

THE LIVELIHOOD REGULATIONS REPORT

KOLKOTA



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.

Kolkata formerly Calcutta is the capital of the Indian state of West Bengal. It is located in eastern India on the east bank of the River Hooghly. When referred to as "Kolkata", it usually includes the suburbs, and thus its population exceeds 15 million, making it India's third-largest city and urban agglomeration.

Calcutta served as the capital of India during the British Raj until 1911. Once the centre of modern education, industry, science, culture and politics in India, Kolkata witnessed intense political violence, clashes and economic stagnation from the years starting 1954 and continuing till this day. However, since the year 2000, economic rejuvenation has led to a spurt in the city's growth. Like the other metropolitan cities of India, Kolkata continues to struggle with urbanisation problems like poverty, pollution and traffic congestion.

Kolkata is noted for its revolutionary history, ranging from the Indian struggle for independence to the leftist and trade union movements.

As of 2001, Kolkata city had a population of 4,580,544, while the urban agglomeration had a population of 13,216,546. The sex ratio is 828 females per 1000 males which is lower than the national average, because many working males come from rural areas, where they leave behind their families. Kolkata's literacy rate of 80.86% exceeds the all-India average of 64.8%. Kolkata Municipal Corporation area has registered a growth rate of 4.1%, which is the lowest among the million-plus cities in India.

Bengalis comprise the majority of Kolkata's population (55%), with Marwaris, Oriya and Bihari communities forming a large portion of the minorities (20%)^[70]. Some of Kolkata's minor communities include Chinese, Tamils, Nepalis, Telugus, Assamese, Gujaratis, Anglo-Indians, Armenians, Tibetans, Maharashtrians, Punjabis, Malayalees and Parsis. Major languages spoken in Kolkata are Bengali, Hindi, English, Oriya, and Bhojpuri.

The present report of the livelihood regulations in Kolkata covers dhaba, vegetable sellers, cycle rickshaws, barber shops and meat Shops.

KOLKATA

The sectors chosen for the study are:

1. Dhabha/ food courts.
2. Vegetable/Fruit/Flower Sellers
3. Cycle Rickshaw
4. Meat Shop
5. Barber Shop

The licensing of trades in the corporation of kolkata is regulating under the Trade Licensing Department and is regulating under the Kolkata Municipal Corporation Act of 1980.

The key activities of the department are:

1. Issuance of new trade license under the green category
2. Issuance of new trade license under red category for 33 different types of trades.
3. Renewal of trade license
4. Cancellation of demands and closing of businesses of defaulting traders. (If it is intended)
5. Prosecution of the defaulting traders in the court of Municipal Magistrate.

Application for a trade license:

Every person engaged or intending to be engaged in any profession, trade or calling in Kolkata Municipal Corporation area shall obtain a Certificate of Enlistment (Trade Licence) and get the same renewed annually. Primarily the C.E. (Certificate of enlistment) attracts section 199 of the K.M.C Act 1980. However in addition to that Certificate of Enlistment (Trade Licence) also attracts the following allied sections of the K.M.C. Act 1980 as applicable in the schedule. If a trader fails to renew his C.E. (Trade Licence), he may be prosecuted in the court of M.M (Municipal Magistrate).

Procedure for application:

The person has to apply in the prescribed Application forms, which can be purchased from any of the counters of the license department on the payment of Rs.5

Documents Required:

1. Application form duly filled up
2. Proof of place of business
3. If a license is sought on behalf of a company, kindly submit a copy of the Memorandum / Articles of Association, Declaration in Form No. 32, Form No. 18. If license is sought for Partnership firms, a copy of the Partnership deed needs to be submitted.
4. Other specific requirements for specific trades if any

Expected time frame for issuance of a new trade license:

If the application belongs to a Green Category trade, license shall be granted on the same day of submission of application form without any inspection and upon realization of license fees in Cash or by Bank Draft/Pay Order (Payment by cheque is not allowed in such cases). In case

the application belongs to the Red Category trade, license shall be issued after subsequent inspection. It may take 3 days to a fortnight depending upon the intricacies of each case.

"Green Category" and "Red Category" of trade license:

If a trade is included in the 33 heads, which is prescribed by the corporation, then it falls under "Red Category". If the trade is not included in the red category then it belongs to the "Green Category".

In case the application belongs to a Green Category trade, license shall be granted on the same day of submission of application form without any inspection and upon realization of license fees in Cash or by Bank Draft/Pay Order (Payment by cheque is not allowed in such cases). In case the application belongs to the Red Category trade, license shall be issued after subsequent inspection.

General Requirements Irrespective Of any Trade:

1. Properly & neatly filled in prescribed Application Form with Signature, Date, Seal, and Name/s of Proprietor /Partner (S) /Director (S)/Karta/Manager.
2. Photocopy of current rent receipt / challan from rent control (for tenants) or current K.M.C Property Tax Receipt /Bill (for owner of the trading premises).
3. In case of Rent-free trading spaces, Current consent letter in original, mentioning the area along with Current C.E of the consenter if the said consenter doing any Trade along with current Rent Receipt / Receipts from Rent Control or Current K.M.C Property Tax Receipt/ Bill of the Consenter.
4. Copy of agreement / Certified copy of conveyance Deed or in case of I.G.R. Receipt copy which duly certified by the respective Advocate for confirming I.G.R. for registration of purchase.
5. For trading spaces in any (1) Govt. Markets, (2) K M C Markets, & (3) Govt. campus like campus of K.M.C, C. P. T., C.I .T. etc. C/E can be issued only in the name of actual tenant; no consent or sub-tenancy will be entertained in such cases; for trading space in Co-Op Housing Society the consent letter from Secretary of the Co-Op Society/Appropriate Authority is required.
6. For trading spaces in Govt. Housing Estates, current clearance from Housing Estate Manager.
7. For issuing new Professional Licences, documents confirming the profession.
8. The trades which attract, Amusement Fees, Water Charges (I.C.I/Metered), Sewerage & Drainage Charges and Solid Waste Removal Charges separately, in addition, should be issued C.E. (Trade Licence) under information (in prescribed proforma) to the Concerned Department.
9. Since 2003 -2004, the K.M.C. introduced a new procedure for renewal of C.E. (Trade Licence) through Banks. In this system, demands for renewal for a year, are generated through Computer centrally for all the traders who have come under the purview of C.E (Trade Licence) pertaining to the year for which demand for renewal are generated.

Then the demands are sent to the traders directly Under Certificate of Posting. On the backside of the Demand, the names of the Banks and their designated branches and contact Nos. /Help line Nos. are printed. The traders are required to deposit the amount mentioned in the demands to any of the branches they like. The demand, after payment, becomes the Certificate of Enlistment (Trade Licence) for the year. Under this system, the traders are not required to approach to any K.M.C office for the purpose of the renewal of their Trade Licence only except in case of any Correction/Change of information.

Procedure for Issuing C.E. (Trade Licence) under Green Channel

The Nature of Trades under Red Channel should be displayed in front of the Inspection Counter and "Any other Nature of Trade not involving in the "red Category" will be treated as under Green Channel". Steps for issuing Licences under Green Channel are as under:

1. The intending Licensee will procure Application Form from the specified counter.
2. The Application Form duly filled in, along with K.M.C. Property Tax Receipt and other supporting document are needed.
3. It should be deposited in the Inspection Counter only.
4. The In-charge of the Inspection Counter (ALO/Inspector/HA) will then checks and verifies the documents submitted along with the Application Form immediately.
5. If those are found to be in order, the Counter In-charge will send the Form(s) immediately to the Head of the Department (L.O./Concerned D.L.O. /A.L.O.) seeking permission for assessment/ approval.
6. Head of the Department will then, if he/she finds that the application(s) are in order in all respect, accord permission for assessment.
7. On having necessary clearance from the Head of the Department, the In-charge of the Inspection Counter will then assess the fees & charges as applicable immediately and prepare a Passing/Demand Slip under his signature. He will then send the Application Form(s) along with all enclosures to the Cash Counter immediately. The Passing/Demand Slip will be handed over to the intending Licensee immediately for depositing the requisite amount mentioned therein for the purpose of issuing Trade Licence / Certificate of Enlistment on the same day.
8. The In-charge of the Cash Counter will then receive the amount according to the Passing/Demand Slip and take an account of this with the Green Channel Application(s) already received by him/her. There should be a programme that after physical inspection if it is found that the information furnished are correct, those can immediately be recorded in the Computer for generation of future demands. But, on the other hand, if the information is found to be false, the data would not be made available for future demand generation; in lieu "**Licence Cancelled**" would get affected.
9. After the closing of the Cash Counter, the concerned In-charge will send all the Application Forms along with all of their enclosures with a Register and the Summary Sheet of that particular day marking the Green Channel cases to the concerned Head of Department for initiating verification at the site by the concerned outdoor inspecting personnel at a subsequent stage. The Register will contain the columns mentioned the following:

