

THE LIVELIHOOD REGULATIONS REPORT

KOCHI



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

Kochi formerly known as Cochin, is a city in the Indian state of Kerala. The city is one of the principal seaports of the country and is located in the district of Ernakulam, about 220 kilometers (137 mi) north of the state capital, Thiruvananthapuram. It was well known all over the world for spices, cashew nuts, tea, coir products, handicrafts etc. Heralded as the *Queen of the Arabian Sea*, Kochi was an important spice trading centre on the Arabian Sea coast from the 14th century onwards. Occupied by the Portuguese in 1503, Kochi was the site of the first European colonial settlement in India.

A growing centre of information technology, tourism and international trade, Kochi is the commercial hub of Kerala, and one of the fastest growing second-tier metros in India. Like other large cities in the developing world, Kochi continues to struggle with urbanization problems such as traffic congestion and environmental degradation.

As of 2001, Kochi had a population of 596,473, with a density of 6850.7 persons per square kilometre. Scheduled castes and tribes comprise 14.3% of the city's population. The female-to-male ratio is 1,024:1,000, significantly higher than the all-India average of 933:1,000. Kochi's literacy rate is 94.3%. majority of residents are Malayalis; however, there are significant ethnic minority communities including Tamils, Gujaratis, Jews, Sikkimese, Anglo-Indians, Konkanis, and Tuluvas. Malayalam is the main language of communication and medium of instruction, although English is more commonly used in business circles. Tamil and Hindi are widely understood.

Shortage of potable water is a major concern in the city. The situation is aggravated by the threat posed by pollution in industrial areas. The city also has a growing slum-dwelling population.

The present report on the livelihood regulations in Cochin covers dhaba, vegetable sellers, cobblers, auto rickshaw and meat Shop.

KOCHI

The sectors chosen for the study are:

- 1. Dhabha/ food courts**
- 2. Vegetable/Fruit/Flower Sellers**
- 3. Cobblers**
- 4. Auto Rickshaw**
- 5. Meat Shop (Slaughter shops).**

The licensing of trades in the corporation of Cochin is under the regulations set by the corporation of Cochin and is regulating under the kerala Municipalities Act and Rules 1994.

The Corporation of Kochi issue two type of license

1. Dangerous and offensive trade license
2. Prevention of food Adulteration license

Dangerous and offensive license is generally a trade license, which is, must for every shop. For shops that sell articles that are for human consumption like Hotels, Bakery, Sweet, Meat shops etc require Prevention of Food Adulteration license in addition to Dangerous and Offensive trade license.

In the case of Dangerous and Offensive trade license the authority for inspecting the premises and granting the license is Health Department. In the corporation of Cochin there are 66 divisions, which come under 22 circles, is responsible for granting Dangerous and Offensive trade license. The Junior Health Inspector of grade 11 is the inspecting authority.

Food Inspector of the respective Corporation area is the Inspecting authority for granting Prevention of Food Adulteration license. Currently there are two food inspectors for inspecting and granting license for the Cochin Corporation.

Each council adopts its own fee structure for the registration of Dangerous and offensive trade license. The last time the Cochin Corporation adopts the fee structure is in 1995 and is included in the Dangerous and offensive list in the government gazette MOH 12-10013/94. (See Annexure II).

General instructions regarding license and fees:

The person, companies conducting all trade business etc. are to be licensed under D and O trade license after realizing a fee fixed by the councils concerned. Any person who desired to use any such place shall apply to the municipal secretary 30 days prior to the commencement of the financial year (or before the commencement of trade) for license.

By virtue of section 492 (15) of the kerala municipality act a person will be deemed to have obtained a license, if the secretary does not issue license within the stipulated time, under the provision of the act the council can levy a fee in accordance with the law.

Since the very purpose of licensing is to have effective. Control over the trades and there by to ensure that such trades do not become a source of public nuisance and health hazard problems a new system of assessment and collection of fees and issue of license was introduced ad per circular No D – 9885 / 89 dated 1 – 4 – 89 of the Director of Municipal Administration. The progress of implementation had been watched and got reviewed by the regional joint director at regional level and by the Municipal Administration (health) level.

Application for a trade license:

Every person who wishes to start some shops, trades and commercial establishment must be registered 30 days before the commencement of works. The person can apply to the secretary of corporation in the prescribed application form which can be obtained from the Cochin Corporation. The completely filled form affixed with the court fee stamps of Rs.5 along with the license fees and the following documents has to be submitted to the corporation secretary.(Schedule of Cochin Corporation MOH 12/10013/94, Kerala Municipality Act sections 444,447,453,455,456,469)

Documents Required:

1. Receipt of Building Tax paid
2. Ownership certificate (proof of legal occupancy)

If the shop is in rented premises the applicant will have to submit a consent letter of the owner of premises and the same must be forwarded to the corporation secretary.

Common grounds for the rejection of application form:

Almost all the application forms are accepted and forwarded for inspection process although some irregularities existed, due to 'humanitarian grounds'. But some application forms are rejected due to:

1. The traders setting up shop in rented premises usually fails to get the NOC from one owner of the shop.
2. Most of the shop owners are defaulters in case of paying building tax. So they fail to submit building tax receipt, so the application gets rejected.

Inspection Methodology:

The health inspector and the junior health authority of their respective circles are the inspecting authorities of their respective area. For a shop owner to get registered the application form along with the prescribed license fee that is mentioned in the Dangerous and Offensive list has to be submitted at the citizen service bureau of Municipal Corporation of Cochin. After initial assessment of the application form the authorities will inspect the premises and if they deemed fit grants license.

