

THE LIVELIHOOD REGULATIONS REPORT

COIMBATORE



PREPARED BY



IN PARTNERSHIP WITH



Centre for Civil Society

© Rights reserved 2008

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

Coimbatore also known as Kovai is a major industrial city in India and the second largest city in the state of Tamil Nadu. It is the administrative headquarters of Coimbatore District. It is known as Manchester of South India.

Coimbatore is known for its textile factories, engineering firms, automobile parts manufacturers, health care facilities, educational institutions, pleasant weather, hospitality and for its Kongu Tamil. Situated on the banks of the Noyyal River, Coimbatore's name comes from the local Goddess here, *Koniyamma*. *Kuniyattamuttur*, or "Kuniyamuttur" later metamorphosed to *Koyamuttur* which is anglicised as Coimbatore.

As of the 2001 census, Coimbatore had a population of 1,461,139 in city limits. Males constitute 52% of the population and females 48%. Coimbatore has an average literacy rate of 78%, higher than the national average of 59.5%. Male literacy is 81% and female literacy is 74% with 11% of the population under 6 years of age. The city's population is predominantly Hindu, along with sizable Muslim and Christian populations. Sikhs and Jains are also present in smaller numbers.

The present report of the livelihood regulations in the limits of Coimbatore Municipal Corporation covers dhaba, Cobblers, auto rickshaw, barber shop and meat Shop.

COIAMBATORE

The trades chosen for the study are:

- 1. Dhabha/ food courts.**
- 2. Cobblers**
- 3. Auto Rickshaw**
- 4. Meat Shop**
- 5. Barber Shop**

The licensing of trades in the corporation area of Coimbatore is under the regulations set by the City Corporation of Coimbatore. Section 360 of the Coimbatore city municipal corporation act 1981 makes it mandatory to obtain License for running any trade or industry that has been listed for this purpose by the council. The information on the corporation can be obtained from www.coimbatore-corporation.com

The trades are regulated by the Coimbatore City Municipal Corporation Act 1981. Prevention of Food Adulteration Act 1954 and Tamil Nadu shops and Establishment Act 1947 also have some provisions for regulations.

Licensing Procedures:

D & O License (Dangerous and Offensive):

All the D&O Traders should obtain licenses from the Municipal Corporation office on payment of prescribed fees before 45 days of the commencement of the trade. All the traders should renew the license every financial year. The defaulters should remit an extra payment as penalty of 25% of the license fee of the particular trade.

The applicant who applied for more than one trade in single premise has to pay the highest fee among the trade fees collected in the premises. If electric motor is available in the same premises a separate fee shall be collected.

There is a printed application form available in all the 4 Zonal Offices. The cost of each application is Rs.5/-.The filled in applications has to be received at zonal offices for scrutiny. The prescribed fee should be remitted for each trade on intimation to the applicant. The applications so received will be sent to concerned clerks in zonal offices. The clerk will send the applications to the concerned Sanitary Inspectors for remarks. The Sanitary Inspectors will inspect and submit their remarks to the Assistant Commissioner through concerned Zonal sanitary Officers. The recommended trade licenses will be issued to the applicants in zonal offices.

The process is as follows.

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

Prevention of Food Adulteration License (PFA):

If a trade deals with edible articles then the PFA license has to be obtained. There is an application on payment of Rs.5/- which will be issued at all four zonal offices. The fees for P F A license is Rs.25/-. The application received at zonal offices will be sent to concerned clerks in zonal offices and in turn sent to the Sanitary Inspectors for remarks. If the Sanitary Inspector recommends for issue of license the application will be sent to City Health Officer for issue of license. City Health Officer will issue the license. For Fresh license the fees will be Rs.25/- and for renewal the fees will be Rs.15/-

The process is as follows.

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

The trade wise details are as follows:

I.Dhaba:

Dhaba's are regulated by the provisions of the Coimbatore City Municipal Corporation Act 1981 and Prevention of Food Adulteration Act 1954, though we can find the influence of Tamilnadu shops and Establishment Act too in the licensing. As per section 360 no place within the limits of the city shall be used for any purpose mentioned in the schedule IV without a license.

As per section 349, no person is allowed to carry out an eating house without a valid license or in contravention of the terms and conditions of a license. The commissioner can cancel or suspend a license at any time if he feels that it has contravened the conditions as per the provisions of the Act or is not in conformity with the conditions of a license.

Licensing Procedure:

As per the act every applicant has to apply for a license not less than forty five days and not more than ninety days before the place is used for the purpose. Before granting or refusing a license there will be a full and complete investigation to the premises on the suitability of the place in respect of which he license is applied for, the possibilities of the dangers, provisions of rules and regulations and other conditions.

In Coimbatore Dhaba's are regulated under the basis of Dangerous and Offensive trade License. In addition, Prevention of Food Act, license is also needed.