- a. Sl. No.
 - b. Ward No
 - c. Name of the Licensee
 - d. Address of the Licensee
 - e. Nature of Trade
 - f. Name(s) of Proprietor/Partners/Directors
 - g. Total Fees
 - h. Signature of In-charge of Cash Counter
 - i. For Verification: Assigned to name & designation of the officer Signature of the Head Of the Department
 - j. Signature of Assignee Officer
 - k. Report from the Assignee Officer Received on
 - l. Remarks with Signature of The Head Of the Department
10. The concerned Assignee Officer will positively submit a report to the Head of the Department as regards to Physical Verification in respect of the Licences issued under Green Channel within Two Months from the date of issuing of the Licence(s)
 11. If the report conforms to the information furnished by the Licensee at the time of application, The Head of the Department will pass a Remark as "In Order".The data then immediately will be sent to the System Manager for preserving them to generate future demands
 12. If the information furnished does not tally with the (physical) Information Report, the Head of the Department will issue a Letter of Intimation to the concerned Licensee to show cause within 15 days as to why the Licence already issued would not be treated as cancelled. If the Licensee appears and can justify information already furnished, the Head of the Department, after being satisfied, will allow the Licensee to continue with the Licence and will inform System Manager accordingly to do the needful. If the Licensee does not appear within the stipulated time or can not justify earlier information, the Head of the Department will call for the Licence and will cancel the Certificate of Enlistment along with the forfeiture of the amount already paid. System Manager will also be accordingly informed for updating the database.
 13. If the intending Licensee, after obtaining Passing/Demand Slip from the Inspection Counter does not turn up for payment of the same, In-charge of the Cash Counter will retain the Application along with all its enclosures for next seven working days. After the expiry of the stipulated time, all such cases will be deposited to the Head of the Department in a separate file.

Punishment for the false information for a Green Category trade license or the unauthentic supporting documents:

KMC takes cases of false documentation very seriously. In case KMC discovers that false documentation has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants.

Measure for an excessive delay in the issue of trade license:

In the unlikely event of such occurrence, the trader is advised to contact the license officer or the deputy license officer in charge of the concerned unit office for proper redressal. In case of inordinate delay in granting the trade license or for any other inconvenience you may also approach the Deputy Municipal Commissioner (License) at the KMC HO.

Renewal of trade license:

A demand notice would be sent to the trader regarding renewal of license fees. He/ she can deposit the fees at any of the Branches of the Banks as specified on the reverse of demand bill. The payment can be made either in cash or by cheque/demand draft/pay order in favor of Kolkata Municipal Corporation payable at Kolkata. On payment, the demand notice would be deemed as a trade license.

Failure to receive the demand notice:

In the unlikely event of such occurrence, the trader must deposit the following documents at the special computer cell under the License office located in the ground floor of the KMC Head Office (5, S. N. Banerjee Road):

- a. A photocopy of the last paid trade license
- b. Declaration by the applicant containing details of actual covered area of the business location in square feet, name of the trade, nature of the trade, address of the trade, place
- c. On the submission of the above documents a duplicate copy of demand notice would be issued.

Liability for default in making the payment for license fees:

The trader shall be liable to pay:

- a. Two times of the fees as calculated from the current year schedule in case he has defaulted for one year.
- b. Three times of the fees as calculated from the current year schedule in case he has defaulted for two year.
- c. Four times of the fees as calculated from the current year schedule in case he has defaulted for three years or more

Information on trade licence edited in cases such as change in location of business or errors in license:

Submission of application in plain paper for effecting desired changes. KMC would hold an enquiry and on realization of necessary fees shall issue the licence. In case of correction of errors no fees is required to be paid.

Procedure to be followed for effecting any correction / change/ closing of business/action for Bad Demands and for obtaining certified copy of Trade Licence**Correction:**

Any erroneous information, printed in the Demand Notice, will be corrected exclusively at the Special Cell of Head Quarter so that digitized data are rectified on-line. No other personnel at any of the Location Office will be doing this. For correcting erroneous information printed in the Demand Notice, the Licensee will be required to bring the current year's Demand Notice and the previous year's Certificate of Enlistment (*Trade Licence*), both in original. Corrections involving change in *Demanded Fees Payable* must be done before payment of the same.

CHANGE:

Change of any information of a Trade/Business with respect to its identification or nature will be according to the following manner:

The Licensee will apply in a plain paper enclosing photocopies of all supporting documents and the photocopy of the last Certificate of Enlistment (*Trade Licence*) at the Location Office where the Ward of his last Licence belonged.

In case of any Change other than Address, the application receiving office will scrutinise the application and execute spot inspection, if required. Finally, the case will be recommended to Licence Officer (HQ) in a prescribed form enclosed, completely filled in, whether the Change can be done or not.

In case of Change of Address, three different situations may arise.

Situation-1 (New Address belongs to the Old Ward):

In such situation, concerned Ward-Inspector will confirm non-existence of the said business in the old Address and existence of the same in the new Address. Finally the case will be recommended to Licence Officer (HQ) in the prescribed form enclosed, completely filled in, whether the Change of Address can be incorporated.

Situation-2 (New Address belongs to another Ward within the jurisdiction of the application receiving office):

Ward-Inspector of the old Ward will pass on the application to the Ward-Inspector of the new Ward, along with all enclosures submitted by the applicant, after confirming non-existence of the said business in the old Address and filling in the first part of the prescribed form completely. Ward-Inspector of the new Ward will, after making necessary inspection at the new Address, send the application to Licence Officer (HQ) in the prescribed form, filling in the second part completely (the first being already filled in) and appropriate remarks whether the Change of Address can be incorporated.

Situation-3 (New Address belongs to a Ward outside the jurisdiction of the application receiving office):

Ward-Inspector of the old Ward shall send the application to Licence Officer (HQ), along with all enclosures submitted by the applicant, after confirming non-existence of the said business in the old Address and filling in the first part of the prescribed form completely. Licence Officer (HQ) will then send it to the appropriate office in whose jurisdiction the new Address belongs. This office will then execute all necessary scrutiny and spot inspection and finally send the file back to Licence Officer (HQ) after filling in the second part of the prescribed form along with appropriate remarks and clear recommendations.

The Licensee will have to contact Licence Officer (HQ) to know the fate of his application. If it is recommended to make the "Change" applied for to be incorporated, Licence Officer(HQ) will arrange to collect all necessary fees following the Schedule in effect and update the database. Otherwise, Licence Officer (HQ) will let the Licensee know with reason that the Change applied for cannot be incorporated.

If it is found that the assessed fees payable, after incorporating the "Change" applied for, are more than what it was previously, the Licensee will be bound to pay the excess amount. On the contrary, if the assessed fees, after incorporation of the "Change", are less, no

adjustment/refund will be made as the Licensee has already enjoyed the status before the "Change" during some part of the year.

The application for closure should be accompanied by necessary supporting documents along with original & photocopy Certificate of Enlistment of Current year duly paid. If any Licensee wants to close the business in the current financial year and does not want any Demand Notice to be raised in the next financial year, the application for such must be received by the concerned Location Office latest by 15th of April of the next financial year. Any application for closing of business, received after 15th of April of the next financial year, will have to clear the demand for that financial year. Applications for closing of business in original along with the enclosures must reach the *Special Computer Cell of Licence Department* latest by 20th of April of the next financial year.