Renewal of License:

Every license granted unless an earlier date is specified therein expires at the end of the year in which it is granted. Normally the time for the renewal of trade license is 30 days before the end of financial year (March 31st). For renewal of license a separate application

form attested with a court fee stamp of Rs.10 have to be submitted along with the following documents.

1. The copy of the D&O license sought to be renewed.
2. The Treasury receipt showing that the fee for the renewal of the license specified in the rule has been paid.

There is a fine for the late applicants for the renewal of trade license. The table below will give you the percentage of amount imposed as late fine.

Description of date	% Of fee as fine
Late application from March 1 to April 30	10 % of the fee
Late application from May 1 to June 30	20 % of the fee
Late application from July 1 to October 31	30% of the fee
Late application from November 1 to not specified	50 % of the fee

After getting the application form, the inspectors go for the inspection and grant the renewed license. Every registration certificate or license granted or renewed under section 5A shall be displayed by the employer in a conspicuous place in the premises of establishments.

Prevention of food adulteration license:

For shops that sell eatable items like hotel, bakery, sweet, meat shop etc require prevention of food adulteration license in addition to D & O License.

The municipal council is responsible for the implementation of the prevention of food adulteration act and rules made there under in their respective areas. The municipal secretaries and health officers (where there are health officers) declares the local health authority. Food inspectors in all the urban local bodies are authorized to attend to sampling work by government notifications. They collect samples of all varieties of food articles exposed for sale and send them to government analysis. If any articles are found adulterated the persons concerned are prosecuted under the provisions of the food adulteration act and 50% of the fines realized from the accused are paid over to the urban local bodies concerned.

The authority for inspecting and granting PFA license is food inspector of the respective local body. To get a PFA license the applicant must apply 45 days before commencement of trade. After initial assessment of the application form, the food inspector visits the place

for onsite assessment; impose a fee as per schedule I of *Kerala prevention of food adulteration rule 1957* and grants license. The food inspector checks for the food samples. In hotels a health card for each employee issued by a medical officer is a must for getting license.

Conditions of PFA License:

1. The license shall be displayed in a prominent place in a part of the premises open to the public
2. The license shall allow any food inspector appointed under the act to enter into any premises where food is stored or exhibited for sale or where sale of food is carried on and to inspect the premises, records etc at any time. The licenses shall also supply to such inspector such information as he may require for ascertaining whether the provisions of the act and rules and the condition of the license are being complete with
3. The license shall maintain proper sanitation and hygienic condition within the premises licensed
4. The license shall maintain such records as may be prescribed by government and shall submit such periodical returns to the food inspector as may be directed. The license shall declare the true nature of articles of food stocked, sold or exposed for sale by a clear and conspicuous adhesive label. He shall also declare the true nature of the articles to any purchases or the food inspector who requests for such information
5. All articles of food stocked or exposed for sale for purposes other than for human consumption shall be clearly and conspicuously labeled by an adhesive label with full description regarding the nature of articles, the purpose for which it is meant and with a declaration in bold letters that it is fit for human consumption. All articles of food found in the premises, which are not so labeled, will be deemed to be kept for sale for human consumption. The license shall also denature all food articles, which are not meant for human consumption in accordance with the written instructions of the food (health) authority by a general or special order
6. The license shall notify to the licensing authority any change in the ownership of the business or stoppage within (not specified) days of such change or stoppage and surrender the license. In the absence of such a notification and surrender of license, the license will be deemed to be carrying on the business and he will be liable for the penalty for non-compliance of any of the conditions in the license.
7. The license shall comply with the provisions of the prevention of food adulteration act 1954 (act 37 of 1954) and the rules made there under
8. The license is liable to be suspended or cancelled for a breach of any of the above conditions

The PFA license thus granted must be renewed every year as the case of D & O license.

Conditions regarding licenses and permissions (As per Kerala Municipalities Act).

1. Every license and permission granted under this Act or any rule or bye-law shall specify the period, if any, for which; and the restrictions, limitations and conditions subject to which, the same is granted and shall be signed by the Secretary.
2. Every license issued by the Secretary shall specify the person to whom, the premises in respect of which, and the trade or business or undertaking for which the license is granted and for any change in the person, the premises or the business

trade, or undertaking, a fresh license or permission shall be taken with or without payment of further fee as the Municipality may fix.

3. Any person intending to obtain a license or permission for the first time and where the applicant is a person other than the owner of the premises in question, he shall, along with the application produce the written consent of the owner of the premises and the period of the license shall not exceed the period, if any, specified in the consent.
4. In the case of the applicant seeking renewal of a license or permission in respect of the trade or business licensed in the premises mentioned in subsection (3) is a person different from the original licensee or not the legal heir of the original licensee the consent of the owner shall be required.
5. Every such license or permission, fees maybe charged on such units and at such rates as may be fixed by the Municipality with due regard to the expenditure to be incurred for rendering service to the trade and for regulation of the trade for which the license or permission is granted
6. The Municipality may place the collection of such fees under management of such person as may appear to it proper; or farm out such collection for any period not exceeding three years at a time on such terms and conditions as it may think fit
7. Every order of a Municipality refusing to grant or suspending revoking or modifying a license or permission shall be published on the notice board of the office of the Municipality
8. Every order of a Municipality refusing to grant, or suspending, canceling or modifying a license or permission shall be in writing and shall state the grounds on which it proceeds
9. Any license or permission granted under this Act or any rule or bye-law made there under, may, at any time, be suspended or revoked by the Secretary if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made there under in any matter to which such license or permission relates, or if the grantee has obtained the same by misrepresentation or fraud
10. secretary shall inspect places in respect of which a license or permission is required by or under this Act, and he may enter any such place between sunrise and sunset and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time and if he has reason to believe that anything is being done in any place without a license or permission
11. Every grantee of any license or permission shall at all reasonable times, while such license or permissions remains in force produce the same when demanded by the Secretary
12. If any person is convicted of an offence the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Municipality the amount of the fee chargeable for the license or permission or registration and may in his discretion also recover summarily and pay over to the Municipality such amount, if any, as he may fix as the costs of the prosecution
13. The acceptance by the Municipality of the prepayment of the fee for a license or permission or for registration shall not entitle the person making such prepayment to the license or permission or to registration, but only to refunding of the fee in case of refusal of the license or permission or of registration
14. An application for the renewal of a license or permission or registration shall until communication of orders on his application be entitled to act as if the license or permission or registration had been renewed, and otherwise specially provided in

