

## **RULES AND REGULATIONS GOVERNING THE LICENSING OF MEAT SHOPS IN AHMEDABAD**

**State: Gujarat**

**Details of licensing are as follows:**

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 of as the commissioner shall direct and the proceeds, if any, shall belong to the corporation. 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 bylaw. He may seize any 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 shops needs license.

### **Licensing Procedures:**

The procedures are same of dhaba's. The applicant has to file an application in the prescribed for issued by the estate department along with the required documents. The required documents have to be submitted to the estate department. One more licence from health department is also needed if the trade is food related business. It has the same procedure.

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.

After submitting the application with the supportive documents, the concerned officer will verify the shop premises and if satisfied, the department will give permit for doing business. For the inspection, there are no specific guidelines but inspector's duty is the verification of shop in regard to premises, employers and working hours. The inspection will be on the following grounds:

1. If shop or land is expanded or not?
2. How many workers are working? If it increased or not?
3. Time duration of opening and closing of shop?)

### **Documents Required:**

1. Ration Card / any Address Proof
2. Voter Identity Card. (Identity Proof)

### **Regulatory Body:**

The regulatory Body issuing the license will be the TALUKA DEVELOPMENT OFFICER (TDO) Slaughter House and Health Department of Ahmedabad Municipal Corporation. The applications should be submitted to the concerned zonal health license branch.

**Documents Required:**

1. Application in a prescribed format.
2. Possession/Ownership Proof of the premises.
3. Property Tax Bill of last year.
4. B. U. Permission Copy.
5. Partnership Deed if needed.
6. NOC for other partners.

**License Fees:**

The fees for the forms are Rs.100. License fees are based upon the area of premises. All the fees should be paid at the health License branch of respective Zone.

**Renewal Procedure:**

The renewal procedures are same as that of dhba's. The department gives license for two years and three years. The person should renew his license after the expiry period mentioned in the license. The renewal procedure is filling up of the application form and no other documents are required. In Ahmedabad the renewal application as well as the fresh license is to be filed to the health license department of the respective zone. The license should be renewed within 2 months of the expiry without late fee and afterwards a late fee is to be paid.

**Terms for the License:**

1. Applicant can sell the articles in the entire zone/area/election ward except those mentioned in the restricted area list
2. Applicant has to apply at the city civic center along with the proof of address (Ration Card) and identity (election card),
3. The area where the trader is intending to do his business has to be clearly mentioned in the application
4. Hawkers can sell their articles in the allowed area but cannot get still at any particular place for more than 30 minutes
5. All the Hawkers of a particular area should stand at a single place in a single row only. Making more than 1 row is not allowed
6. When the hawkers are standing at that time they have to be near the curb of the road. The vehicle must be placed at least 30 meter away from the bus stops and the road corners and 50 feet away from the corners of the small streets
7. The vehicle should be placed at least 50 meters away from the junction of the main road
8. The licensee is allowed to sell the articles from 7 am to 11 pm
9. The hawkers have to use the "lorry" designed by the AMC in advance. According to which, it should not be long than 1.5 meter, broad than 1.10 meter, and high (along with the goods) than 1.40 meter from the ground. The roofs are not included in the height; also nothing could be included viz. stands or supports outside the permitted width
10. The licensee should not get indulged in any act that causes any problem to the citizen of the respective area also he will not disturb the streets and the footpaths by restricting the pathways
11. The licensee cannot take his "lorry" in the NO HOCKING ZONE

12. If the licensee has to pass from the NO HOCKING ZONE than he has to cover the goods on the "lorry" so that they cannot be seen by others
13. He should stay away at least by 30 meters from any municipal or private market.
14. The license will not use any sirens, horns or bells to grab the attention of the passer by
15. Licensee will keep the "lorry" neat and clean.
16. For the sale of DRINKS and EDIBLES, the licensee also has to follow the PREVENTION AND FOOD ADULTERATION ACT 1954, and have to take separate license coming under the act. If the licensee or the partners indulged in the selling activity is suffering from any disease than they cannot go for the business unless and until they get completely cured
17. The licensee cannot change the license in any condition
18. The licensee has to keep the license with him during the working hours and has to show it to the authorized person whenever asked for
19. License fee is not refundable
20. The licensee has to paste the license number and license card on the front of the vehicle
21. The licensee can select any three of the total election ward for hocking. If he wants more two places than he has to pay 50% extra fees

**List of NO HOCKING ZONES:**

1. Gandhi Road (from Teen Darwaja to Railway station including footpath)
2. Tilak Road, Relief Road (from Sardar Baug to Ahmedabad railway Station including footpath.)
3. Ashram Road (from Vasna Octroi Naka to Sabarmati Municipal Limit)
4. The Ring Road starting from Delhi Darwaja, Dariapur Darwaja, Kalupur Darwaja, Ahmedabad Railway station, Sarangpur Darwaja, Raipur darwaja up to Astodia Darwaja
5. The Area besides Astodia GSRTC Bus Terminal.
6. Sardar Baug, Sidi Saiyad's Jaali, Jilla Panchayat Bhavan, Apna Bazaar, Lal Darwaja AMTS Bus stop, SBI House, Congress House, Bhadra Temple, Bank of India Building, UCO Bank Building, Kaaranj Police Station, Advance Cinema, Ahmedabad Electricity Building, BOB Building, Road nearby Polyclinic Building, and foot path.
7. Jamalpur Darwaja to Chandola Talav
8. The road from Shahi Baug Sardar Patel Smarak Bhavan and Circuit House, Delhi Darwaja and Ghee Kaanta to Paankor Naka
9. Victoria Garden to Astodia Darwaja
10. Parimal Garden, Panchvati, Navrangpura Market, Swastik Char Rasta, Sardar Patel Stadium Circle, Old High Court, Railway Under Bridge and Income tax Circle
11. From Sardar Patel Stadium Circle to Sardar Patel Colony
12. Ashram Road
13. Kankaria Talav
14. Public Gardens

15. Historical Areas of Central Government

16. Maninagar Railway Crossing to Daaxini Railway Crossing

**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.

**Prohibition of Hawking:**

As per the Section 12 of Bombay Shops and Establishments Act 1948, no person shall Hawk or sell any goods in or adjacent to a street or a public place before the opening and after the closing hours fixed under sections 10 & 11. Any person contravening the provisions shall be liable to have his goods seized by an Inspector. The goods seized shall be returned to the person from whom they were seized when he deposit Rs.25 as security for his appearance in the Court. If a person fails to make the deposits, the goods seized shall be produced without delay before Magistrate who gives such directions as to their temporary custody as he thinks fit where no prosecution is instituted for the contravention of the provisions of sub-section (1) (which prohibits the hawking) within such period as the Magistrate may fix in this behalf, the Magistrate shall direct their return to the person from whom they were seized. Subject to the provisions of the preceding sub-section, the provisions of the Code of Criminal Procedure, 1898, (V of 1898) shall so far as they may be applicable, apply to the disposal of the goods seized under this section.

**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.

### **Violations and Penalties:**

If the licensee is found working against any of the related law the license can be cancelled or revoked by the authorized personnel on the spot. If the licensee gives the license to some other person to carry on the trade than also the license is cancelled. The penalty is decided by the magistrate as per the norms and the related official decisions.

As per the act any contravention of any provision of the act or rule or bye-law or standing order notice etc will 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. (Act can be referred in the annexure)