ACTION FOR BAD DEMANDS:

In case any demand raised in a financial year is found out to be BAD for some reason or other, recommendation to cancel that demand must reach the *Special Cell* latest by 15th of April of the following financial year. Such recommendation must have Demand No. & Reason for marking the demand as "BAD" along with signature of concerned A.L.O. / D.L.O.

CERTIFIED COPY OF TRADE LICENCE:

Certified copy of a Certificate of Enlistment (*Trade Licence*) of a particular year should be given from the concerned Location Office from where it was originally issued. ONLY the certified copies against the Demands, renewed through Banks, will be available from the *Special Cell*.

The procedures described above are to be followed from immediate effect. All the Location Offices are requested to cooperate with the *Special Cell* in the matters described above and in other matters, not mentioned here but the officials feel fit, so that the Licensee Database is maintained properly.

GRIEVANCE REDRESSAL MECHANISM:

In case of any grievance or complaint please contact the officials of the Licence Department

NON RECEIPT OF DEMAND NOTICE FOR RENEWAL:

Trader may contact at Counter No.2 of the Licence Department, C.M.O. Building, Ground Floor, at 5,S.N.Baberjee Road, Kolkata – 700 013 along with the paid original last demand.

SCHEDULE TIME FOR GETTING THE C.E. U/S 199(2) :

The C.E will be made available within 30 days of the receipt of the application after making such enquiry as may be necessary provided that the application/supporting documents is in order.

SPECIFIC REQUIREMENT FOR SOME SPECIFIC TRADES:

For any trade related to (a) Liquor (Wine), (b) Edible spirit, (c) Ammunition and alike:

Clearance from Police (Permission)/Application to Police for such permission/necessary permission as regards Excise, wherever applicable:

For Transport Agent (with car)

Declaration in plain paper (in original) in prescribed proforma; copy of Blue Book and Insurance Policy of the Car/s; Certificate of Fitness of the Car/s from P.V.D./component Authority;

For Travelling Agents

Declaration in plain paper (in original) in prescribed proforma;

For Trades related to Inflammable and/or Explosive Article

Fire Licence or necessary permission from Directorate of West Bengal Fire Service/Explosive Licence for Gun/Gun powder/Fire Works or alike.

For Chemist & Druggist

1. 1st. Licence to be issued on production of deposit receipt (in T.R. Form No. 7) of Registration under Clinical Establishment Act., West Bengal.
2. For renewal, Permission from Drug Controller is necessary

For Clearing/Forwarding Agencies

Agency Certificate from respective appropriate authority (i.e. Customs/Excise/Engaging Organisation or any other authority which may be deemed fit for this purpose)

For Singer & Dancer

1. Copy of Ration Card/Passport/Voter Identity Card/Pan Card;
2. Permission from appointing authority for singing and dancing along with the photocopy of the current Certificate of Enlistment
3. Two copies of latest passport size photograph;

For Ration Shop (A. R. Shop)/or any other Govt. Shop

Permission from Food Department or any respective Department is necessary.

Professional(s) (with chamber) (in case of Doctor/Physician)

If only one physician attends the chamber and the Licensee & the attending physician is the same person (Sl.No.1 57/2)

Doctors' Clinic

If only one physician attends the clinic and the Licensee & the physician are two different persons. In such case a declaration from the attending physician regarding this fact accompanied by his/her IMA Registration No. is necessary. (Sl.No.69)

Doctors' Polyclinic

If more than one physician is attending a clinic and the Licensee may be one or more of the attending physicians or a different person. In such case a declaration from the attending physicians is required stating this fact along with their IMA Registration Numbers. (Sl.No.70)

For Trades liable to pay Water Supply Fees separately

1. For ICI consumers, Receipt of current year's Water Supply Fees along with receipt of current year's Drainage & Sewerage Fees;
2. For others, declaration of area of trading space along with last receipt regarding Water Supply Fees and Drainage & Sewerage Fees (if applicable);

In case Assessee No. of trading premises not found :

A declaration in plain paper in prescribed format to be submitted by the applicant.

For Closure of Pvt. Ltd. / Ltd. Company Registered under Company's Act 1956:

Photocopy of the extract Board Resolution of the Company along with an intimation to R.O.C. U/S 560 of the Company's Act 1956.

For Closure of Partnership Firm:

Photocopy of the partnership deed of dissolution along with partnership formation deed.

SPECIFIC REQUIREMENTS FOR ALL TRADES:

1. Photocopy of current rent receipt / challan from rent control (for tenants) or current K.M.C Property Tax Receipt /Bill (for owner of the trading premises);
2. In case of Rent-free trading spaces, current consent letter in original, mentioning the area along with current C.E of the consenter if the said consenter doing any Trade along with current Rent Receipt / Receipts from Rent Control or Current K.M.C Property Tax Receipt/ Bill of the Consenter.
3. Copy of agreement / Certified copy of conveyance Deed or in case of I.G.R. Receipt copy which duly certified by the respective Advocate for confirming I.G.R. for registration of purchase/received copy of an application for Mutation.

Further information about Trade License:

For the further information, the trader can contact the Help Desk Counter, License department, at the KMC head office. He/she can also call helpdesk at 2286 1000 –Extension. Number. 2839.

The trader can also collect a copy of the book "Trade Licence (C. E.) Demystified" which covers all the rules and procedures regarding issuance and renewal of trade licence on payment of 25/- from the help desk counter of the licence department or other units of licence department. Trade wise details are as follows:

I. DHABA:

Dhaba is governed by the Kolkota Municipal Corporation Act 1980 and Prevention Of Food Adulteration Act 1954.

As per the section 199 of Kolkota municipal corporation Act (59 of 1980), every person engaged or intending to be engaged in any profession, trade or calling in Calcutta must obtain

a certificate of enlistment and must get the same renewed annually. So dhaba needs license from Municipal Corporation. Sections 421, 427, 429, 430, 435, 437, 438, 439,443 etc further emphasize this.

To conduct the business smoothly, one has to obtain a trade license from Kolkota Municipal Corporation. The Kolkota Municipal Corporation has made the process simple by dividing various trades in two categories, Green and Red. Dhaba is under the red category.

Licensing Procedure:

Trader intending to obtain a C.E. (Certificate of Enlistment) has to apply in the prescribed application form, which may be obtained from any counter of Licence Department. An application in Properly & neatly filled prescribed Application Form (sold from Kolkota Municipal Corporation license counter for Rs.5/- each) with Signature, Date, Seal, and Name/s of Proprietor /Partner (S) /Director (S)/Karta/Manager is to be submitted U/S 199.

The application for License for Trade under Red Category will be thoroughly enquired into and upon the recommendation of the Enquiry Officer the License will be granted. Photocopy of current rent receipt / challan from rent control (for tenants) or current K.M.C (Kolkota Municipal Corporation) Property Tax Receipt /Bill (for owner of the trading premises) and Proof of business place is also to be enclosed. In case of Rent-free trading spaces, Current consent letter in original, mentioning the area along with Current C.E of the consenter if the said consenter doing any Trade along with current Rent Receipt / Receipts from Rent Control or Current K.M.C Property Tax Receipt/ Bill of the Consenter is also to be enclosed.

Documents Required:

1. Application form duly filled up
2. Proof of place of business
3. If a license is sought on behalf of a company, kindly submit a copy of the Memorandum / Articles of Association, Declaration in Form No. 32, Form No. 18. If license is sought for Partnership firms, a copy of the Partnership deed needs to be submitted.

License Fees:

A fee of Rs.100 must be remitted in the license department of the concerned municipal Corporation of the area.