this Act if orders on an application for license or permission or for registration are not communicated to the applicant within thirty days after the receipt of the application by the Secretary , the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application, subject to the ,laws ,rules, bye laws, regulations and all conditions ordinarily imposed.

TIME RESTRICTIONS:

Opened' mean opened for the service of any customer or any business connected with the establishment and **'Closed'** means not open for the service of any customer or open to any business connected with the establishment.

Opening and closing hours:

No establishment shall on any day be opened earlier than end closed later than such hours may be fixed by a general or special order of the government made there under subsection (2) provided that any customer who was being served or was waiting to be served in any establishment at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour. The government may by general or special order fix the time at which any establishment or class of establishments shall be opened or closed in any local area. Toddy arrack and foreign liquor shop is exempted from section 10.

Closing time:

All establishments except shops, petrol pumps etc shall be closed at 8 p. m. Theater or place of public amusement or entertainment shall not be opened earlier than 9 a.m. on Saturdays, Sundays and public holidays: and 1 p.m. on all the days or closed later than 2 p.m. on any day. No commercial establishment shall be opened between 8 p.m. and 7 a.m. for Travancore Cochin areas. No restaurant or eating-house shall be opened between 10 p.m. and 5 a.m. for Travancore and Cochin area. No shops shall be opened between 10 p.m. and 6 a.m. for Travancore- Cochin area.

The above said provisions are applies to all establishments even if no employees are employed.

Basically the procedures and fees for informal trades in cochin is as per the permission granted by the decisions in standing committee on the basis of the directions from the town planning department .The fees is also as per the decisions in the committee. But presently, Cochin Corporation is not issuing license to dhaba, mobile vegetable vendors and cobblers. (RTI Reply)

I.DHABA:

According to the kerala Municipality Act, any person who enters a trade or any other business in streets has to get the prior permission from the concerned secretary of the corporation, in advance of 30 days. (D and O Schedule –M O H 12/10013/94). So dhaba also comes under it and can get license from corporation. The licenses are issued on the basis of the Kerala Municipalities Act and Rules 1994. Prevention of Food Adulteration Act and Kerala Shops and Commercial Establishments Act 1960 also has a major role with

regard to food standards and Timings respectively. The procedures as per the Kerala Municipality Act is as follows:

The corporation secretary can issue or reject the license on the basis of law. The municipal councils are responsible for the implementation of the prevention of food adulteration Act and Rules made there under in their respective areas. The Municipal Secretaries and Health Officers (where there are Health Officers) are declared to be the local Health Authority. Food Inspectors in all the urban local bodies are authorized to attend sampling work by Government notifications. They collect samples of all varieties of food articles exposed for sale and send them to Government Analysts. If any article is found adulterated the persons concerned are prosecuted under the provisions of the Food Adulteration Act and 50% of the fines realised from the accused are paid over to the urban local bodies concerned.

Licensing Procedure:

Corporation of Kochi is the license issuing and the authoritative body in the case of dhabas. The applicant has to fill an application form which he can get from the corporation. The individual who wish to undertake any trade of food is requested to fill the application form with his signature and he/she should affix the court fee stamp of Rs.1/-. The applicant should attach the necessary documents along with the fees. Soon after the submission of the application form, along with the prescribed license fee that is mentioned in the Dangerous and Offensive Trade, has to be submitted at the Revenue department of the Municipal Corporation of Kochi. The health inspector along with the junior health authority of the respective area inspects the field and verifies whether it matches the document. The inspecting authorities have the full power to reject the application if found to be guilty and false. The applicant has to be eligible. The eligibility is based on the physical fitness he has devoid of any illness. His prior food preparation of hostility certificate is not needed. He and the workers should not possess any kind of illness. Sneezing, coughing and spiting are not allowed. Pan Masala, tobacco and cigarettes is also not permitted inside the shop. A good sanitation and water facility is a must. He has to properly handle the waste that is produced in the shop. One has to affix the licence sheet in the shop. The shop premises have to be well cleaned. His co-workers are also requested to be well as he himself.

Documents Required:

1. Ownership Certificate of the Shop
2. Receipt of Building Tax paid
3. The concerned certificate of the building owner which is to be written in the stamp paper affixing stamp of Rs.50/- (if it is not one's own shop).

License Fees:

The fees are prescribed as per the D and O Schedule. At present it is Rs. 100 for dhaba. The fees must be remitted at the revenue department along with the Application Form.

License renewal procedures:

The person has to apply for license in the prescribed format to the secretary after the commencement of every financial year i.e. after April 1st of every year. Application has to be submitted along with the following documents.

