

RULES AND REGULATIONS GOVERNING LICENSING OF VEGETABLE VENDORS IN VISHAKAPATTANAM

State: Andhra Pradesh

Details of licensing are as follows:

Vegetable Vendors are regulated as per the directions of Hyderabad Municipal Corporation Act 1955 and Hyderabad Municipal Corporation Bye-laws for the regulation of Eating Houses or hotels 1973. Prevention of food Adulteration act is also applicable.

As per the section 542 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 any place for the purpose of sale or for preparations for sale and intended for human food.

The commissioner may at all reasonable times inspect and examine any animal or article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or for preparations for sale and intended for human food and any utensils or vessel used for preparing, manufacturing or containing the same. The commissioner can seize and carry away any animal or article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for humans consumption, as the case may be or is not up to the standards represented, the vessels or container used found as unfit for human consumption. In order he may dealt with it as provided in the act and he may arrest and take to the nearest police station I charge of any such animal or article.

As per section 527, no person shall without a license from the commissioner, sell or expose for sale any animal or article in any market. The commissioner with the previous sanction of the corporation by public notice from time to time to prohibit within a distance of hundred yards of any municipal market the sale or exposure for sale of all or any of the commodities ordinarily sold in the market. The commissioner has the right to cancel; or modify the notice. Any person contravening the section can be summarily removed by the commissioner or by any municipal officer.

As per the section 521 of Hyderabad Municipal corporation Act 1955, no person shall be allowed to keep in or upon any processes to keep in or upon any articles specified in part I of schedule "P" without a license and not in conformity with the conditions of a license granted by the commissioner. The section also prohibits the keeping of articles in part I of Schedule 'P' (schedule annexed to Hyderabad Municipal corporation Act which details about the Licensing) . The sale or for any purpose other than domestic use any article specified in part III of Schedule 'P' is also prohibited .No one can carry any trades or operation connected with trades specified in part IV of the Schedule 'P' and any trade or operation which in the opinion of the commissioner is dangerous to life, health or property or likely to create nuisance. It is worthy here to notice that

schedule 'P' is the schedule annexed to the Hyderabad Municipal Corporation Act 1955 which details the trades and storage or keeping of articles which needs license.

The commissioner can grant any license as per the subsection (1) of 521 and can impose restrictions and conditions. He has the power also to withhold any license.

The vegetable vendors need a license for cart also, if he is using the cart, the procedures for the license of the Vegetable Vendors is same as that of eating houses.

Licensing Procedure:

An application has to be submitted in the prescribed form prescribed form which can be purchased from e-seva centre. The application must be submitted 30 days before the commencement of the trade.

Document Required:

The filled application form along with the required documents and the trade license fees have to be submitted in the e-Seva centre. Self assessment form can be Form collected from e-Seva center. The documents required are:

1. Copy of the title deed/lease deed of the premises/Place for which the license is requested
2. Blue print plan of the site and building premises in triplicate
3. No-Objection certificate from the owner of the premises & neighbours
4. Physical Fitness certificate from Registered Medical practitioner of Modern Medicine
5. Three passport size photographs of the applicant

Regulating body:

The sanitary supervisors and the Chief Medical officer.

License Processing

The applications will be sent to the license section of greater Hyderabad Municipal Corporation, which in turn forwards the same to verification supervisor for verifying the application & send a report to Chief Medical Officer. The traders will be issued a Trade index number (T.I.N.), if he complies with all requirements.

License Fees:

As per the section 622 of the Hyderabad Municipal Corporation Act, 1955, fees as fixed by the commissioner with the sanction of the corporation may be charged as the license fees. As per the schedule of the rate of license fees, the license fees for hawkers IS Rs.10 /- and Vegetables Retail is Rs.5/-

As per section 622 (7) the acceptance by or behalf of the commissioner of the fee for a license or permission shall not by itself entitle the person paying the fees to the license or permission.

License Renewal:

The traders can approach e seva centre for the renewal and have to deposit the annual trade fees and the Trade index number (T.I.N) After the due date of renewal of the license, the sanitary supervisors of every circle go to the shops for the spot collection of annual license fees, which is usually 25-30 % extra of the fees. The defaulters are served three notices after which the specific action is taken against them. The authorities will cease the shop. Generally it is after the 15 days of the notice.

Revocation:

As per section 622, the license granted may at any time be suspended or revoked by the commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of the Acts or byelaws.

Discontinuance:

The commissioner will require a trade to be discontinued at any time if he is satisfied that any premise has been used for carrying for a trade specified in any schedule under the Act without a license or that the trade is being carried in contravention of the terms of license or is continued to be used after license has been suspended or revoked if the person carrying the trade is not following the requisitions contained in the written notice issued by the commissioner within the specified period in notice. Any officer authorized by the commissioner can enter the premise and can require the trade to be discontinued. No claim shall lie against any person for any damage/inconvenience necessarily caused by the exercise of powers and three this section or for the use of any force necessary for the purpose of effecting an entrance under this section.

Inspection:

As per section 622 (5) and 521(5), the licensee is supposed to keep the license in or upon the premises to which it relates and should produce at all reasonable times at the request of the commissioner, when the license is in force.

As per sections 23, the commissioner may at any time, by day or night, without notice can enter into or upon any premises used for the purposes mentioned in section 521 and upon any premises in which a furnace is employed for the purpose of any trade or manufacture in order to satisfy himself as to whether any provisions of the Act or Byelaw, or conditions of license is being contravened and as to whether any nuisance is created upon such premise. No claims shall lie against any person for compensation for any damage caused.