License Renewal:

Since 2003 -2004, the K.M.C. introduced a new procedure for renewal of Certificate of Enlistment . (Trade Licence) through Banks. In this system, demands for renewal for a year, are generated through Computer centrally for all the traders who have come under the purview of C.E (Trade Licence) pertaining to the year for which demand for renewal are generated. Then the demands are sent to the traders directly Under Certificate of Posting. For Renewal cases notice of demand would be sent to the erstwhile traders who have already taken out their Certificate of Enlistment. Renewal of Certificate of Enlistment is being done on payment of license fees as applicable through the specified branches of S.B.I., B.O.I, HDFC and ICICI (ATM Counter only). The Licence may be obtained from Bailiffs performing duties in the wards (Manually) or from the Counter of K.M.C. (Kolkota Municipal Corporation) offices

On the backside of the Demand, the names of the Banks and their designated branches and contact Numbers. /Help line Nos. are printed. The traders are required to deposit the amount mentioned in the demands to any of the branches they like. The demand, after payment, becomes the Certificate of Enlistment for the year. Under this system, the traders are not required to approach to any K.M.C (Kolkata Municipal Corporation office) for the purpose of the renewal of their Trade License only except in case of any Correction/Change of information.

Demand Notices would be sending to the license holders. Renewal will be done on payment of specified money in the bank as per Demand Notice. So, the traders will not have to file any application form or other documents or contact the KMC office. Immediate renewal of a license which has not been during 2002-2003 or previous years will be done on submission of the duly filled application form along with the documents of proof to the concerned Bailiff/Inspector of the License department. Renewal can also be done through the different cash counters of the License Department.

Renewal of Certificate of Enlistment(C E) with arrears more than one year:

It can be done manually by bailiffs & Inspectors, through different Cash Counters of License Department on payment of Sectional Charges as applicable (Under Section. 199, 238(2), 307, 333, 419, 421, 435 (I & II), 436, 440 of K.M.C. Act of 1980) and processing fees. A Late Fine of Rs.50 per month has been imposed for non-renewal of C.E. for the year 2003-2004 beyond 30.09.2003. Performa of Declaration in Stamp Paper / Affidavit is also needed. Declaration in case the Assessed No. Of Trading Premises is not found.

Penalty:

Kolkata Municipal Corporation (KMC) takes cases of false documentation very seriously. In case the corporation discovers that the false information for a Green Category trade license is given or the unauthentic supporting documents has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants.

The kolkata Municipal Corporation (KMC) has fixed the schedule for penalties and it has the special provision for defaulting stall holders.

II. VEGETABLE SELLERS:

Vegetable Sellers are governed by Kolkata Municipal Corporation Act 1980 and Prevention Of Food Adulteration Act 1954.

As per the section 199 of Kolkata Municipal Corporation Act (59 of 1980), every person engaged or intending to be engaged in any profession, trade or calling in Kokota must obtain a certificate of enlistment and must get the same renewed annually. So Vegetable sellers needs license from Municipal Corporation. Sections 427, 429, 430, 435, 437, 438, 439 etc further emphasize this.

The Nature of Trades under Red Channel should be displayed in front of the Inspection Counter and "Any other Nature of Trade not involving in the "red Category" will be treated as under

Green Channel" .So the Vegetable sellers comes under the list of the trades in green category prescribed by Corporation

Licensing Procedure:

The intending Licensee will procure Application Form from the specified counter. The Application Form duly filled in, along with K.MC. (Kolkota Municipal Corporation) Property Tax Receipt and other supporting documents are needed. It should be deposited in the Inspection Counter only.

The In-charge of the Inspection Counter (ALO/Inspector/HA) will then checks and verifies the documents submitted along with the Application Form immediately. If those are found to be in order, the Counter In-charge will send the Form(s) immediately to the Head of the Department (L.O./Concerned D.L.O. /A.L.O.) seeking permission for assessment/ approval. Head of the Department will then, if he/she finds that the application(s) are in order in all respect, accord permission for assessment.

On having necessary clearance from the Head Of the Department, the In-charge of the Inspection Counter will then assess the fees & charges as applicable immediately and prepare a Passing/Demand Slip under his signature. He will then send the Application Form(s) along with all enclosures to the Cash Counter immediately. The Passing/Demand Slip will be handed over to the intending Licensee immediately for depositing the requisite amount mentioned therein for the purpose of issuing Trade Licence / Certificate of Enlistment on the same day.

At the time of issuing licence under the green channel, No pre-investigation is done. Here the Investigation is conducted at a later stage. In case of any mistake/false statement found in the Application form or in the documents of proof, the License will be cancelled or penal action will be taken against the offender. The applicant is required to submit a declaration in plain paper as per the Performa along with the APPLICATION FORM.

Licensing Process:

If it is found that the information furnished are correct, those can immediately be recorded in the Computer for generation of future demands. But, on the other hand, if the information is found to be false, the data would not be made available for future demand generation; in lieu "**Licence Cancelled**" would get affected. The concerned In-charge of the cash- Counter will send all the Application Forms along with all of their enclosures with a Register and the Summary Sheet of that particular day marking the Green Channel cases to the concerned Head of Department for initiating verification at the site by the concerned outdoor inspecting personnel at a subsequent stage. The concerned Assignee Officer will positively submit a report to the Head Of the Department as regards to Physical Verification in respect of the Licences issued under Green Channel within Two Months from the date of issuing of the Licence(s).

If the report conforms to the information furnished by the Licensee at the time of application, The Head Of the Department will pass a Remark as "In Order". The data then immediately will be sent to the System Manager for preserving them to generate future demands.

If the information furnished does not tally with the (physical) Information Report, the Head of the Department will issue a Letter of Intimation to the concerned Licensee to show cause within 15 days as to why the Licence already issued would not be treated as cancelled. If the Licensee appears and can justify information already furnished, the Head Of the Department, after being satisfied, will allow the Licensee to continue with the Licence and will inform System

Manager accordingly to do the needful. If the Licensee does not appear within the stipulated time or can not justify earlier information, the Head of the Department will call for the Licence and will cancel the Certificate of Enlistment along with the forfeiture of the amount already paid. System Manager will also be accordingly informed for updating the database.

If the intending Licensee, after obtaining Passing/Demand Slip from the Inspection Counter does not turn up for payment of the same, In-charge of the Cash Counter will retain the Application along with all its enclosures for next seven working days. After the expiry of the stipulated time, all such cases will be deposited to the Head Of the Department in a separate file.

Documents Required:

1. Application form duly filled up
2. Proof of place of business
3. If a license is sought on behalf of a company, kindly submit a copy of the Memorandum / Articles of Association, Declaration in Form No. 32, Form No. 18. If license is sought for Partnership firms, a copy of the Partnership deed needs to be submitted.

License Fees:

Fees of Rs.50 must be remitted in the license department of the concerned municipal Corporation of the area. Under this scheme of Green Channel, the applicant is required to pay the fees/charges in cash/ by Bank Draft/Pay Order. Payment by Cheque/Cash above Rs.2000/- is not allowed & payment above Rs.2,000/- should be made by Bank Draft/Pay Order only.

License Renewal:

Since 2003 -2004, the K.M.C. introduced a new procedure for renewal of Certificate of Enlistment. (Trade Licence) through Banks. In this system, demands for renewal for a year, are generated through Computer centrally for all the traders who have come under the purview of C.E (Trade Licence) pertaining to the year for which demand for renewal are generated. Then the demands are sent to the traders directly Under Certificate of Posting. For Renewal cases notice of demand would be sent to the erstwhile traders who have already taken out their Certificate of Enlistment. Renewal of Certificate of Enlistment is being done on payment of license fees as applicable through the specified branches of S.B.I., B.O.I, HDFC and ICICI (ATM Counter only). The Licence may be obtained from Bailiffs performing duties in the wards (Manually) or from the Counter of K.M.C. (Kolkota Municipal Corporation) offices

On the backside of the Demand, the names of the Banks and their designated branches and contact Numbers. /Help line Nos. are printed. The traders are required to deposit the amount mentioned in the demands to any of the branches they like. The demand, after payment, becomes the Certificate of Enlistment for the year. Under this system, the traders are not required to approach to any K.M.C (Kolkota Municipal Corporation office) for the purpose of the renewal of their Trade License only except in case of any Correction/Change of information.

Demand Notices would be sending to the license holders. Renewal will be done on payment of specified money in the bank as per Demand Notice. So, the traders will not have to file any application form or other documents or contact the KMC office. Immediate renewal of a license which has not been during 2002-2003 or previous years will be done on submission of the duly filled application form along with the documents of proof to the concerned

Bailiff/Inspector of the License department. Renewal can also be done through the different cash counters of the License Department.