1. The copy of the D&O license sought to be renewed
2. The Treasury receipt showing that the fee for the renewal of the license specified in the rule has been paid

The person has to pay the following amounts also.

The Renewal fees will be as follows:

DATE	PERCENTAGE (%)
March 1 st to April 30	10%
May 1 st to June 30	20%
July 1 st to October31	30%
November 1 st onwards	50%

Though these are the procedures, the Corporation is not issuing any license to Dhaba, mobile vegetable shops and other Vendors.

Penalty:

Those who wish to take license have to apply to the secretary with the proper fees in advance of 30 days. Any failure in this regard can give a fine of 50%, in addition to the normal fees. The least of those additional fees will be Rs.5/-. In addition the violators will be punished as per the section 372 of kerala Municipalities Act.

II. Vegetable Sellers:

According to the kerala Municipality Act, any person who enters a trade or any other business in streets has to get the prior permission from the concerned secretary of the corporation, in advance of 30 days. (D and O Schedule –M O H 12/10013/94). The licenses are issued on the basis of the Kerala Municipalities Act and Rules 1994. Prevention of Food Adulteration Act and Kerala Shops and Commercial Establishments Act 1960 also has a major role with regard to food standards and Timings respectively.

At present No license is given to Vegetable sellers. The vegetable Sellers have the same procedures are of dhaba except the licensing fees. The procedures as per the kerala Municipal Act is as follows:

The licenses are issued on the basis of the Kerala Municipalities Act and Rules 1994. The corporation secretary can issue or reject the license on the basis of law. The municipal councils are responsible for the implementation of the prevention of food adulteration Act and Rules made there under in their respective areas. The Municipal Secretaries and Health Officers (where there are Health Officers) are declared to be the local Health Authority. If any article is found adulterated the persons concerned are prosecuted under

the provisions of the Food Adulteration Act and 50% of the fines realized from the accused are paid over to the urban local bodies concerned.

Licensing Procedure:

Corporation of Kochi is the license issuing and the authoritative body. The applicant has to fill an application form which he can get from the corporation. The individual who wish to undertake any trade of food is requested to fill the application form with his signature and he/she should affix the court fee stamp of Rs.1/-. The applicant should attach the necessary documents along with the fees. Soon after the submission of the application form, along with the prescribed license fee that is mentioned in the Dangerous and Offensive Trade, has to be submitted at the Revenue department of the Municipal Corporation of Cochin. The health inspector along with the junior health authority of the respective area inspects the field and verifies whether it matches the document. The inspecting authorities have the full power to reject the application if found to be guilty and false. The applicant has to be eligible. The eligibility is based on the physical fitness he has devoid of any illness.

Documents Required:

1. Ownership Certificate of the Shop
2. Receipt of Building Tax paid
3. The concerned certificate of the building owner which is to be written in the stamp paper affixing stamp of Rs.50 (if it is not one's own shop)

License Fees:

FRUITS ,VEGITABLES	
Whole sale (including Commission Agencies)	250
Retail	
a) For storing materials valued 1000 Rs at a time	50
b) above 1000 at a time	50

License Renewal:

The corporation issues a different format of application form to get license renewed. A court fees Stamp of Rs. 10/- must be affixed along with the application form. Filled application must reach the Health Inspector 30 days before the end of the annual economic era. Economic era begins from April 1st to March 31st.

License renewal procedures:

The person has to apply for license in the prescribed format to the secretary after the commencement of every financial year i.e. after April 1st of every year. Application has to be submitted along with the following documents.

1. The copy of the D&O license sought to be renewed
2. The Treasury receipt showing that the fee for the renewal of the license specified in the rule has been paid

The person has to pay the following amounts also.

The Renewal fees will be as follows:

DATE	PERCENTAGE (%)
March 1 st to April 30	10%
May 1 st to June 30	20%
July 1 st to October31	30%
November 1 st onwards	50%

Though these are the procedures, the Corporation is not issuing any license to Dhabas, mobile vegetable shops and other Vendors.

Penalty:

Those who wish to take license have to apply to the secretary with the proper fees in advance of 30 days. Any failure in this regard can give a fine of 50%, in addition to the normal fees. The least of those additional fees will be Rs.5/-. In addition the violators will be punished as per the section 372 of kerala Municipalities Act.

III.FRUIT SELLERS:

According to the kerala Municipality Act, any person who enters a trade or any other business in streets has to get the prior permission from the concerned secretary of the corporation, in advance of 30 days. (D and O Schedule –M O H 12/10013/94).

The licenses are issued on the basis of the Kerala Municipalities Act and Rules 1994. Prevention of Food Adulteration Act and Kerala Shops and Commercial Establishments Act 1960 also has a major role with regard to food standards and Timings respectively. At present No license is given to Fruit sellers. The Fruit Sellers have the same procedures are of dhaba except the licensing fees. The procedures as per the kerala Municipal Act is as follows:

The licenses are issued on the basis of the Kerala Municipalities Act and Rules 1994.The corporation secretary can issue or reject the license on the basis of law. The municipal councils are responsible for the implementation of the prevention of food adulteration Act and Rules made there under in their respective areas. The Municipal Secretaries and Health Officers (where there are Health Officers) are declared to be the local Health Authority. If any article is found adulterated the persons concerned are prosecuted under the provisions of the Food Adulteration Act and 50% of the fines realised from the accused are paid over to the urban local bodies concerned.

