixed for hire or rewarded on its return journey for picking any

passengers traffic from any place within the region for the purpose of visiting the place in the state

10. Any change in the address of the permit holder has to intimate it within fourteen days in the prescribed form under Rule 70 accompanied by the document as specified by the Transport Authority by which the permit or counter signature was granted. On the receipt of the intimation the authority after the verification may enter the address and shall intimate the changed address to the concerned Transport authority. Nothing in this section shall apply where the change of address recorded in the permit is due to temporary change which is not intended to exceed three months in duration
11. If person is not having driving license and drive auto in city, a fine is charged. It will be Rs.100 for driver and Rs.100 for Auto owner. As per MVA (motor vehicle authority Act-139). Otherwise, the vehicle will be taken by the authority. If any case delays of renewal, punishment is Rs.50 for first year and Rs.100 for second year

Barber Shop:

1. Barber Shops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948
2. As per the Section 376 of the Bombay Provincial Municipal Corporation Act 1949, No person shall carry out any trade without a license if it is in the opinion of commissioner is dangerous and can create nuisance. Part 1V of the chapter XVII says that barber shops needs license
3. The barbershop has to obtain a shop license only. There is no need of health license. Other procedures are as same as of dhabas. Only difference is that the barber shop does not need a health license

Cycle Repair Workshop.

1. Cycle Repair Workshops are regulated as per the directions of Bombay Provincial Municipal Corporation Act 1949 where as the directions for timings for operation are fixed by the Bombay Shops and establishments Act 1948
2. Section 377 says that no person can sell or expose for sale any animal or article without a license from the commissioner. The commissioner can summarily remove any person contravening the section. Section 384 clearly says that no person can use any public place or any public street for hawking or sale any article without a license and the conditions specified in it. Therefore, it is clear that a cycle repair workshops needs license
3. The procedures are same as barber shops