Renewal of Certificate of Enlistment(C E) with arrears more than one year:

It can be done manually by bailiffs & Inspectors, through different Cash Counters of License Department on payment of Sectional Charges as applicable (Under Section. 199, 238(2), 307, 333, 419, 421, 435 (I & II), 436, 440 of K.M.C. Act of 1980) and processing fees. A Late Fine of Rs.50 per month has been imposed for non-renewal of C.E. for the year 2003-2004 beyond 30.09.2003. Performa of Declaration in Stamp Paper / Affidavit is also needed. Declaration in case the Assessed No. Of Trading Premises is not found.

Penalty:

Kolkata Municipal Corporation (KMC) takes cases of false documentation very seriously. In case the corporation discovers that the false information for a Green Category trade license is given or the unauthentic supporting documents has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants.

The kolkata Municipal Corporation (KMC) has fixed the schedule for penalties and it has the special provision for defaulting stall holders.

III.CYCLE RICKSHAW:

Cycle Rickshaws are governed by the Kolkata Municipal Corporation Act 1980. As per the section 199 of Kolkata municipal corporation Act (59 of 1980), every person engaged or intending to be engaged in any profession, trade or calling in Calcutta must obtain a certificate of enlistment and must get the same renewed annually. So Cycle Rickshaw Pullers also needs license / permit from Municipal Corporation. Sections 209 A, B, C D and E further emphasize this.

Licensing Procedure:

The Cycle rickshaw also goes by the category of Green Trade. Therefore procedures are same as of Vegetable sellers. The person wants to pull a cycle rickshaw has to apply for the issue of license in the prescribed form, which is available in the municipal corporation of his area. The prescribed application form costs around Rs.7/-

Pullers Ticket:

Any person driving or pulling or pushing a Cart registered under the Kolkata Municipal Corporations Act shall keep with him a ticket (bearing a passport size photograph of the driver or the puller) issued by the Municipal Commissioner which shall be valid for the, half - yearly period of registration and shall contain such particulars as may be specified by the Corporation by regulation. The ticket shall be obtained from the Corporation on payment of a fee of rupees five for each half year on submission of an application along with two passport size photographs of the driver or the puller. The owner of the cart shall deliver to the driver or the puller of the cart certified copy of the Certificate of registration issued by the Municipal Commissioner under subsection (2) of section 209 A with direction to carry the same while

using or pulling or pushing or driving the cart and to produce the same to any representative of the Municipal Commissioner or any police officer on demand. The Corporation shall, with the approval of the, State Government, determine by regulation the number of tickets to be issued to pullers or drivers of carts in each half year. The Municipal Commissioner shall maintain a register of persons authorized to drive or pull or push carts which shall contain such particulars as may be specified by the Corporation by regulation.

Duplicate Ticket:

The Municipal Commissioner shall, upon an application made by a person whose ticket has become indistinct or obliterated or has been lost, issue a new ticket to him on payment of a fee of rupees five.

Fresh registration on transfer of ownership:

When the ownership of a cart registered is transferred during the validity of registration, it shall be registered afresh in the name of the transferee and an additional fee of rupees twenty shall be payable for such registration.

License Fees:

A tax at the rate mentioned in Schedule IX shall be payable for every carriage kept or used within Kolkota (other than a carriage owned by the State Government for use of the Governor or his staff or household or for the purpose of the police or the military or kept by a bona fide dealer only for the purposes of sale) in advance in respect of each half-year. License fee is Rs 24 for a year and Rs.12 for half year and Rs.9/- for garage

Documents Required:

1. Application form duly filled up
2. Along with the application form the person should have receipt to proof either he owns a rickshaw or on rent and a proof of his residential address.

Rules and Regulations:

1. The rickshaw puller can pull the rickshaw only in the areas, which comes under the municipality from which he got the license
2. No one can pull rickshaw kolkota corporation area
3. No person shall, while driving or pulling or pushing a cart, keep with him a ticket issued under sub-section (1) if the number thereof has become indistinct or obliterated
4. He shall not use or keep with him a ticket issued to any other person

License Renewal:

Renewal happens on 30th September and 31st march of every year and the fees for renewal is Rs.15 for six months and Rs.21 for one year. If a candidate renews for six months in the month of May or any time after 31st march then also it will be valid till 30th September and for one year till 31st march

Penalty:

Kolkata Municipal Corporation (KMC) takes cases of false documentation very seriously. In case the corporation discovers that the false information for a Green Category trade license is given or the unauthentic supporting documents has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants.

The kolkata Municipal Corporation has fixed the schedule for penalties and it has the special provision for defaulting stall holders.

IV. BARBER SHOP/ HAIR CUTTING SALOON:

Barber Shops are governed by the Kolkata Municipal Corporation Act 1980. The Nature of Trades under Red Channel should be displayed in front of the Inspection Counter and "Any other Nature of Trade not involving in the "red Category" will be treated as under Green Channel". So the Barber Shops comes under the list of the trades in green category prescribed by Corporation.

As per the section 199 of Kolkata Municipal Corporation Act (59 of 1980), every person engaged or intending to be engaged in any profession, trade or calling in Kolkata must obtain a certificate of enlistment and must get the same renewed annually. So Barber Shops also needs license from Municipal Corporation. Sections 427, 429, 430, 435, 437, 438, 439 etc further emphasize this. The Barber Shop also goes by the category of Green Trade. Therefore procedures, penalty etc are same as of Vegetable sellers.

Licensing Procedure:

The intending Licensee will procure Application Form from the specified counter. The Application Form duly filled in, along with K.M.C. (Kolkata Municipal Corporation) Property Tax Receipt and other supporting documents are needed. It should be deposited in the Inspection Counter only.

The In-charge of the Inspection Counter (ALO/Inspector/HA) will then checks and verifies the documents submitted along with the Application Form immediately. If those are found to be in order, the Counter In-charge will send the Form(s) immediately to the Head of the Department (L.O./Concerned D.L.O. /A.L.O.) seeking permission for assessment/ approval. Head of the Department will then, if he/she finds that the application(s) are in order in all respect, accord permission for assessment.

On having necessary clearance from the Head Of the Department, the In-charge of the Inspection Counter will then assess the fees & charges as applicable immediately and prepare a Passing/Demand Slip under his signature. He will then send the Application Form(s) along with all enclosures to the Cash Counter immediately. The Passing/Demand Slip will be handed over to the intending Licensee immediately for depositing the requisite amount mentioned therein for the purpose of issuing Trade Licence / Certificate of Enlistment on the same day.

At the time of issuing license under the green channel, No pre-investigation is done. Here the Investigation is conducted at a later stage. In case of any mistake/false statement found in the

Application form or in the documents of proof, the License will be cancelled or penal action will be taken against the offender. The applicant is required to submit a declaration in plain paper as per the Performa along with the APPLICATION FORM.

Licensing Process:

If it is found that the information furnished are correct, those can immediately be recorded in the Computer for generation of future demands. But, on the other hand, if the information is found to be false, the data would not be made available for future demand generation; in lieu "*Licence Cancelled*" would get affected. The concerned In-charge of the cash- Counter will send all the Application Forms along with all of their enclosures with a Register and the Summary Sheet of that particular day marking the Green Channel cases to the concerned Head of Department for initiating verification at the site by the concerned outdoor inspecting personnel at a subsequent stage. The concerned Assignee Officer will positively submit a report to the Head Of the Department as regards to Physical Verification in respect of the Licences issued under Green Channel within Two Months from the date of issuing of the Licence(s).

If the report conforms to the information furnished by the Licensee at the time of application, The Head Of the Department will pass a Remark as "In Order". The data then immediately will be sent to the System Manager for preserving them to generate future demands.