Licensing Procedure:

Kochi Corporation is the license issuing and the authoritative body. The applicant has to fill an application form which he can get from the corporation. The individual who wish to undertake any trade of food is requested to fill the application form with his signature and he/she should affix the court fee stamp of Rs.1/-. The applicant should attach the

necessary documents along with the fees. Soon after the submission of the application form, along with the prescribed license fee that is mentioned in the Dangerous and Offensive Trade, has to be submitted at the Revenue department of the Municipal Corporation of Cochin. The health inspector along with the junior health authority of the respective area inspects the field and verifies whether it matches the document. The inspecting authorities have the full power to reject the application if found to be guilty and false. The applicant has to be eligible. The eligibility is based on the physical fitness he has devoid of any illness.

Documents Required:

1. Ownership Certificate of the Shop
2. Receipt of Building Tax paid
3. The concerned certificate of the building owner which is to be written in the stamp paper affixing stamp of Rs.50 (if it is not one's own shop)

License Fees:

FRUITS ,VEGITABLES	
Whole sale (including Commission Agencies)	250
Retail	
a) For storing materials valued 1000 Rs at a time	50
b) above 1000 at a time	50

License Renewal:

The corporation issues a different format of application form to get license renewed. A court fees Stamp of Rs.10/- must be affixed along with the application form. Filled application must reach the Health Inspector 30 days before the end of the annual economic era. Economic era begins from April 1st to March 31st.

License renewal procedures:

The person has to apply for license in the prescribed format to the secretary after the commencement of every financial year i.e. after April 1st of every year. Application has to be submitted along with the following documents.

1. The copy of the D&O license sought to be renewed
2. The Treasury receipt showing that payment of the specified renewal fee

The person has to pay the renewal fees for the license renewal. The fees will be as follows:

The Renewal fees will be as follows:

DATE	PERCENTAGE (%)
March 1 st to April 30	10%
May 1 st to June 30	20%
July 1 st to October31	30%
November 1 st onwards	50%

Though these are the procedures, the Corporation is not issuing any license to Dhaba, mobile vegetable shops and other Vendors.

Penalty:

Those who wish to take license have to apply to the secretary with the proper fees in advance of 30 days. Any failure in this regard can give a fine of 50%, in addition to the normal fees. The least of those additional fees will be Rs.5/-. In addition the violators will be punished as per the section 372 of kerala Municipalities Act.

IV.AUTORICKSHAWS:

The Regional Transport office issues permit based on the regulations as per the Motor Vehicles Act 1998 and the various gazette orders of Kerala Government. Gazette order to limit the contract carriages permit is also of importance with regard to city permits.(G.O. (P) No.189|95|PW & T. dated, Thiruvananthapuram, 12th December, 1995).

The city permit for Auto rickshaws are regulated under the Regional Transport Corporation of Thiruvananthapuram. The permit is given for the auto rickshaw and not for the drivers. There are two types of city permits in Cochin. They are:

1. Regular city permits available in all cities
2. Prepaid city permits.

The regular type permits are not given at present.

PERMIT PROCEDURE:

The Regional Transport office issues permit to any person who apply under this section and based on the documents that he produces. There is an application form for applying for the Auto rickshaw city permit which can be available at the Regional Transport office, Cochin, Kakanad. The application form (FORM P. CO. S. A.) costs only Rs.2/- The applicant must fill the application, should attach necessary documents along with the fee in the cash form. The city permit for Auto rickshaws is regulated under the Regional Transport Office Cochin. AT present the Regional Transport (RT) Office of Cochin does not provide any new city permit at present, but only prepaid city permit and renewals of permit already given. Based on the decision taken on 12-12-1995(G.O (P) No.189/95/PW&T,the regional transport board has fixed a quota of 3600 for city permits. It is because of the over crowdies, but

allows permit out of city or the suburbia area in accordance with the provisions of sections 69, 73 & 80 of the Motor Vehicle Act of 1988.

Requisites:

1. Submission of the filled Application form
2. Owned Vehicle in the name of Applicant
3. Address Proof of the Applicant.

Authority issuing City Permit:

Regional Transport Authority, Cochin

Permit Fees:

The Regional Transport Authority charges Rs.250/- for both a new permit and for renewal of the permit. In addition Rs.100/- is charged as the user fees.

Conditions to be satisfied for Applying for the Permit:

1. Applicant should be a permanent resident of Cochin corporation area
2. Vehicle should be registered in the name of the person on /before 31-12-2006
3. Applicant need not possess driving license to have a city permit. But to drive auto rickshaw, he/ she need to have the license
4. Vehicle should carry a special identification mark in the specified manner
5. Court fee/any other fee to railway shall be paid by the applicant

Prepaid System:

It is decided by the Road Transport Board to grant 200 contract carriage permits available, due to non-existence of vehicle for operation of prepaid system in Ernakulam South and North Railway stations. Existing permit holders are allowed to continue heard, and temporary permit is issued for one year. (U/S 104 of Motor Vehicles Act). Maximum time granted under rule 159(2) of KMV rules. It is decided to paint sky blue colour on tank except the goods carriage, drinking water etc. At North and South Railway stations as per the decisions of RTA (Regional Transport Authority). The driver is allowed to take the passengers only the areas within the permit.

Instructions for prepaid permit holders:

1. Vehicle shall not to be absent from Prepaid stand for a long time
2. Permit holder should be liable to pay the carter fee/ any other fee to the railway
3. Vehicle should not park/pick up passengers outside the city
4. The driver is allowed to take the passengers only the areas within the permit

Permit Renewal Procedures:

The person has to apply for renew the permit before 14 days of permit expiry in the prescribed form with the fees prescribed. The fees and procedures are same as that of fresh license.