D & O License (Dangerous and Offensive):

All the D&O Traders should obtain licenses from the Municipal Corporation office on payment of prescribed fees before 45 days of the commencement of the trade. All the traders should renew the license every financial year. The defaulters should remit an extra payment as penalty of 25% of the license fee of the particular trade.

The applicant who applied for more than one trade in single premise has to pay the highest fee among the trade fees collected in the premises. If electric motor is available in the same premises a separate fee shall be collected. There is a printed application form available in all the 4 Zonal Offices. The cost of each application is Rs.5/-. The filled in applications has to be received at zonal offices for scrutiny. The prescribed fee should be remitted for each trade on intimation to the applicant. The applications so received will be sent to concerned clerks in zonal offices. The clerk will send the applications to the concerned Sanitary Inspectors for remarks. The Sanitary Inspectors will inspect and submit their remarks to the Assistant Commissioner through concerned Zonal sanitary Officers. The recommended trade licenses will be issued to the applicants in zonal offices.

The process is as follows.

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

Prevention of Food Adulteration License (PFA):

If a trade deals with edible articles then the PFA license has to be obtained. There is an application on payment of Rs.5/- which will be issued at all four zonal offices. The fees for P F A license is Rs.25/- The application received at zonal offices will be sent to concerned clerks in zonal offices and in turn sent to the Sanitary Inspectors for remarks. If the Sanitary Inspector recommends for issue of license the application will be sent to City Health Officer for issue of license. City Health Officer will issue the license. For Fresh license the fees will be Rs.25/- and for renewal the fees will be Rs.15/-

The process is as follows:

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

Regulatory Body:

Public Health Department of the Corporation is the department concerned and City Health Officer is the regulatory authority.

Time Prescribed:

No time is prescribed in the act for the issue of license. But at present as per the rules of corporation it is fixed as seven days for Processing of Application, 30 days for Sending Intimation to remit fees and 45 days for Issue of license.

Terms And Condition:

The terms and Conditions are as per the Coimbatore City Municipal Corporation Act 1981 and PFA Act of 1954.

Documents Needed:

1. If the shop is own place the he has to submit the last payment of tax receipt
2. If the place is rent, the agreement copy of the tenant (agreement deed) should be submitted
3. The person who is going to manage the shop must have his id proof and address proof

Fees:

As per the section 451, the licenses fees shall be paid in advance and the rates will be fixed by the council.

Operation Timings:

As per the Tamil Nadu shops and establishment Act 1958 no shop can be opened earlier or closed later than the time fixed by the government. Provided that last customer waiting for being served have to serve before quarter of an hour immediately following the hour of closure. The government has the power to fix different timing for different classes of shops and establishments. As per the act, every shop shall remain closed on one day in a week and it shall be specified by the shop keeper and has to be exhibited permanently in the notice kept in a conspicuous place in the shop and this day cannot be altered more than once in three months.

No person can sell any goods near to any street or public place after the closing hours fixed by the government. No person can be required to work for more than eight hours in a day and fort eight hours in a week. He must not work for more than four hours unless he has had an interval for rest.

License Renewal:

The license has to be renewed 45 days before the commencement of the succeeding financial year. If license is not renewed in time, it will result in the cancellation of license. Application forms for renewal will be issued at service center's on payment in ward offices. Receipt of Application /remittance of fees can be done at the service center's itself.

Time Duration:

Before 45 days it has to be renewed, if it is renewed after the due date then 25% surcharge also has to be paid along with the license amount.

Processing Time:

Once fees is remitted with in 45 days license will be issued.

Penalty:

If the trader does not have license, then he will be prosecuted as per the directions of Maduari city Municipal Corporation Act and PFA Act of 1954. As per section 360 of the Maduari city Municipal Corporation Act 1971 if the commissioner became satisfied of the case of any violations of the provisions of the act or any conditions of a license, he will suspend or revoke the license after giving the licensee an opportunity to show the cause. Licenses obtained by misrepresentation also come under this. The commissioner has also the power to vary or amend the license granted.

As per the act, the failure to keep eating houses without license or in contravention of license will result in the payment of Rs.200 as fine. Using a place which is specified in schedule IV without a license or contrary to license is liable to pay Rs.400. The penalty will be increased for the continuity of breaches as per the instructions provided in the act.

II. Vegetable Seller:

A vegetable seller in Coimbatore is regulated as per the provisions of the Maduari city Municipal Corporation Act 1971 and Prevention of Food Adulteration Act 1954 and Tamilnadu shops and Establishment Act.

A vegetable seller is a merchant who sells the vegetables to the public whole sale or retail. As per section 360 no place within the limits of the city shall be used for any purpose mentioned in the schedule IV without a license.

As per the section 378, 379 and 380 of the Coimbatore city Municipal Corporation Act 1981, the council will provide places for using as public markets and the commissioner will be charge the required fees for its usage. No person can sell or expose for sale any animal or article within any public market without the permission of a commissioner. So Vegetable sellers also needs a valid license.