If the information furnished does not tally with the (physical) Information Report, the Head of the Department will issue a Letter of Intimation to the concerned Licensee to show cause within 15 days as to why the Licence already issued would not be treated as cancelled. If the Licensee appears and can justify information already furnished, the Head Of the Department, after being satisfied, will allow the Licensee to continue with the Licence and will inform System Manager accordingly to do the needful. If the Licensee does not appear within the stipulated time or can not justify earlier information, the Head of the Department will call for the Licence and will cancel the Certificate of Enlistment along with the forfeiture of the amount already paid. System Manager will also be accordingly informed for updating the database.

If the intending Licensee, after obtaining Passing/Demand Slip from the Inspection Counter does not turn up for payment of the same, In-charge of the Cash Counter will retain the Application along with all its enclosures for next seven working days. After the expiry of the stipulated time, all such cases will be deposited to the Head Of the Department in a separate file.

Documents Required:

1. Application form duly filled up
2. Proof of place of business
3. If a license is sought on behalf of a company, kindly submit a copy of the Memorandum / Articles of Association, Declaration in Form No. 32, Form No. 18. If license is sought for Partnership firms, a copy of the Partnership deed needs to be submitted.

License Fees:

Fees of Rs.100 must be remitted in the license department of the concerned municipal Corporation of the area for the license of Hair Cutting Sallon . Under the scheme of Green Channel, the applicant is required to pay the fees/charges in cash/ by Bank Draft/Pay Order. Payment by Cheque/Cash above Rs.2000/- is not allowed & payment above Rs. 2,000/-should be made by Bank Draft/Pay Order only.

License Renewal:

Since 2003 -2004, the K.M.C. introduced a new procedure for renewal of Certificate of Enlistment . (Trade Licence) through Banks. In this system, demands for renewal for a year, are generated through Computer centrally for all the traders who have come under the purview of C.E (Trade Licence) pertaining to the year for which demand for renewal are generated. Then the demands are sent to the traders directly Under Certificate of Posting. For Renewal cases notice of demand would be sent to the erstwhile traders who have already taken out their Certificate of Enlistment. Renewal of Certificate of Enlistment is being done on payment of license fees as applicable through the specified branches of S.B.I., B.O.I, HDFC and ICICI (ATM Counter only). The Licence may be obtained from Bailiffs performing duties in the wards (Manually) or from the Counter of K.M.C. (Kolkota Municipal Corporation) offices

On the backside of the Demand, the names of the Banks and their designated branches and contact Numbers. /Help line Nos. are printed. The traders are required to deposit the amount mentioned in the demands to any of the branches they like. The demand, after payment, becomes the Certificate of Enlistment for the year. Under this system, the traders are not required to approach to any K.M.C (Kolkota Municipal Corporation office) for the purpose of the renewal of their Trade License only except in case of any Correction/Change of information.

Demand Notices would be sending to the license holders. Renewal will be done on payment of specified money in the bank as per Demand Notice. So, the traders will not have to file any application form or other documents or contact the KMC office. Immediate renewal of a license which has not been during 2002-2003 or previous years will be done on submission of the duly filled application form along with the documents of proof to the concerned Bailiff/Inspector of the License department. Renewal can also be done through the different cash counters of the License Department.

Renewal of Certificate of Enlistment(C E) with arrears more than one year:

It can be done manually by bailiffs & Inspectors, through different Cash Counters of License Department on payment of Sectional Charges as applicable (Under Section 199, 238(2), 307, 333, 419, 421, 435 (I & II), 436, 440 of K.M.C. Act of 1980) and processing fees. A Late Fine of Rs.50 per month has been imposed for non-renewal of C.E. for the year 2003-2004 beyond 30.09.2003.Performa of Declaration in Stamp Paper / Affidavit is also needed. Declaration in case the Assessed No. Of Trading Premises is not found.

Penalty:

Kolkota Municipal Corporation (KMC) takes cases of false documentation very seriously. In case the corporation discovers that the false information for a Green Category trade license is given or the unauthentic supporting documents has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants.

The kolkota Municipal Corporation (KMC) has fixed the schedule for penalties and it has the special provision for defaulting stall holders.

V. MEAT SHOP:

Meat Shops are governed by Kolkata Municipal Corporation Act 1980 and Prevention of Food Adulteration Act 1954.

As per the section 199 of Kolkata Municipal Corporation Act (59 of 1980), every person engaged or intending to be engaged in any profession, trade or calling in Kolkata must obtain a certificate of enlistment and must get the same renewed annually. So Meat Shops also needs license from Municipal Corporation. Sections 426, 427, 428, 429, 430, 432, 434, 435, 440 etc further emphasize this.

Meat shop also comes under the red category. So the licensing Procedures and the License Renewal Procedures are the same as the dhaba. In case of Meat Seller, glass window should be fixed in front of the shop or a declaration for fixing glass window within a month after getting Certificate of Enlistment.

To conduct the business smoothly, one has to obtain a trade license from Kolkata Municipal Corporation. The Kolkata Municipal Corporation has made the process simple by dividing various trades in two categories, Green and Red. Dhaba is under the red category.

Licensing Procedure:

Trader intending to obtain a C.E. (Certificate of Enlistment) has to apply in the prescribed application form, which may be obtained from any counter of Licence Department. An application in Properly & neatly filled prescribed Application Form (sold from Kolkata Municipal Corporation license counter for Rs.5/- each) with Signature, Date, Seal, and Name/s of Proprietor /Partner (S) /Director (S)/Karta/Manager is to be submitted U/S 199.

The application for License for Trade under Red Category will be thoroughly enquired into and upon the recommendation of the Enquiry Officer the License will be granted. Photocopy of current rent receipt / challan from rent control (for tenants) or current K.M.C (Kolkata Municipal Corporation) Property Tax Receipt /Bill (for owner of the trading premises) and Proof of business place is also to be enclosed. In case of Rent-free trading spaces, Current consent letter in original, mentioning the area along with Current C.E of the consenter if the said consenter doing any Trade along with current Rent Receipt / Receipts from Rent Control or Current K.M.C Property Tax Receipt/ Bill of the Consenter is also to be enclosed.

Documents Required:

1. Application form duly filled up
2. Proof of place of business
3. If a license is sought on behalf of a company, kindly submit a copy of the Memorandum / Articles of Association, Declaration in Form No. 32, Form No. 18. If license is sought for Partnership firms, a copy of the Partnership deed needs to be submitted.

LICENSE FEES:

A fee of Rs.100/- must be remitted in the license department of the concerned municipal Corporation of the area.

License Renewal:

Since 2003 -2004, the K.M.C. introduced a new procedure for renewal of Certificate of Enlistment. (Trade Licence) through banks. In this system, demands for renewal for a year, are generated through Computer centrally for all the traders who have come under the purview of C.E (Trade Licence) pertaining to the year for which demand for renewal are generated. Then the demands are sent to the traders directly Under Certificate of Posting. For Renewal cases notice of demand would be sent to the erstwhile traders who have already taken out their Certificate of Enlistment. Renewal of Certificate of Enlistment is being done on payment of license fees as applicable through the specified branches of S.B.I., B.O.I, HDFC and ICICI (ATM Counter only). The Licence may be obtained from Bailiffs performing duties in the wards (Manually) or from the Counter of K.M.C. (Kolkota Municipal Corporation) offices

On the backside of the Demand, the names of the Banks and their designated branches and contact Numbers. /Help line Nos. are printed. The traders are required to deposit the amount mentioned in the demands to any of the branches they like. The demand, after payment, becomes the Certificate of Enlistment for the year. Under this system, the traders are not required to approach to any K.M.C (Kolkota Municipal Corporation office) for the purpose of the renewal of their Trade License only except in case of any Correction/Change of information.

Demand Notices would be sending to the license holders. Renewal will be done on payment of specified money in the bank as per Demand Notice. So, the traders will not have to file any application form or other documents or contact the KMC office. Immediate renewal of a license which has not been during 2002-2003 or previous years will be done on submission of the duly filled application form along with the documents of proof to the concerned Bailiff/Inspector of the License department. Renewal can also be done through the different cash counters of the License Department.

