

LICENCES AND PERMITS. CHAPTER XX

1. Licensing of Surveyors, Architects or Engineers, Structural Designers, Clerks of Works and Plumbers.

Grant of licences to Architects or Engineers, Structural Designers, Plumbers and Clerks of Works.

372. Grant of licences to Architects or Engineers, Structural Designers, Plumbers and Clerks of Works.

(1) The Commissioner may grant to any person he thinks fit renewable licence for a period of one year to act as (i) Surveyor, (ii) an Architect or Engineer, (iii) Structural Designer, (iv) Clerk of Works, or (v) a Plumber for the purposes of this Act.

(2) No licence shall be granted Under sub-section (1) unless the person has the qualifications or experience, or both, as may be prescribed by by-laws.

(3) No application for a licence shall be refused if the applicant has the qualifications and experience prescribed by by-laws except upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(4) If the Commissioner refuses any application for a licence under sub-section (3), he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature without charge.

Orders may be prescribed for guidance of Surveyors, etc.

373. Orders may be prescribed for guidance of Surveyors, etc.

(1) The Commissioner may with the approval of the Standing Committee from time to time issue orders for the guidance of Licensed Surveyors, Architects or Engineers, Structural Designers, Clerks of Works and Plumbers respectively.

(2) Copies of all orders so prescribed for the time being in force shall be kept on sale at the municipal head office at such price as the Commissioner may fix and a copy thereof shall be kept available for inspection at all reasonable times at such office.

Fees and charges of licensed plumbers to be prescribed by Standing Committee

374. Fees and charges of licensed plumbers to be prescribed by Standing Committee.

The Standing Committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act, and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed plumber to be bound to execute work properly

375. Licensed plumber to be bound to execute work properly.

No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

II. Trade licences and other licences for keeping animals and certain articles.

Certain things not to be kept, and certain trades and operations not to be carried on without licence.

376. Certain things not to be kept, and certain trades and operations not to be carried on without licence.

(1) Except under and in conformity with the terms and conditions of licence granted by the Commissioner, no person shall-

(a) keep in or upon any premises any articles specified in the rules-

(i) in any quantity or in excess of the quantity specified in the rules as the maximum quantity of such article which may at one time be kept in or upon the same premises without a licence, and

(ii) for any purpose whatever or for sale or for other than domestic use as may be specified in the case of each article in the rules;

(b) keep in or upon any building intended for or used as a dwelling or within fifteen feet of such building, cotton in pressed bales or boras or loose in quantity exceeding four hundred-weight ;

(c) keep, or allow to be kept, in or upon any premises, horses, cattle or other fourfooted animals-

(i) for sale,

(ii) for letting out on hire,

(iii) for any purpose for which any charge is made or any remuneration is received, or

(iv) for sale of any produce thereof ;

(d) carry on, or allow to be carried on, in or upon any premises-

(i) any of the trades or operations connected with any trade specified in the rules;

(ii) any trade or operation which in the opinion of the Commissioner is dangerous to life Or health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which or the conditions under which, the same is or is proposed to be, carried on ;

(e) carry on within the City, or use any premises for, the trade or operation of a farrier.

(2) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (ii) of clause (d) of sub-section (1), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates.

(3) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of clause (d) of sub-section (1) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise.

(4) When any premises are used in the manner described in clause (c) or (d) of sub-section (1) it shall be presumed, until the contrary is proved, that the owner or occupier of such premises, or both the owner and occupier have permitted such use.

(5) It shall be in the discretion of the Commissioner-

(a) to grant any licence referred to in sub-section (1) subject to such restrictions or conditions (if any) as he shall think fit to prescribe, or

(b) to withhold any such licence.

(6) Every person to whom a licence by granted the Commissioner under sub-section (3) shall keep such licence in or upon the premises, if any, to which it relates.

(7) The Commissioner may at anytime by day or night enter or inspect any premises for the use of which a licence has been granted under this section.

(8) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, jute, wool or silk, or to any other large mill or factory which the Commissioner may from time to time with the approval of the Standing Committee specially exempt from the operation thereof.

¹[376A. Power to stop use of premises where such use is dangerous or causes nuisance.

Whenever the Commissioner is of opinion that the use of any premises for any of the purposes specified in sub-section (1) of section 376 is dangerous to life, health or property or is causing a nuisance either from its nature or by reason of the manner in which or the conditions under which the use is made and such danger or nuisance should be immediately stopped, the Commissioner may, notwithstanding anything contained in section 376, require the owner or occupier of the premises to stop such danger or nuisance within such time specified in such requisition as the Commissioner considers reasonable and in the event of the failure of the owner or occupier to comply with such requisition, the Commissioner may himself or by an officer subordinate to him cause such use to be stopped.]