Act also says that the commissioner may at all reasonable times inspect and examine any animal or article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or for preparations for sale and intended for human food and any utensils or vessel used for preparing, manufacturing or containing the same. The commissioner can seize and carry away any animal or article if any animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human consumption, as the case may be or is not up to the standards represented, the vessels or container used found as unfit for human consumption. In order he may deal with it as provided in the act and he may arrest and take to the nearest police station in charge of any such animal or article.

Penalty:

After the due date of renewal of the license, the sanitary supervisors of every circle go to the shops for the spot collection of annual license fees, which is usually 25-30 % extra of the fees. The defaulters are served three notices after which the specific action is taken against them. The authorities will cease the shop. Generally it is after the 15 days of the notice

Cart License

As the carts also need a license, the licensing procedure of carts is also the part of the licensing process of vegetable vendors. As per the Hyderabad Municipal Corporation Licensing of Hand –carts Bye-laws, 1973 which is applicable in vishakapattanam premises says hand cart means a vehicle for the conveyance of goods pulled, pushed or propelled by one or more men.

As per the byelaw, every person intending to drive a handcart or keep a handcart for hire shall apply to the commissioner in the prescribed form before thirty days of the commencement of the financial year for which the grant of fresh license or renewal, thereof has been sought. The bye law says that no person shall keep hand-cart within the Municipal limits of Hyderabad and Secunderabad except under a license granted by the commissioner or any other officer authorized by him on payment of prescribed tax. The same is applicable in vishakapattanam too. No person shall act as a driver of a Hand-Cart except under a license granted in that behalf of the commissioner or any other officer authorized by him in this behalf, on payment of such fee as may, from time to time be fixed by the commissioner with the approval of the Corporation. License for keeping a hand-cart for hire may be granted by the commissioner or any other officer authorized by him, in this behalf, to the keeper thereof on condition that he shall hire it only to a person who-

1. is not less than 18 years of age;
2. is not suffering from a contagious or infectious disease;
3. Knows how to ply and control the hand-cart in a public street and is in all respects a fit person for the job; and
4. Knows the rules of the road and understands traffic control signals

While granting a license, the commissioner or any other officer authorized by him in this behalf, shall be painted on a conspicuous part of the hand-cart. The painting of the number shall be as of Commissioner's decision. The number shall be painted by a person appointed for the purpose at such place as may be specified by the commissioner or any other officer authorized by him in this behalf. For repainting, A fresh some of 50 paise shall be charged for repainting the number when such repainting becomes necessary for any reason. The owner of the handcart is responsible for getting the license number painted only.

License Renewal:

Every license granted under Bye-Law 4, shall expire on the 31st March of the financial year for which the license has been granted next following. The belated applications will be charged additional fees. For 60 days, it is 25% of the license fee and Over 60 days; it is 50% of the license fee.

Refusal of application:

When a license is refused, the applicant will be entitled to a refund of 2\3 of the fee paid by him, and the same, less the money order commission will be remitted to him by money order after expiry of fifteen days says from the date of refusal provided that no petition for reconsideration is pending at that time. Where a petition for reconsideration has been rejected, the amount due will be refunded immediately thereafter.

Transfer of License:

Any license granted under bye-law shall not be transferable.

Conditions of license:-

Every license granted under Bye-law 4 shall include the following conditions, namely:-

1. The handcart shall not be hired to a person in a state of intoxication
2. The body of the hand-cart shall always be kept clean and in good repair, and all boards shall be strong and properly secured;
3. The wheels shall be strong and sound;
4. The license number shall not be removed, altered, defaced or obliterated

Conditions for driving a hand-cart:

1. The maximum load to be carried on hand-cart shall not exceed 466 kilograms at any time. Proper precautions must be taken in the carriage of loads to prevent falling of loads
2. A light visible from every side shall always be provided in a conspicuous place in the hand-cart while plying in a public street after the lighting up time

3. Every driver or puller in charge of a cart shall drive his cart on the extreme left of the road in a line with and in rear of any other cart proceeding in the same direction and he shall not pass the cart or any other vehicle moving immediately in front of his cart
4. While loading and unloading in a public street, the hand-cart shall be kept parallel to and as possible to, the outer edge of the footpath and parallel to the extreme edge of the public street if there is no foot path
5. The hand-cart shall not be parked, when waiting for hire at any place on a public street except at the place specified for the purpose
6. The person in charge of the hand- cart must keep with him the license for the hand-cart and shall produce it when asked to do so by any official of the corporation authorized in this behalf, a Municipal Magistrate, a police officer
7. The license shall attend in person whenever called upon to do so by the commissioner and the hand-cart shall be brought to such place as may be specified by the Commissioner

Penalty:

Unlicensed hand-carts whether private or taxi, shall be seized, detained, and sold in proceeds do not cover fully the arrears of tax, the fees and the expense incidental to the seizure, detention and sale of the property, the balance due may be recovered from the person responsible as arrears of property tax.

Any breach of any of the provisions of bye-laws 6(a) and 9 shall be punishable with fine, which may extend to rupees one hundred and in the case of a continuing Breach, with fine, which may extend to Rs.10 for everyday during which the breach continues, after conviction for the first breach. The fine may extend to Rs.10 for everyday during which the breach continues after conviction for the first breach;

A fine with fine which may extend to Rs.10 for every day during which the breach continues after receipt of a written notice from the commissioner or any Municipal officer duly authorized in this behalf to discontinue the breach and in addition to the imposition of fine, the licensee will be required to do the remedies for the mischief done.