Penalty:

1. Memos will be charged on the person
2. Driving without permit in city premises can make to charge a fine, at least of Rs. 500, as per the law

V.SLAUGHTER HOUSES:

The meat shops are regulated under the Corporation of Kochi. It means one has to take a license before starting this. At present, the Kochi Corporation directly owns it as per the norms fixed by the Pollution Control Board. It is also inviting tenders from the public for slaughter houses. The procedure for the licensing of slaughter houses as per the law is as follows:

Licensing Procedure:

Corporation of Kochi is the license issuing and the authoritative body. As per the Act, the applicant has to fill an application form which he can get from the corporation. The individual who wish to undertake the trade is requested to fill the application form with his signature and he/she should affix the court fee stamp of Rs.1/-. The applicant should attach the necessary documents along with the fees. Soon after the submission of the application form, along with the prescribed license fee that is mentioned in the Dangerous and Offensive Trade, has to be submitted at the Revenue department of the Municipal Corporation of Cochin. The health inspector along with the junior health authority of the respective area inspects the field and verifies whether it matches the document. The inspecting authorities have the full power to reject the application if found to be guilty and false.

The applicant has to be eligible too for the trade. The 20th Act of Kerala Municipality Act of 1994, sections like, 444, 447, 448, 449, 453, 454, 455, 459, 462, 469 and 470 permits any individual to apply for a meat shop in any part of the district.

Authority issuing license:

Health Officer

Documents Required:

1. Ownership Certificate of the Shop
2. Receipt of Building Tax paid

The concerned certificate of the building owner, which is to be written in, the stamp paper affixing stamp of Rs.50 (if it is not one's own shop)

At Present Corporation is not issuing license to private owned meat shops. So the above documents are not necessarily as the meat shops are running in the corporation buildings, where the public can get on tender basis. The corporation has invited tenders for certain trades. They require some additional documents than the above listed ones. So meat shop too requires the following:

1. Identity Card / Ration Card for the proof of address stated in tender.

License Fees:

The fees are as per the following:

BUTCHER SHOP:

	BUTCHER SHOP RUNNING	
I	Beef	100
II	Mutton	100
III	Pork	100
IV	Others	50

SLAUGHTERING:

	For KEEPING SLUGHTERING FOULS INCLUDES HEN, DUCK etc (Including Poultry farm)	
I	For Keeping 25 no. at a time	100
II	Above 25 Numbers	200

The above fees are as per the D and O schedule

FEES FOR SLAUGHTER HOUSES AS PER THE TENDER:

Animal	Fees
Goat	Rs.15.00 /each
Cattle//beef/Cow	Rs.25.00/each
Pig	Rs.25

The above fees are as per the tender notice prepared by the corporation.

License Renewal:

The corporation issues a different format of application form to get license renewed. A court fees Stamp of Rs. 10/- must be affixed along with the application form. The person has to apply for license in the prescribed format to the secretary after the commencement of every financial year i.e. after April 1st of every year. Filled application must reach the Health Inspector 30 days before the end of the annual economic era. Economic era begins from April 1st to March 31st.

The fees is as follows

DATE	PERCENTAGE (%)
March 1 st to April 30	10%
May 1 st to June 30	20%
July 1 st to October31	30%
November 1 st onwards	50%

Application has to be submitted along with the following documents.

1. The copy of the D&O license sought to be renewed
2. The Treasury receipt showing that the fee for the renewal of the license specified in the rule has been paid

Terms and Conditions as per the Tender Notice:

1. If the licensee makes any damages, he is supposed to pay the fees to the corporation
2. Licensee has to keep the environment clean
3. The cleanliness of the environment has to be assured by the owner.(both inside and outside the slaughter house)
4. The lungs and other animal wastes of the animals have to be disposed by the owner at his expense regularly
5. Every animal has to certify by Veterinary surgeon/Health officer. The person has to get the seal that the animal is eatable and he is not allowed to move the flesh without that
6. The person has to clean the slaughter rooms at least two times per day
7. The owner of the animal has to pay the fees to the owner before slaughtering and have to get the receipts. The person can slaughter only the animals, which are certified by veterinary surgeon and has to get the documents of certification and has to give to the veterinary doctor
8. The person has to keep large amounts of fresh water
9. The lungs and other animal wastes have to be disposed within the hours after slaughtering. If it is not done, any corporation staff appointed by veterinary surgeon / health officer can dispose that and the amount can be remitted to the corporation fund. The person is not allowed to sell flesh and lungs within the premises of the slaughter house.
10. The animals brought for slaughtering is not allowed to be tied within the premises.
11. If there is a special place for that, the animals has to be kept (tied) with the proper feedings before 24 hours
12. The slaughter house can work only between 6am and 9am in the morning. The owner has to get prior permission from the secretary to work in other timings.
13. The animals have to brought to the slaughter house between 10 am an 12 am for antimottam
14. The person working in slaughter house has to get the butchering license, as per the directions in the Kerala Municipalities Act
15. The meat and other materials are allowed to carry out of the premise within the proper coverings

16. The person has to abide the rules and regulations given by corporation in each period for the proper adjustment of the slaughter house and is responsible to keep the surroundings clean
17. The wounded individuals, drunks, and the individuals affected by communicable disease etc are not allowed to enter the slaughter house
18. If dogs are found within the premise of slaughter house, the owner is free to kill it without the prior notice
19. The lungs and other wastes are allowed to carry from the premise only with the proper coverings
20. The owner of the slaughter house is supposed to follow the rules which are in effect and also the laws/decisions taken by council in future
21. The failure to follow this rules and decision can give the person, a fine of Rs.250 from the secretary for each case
22. The slaughter house has to be closed on every Monday Onam, Good Friday, Republic day, Gandhi jayandhi, Muharam, Sivarathri etc .(council no:25-5-11-1985)
23. If any shop in the market is not functioning, the corporation is not responsible and there will not be any reduction
24. There will not be the permission for alleviated structures with out the prior permission from the secretary and the person himself would be responsible for any damages to the building
25. The person cannot claim for any loss which includes unavailability of vehicle etc(page 5 no 24)
26. The person is supposed to go by the rules and regulations framed by the Cochin Corporation, meanwhile

Terms and Conditions as per the Kerala Municipalities Act:

1. Municipality can provide sufficient space for the use as municipal slaughter houses and may charge rents and fees at such rates. But, if any complaint is received regarding the conduct of such slaughter houses from nearby residents, steps shall be taken to start such slaughter houses only after examining such complaints in detail
2. Municipality can Place such slaughter houses under the management of such persons as may appear to it proper for the collection of such rents and fees etc
3. Municipality can farm out such collection on such terms and conditions as it may think fit for any period not exceeding three years at a time.
4. The owner of slaughter house need to apply to the Secretary for a license one month before the opening of the same, apply to the Secretary for a license.) The Secretary can based on restrictions and regulations after the supervision and inspection as he things fit, grant or refuse license.
5. No person shall slaughter within a municipal area except in a public or licensed slaughter house any cattle, sheep, goat or pig for sale as food without or otherwise than in conformity with a license from the Secretary. But no sale of meat as food, prepared after slaughtering, shall be made unless it is subjected to the inspection at the spot where slaughter was done by the officers prescribed
6. No person shall skin or cut up any carcass without or otherwise than in conformity with a license from the Secretary
7. No person shall with out or otherwise than in conformity with a license from the municipality carry on the trade of a butcher, Fishmonger , poulterer or use any place for the sale of flesh intended for human food , flesh, fish within any premise of a municipal limit.

8. No dead bodies of any animal or a bird meant for sale or not are allowed to display publicly in any licensed or unlicensed premises causing any disturbance to the public.
9. Every such license shall expire at the end of the year for which it is granted or at such earlier date as for special reasons specify in license

Penalty:

Those who wish to take license have to apply to the secretary with the proper fees in advance of 30 days. Any failure in this regard can give a fine of 50%, in addition to the normal fees. The least of those additional fees will be Rs.5/-. In addition the violators will be punished as per the section 372 of kerala Municipalities Act.

FINDINGS FROM THE STUDY

General:

1. The licensing of trades in the corporation of Cochin is under the regulations set by the corporation of Cochin and is regulating under the kerala Municipalities Act and Rules 1994
2. The Corporation of Cochin issue two type of licenses :
3. Dangerous and offensive trade license
4. Prevention of food Adulteration license
5. The councils fix the fees
6. To conduct any trade/ business in streets prior permission from municipality/ corporation authority is needed as per the Kerala Municipalities Act
7. The same application is used for big shops and vendors. The same general application form is used for all items, except the food items need an additional PFA one. Still these forms can be purchased from the counter, even if not issuing license to these
8. Every person who wishes to start some shops, trades and commercial establishment must be registered 30 days before the commencement of works. The person can apply to the secretary of corporation in the prescribed application form affixed with the court fee stamps of Rs.5
9. Receipt of Building Tax paid, Ownership certificate (proof of legal occupancy) are Required for applying a license :
10. If the shop is in rented premises the applicant will have to submit a Consent letter of the owner of premises and the same must be Forwarded to the corporation secretary
11. After initial assessment of the application form the authorities will inspect the premises and if they deemed fit grants license
12. The Municipal Secretaries and Health Officers (where there are Health Officers) are declared to be the local Health Authority
13. Food Inspectors in all the urban local bodies are authorized to attend sampling work by Government notifications. They collect samples of all varieties of food articles exposed for sale and send them to Government Analysts. If any article is found adulterated the persons concerned are prosecuted under the provisions of the Food Adulteration Act and 50% of the fines realized from the accused are paid over to the urban local bodies concerned

14. Every license granted expires at the end of the year in which it is granted. Normally the time for the renewal of trade license is 30 days before the end of financial year (March 31st). For renewal of license a separate application form attested with a court fee stamp of Rs.10 have to be submitted along with the following documents
15. The copy of the D&O license sought to be renewed
16. The Treasury receipt showing that the fee for the renewal of the license specified in the rule has been paid
17. There is a fine for the late applicants for the renewal of trade license. The table below will give you the percentage of amount imposed as late fine
18. The license is liable to be suspended or cancelled for a breach of any of the conditions of Municipality
19. All establishments except shops, petrol pumps etc shall be closed at 8 p. m
20. No commercial establishment shall be opened between 8 p.m. and 7 a.m. for Travancore and Cochin areas
21. No shops shall be opened between 10 p.m. and 6 a.m. for Travancore. Cochin area
22. Basically the procedures and fees for informal trades in cochin is as per the permission granted by the decisions in standing committee on the basis of the directions from the town planning department .The fees is also as per the decisions in the committee

Trade wise Findings:

DHABAS, VEGETABLE SELLERS AND FRUIT SELLERS:

1. In Cochin, corporation is not issuing any license to street vendors like mobile vegetable/ fruit vendors and cobblers. But in city, we can find a lot of small food courts, mobile vegetable vendors and cobblers and they are considered as illegal business.(The corporation is denying the right to trade even though there is demand) Lot of vegetable vendors can be found in the city still
2. No restaurant or eating-house shall be opened between 10 p.m. and 5 a.m. for Travancore and Cochin area
3. Human consumption like Hotels, Bakery, Sweet, Meat shops etc requires clearance as per the Prevention of Food Adulteration Act in addition to Dangerous and Offensive trade license
4. Food Inspector of the respective Corporation area is the Inspecting authority for granting Prevention of Food Adulteration license
5. The license (for food items) shall comply with the provisions of the prevention of food adulteration act 1954 (act 37 of 1954) and the rules made there under

AUTORICKSHAWS

1. There are two types of city permits in Cochin. They are:
2. Regular city permits available in all cities
3. Prepaid city permits.
4. The regular type permits are not given at present
5. The city permit for Auto rickshaws is regulated under the Regional Transport Office Cochin. AT present the Regional Transport (RT) Office of Cochin does not provide any new city permit at present, but only prepaid city permit and renewals of permit already given
6. Based on the decision taken on 12-12-1995(G.O (P) No.189/95/PW&T, the regional transport board has fixed a quota of 3600 for city permits. It is because of the over

- crowdies, but allows permit out of city or the suburbia area in accordance with the provisions of sections 69, 73 & 80 of the Motor Vehicle Act of 1988
7. Submission of the filled Application form, Owned Vehicle in the name of Applicant, Address Proof of the Applicant etc are needed
 8. Applicant should be a permanent resident of Cochin corporation area
 9. Applicant need not possess driving license to have a city permit .But to drive auto rickshaw, he/ she need to have the license
 10. Court fee/any other fee to railway shall be paid by the applicant
 11. The driver is allowed to take the passengers only the areas within the permit
 12. The person has to apply for renew the permit before 14 days of permit expiry in the prescribed form with the fees prescribed. The fees and procedures are same as that of fresh license.
 13. The driver is allowed to take the passengers only from the areas within the permit.
 14. The permit holders are supposed to follow the following Instructions :
 15. Vehicle shall not to be absent from Prepaid stand for a long time.
 16. Permit holder should be liable to pay the carter fee/ any other fee to the railway.
 17. Vehicle should not park/pick up passengers out side the city.
 18. Penalties will be as follows:
 19. Memos will be charged on the person.
 20. Driving without permit in city premises can make to charge a fine, at least of Rs. 500, as per the law.

SLAUGHTER HOUSES:

1. Corporation is not issuing license to slaughter houses. The RTI reply says that the corporation directly owns the slaughter house as per the pollution control boards. The communication to the officials says they are not issuing license for this to private party. But the tender is inviting applications for that. It is difficult to find the logic of not issuing license to general public, whereas corporation is conducting.
2. At present, the Cochin Corporation directly owns it as per the norms fixed by the Pollution Control Board. It is also inviting tenders from the public for slaughter houses.
3. Municipality can provide sufficient space for the use as municipal slaughter houses and may charge rents and fees at such rates. But, if any complaint is received regarding the conduct of such slaughter houses from nearby residents, steps shall be taken to start such slaughter houses only after examining such complaints in detail
4. No person shall slaughter within a municipal area except in a public or licensed slaughter house any cattle, sheep, goat or pig for sale as food without or otherwise than in conformity with a license from the Secretary. But no sale of meat as food, prepared after slaughtering, shall be made unless it is subjected to the inspection at the spot where slaughter was done by the officers prescribed
5. No person shall with out or otherwise than in conformity with a license from the municipality carry on the trade of a butcher, Fishmonger , poulterer or use any place for the sale of flesh intended for human food , flesh, fish within any premise of a municipal limit
6. No dead bodies of any animal or a bird meant for sale or not are allowed to display publicly in any licensed or unlicensed premises causing any disturbance to the public
7. Every such license shall expire at the end of the year for which it is granted or at such earlier date as for special reasons specify in license

8. Licensee has to keep the environment clean
9. The cleanliness of the environment has to be assured by the owner.(both inside and outside the slaughter house)
10. Every animal has to certify by Veterinary surgeon/Health officer. The person has to get the seal that the animal is eatable and he is not allowed to move the flesh without that
11. The person has to clean the slaughter rooms at least two times per day
12. The owner of the animal has to pay the fees to the owner before slaughtering and have to get the receipts. The person can slaughter only the animals, which are certified by veterinary surgeon and has to get the documents of certification and has to give to the veterinary doctor
13. The person has to keep large amounts of fresh water
14. The lungs and other animal wastes have to be disposed within the hours after slaughtering. If it is not done, any corporation staff appointed by veterinary surgeon / health officer can dispose that and the amount can be remitted to the corporation fund. The person is not allowed to sell flesh and lungs within the premises of the slaughter house
15. The animals brought for slaughtering is not allowed to be tied within the premises
16. If there is a special place for that, the animals has to be kept (tied) with the proper feedings before 24 hours
17. The slaughter house can work only between 6am and 9am in the morning. The owner has to get prior permission from the secretary to work in other timings
18. The animals have to be brought to the slaughter house between 10 am an 12 am for antimottam
19. The person working in slaughter house has to get the butchering license, as per the directions in the Kerala Municipalities Act
20. The wounded individuals, drunks, and the individuals affected by communicable disease etc are not allowed to enter the slaughter house
21. If dogs are found within the premise of slaughter house, the owner is free to kill it without the prior notice
22. The slaughter house has to be closed on every Monday Onam, Good Friday, Republic day, Gandhi jayandhi, Muharam, Sivarathri etc. (council no:25-5-11-1985)
23. The person is supposed to go by the rules and regulations framed by the Cochin Corporation, meanwhile