

A Bad Hair Day

Nandita Markandan

Opening a barber's shop in Delhi is not just snipping a few hairs. Schedule IX, Part I of the New Delhi Municipal Corporation Act 1994 specifies a list of items for which the premises may not be used without a licence. Number 10 on this list is "Keeping of a hair dressing saloon or a barber's shop."

The rules governing the allocation of licences do not end there. The licences for local commercial areas are granted as per the provisions of the MPD-2001, instructions of the land owning authority, the DMC act of 1957, DPCC orders, MCD directions, and official regulations. "Health" is also a subject under the discretionary powers of the MCD and together with the other overlapping provisions it suggests that too much power is vested in the authorities--and that too in an area where their intervention is unnecessary.

In the first category of licences, namely for "beauty parlours" in residential areas, initially the Delhi Government followed a system of Ad Hoc licensing. Licences were dispensed once in several years based on the orders of the state government to the MCD. A notification of the release would be published in the city's leading newspapers and interested applicants were allowed to apply only at that time. The last time such licences were released was in 1990. In March 1999, this system of Ad Hoc licensing was abolished and the Delhi Government has passed no further orders in this regard ever since. Hence all beauty parlours which have opened in residential areas after 1990 are actually "illegal." The MCD officials have themselves corroborated this fact.

How to get the license?

The procedure for obtaining a licence for operating in local commercial areas is a hair-raising tale in itself. First the individual needs to apply to the Deputy Health Officer of the Department of Health under whose jurisdiction the area falls. Two copies of the Site plan with the blueprint of the dimensions of the shop are required. The minimum area of the shop is laid down as 100 sq ft and the minimum height as 9ft. A copy of the Key Plan earmarking the approach route to the neighbouring area is also needed. A proof of ownership/ tenancy/ legal occupancy along with a No Objection Certificate (NOC) from the owner also has to be attached. An affidavit stating that no unauthorised construction has been carried out in the premises after 31-12-1993 completes the list of certificates.

In addition to these, a copy of the Water Bill must also be submitted. For this, first, a commercial water connection has to be procured from the Zonal Engineer of the Delhi Jal Board. In order to get this, copies of the rent receipt (in case of tenancy), a NOC from the landlord, the ownership proof of the premise and an affidavit

stating the resolution of the applicant along with a request letter on the letter head or receipt book of the undertaking have to be submitted.

Loopholes and problems

Clearly, the government has left no “legal” avenues for private individuals to start their trade in residential areas. The point to note here is that the restriction on the release of licences has not prevented the market forces from operating. Where the need is felt, barber’s shops have opened, be it without the requisite licence. The only people who have gained in the bargain are the plethora of officials who have managed to extract the most for themselves from the people who have been conscientious enough to go through the whole process. Most of the barbers and beauty parlours questioned freely admitted that the whole process could be completed in reasonable time only by greasing several palms, especially while getting the Site and Key Plans approved. This only reaffirms the existence of the deep-rooted nexus of corruption, which has penetrated even into even this seemingly mundane area.

No matter what good intentions had motivated such a policy of Ad Hoc licensing, the government’s action has actually been worked out to be anti-public. Curbing the market forces from trying to determine demand and supply freely has only created a market for bribes.

Among a total of 15 barber's shops and beauty parlours studied, 3 did not have a licence and were not intending to apply for one either. According to them, it was more cost effective to operate without one, as the innumerable delays and bribes could then be avoided. The only cost they incurred was to propitiate the Health Inspector during the time of checking, which was altogether very rare, as they claimed that the checking took place only once in several years.

The licences for local commercial areas are issued only for one year at a time, making an annual renewal mandatory. Hence the entire circle of certificates, approvals and bribes takes place year after year. The fees for opening a men's saloon is Rs. 60 per annum. Hence the motive behind this complex procedure is certainly not to seek revenue.

At the time of renewal, the previous application for the licence has to be submitted after which an inspection is carried out by the Health Inspector to verify the size, cleanliness of washbasins, sanitation etc. and consequently the licence is renewed. The wide scope for misuse of the discretionary powers of the Health Inspector arises here. One catches more flies with a drop of honey than an entire pot of vinegar. Likewise, even to supplicate the health inspector to make a visit - a bribe has to be offered.

Though no circularity was seen in the entire process, there is an element of duplication as far as the certificates are concerned, as the same are also to be submitted for the licence. In addition the application for the water connection also needs to be supported by a copy of the application for licence which suggests a lack

of coordination between the government departments, thus necessitating a further delay.

The solution

So where do we go from here? And how do we undo the wrong? As is evident, in a sphere of activity such as barber's shops, individuals are the best judges on which shop they would prefer to go to. As the ultimate consumers, they are in the best position to determine the hygiene standards and the quality of services offered. The excessive and arbitrary control comes down heavily on both the producers and the consumers of the service and hence there can be no justification for its existence.

Sources

- Provisions of MPD-2001
- Instructions of the Land Owning Authority
- DMC Act 1957 (amended in 1993)
- www.delhigovt.nic.in
- www.municipalcorporationofdelhi.com