As provided in the act the commissioner/ any authorised officer have the duty to make provisions for constant and vigilant inspection of animal, vegetable or other article exposed or hawked for sale. As per the act, commissioner / any authorized officer can enter any place where sale or manufacture is being carried out in contravention of the provisions. He can enter any premises without any notice and nobody can obstruct the inspection of the authority concerned. The articles seized by the authorized officer have to be produced before the magistrate at the earliest.

Licensing Procedure:

As per the act every applicant has to apply for a license not less than forty five days and not more than ninety days before the place is used for the purpose. Before granting or refusing a www.cppr.in www.ccs.in

license there will be a full and complete investigation to the premises on the suitability of the place in respect of which the license is applied for, the possibilities of the dangers, provisions of rules and regulations and other conditions.

In Coimbatore vegetable sellers are regulated under the basis of Dangerous and Offensive trade License. In addition, Prevention of Food Act, license is also needed.

D & O License (Dangerous and Offensive):

All the D&O Traders should obtain licenses from the Municipal Corporation office on payment of prescribed fees before 45 days of the commencement of the trade. All the traders should renew the license every financial year. The defaulters should remit an extra payment as penalty of 25% of the license fee of the particular trade.

The applicant who applied for more than one trade in single premise has to pay the highest fee among the trade fees collected in the premises. If electric motor is available in the same premises a separate fee shall be collected.

There is a printed application form available in all the 4 Zonal Offices. The cost of each application is Rs.5/-.The filled in applications has to be received at zonal offices for scrutiny. The prescribed fee should be remitted for each trade on intimation to the applicant. The applications so received will be sent to concerned clerks in zonal offices. The clerk will send the applications to the concerned Sanitary Inspectors for remarks. The Sanitary Inspectors will inspect and submit their remarks to the Assistant Commissioner through concerned Zonal sanitary Officers. The recommended trade licenses will be issued to the applicants in zonal offices.

The process is as follows.

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

Prevention of Food Adulteration License (PFA):

If a trade deals with edible articles then the PFA license has to be obtained. There is an application on payment of Rs.5/- which will be issued at all four zonal offices. The fees for P F A license is Rs.25/- The application received at zonal offices will be sent to concerned clerks in zonal offices and in turn sent to the Sanitary Inspectors for remarks. If the Sanitary Inspector recommends for issue of license the application will be sent to City Health Officer for issue of license. City Health Officer will issue the license. For Fresh license the fees will be Rs.25/- and for renewal the fees will be Rs.15/-

The process is as follows:

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

REGULATORY BODY:

Public Health Department of the Corporation is the department concerned and City Health Officer is the regulatory authority.

Time Prescribed:

No time is prescribed in the act for the issue of license. But at present as per the rules of corporation it is fixed as seven days for Processing of Application, 30 days for Sending Intimation to remit fees and 45 days for Issue of license.

TERMS AND CONDITION:

The terms and Conditions are as per the Coimbatore City Municipal Corporation Act 1981 and PFA Act of 1954.

DOCUMENTS NEEDED:

1. If the shop is own place the he has to submit the last payment of tax receipt
2. If the place is rent, the agreement copy of the tenant (agreement deed) should be submitted
3. The person who is going to manage the shop must have his id proof and address proof

FEES:

As per the section 451, the licenses fees shall be paid in advance and the rates will be fixed by the council.

Operation Timings:

As per the Tamil Nadu shops and establishment Act 1958 no shop can be opened earlier or closed later than the time fixed by the government. Provided that last customer waiting for being served have to serve before quarter of an hour immediately following the hour of closure. The government has the power to fix different timing for different classes of shops and establishments. As per the act, every shop shall remain closed on one day in a week and it shall be specified by the shop keeper and has to be exhibited permanently in the notice kept in a conspicuous place in the shop and this day cannot be altered more than once in three months.

No person can sell any goods near to any street or public place after the closing hours fixed by the government. No person can be required to work for more than eight hours in a day and fort eight hours in a week. He must not work for more than four hours unless he has had an interval for rest.

License Renewal:

The license has to be renewed 45 days before the commencement of the succeeding financial year. If license is not renewed in time, it will result in the cancellation of license. Application forms for renewal will be issued at service centers on payment in ward offices. Receipt of Application /remittance of fees can be done at the service centers itself.

TIME DURATION:

Before 45 days it has to be renewed, if it is renewed after the due date then 25% surcharge also has to be paid along with the license amount.