Renewal of Certificate of Enlistment(C E) with arrears more than one year:

It can be done manually by bailiffs & Inspectors, through different Cash Counters of License Department on payment of Sectional Charges as applicable (Under Section. 199, 238(2), 307, 333, 419, 421, 435 (I & II), 436, 440 of K.M.C. Act of 1980) and processing fees. A Late Fine of Rs.50 per month has been imposed for non-renewal of C.E. for the year 2003-2004 beyond 30.09.2003. Performa of Declaration in Stamp Paper / Affidavit is also needed. Declaration in case the Assessed No. Of Trading Premises is not found.

Penalty:

Kolkota Municipal Corporation (KMC) takes cases of false documentation very seriously. In case the corporation discovers that the false information for a Green Category trade license is given or the unauthentic supporting documents has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants.

The kolkota Municipal Corporation (KMC) has fixed the schedule for penalties and it has the special provision for defaulting stall holders.

FINDINGS FROM THE STUDY

The licensing of trades in the corporation of kolkata is regulating under the Trade Licensing Department under the Kolkata Municipal Corporation Act of 1980

General Findings:

1. Every person who are engaging or wish to be engaged in any profession, trade or calling in Kolkata Municipal Corporation area shall obtain a Certificate of Enlistment (Trade Licence) and get the same renewed annually
2. Certificate of Enlistment is based on section 199 of the Kolkata Municipal Corporation Act 1980 and allied sections of the Kolkata Municipal Corporation Act 1980 as applicable in the schedule. If a trader fails to renew his Certificate of Enlistment (Trade Licence), he may be prosecuted in the court of M.M (Municipal Magistrate)
3. In kolkata the trades are classified into Red and Green categories. If a trade is included in the 33 heads that is prescribed by the corporation, then it falls under "Red Category". If the trade is not included in the red category then it belongs to the "Green Category". The person has to apply in the prescribed Application forms, which can be purchased from any of the counters of the license department
4. In case the application belongs to a Green Category trade, license shall be granted on the same day of submission of application form without any inspection and upon realization of license fees in Cash or by Bank Draft/Pay Order (Payment by cheque is not allowed in such cases)
5. In case the application belongs to the Red Category trade, license shall be issued after subsequent inspection. So it may take 3 days to a fortnight depending upon the intricacies of each case
6. For trading spaces in any (1) Govt. Markets, (2) K M C(Kolkata Municipal Corporation) Markets, & (3) Govt. campus like campus of K.M.C, C. P. T., C.I .T. etc. C/E can be issued only in the name of actual tenant; no consent or sub-tenancy will be entertained in such cases; for trading space in Co-Op Housing Society the consent letter from Secretary of the Co-Op Society/Appropriate Authority is required
7. Since 2003 -2004, the K.M.C.(Kolkata Municipal Corporation) introduced a new procedure for renewal of C.E.(Certificate of Enlistment) through Banks. In this system demands are sent to the traders directly Under Certificate of Posting. On the backside of the Demand, the names of the Banks and their designated branches and contact Nos. /Help line Nos. are printed. The traders are required to deposit the amount mentioned in the demands to any of the branches they like. The demand, after payment, becomes the Certificate of Enlistment (Trade Licence) for the year. Under this system, the traders are not required to approach to any K.M.C (Kolkata Municipal Corporation office) for the purpose of the renewal of their Trade Licence only except in case of any Correction/Change of information
8. The application for License for Trade under Red Category will be thoroughly enquired into and upon the recommendation of the Enquiry Officer the License will be granted. Whereas for green Category, license will be issued before inspection
9. Photocopy of current rent receipt / challan from rent control (for tenants) or current K.M.C Property Tax Receipt /Bill (for owner of the trading premises) and Proof of business place is also to be enclosed with the application for Red Category. In case of Rent-free trading spaces, Current consent letter in original, mentioning the area along

with Current C.E of the consenter if the said consenter doing any Trade along with current Rent Receipt / Receipts from Rent Control or Current K.M.C(Kolkota Municipal Corporation) Property Tax Receipt/ Bill of the Consenter is also to be enclosed

10. The Application Form duly filled in, along with K.MC. Property Tax Receipt and other supporting document are needed for Issuing C.E.(Certificate Of Enlistment) under Green Channel. Application should be deposited in the Inspection Counter only. The In-charge of the Inspection Counter (ALO/Inspector/HA) will then checks and verify the documents submitted along with the Application Form immediately. If Head of the Department finds that the application(s) are in order in all respect, accord permission for assessment
11. The concerned Assignee Officer will positively submit a report to the Head of the Department as regards to Physical Verification in respect of the Licences issued under Green Channel within Two Months from the date of issuing of the Licence(s).
12. If the report conforms to the information furnished by the Licensee at the time of application, The Head of the Department will pass a Remark as "In Order". The data then immediately will be sent to the System Manager for preserving them to generate future demands
13. If the information is found to be false, the data would not be made available for future demand generation; in lieu "**Licence Cancelled**" would get affected. If the information furnished does not tally with the (physical) Information Report, the Head of the Department will issue a *Letter of Intimation* to the concerned Licensee to **show cause within 15 days as to why the Licence already issued would not be treated as cancelled**
14. In case KMC(Kolkota Municipal Corporation) discovers that false documentation has been submitted to obtain a license, the trade license issued shall be cancelled at once and penal measures will be taken against such applicants
15. If the trader failed **to** receive the demand notice, the trader must deposit the following documents at the special computer cell under the License office located in the ground floor of the KMC Head Office:
 - a. A photocopy of the last paid trade license
 - b. b .Declaration by the applicant containing details of actual covered area of the business location in square feet, name of the trade, nature of the trade, address of the trade, place
 - c. On the submission of the above documents a duplicate copy of demand notice would be issued
16. The trader shall be liable to pay fine for default in making the payment for license fees:
17. Any erroneous information, printed in the Demand Notice, will be corrected exclusively at the *Special Cell* of Head Quarter. The Licensee will be required to bring the current year's Demand Notice and the previous year's Certificate of Enlistment (*Trade License*), both in original. Corrections involving change in *Demanded Fees Payable* must be done before payment of the same
18. For the **Change** of any information of a Trade/Business with respect to its identification or nature, the Licensee will apply in a plain paper enclosing photocopies of all supporting documents and the photocopy of the last Certificate of Enlistment (*Trade License*) at the Location Office where the Ward of his last License belonged
19. In case of any Change other than Address, the application receiving office will scrutinize the application and execute spot inspection, if required. Finally, the case will be

- recommended to License Officer (HQ) in a prescribed form enclosed, completely filled in, whether the Change can be done or not
20. The application for closure should be accompanied by necessary supporting documents along with original & photocopy Certificate of Enlistment of Current year duly paid. If any Licensee wants to close the business in the current financial year and does not want any Demand Notice to be raised in the next financial year, the application for such must be received by the concerned Location Office latest by 15th of April of the next financial year. Any application for closing of business, received after 15th of April of the next financial year, will have to clear the demand for that financial year. Applications for closing of business in original along with the enclosures must reach the *Special Computer Cell of License Department* latest by 20th of April of the next financial year
 21. In case any demand raised in a financial year is found out to be bad **for** some reason or other, recommendation to cancel that demand must reach the *Special Cell* latest by 15th of April of the following financial year. Such recommendation must have Demand No. & Reason for marking the demand as "BAD" along with signature of concerned A.L.O. / D.L.O
 22. CERTIFIED COPY OF TRADE LICENCE: Certified copy of a Certificate of Enlistment (*Trade License*) of a particular year should be given from the concerned Location Office from where it was originally issued. ONLY the certified copies against the Demands, renewed through Banks, will be available from the *Special Cell*.