III. Licences for sale in municipal markets.

Prohibition of sale in municipal markets without licence of Commissioner

377. Prohibition of sale in municipal markets without licence of Commissioner.

(1) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

IV. Licences for private markets.

Private markets not to be kept open without licence

378. Private markets not to be kept open without licence.

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

- (a) keep open, or permit to be kept open, a private market;
- (b) use or permit to be used any place in the City as a slaughter-house or for the slaughtering of any animal intended for human food;
- (c) use or permit to be used any place without the City, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the City :

Provided that-

- (i) the Commissioner shall not refuse a licence for keeping open a private market lawfully established at the appointed day if application for such licence is made within two months thereof except on the ground that the place where the market is held fails to comply with any requirement of this Act or of the rules, by-laws or standing orders;
- (ii) the Commissioner shall not cancel or suspend or refuse to renew any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some standing order or with some by-law ;
- (iii) the Commissioner may cancel or suspend any licence for failure of the owner of a private market to give in accordance with the

¹ Section 376A was inserted by Bom. 34 of 1955, s. 2.

conditions of his licence a written receipt for any stallage, rent, fee, or other payment received by him or his agent from any person for the occupation or use of any stall, shop, standing shed, pen or other place therein ;

(iv) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(2) When the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in such language or languages as the Corporation may from time to time specify on some conspicuous spot on or near the building or place where such market has been held.

Prohibition of sale in unauthorised private markets

379. Prohibition of sale in unauthorised private markets.

No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of human food, or any live-stock or food for live-stock.

Slaughter of animals for skins

380. Slaughter of animals for skins.

No person shall slaughter any cattle, horses, sheep, goats or pigs for removing the skin thereof or cut up the carcass of any such animal at any place outside a municipal slaughter-house or a licensed slaughter-house otherwise than in conformity with the written permission of the Commissioner.

V. Licences for sale of Articles of Food outside of Markets.

Prohibition of sale of animals, etc. except in market.

381. Prohibition of sale of animals, etc. except in market.

No person shall, without a licence from the Commissioner, sell or expose for sale -

- (a) any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market;
- (b) ices and aerated waters, kulfi, sugar-cane juice, ²[cut or peeled fruit,] vegetables, any confectionery or sweetmeats whatsoever or such other cooked food or other articles intended for human consumption as may from time to time by public notice be specified by the Commissioner, in any place other than a municipal or private market or licenced eating house or sweet-meat shop.

VI. Licensing of Butchers, etc.

Butchers and persons who sell flesh of animals to be licensed

382. Butchers and persons who sell flesh of animals to be licensed

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

- (a) carry on within the City, or at any municipal slaughter-house, the trade of a butcher;
- (b) use any place in the City for the sale of the flesh of any animal intended for human consumption or any place without the City for the sale of such flesh for consumption in the City.

² These words were substituted for the words "cut or peeled fruit and" by Guj. 19 of 1964, s. 17.

VII. Licences for dairy products.

Licence required for dealing in dairy produce.

383. Licence required for dealing in dairy produce.

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

- (a) carry on within the City the trade or business of a dairyman ;
- (b) use any place in the City as adairy or for the sale of any dairy produce.

VIII. Licences for hawking, etc.

Licences for sale in public places

384. Licences for sale in public places.

Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall use any public place or any public street for the purpose of hawking or exposing for sale, any article what-soever, whether it be for human consumption or not.

Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street

385. Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.

Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use any public place or public street for the purpose of using his skill in any handicraft or in rendering services to and for the convenience of the public.

IX. General Provisions regarding licences and Permits.

General provisions regarding grant, suspension or revocation of licences and written permissions and levy of fees, etc.

386. General provisions regarding grant, suspension or revocation of licences & written permissions and levy of fees, etc.

- (1) whenever it is provided by or under this Act that a licence or a written permissions may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and condition subject to which, the same is granted and the date by which an application for the renewal of the same shall be made and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 69 to grant the same.
- (2) Except as may otherwise be provided by or under this Act, for every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the Corporation.
- (3) Subject to the provisions of the proviso to sub-section (1) of section 378, any licence or written permission granted under this Act, may at any time be suspended or revoked by the Commissioner, if he is satisfied that it has been secured by the holder through misrepresentation or fraud or if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any rule, by-law or standing order in any matter to which such licence or permission relates.
- (4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the Commissioner's order for suspending or revoking the licence or written permission is cancelled by him or until the

licence or written permission is renewed, as the case may be :
Provided that, when an application has been made for the renewal of a licences or permission by the date specified therein, the applicant shall be entitled to act as if it has been renewed, pending the receipt of orders.

(5) Every person to whom any such licence or written permission has been granted shall, at all reasonable times, while such written permission or licence remains in force, if so required by the Commissioner, produce such licence or written permission.

(6) Every application for a licence or written permission shall be addressed to the Commissioner.

(7) The acceptance by or on behalf of the Commissioner of the fee for a licence or permission shall not in itself entitle the person paying the fee to the licence or permission.