PROCESSING TIME:

Once fees is remitted with in 45 days license will be issued

Penalty:

Absence of the license will result in the prosecution as per the directions of Coaimabtoe city Municipal Corporation Act 1981 and PFA Act of 1954. As per section 360 of the Coaimabtoe city Municipal Corporation Act 1981, the failure to comply with the conditions of the license or any other violations of the provisions of the act or any conditions of a license will result in suspension or revocation the license after giving the licensee an opportunity to show the cause. Licenses obtained by misrepresentation also come under this. The commissioner has also the power to vary or amend the license granted. As per section 470, the commissioner has the power to take actions for preventing the contravention of the acts and regulations for license. As per the act, sale or exposure for sale of any article without the permission or contrary to permission without a license is subjected to punishments. Using a place which is specified in schedule IV without a license or contrary to license is liable to pay Rs.400. The penalty will be increased for the continuity of breaches as per the instructions provided in the act.

III.Meat Shop:

Meat shop is also regulated by the provisions of the Coiambatore City Municipal Corporation Act 1981, Prevention of Food Adulteration Act 1954.The Tamil Nadu shops and Establishment Act 1947 prescribes the timings for meat shops as for any other trades in operation.

Meat shops in Coiambatore city is also regulated under the basis of Dangerous and Offensive trade License and Prevention of Food Act, license. So the basic preliminary process is same as of dhaba's. In addition they have to follow certain terms and conditions as per the act.

According to the section 371 and 372 of Coiambatore City Municipal Corporation Act 1981 slaughter houses are under the control of the municipal commissioner and the owner of the place which is used as slaughter houses shall apply to the commissioner for a license not less than forty five days and not more than ninety days more before opening the place to be used

as slaughter house. The commissioner may by order and subject to such restrictions and regulations for supervision and inspections grant or refuse to grant license. But the commissioner will grant to slaughter animals for religious ceremonies and that will be outside the purview of this section. Animals can be slaughtered only in the premise which is having a valid license. The licenses have to be renewed before the commencement of the year which the license is sought to be renewed.

Section 374 says that no animals can be slaughtered within the city except in a municipal or a licensed slaughter house without a license or in contravention of the conditions of the license. As per section 391, no person can without or otherwise than in conformity with a license from the commissioner can carry on a trade of a butcher or use the place for the sale of flesh intended for human food on any place within the limits of the city. Every license will expire at the end of the year which it was granted. Provided no place can be used for the sale of preserved flesh. The commissioner may by order and subject to such restrictions can grant or refuse the license.

As provided in the act the commissioner/ any authorised officer have the duty to make provisions for constant and vigilant inspection of animal, vegetable or other article exposed or hawked for sale. As per the act, commissioner / any authorized officer can enter any place where sale or manufacture is being carried out in contravention of the provisions. He can enter any premises without any notice and nobody can obstruct the inspection of the authority concerned. The articles seized by the authorized officer have to be produced before the magistrate at the earliest.

Licensing Procedure:

As per the act every applicant has to apply for a license not less than forty five days and not more than ninety days before the place is used for the purpose. Before granting or refusing a license there will be a full and complete investigation to the premises on the suitability of the place in respect of which he license is applied for, the possibilities of the dangers, provisions of rules and regulations and other conditions.

D & O License (Dangerous and Offensive):

All the D&O Traders should obtain licenses from the Municipal Corporation office on payment of prescribed fees before 45 days of the commencement of the trade. All the traders should renew the license every financial year. The defaulters should remit an extra payment as penalty of 25% of the license fee of the particular trade.

The applicant who applied for more than one trade in single premise has to pay the highest fee among the trade fees collected in the premises. If electric motor is available in the same premises a separate fee shall be collected.

There is a printed application form available in all the 4 Zonal Offices. The cost of each application is Rs.5/- The filled in applications has to be received at zonal offices for scrutiny. The prescribed fee should be remitted for each trade on intimation to the applicant. The applications so received will be sent to concerned clerks in zonal offices. The clerk will send the

applications to the concerned Sanitary Inspectors for remarks. The Sanitary Inspectors will inspect and submit their remarks to the Assistant Commissioner through concerned Zonal sanitary Officers. The recommended trade licenses will be issued to the applicants in zonal offices.

The process is as follows.

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

Prevention of Food Adulteration License (PFA):

If a trade deals with edible articles then the PFA license has to be obtained. There is an application on payment of Rs.5/- which will be issued at all four zonal offices. The fees for PFA license is Rs.25/- The application received at zonal offices will be sent to concerned clerks in zonal offices and in turn sent to the Sanitary Inspectors for remarks. If the Sanitary Inspector recommends for issue of license the application will be sent to City Health Officer for issue of license. City Health Officer will issue the license. For Fresh license the fees will be Rs.25/- and for renewal the fees will be Rs.15/-

The process is as follows:

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

Regulatory Body:

Public Health Department of the Corporation is the department concerned and City Health Officer is the regulatory authority.

Time Prescribed:

No time is prescribed in the act for the issue of license. But at present as per the rules of corporation it is fixed as seven days for Processing of Application, 30 days for Sending Intimation to remit fees and 45 days for Issue of license.