Trade wise Findings:

DHABA:

1. To conduct the business smoothly, one has to obtain a trade license from Kolkota Municipal Corporation
2. Dhaba is under the red category
3. Application is to be submitted as per the requirement of a trade under red category.
4. Renewal of Certificate of Enlistment(C E) with arrears more than one year can be done manually by bailiffs & Inspectors, through different Cash Counters of License Department on payment of Sectional Charges as applicable (Under Section. 199, 238(2), 307, 333, 419, 421, 435 (I & II), 436, 440 and PFA of K.M.C. Act of 1980) and processing fees
5. A Late Fine of Rs.50 per month has been imposed for non-renewal of C.E. (Certificate Of Enlistment)

VEGETABLE SELLERS:

1. The Vegetable sellers comes under the list of the trades in green category prescribed by Corporation
2. The intending Licensee will procure Application Form from the specified counter. The Application Form duly filled in, along with K.M.C. (Kolkota Municipal Corporation) Property Tax Receipt and other supporting document is needed. It should be deposited in the Inspection Counter only. The application must be in accordance with the requirements of a Green Category

CYCLE RICKSHAW:

1. The Cycle rickshaw also goes by the category of Green Trade. Therefore procedures are same as of Vegetable sellers
2. The person wants to pull a cycle rickshaw has to apply for the issue of license in the prescribed form, which is available in the municipality corporation of his area. The prescribed application form costs around Rs 7/-
3. Along with the application form the person should have receipt to proof either he owns a rickshaw or on rent and a proof of his residential address
4. The rickshaw puller can pull the rickshaw only in the areas, which comes under the municipality from which he got the license
5. No one can pull rickshaw kolkota corporation area
6. Renewal happens on 30th September and 31st march of every year and the fees for renewal is Rs.15 for six months and Rs. 21 for one year. If a candidate renews for six months in the month of May or any time after 31st march then also it will be valid till 30th September and for one year till 31st march
7. Any person driving or pulling or pushing a Cart registered under this Chapter shall keep with him a ticket (bearing a passport size photograph of the driver or the puller) issued by the Municipal Commissioner which shall be valid for the, half - yearly period of registration and shall contain such particulars as may be specified by the Corporation by regulation
8. The ticket shall be obtained from the Corporation on payment of a fee of rupees five for each half year on submission of an application along with two passport size photographs of the driver or the puller
9. The owner of the cart shall deliver to the driver or the puller of the cart certified copy of the Certificate of registration issued by the Municipal Commissioner with direction to carry the same while using or pulling or pushing or driving the cart and to produce the same to any representative of the Municipal Commissioner or any police officer on demand
10. The Corporation shall, with the approval of the, State Government, determine by regulation the number of tickets to be issued to pullers or drivers of carts in each half year
11. No person shall, while driving or pulling or pushing a cart, keep with him a ticket issued. If the number thereof has become indistinct or obliterated. He shall not use or keep with him a ticket issued to any other person
12. The Municipal Commissioner shall, upon an application made by a person whose ticket has become indistinct or obliterated or has been lost, issue a new ticket to him on payment or a fee of rupees five

MEAT SHOP:

1. Meat shop also comes under the red category. So the licensing Procedures and the License Renewal Procedures are the same as the dhabas.
2. In case of Meat Seller, glass window should be fixed in front of the shop or a declaration for fixing glass window within a month after getting Certificate of Enlistment

Barber Shop:

1. The Barber Shop also goes by the category of Green Trade. Therefore procedures, penalty etc are same as of Vegetable sellers

FINDINGS FROM THE Kolkota MUNICIPAL CORPORATION ACT, (59 OF 1980)

1. As per section 199, Every person engaged or intending to be engaged in any profession, trade or calling in Calcutta, either by himself or by an agent or representative, shall

obtain a certificate of enlistment or get the same renewed annually, as the case may be, from the Municipal Commissioner upon Presentation of an application in such form as may be specified by the Municipal Commissioner together with the prescribed application fee

2. The Municipal Commissioner after making enquiry within thirty days of the receipt of the application, grant him such certificate if the application is in order, or shall reject the application if it is not in order
3. As per section 209 A, A tax at the rate mentioned in the Schedule shall be payable for every cart kept or used within Calcutta (other than a cart owned by the State Government or the Corporation or a municipality) at the Municipal office or such other place within or outside Calcutta as may be specified by the Corporation in this behalf.
4. Every cart kept or used within Calcutta registered under section 209 A shall have a number-plate showing the registration number affixed to it in such manner as the Corporation may direct. No person who owns or drives a cart shall fail to affix the number-plate of the carts as required under sub-section (1)
5. The Corporation may specify the date or dates for the purpose of registration of carts for each half year. No person shall keep or be in possession of any a cart which has not been duly registered
6. The Corporation shall, with the approval of the State Government, determine the maximum number of carts, which may be registered under this Chapter. The Municipal Commissioner may refuse to register any cart after the maximum number of carts determined under this sub-section has been registered
7. When the ownership of a cart registered is transferred during the validity of registration, it shall be registered afresh in the name of the transferee and an additional fee of rupees twenty shall be payable for such registration
8. The Municipal Commissioner or any police-officer within the meaning of the Kolkota and Suburban Police Act, 1866 or the Kolkota Police Act, 1866 shall have power to seize any cart kept or used within Kolkota if the same has not been duly registered under this Chapter or registered under provision applicable to any other local body under any other law in force and to detain the same for such period as may determined by the Municipal Commissioner
9. If within a period of fifteen days from the date of seizure of any cart, the authorised possession of the cart is not established to the satisfaction of the Municipal Commissioner by any person on production of the certificate of its registration, the cart shall be confiscated, dismantled and sold in public auction by the Municipal Commissioner and no claim for authorised possession thereof shall be entertained by the Municipal Commissioner after the expiry of such period
10. Any person driving or pulling or pushing a Cart registered shall keep with him a ticket (bearing a passport size photograph of the driver or the puller) issued by the Municipal Commissioner which shall be valid for the, half - yearly period of registration and shall contain such particulars as may be specified by the Corporation by regulation. The ticket shall be obtained from the Corporation on payment of a fee of rupees five for each half year on submission of an application along with two passport size photographs of the driver or the puller
11. The Corporation shall, with the approval of the, State Government, determine by regulation the number of tickets to be issued to pullers or drivers of carts in each half year
12. No person shall, while driving or pulling or pushing a cart, keep with him a ticket issued. If the number thereof has become indistinct or obliterated. He shall not use or keep with him a ticket issued to any other person
13. The Municipal Commissioner shall, upon an application made by a person whose ticket has become indistinct or obliterated or has been lost, issue a new ticket to him on

payment or a fee of rupees five

14. The Municipal Commissioner may at any time cancel or suspend any permission under sub-section (1), if he is of the opinion that the premises covered by such permission are not kept in conformity with the conditions of such permission or the provisions of any rules or regulations made in this behalf, whether the person is prosecuted under this Act or not
15. The Municipal Commissioner may refuse to give permissions for the operation of trades near streets or roads with due regard to the traffic constraints in the vicinity. Notwithstanding the existence of any markets or shops on any such street, such refusal of the Municipal Commissioner shall be final
16. A municipal market or a slaughter-house or a stockyard shall be under the control of the Municipal Commissioner
17. No person shall, without the general or special permission in writing of the Municipal Commissioner, sell or expose for sale any animal or article in any municipal market.
18. Any person contravening the provisions of sub section (1), and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Municipal Commissioner by a Police Officer or any officer or employee of the Corporation authorised by the Municipal Commissioner in this behalf
19. No animal or article shall be sold or exposed for sale by a hawker or squatter within a distance of forty-five metres from the outward confines of any municipal market or licensed private market without the permission of the Municipal Commissioner
20. Any person contravening the provisions of sub-section, (1) and any animal or article exposed for sale by such person may be summarily removed by or under the orders of the Municipal Commissioner by a Police Officer or any officer, or employee of the Corporation appointed by him in this behalf
21. The Municipal Commissioner may, after giving the parties concerned an opportunity of being heard and in accordance with such regulations as may be made by the Corporation, expel from any municipal market, municipal slaughter-house or municipal stockyard, for such period as he may think fit, any person who or whose servant has been found contravening any regulations made under this Act and in force in such market, slaughter-house, or stockyard and prevent such person, by himself or by his servant, from further carrying on any trade or business in such market, slaughter-house or stockyard or occupying any stall, shop, standing, shed, pen or other place thereon
22. If the Municipal Commissioner or any person authorised by him in this behalf has reason to believe that any animal intended for human consumption is being slaughtered or that the flesh of any such animal is being sold or exposed for sale in any place or manner not duly authorised under this Act, he may, at any time by day or night without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or regulation made there under is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein. No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry

