

Markets, Slaughter-houses, Trades and Occupations

331. Provision of municipal markets and slaughter houses. –

(1) The Commissioner, when authorized by the Corporation in this behalf, may provide and maintain municipal markets and slaughter-houses in such number as he thinks fit together with stalls, shops, sheds, pens and other buildings and conveniences for the use of persons carrying on trade or business in, or frequenting such markets or slaughter-houses and may provide and maintain in any such markets, buildings and places machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) Municipal markets and slaughter-houses shall be under the control of the Commissioner who may at any time, by public notice, close any municipal market or slaughter-house or any part thereof.

332. Use of municipal markets. –

(1) No person shall, without the general or special permission in writing of the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) 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 Commissioner or any officer or employee of the Corporation authorised by the Commissioner in this behalf.

333. Private markets and slaughter-houses.

(1) No place other than a municipal market shall be used as a market unless such place has been licensed as a market by the Commissioner.

(2) No place other than municipal slaughter-houses shall be used as a slaughter-house: Provided that nothing in this Sub-section shall be deemed-

(a) to restrict the slaughter of any animal in any place on the occasion of any religious festival or ceremony, subject to such conditions (non-compliance with which shall be punishable under this Act) as the Commissioner may, by public or special notice, impose in this behalf, or

(b) to prevent the Commissioner, with the sanction of the Corporation, from setting apart places for the slaughter of animals in accordance with religious custom.

334. Conditions of grant of license for private market. -

(1) The Commissioner may charge such fees as he thinks fit to impose for the grant of a license to any person to open a private market and may grant such license subject to such conditions, consistent with this Act and any bye-laws made there under, as he thinks fit to impose.

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(2) When the Commissioner refuses to grant any license, he shall record a brief statement of the reasons for such refusal.

(3) The Commissioner may, with the previous approval of the Corporation and for reasons to be recorded, suspend a license in respect of a private market for such period as he thinks fit or cancel such license.

(4) A private market of which the license has been suspended or cancelled as aforesaid shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

335. Prohibition of keeping markets open without license, etc. –

(1) No person shall keep open for public use any market in respect of which a license is required by or under this Act without obtaining a license therefore, or while the license therefore is suspended or after the same has been cancelled.

(2) When a license to open a private market is granted or refused or is suspended or cancelled the Commissioner shall cause a notice of the grant, refusal, suspension or cancellation to be posted in such language of languages as he thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

336. Prohibition of use of unlicensed markets. –

No person knowing that any market has been opened to the public without a license having been obtained thereof when such license is required by or under this Act or that the license granted therefore is for the time being suspended or that it has been cancelled, shall sell or expose for sale any animal or article in such market.

337. Prohibition of business and trade. –

(1) No animal or article shall be sold or exposed for sale within a distance of one hundred yards of any municipal market or licensed private market without the permission of the Commissioner.

(2) Any person contravening the provision 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 Commissioner or any officer or employee of the Corporation appointed by him in this behalf.

338. Levy of stall ages, the rent and the fees. –

The Commissioner, with the previous approval of the Corporation, may-

(a) charge such stall ages, rents or fees as may from time to time be fixed by him in this behalf

(i) For the occupation or use of any stall, shop, stand, Shed or pen in a municipal market or municipal slaughter-house

(ii) For the right to expose articles for sale in a municipal market.

(iii) For the use of machines, weights, scales and measures provided for in any municipal market, and

(IV) for the right to slaughter animals in any municipal slaughter-house; and for the fees of such animals before they are ready for slaughter; or

(b) from the stall ages, rents and fees chargeable as aforesaid or any position thereof for such period as he may think fit; or

(c) put up to public auction or dispose of by private sale, the privilege of occupying or using any stall, shop, stand, shed or pen in a municipal market or municipal slaughter house for such period and on such conditions as he may think fit,

339. Stall ages, rents, etc., to be published. –

A copy of the table of stall ages, rents and fees, if any chargeable in any municipal market or municipal

Slaughter house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house printed in such language or languages as the Commissioner may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

340. Power to expel lepers and disturbers, etc. from markets. –

The person in charge of a market shall prevent the entry therein of and shall expel there from, any person suffering from leprosy in whom the process of ulceration has commenced or from any dangerous disease, who sells or exposes for sale therein any article or who, not having purchased the same handles any article exposed for sale therein; and he may expel there from any person who is creating a disturbance therein.

341. Butcher's fishmonger's and poulterer's licence. –

(1) No person shall without or otherwise than in conformity with a license from the Commissioner carry on the trade of a butcher, fish-monger, poulterer or importer of flesh intended for human food or use any place for the sale of flesh, fish or poultry intended for human food: Provided that no license shall be required for any place used for the sale or storage for sale of preserved flesh or fish contained in airtight or hermetically sealed receptacles.

(2) The Commissioner may/by order and subject to such conditions as to supervision and inspection as he thinks fit to impose, grant a license or may, by order, refuse, for reasons to be recorded, to grant the same.

(3) Every such license shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the license.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Commissioner may stop the Use thereof by such means as he may consider necessary.

342. Factory, etc., not to be established without permission of Commissioner. –

(1) No person shall, without the previous permission in writing of the Commissioner, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or trade premises in which it is intended to employ steam, electricity, water or other mechanical power.

(2) The Commissioner may refuse to give such permission, if he is of opinion that the establishment, alteration, enlargement or extension of such factory, workshop or trade premises, in the proposed position would be objectionable by reason of the density of the population in the neighborhood thereof, or would be a nuisance to the inhabitants of the neighborhood.

343. Premises not to be used for certain purposes without license. -

(1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, namely-

(a) any of the purposes specified in Part I of the second Schedule;

(b) any purpose which is, in the opinion of the Commissioner dangerous to life, health or property or likely to create a nuisance;

(c) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or

(d) storing any of the articles specified in Part II of the second Schedule except for domestic use of any of those articles: Provided that the Corporation may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye-laws in respect of any such articles shall be exempted from the operation of clause (d).

(2) In prescribing the terms of a license granted under this section for the use of premises as mills or iron yards or for similar purposes the Commissioner may, when he thinks fit, require the license to provide a space or passage within the premises for carts for loading and unloading purposes.

(3) The Corporation shall fix a scale of fees to be paid in respect of premises licensed under sub-section

(1): Provided that no such fee shall exceed five hundred rupees.

344. Seizure of certain animals. –

(1) If any horses, cattle or other quadruped animals or birds are kept on any premises in contravention of the provisions of Section 343, or are found abandoned and roaming or tethered on any street or public place or on any land belonging to the Corporation, the Commissioner or any officer empowered by him may seize them and may cause them to be impounded or removed to such place as may be appointed by the Government or the Corporation for this purpose and cost of seizure of these animals or birds and of impounding or removing them and of feeding and watering them shall be recoverable by sale by auction of these animals or birds:

Provided that anyone claiming such animal or birds may, within seven days of the seizure get them released on his paying all expenses incurred by the Commissioner in seizing, Impounding or removing and in feeding and watering such animal or bird, and on his producing a license for keeping these animals and birds issued under the provisions of Section 343.

(2) Whenever the Commissioner is of opinion that the user of any premises for any of the purposes referred to in sub-section (1) of Section 343 is causing a nuisance and such nuisance should be immediately stopped, the Commissioner may order the owner or the occupier of the premises to stop such nuisance within such time as may be specified in the order and in the event of the failure of the owner or occupier to comply with such order, the Commissioner may himself or by an officer subordinate to him cause such user to be stopped.

(3) Without prejudice to the foregoing provisions of this section any person by whom or at whose instance any horses, cattle or other quadruped animals or birds are so kept, abandoned or tethered, shall also be punishable under this Act.

345. Power of the Commissioner to prevent use of premises in particular area for purposes referred to in Section 343 -

(1) The Commissioner may give public notice of his intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in sub-section (1) of Section 343, which may be specified in such notice.

(2) No objections to any such declaration shall be received after period of one month from the publication of the notice.

(3) The Commissioner shall consider all objections received within the said period, giving any person affected -by the notice an opportunity of being heard during such consideration, and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modification, if any, as he may think fit but not so as to extend its application.

(4) Every such declaration shall be published in the Official Gazette and in such other manner as the Commissioner may determine, and shall take effect from the date of its publication in the Official Gazette.

(5) No person shall, in any area specified in any declaration published under sub-section

(4) Use any premises for any of the purposes referred to in Section 343 specified in the declaration and the Commissioner shall have the power to stop the use of any such premises by such means as he considers necessary.

346. Licenses for hawking articles, etc. –

No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf-

(a) hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not.

(b) Use in any place his skill in any handicraft or for rendering services to and for the convenience of the public for the purposes of gain or making a living.

347. Eating houses, etc., not to be used without license from Commissioner. –

(1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, keep any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or any place where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

(2) The Commissioner may at any time cancel or suspend any license granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or with the provisions of any bye-law made in this behalf, whether the licensee is prosecuted under this Act or not.

348. Licensing and control of theatres, circuses and places of public amusement. -

No person shall without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, keep open any theatre, circus, cinema house, dancing hall or other similar place of public resort, recreation or amusement: Provided that nothing in this section shall apply to private performances in any such place.

349. Power of Commissioner to stop use of premises used in contravention of licenses. –

If the Commissioner is of opinion that any eating house lodging house, hotel, boarding house tea shop, coffee house, cafe, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema, house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a license or otherwise, than in conformity with the terms of a license granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

350. Power of Commissioner to inspect places where unlawful slaughter of animal, etc., is suspected. –

(1) If the Commissioner or any person authorized 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 authorized under this Act, he may, at any time by day or night without notice, inspect such places for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law made under this Act at the time in force is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

(2) The Commissioner may remove and sell by auction or other-wise dispose of any animal or carcass of any animal or any flesh seized under sub-section (1).

(3) If within one month of such seizure the owner of the animal, carcass of flesh fails to appear and prove his claim to the satisfaction of the Commissioner or if the owner is

convicted of an offence under this Act in respect of such animal carcass or flesh, the proceeds of any sale under sub- section (1) shall vest in the Corporation.

(4) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorized under the provisions of this Act may be arrested by any police officer without a warrant.

(5) 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 affecting such entry.