Terms and Conditions:

The terms and Conditions are as per the Coimbatore City Municipal Corporation Act 1981 and PFA Act of 1954.

Documents Needed:

1. If the shop is own place the he has to submit the last payment of tax receipt
2. If the place is rent, the agreement copy of the tenant (agreement deed) should be submitted
3. The person who is going to manage the shop must have his id proof and address proof

License Fees:

www.cppr.in

www.ccs.in

As per the section 451, the licenses fees shall be paid in advance and the rates will be fixed by the council.

Operation Timings:

As per the Tamil Nadu shops and establishment Act 1958 no shop can be opened earlier or closed later than the time fixed by the government. Provided that last customer waiting for being served have to serve before quarter of an hour immediately following the hour of closure. The government has the power to fix different timing for different classes of shops and establishments. As per the act, every shop shall remain closed on one day in a week and it shall be specified by the shop keeper and has to be exhibited permanently in the notice kept in a conspicuous place in the shop and this day cannot be altered more than once in three months.

No person can sell any goods near to any street or public place after the closing hours fixed by the government. No person can be required to work for more than eight hours in a day and fort eight hours in a week. He must not work for more than four hours unless he has had an interval for rest.

License Renewal:

The license has to be renewed 45 days before the commencement of the succeeding financial year. If license is not renewed in time, it will result in the cancellation of license. Application forms for renewal will be issued at service centers on payment in ward offices. Receipt of Application /remittance of fees can be done at the service centers itself.

TIME DURATION:

Before 45 days it has to be renewed, if it is renewed after the due date then 25% surcharge also has to be paid along with the license amount.

PROCESSING TIME:

Once fees is remitted with in 45 days license will be issued

Penalty:

Absence of the license will result in the prosecution as per the directions of Coaimabtoire city Municipal Corporation Act 1981 and PFA Act of 1954. As per section 360 of the Coaimabtoire city Municipal Corporation Act 1981, the failure to comply with the conditions of the license or any other violations of the provisions of the act or any conditions of a license will result in suspension or revocation the license after giving the licensee an opportunity to show the cause. Licenses obtained by misrepresentation also come under this. The commissioner has also the power to vary or amend the license granted. As per section 470, the commissioner has the power to take actions for preventing the contravention of the acts and regulations for license. As per the act, sale or exposure for sale of any article without the permission or

contrary to permission without a license is subjected to punishments. Using a place which is specified in schedule IV without a license or contrary to license is liable to pay Rs.400. The penalty will be increased for the continuity of breaches as per the instructions provided in the act.

IV.Barber Shop:

Like any other trades barber shops in Coimbatore city are also regulated by the provisions of the Coimbatore city Municipal Corporation Act 1981 and Prevention of Food Adulteration Act 1954 and Tamilnadu shops and Establishment Act.

Barber shop is the place to make hair cutting or shaving through trained peoples. To run, barber shop, the person has to get the license as per the provisions of Madurai Municipal corporation act.

As per section 360 no place within the limits of the city shall be used for any purpose mentioned in the schedule IV without a license. But at present no licenses are issued to barbershops from Coimbatore City Corporation. The procedures as provided in the act as follows:

As per the section 378, 379 and 380 of the Coimbatore city Municipal Corporation Act 1981, the council will provide places for using as public markets and the commissioner will be charge the required fees for its usage. No person can sell or expose for sale any article in any public market without the permission of a commissioner. So barber shops also needs a valid license.

As provided in the act the commissioner/ any authorised officer have the duty to make provisions for constant and vigilant inspection of any article exposed or hawked for sale. As per the act, commissioner / any authorized officer can enter any place where sale or manufacture is being carried out in contravention of the provisions. He can enter any premises without any notice and nobody can obstruct the inspection of the authority concerned. The articles seized by the authorized officer have to be produced before the magistrate at the earliest.

Licensing Procedure:

As per the act every applicant has to apply for a license not less than forty five days and not more than ninety days before the place is used for the purpose. Before granting or refusing a license there will be a full and complete investigation to the premises on the suitability of the place in respect of which he license is applied for, the possibilities of the dangers, provisions of rules and regulations and other conditions.

D & O License (Dangerous and Offensive):

All the D&O Traders should obtain licenses from the Municipal Corporation office on payment of prescribed fees before 45 days of the commencement of the trade. All the traders should renew the license every financial year. The defaulters should remit an extra payment as penalty of 25% of the license fee of the particular trade.

The applicant who applied for more than one trade in single premise has to pay the highest fee among the trade fees collected in the premises. If electric motor is available in the same premises a separate fee shall be collected.

There is a printed application form available in all the 4 Zonal Offices. The cost of each application is Rs.5/-The filled in applications has to be received at zonal offices for scrutiny. The prescribed fee should be remitted for each trade on intimation to the applicant. The applications so received will be sent to concerned clerks in zonal offices. The clerk will send the applications to the concerned Sanitary Inspectors for remarks. The Sanitary Inspectors will inspect and submit their remarks to the Assistant Commissioner through concerned Zonal sanitary Officers. The recommended trade licenses will be issued to the applicants in zonal offices.

The process is as follows.

Reception – Clerk- Sanitary Inspector - Zonal Sanitary Officer - Assistant Commissioner

REGULATORY BODY:

Public Health Department of the Corporation is the department concerned and City Health Officer is the regulatory authority.

Time Prescribed:

No time is prescribed in the act for the issue of license. But at present as per the rules of corporation it is fixed as seven days for Processing of Application, 30 days for Sending Intimation to remit fees and 45 days for Issue of license.

TERMS AND CONDITION:

The terms and Conditions are as per the Coimbatore City Municipal Corporation Act 1981

DOCUMENTS NEEDED:

1. If the shop is own place the he has to submit the last payment of tax receipt
2. If the place is rent, the agreement copy of the tenant (agreement deed) should be submitted
3. The person who is going to manage the shop must have his id proof and address proof

FEES:

As per the section 451 the licenses fees shall be paid in advance and the rates will be fixed by the council.

Operation Timings:

As per the Tamil Nadu shops and establishment Act 1958 no shop can be opened earlier or closed later than the time fixed by the government. Provided that last customer waiting for being served have to serve before quarter of an hour immediately following the hour of closure. The government has the power to fix different timing for different classes of shops and establishments. As per the act, every shop shall remain closed on one day in a week and it shall be specified by the shop keeper and has to be exhibited permanently in the notice kept in a conspicuous place in the shop and this day cannot be altered more than once in three months.

No person can sell any goods near to any street or public place after the closing hours fixed by the government. No person can be required to work for more than eight hours in a day and fort eight hours in a week. He must not work for more than four hours unless he has had an interval for rest.

License Renewal:

The license has to be renewed 45 days before the commencement of the succeeding financial year. If license is not renewed in time, it will result in the cancellation of license. Application forms for renewal will be issued at service centers on payment in ward offices. Receipt of Application /remittance of fees can be done at the service centers itself.

TIME DURATION:

Before 45 days it has to be renewed, if it is renewed after the due date then 25% surcharge also has to be paid along with the license amount.

PROCESSING TIME:

Once fees is remitted with in 45 days license will be issued

Penalty:

Absence of the license will result in the prosecution as per the directions of Coaimabtore city Municipal Corporation Act 1981 and PFA Act of 1954. As per section 360 of the Coaimabtore city Municipal Corporation Act 1981, the failure to comply with the conditions of the license or any other violations of the provisions of the act or any conditions of a license will result in suspension or revocation the license after giving the licensee an opportunity to show the cause. Licenses obtained by misrepresentation also come under this. The commissioner has also the power to vary or amend the license granted. As per section 470, the commissioner has the power to take actions for preventing the contravention of the acts and regulations for license. As per the act sale or exposure for sale of any article without the permission or contrary to permission without a license.

V. Cycle Rickshaw:

As per the Coimabtoire city Municipal Corporation Act 1981, Carriage means any wheeled vehicle with springs or other appliances. It includes any kind of bicycle, tricycle, rickshaw and palanquin. But it does not include any motor vehicle. The Act also defines carts as any wheeled vehicle which is not a carriage but it does not include any motor vehicle. So Cycle rickshaw is a Carriage.

At present no licenses are issued to cycle rickshaws from Coiamabtoire City Corporation. The procedures as provided in the act as follows:

As per section 142, every person in possession or control of the carriage is liable to pay the tax for full half year if a carriage is kept within a city not less than sixty days

Permit Procedures:

As per the section 142, the commissioner can grant him a license when the applicant pays the amount which has to be paid as tax. The commissioner shall direct that a municipal number shall be affixed to every carriage kept with in the city. The numbers affixed shall be registered in the municipal office. The carriages shall be registered in the municipality in the prescribed form and is supposed to follow the conditions. A metal token will be issued by the registered authority and the holder of carriage is supposed to keep it with him /her.

Documents Required:

The commissioner may by any notice require the owner or occupier to furnish him a statement showing the following:

- a. A statement showing the description of carriage, name and address of every person who has possession, custody or control of any carriage
- b. Signature of occupier in the statement
- c. Filled application form

The occupier has to transmit the statement to the municipal office within one week from the date of his receipt of the notice.

Fees:

Rs.10 has to be levied as the half yearly tax for rickshaw

Renewal:

As per section 142, every person in possession of the carriage within the city not less than sixty days is liable to pay the half yearly tax. So it states that the carriage is registered for a half year. So renewals will be two times in a year. The procedures are same.

Penalty:

As per sections 149 and 154, if any carriage is found in a public place with out the registration or metal token, it can be detained at a place set apart for the purpose and is liable to be destroyed or otherwise disposed of unless it is claimed and the fees must be paid within one week. No amount will be payable for the damage. The commissioner has the power to seize the vehicle at any time. But it should not be at the time while carrying the passengers. As per the act, the person who has failed to pay the tax for carriage or to comply with the conditions or to furnish the statement or furnishing an incorrect statement has to pay Rs.20 as fine. The failure to register the carriage or the failure to keep the registration number affixed also has to pay the same fine. The penalty will be increased for the continuity of breaches as per the instructions provided in the act

FINDINGS FROM THE STUDY**General Findings:**

1. The licensing of trades in the corporation area of Madurai is under the regulations set by the corporation of Madurai. Section 360 of the Madurai city municipal corporation act make it mandatory to obtain License for running any trade or industry that has been listed for this purpose by the council
2. The trades are regulated by the Maduari city Municipal Corporation Act 1971, Prevention of Food Adulteration Act 1954.Tamilnadu shops and Establishment Act also have some provisions for regulations
3. The owner (or) occupier of a trading place for which a license is required shall apply to the Commissioner not less than 45 days and not more than 90 days before the trade is started. A license will be issued for the relevant financial year, only which has to renewed every year
4. The license will be issued only after inspecting the place of trade, regarding suitability of the trade
5. For yearly renewal, one has to apply during the month of February of every forth coming financial year. Delayed renewal will attract a penalty of 25% license fees
6. All types of trades dealing with any Human edible products require to be licensed under this Act. The license fee is Rs.10/- The licensing procedure is similar to D & O trade licensing and goes hand in hand with D and O license issual
7. . The procedure for Lodging Houses license is similar to D & O trade licensing. The license fees vary with the size of the trading place which is to be ascertained from the concerned ward Sanitary Inspector
8. Every license granted shall specify the period, the restrictions, the limitations and the conditions subject to which it is granted. The commissioner signature must be there in the license. Fees should be paid in advance. The licensee is bound to produce the license at all reasonable times when it is requested by the concerned authority

The trade wise details are as follows:

Dhaba:

1. Dhabas are regulated by the provisions of the Madurai city Municipal Corporation Act 1971 and Prevention of Food Adulteration Act 1954, though we can find the influence of Tamilnadu shops and Establishment Act too in the licensing
2. As per the RTI reply, dhaba's are the places for using as eating establishments like Hotels and Tiffin Centres
3. As per section 349 of the Madurai city Municipal Corporation Act 1971, no person is allowed to carry out an eating house without a valid license from the commissioner and the commissioner can cancel or suspend a license at any time if he feels that it has contravened the conditions as per the provisions of the Act
4. Dhaba's in Madurai city are regulated under the basis of Dangerous and Offensive trade License. In addition, Prevention of Food Act, license is also needed
5. In addition to the above D and O trade license, Dhabs has to be registered under the Prevention of Food Adulteration Act license
6. Healthy Department of the Corporation, commissioner and the Corporation Health officer is the regulatory body. Commissioner has to signed in the application form then it can be proceeded by the corporation
7. The terms and Conditions are as per the Madurai city Municipal Corporation Act and PFA Act of 1954
8. No person can sell any goods near to any street or public place after the closing hours fixed by the government
9. In the case of the license which was suspended or revoked or if the expiry of an application for renewal is already crossed then the licensee must produce the order for cancelling the suspension or revocation while renewing the license
10. If the trader does not have license, then he will be prosecuted as per the directions of Madurai city Municipal Corporation Act and PFA Act of 1954

Vegetable Sellers and Barber shops :

1. A vegetable seller in Madurai is regulated as per the provisions of the Madurai city Municipal Corporation Act 1971 and Prevention of Food Adulteration Act 1954 and Tamilnadu shops and Establishment Act
2. A vegetable seller is a merchant who sells the vegetables to the public whole sale or retail
3. Barber shop is the place to make hair cutting or shaving through trained peoples. To run, barber shop, the person has to get the license as per the provisions of Madurai Municipal corporation act
4. The Procedures are as same as of dhaba's

Meat Shop:

1. Meat shop is also regulated by the provisions of the Madurai city Municipal Corporation Act 1971 and Prevention of Food Adulteration Act 1954 and Tamilnadu shops and Establishment Act prescribes the timings for meat shops as for any other trades in operation

2. Meat shops as defined by the Madurai Corporation in RTI are the place to sell raw meats
3. Meat shops in Madurai city is also regulated under the basis of Dangerous and Offensive trade License and Prevention of Food Act, license. So the basic preliminary process is same as of dhabas. In addition they have to follow certain terms and conditions as per the act
4. According to the section 371 and 372 of Madurai city Municipal Corporation Act 1971, slaughter houses are under the control of the municipal commissioner and the owner of the place which is used as slaughter houses shall apply to the commissioner for a license not less than forty five days and not more than ninety days more before opening the place to be used as slaughter house
5. Animals can be slaughtered only in the premise which is having a valid license.
6. As per the section 391 of the Madurai city Municipal Corporation Act 1971 no person can carry trade of a butcher without a license .Every license will expire at the end of the year which it was granted
7. The procedure is same as of dhaba's
8. As per the act, the failure to keep slaughter houses without license or in contravention of license will result in the payment of Rs.400 as fine. Carrying of butcher's trade without license is liable to pay Rs.200. The penalty will be increased for the continuity of breaches as per the instructions provided in the act

Cycle Rickshaw:

1. As per Madurai City Municipal Corporation Act 1971, Carriage means any wheeled vehicle with springs or other appliances .It includes any kind of bicycle, tricycle, rickshaw and palanquin. But it does not include any motor vehicle. The Act also defines carts as any wheeled vehicle which is not a carriage but it does not include any motor vehicle. So Cycle rickshaw is a Carriage. As per section 142, every person in possession or control of the carriage is liable to pay the tax for full half year if a carriage is kept within a city not less than sixty days
2. As per the section 147, the commissioner can grant him a license when the applicant pays the amount which has to be paid as tax. The commissioner shall direct that a municipal number shall be affixed to every carriage kept with in the city. The numbers affixed shall be registered in the municipal office. The carriages shall be registered in the municipality in the prescribed form and is supposed to follow the conditions. A metal token will be issued by the registered authority and the holder of carriage is supposed to keep it with him /her
3. As per section 142, every person in possession of the carriage within the city not less than sixty days is liable to pay the half yearly tax. So it states that the carriage is registered for a half year. So renewals will be two times in a year. The procedures are same.
4. As per sections 149 and 154, if any carriage is found in a public place with out the registration or metal token, it can be detained at a place set apart for the purpose and is liable to be destroyed or otherwise disposed of unless it is claimed and the fees must be paid within one week. No amount will be payable for the damage. The commissioner has the power to seize the vehicle at any time. But it should not be at the time while carrying the passengers

5. As per the act, the person who has failed to pay the tax for carriage or to comply with the conditions or to furnish the statement or furnishing an incorrect statement has to pay Rs.20 as fine. The failure to register the carriage or the failure to keep the registration number affixed also has to pay the same fine. The penalty will be increased for the continuity of breaches as per the instructions provided in the act

FINDINGS FROM THE LAW

1. As per section 360 of the Maduari city Municipal Corporation Act 1971, every application for license must be made not less than fort five and not more than ninety days before the place is used for such purpose which the license is required. Before granting the license an inspection will be carried out by the respective authorities
2. As per the Tamil Nadu shops and establishment Act 1958 no shop can be opened earlier or closed later than the time fixed by the government. As per the act, every shop shall remain closed on one day in a week and it shall be specified by the shop keeper and has to be exhibited permanently in the notice kept in a conspicuous place in the shop and this day cannot be altered more than once in three months
3. As per section 360 of the Maduari city Municipal Corporation Act 1971 if the commissioner became satisfied of the case of any violations of the provisions of the act or any conditions of a license, he will suspend or revoke the license after giving the licensee an opportunity to show the cause. Licenses obtained by misrepresentation also come under this. The commissioner has also the power to vary or amend the license granted
4. As provided in the act the commissioner/ any authorized officer have the duty to make provisions for constant and vigilant inspection of animal, vegetable or other article exposed or hawked for sale. As per the act, commissioner / any authorized officer can enter any place where sale or manufacture is being carried out in contravention of the provisions. He can enter any premises without any notice and nobody can obstruct the inspection of the authority concerned. The articles seized by the authorized officer have to be produced before the magistrate at the earliest
5. According to the section 371 and 372 of Maduari city Municipal Corporation Act 1971, slaughter houses are under the control of the municipal commissioner and he can grant / refuse the license to the owner on an application. The commissioner may by order and subject to such restrictions and regulations for supervision and inspections grant or refuse to grant license. But the commissioner will grant to slaughter animals for religious ceremonies and that will be outside the purview of this section. Animals can be slaughtered only in the premise which is having a valid license
6. As per section 142, every person in possession or control of the carriage is liable to pay the tax for full half year if a carriage is kept within a city not less than sixty days
7. As per the act, the failure to keep eating houses without license or in contravention of license will result in the payment of Rs.200 as fine. Using a place which is specified in schedule IV without a license or contrary to license is liable to pay Rs.400. The penalty will be increased for the continuity of breaches as per the instructions provided in the act
8. As per the section 378, 379 and 380 of the Maduari city Municipal Corporation Act 1971, the council will provide places for using as public markets and the commissioner will be charge the required fees for its usage. No person can sell or expose for sale any animal or article within any public market without the permission of a commissioner