

The M.P. Gram Panchayat (Regulation of Offensive or Dangerous Goods Trades) Rules, 1998

MADHYA PRADESH

India

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Rule

THE-M-P-GRAM-PANCHAYAT-REGULATION-OF-OFFENSIVE-OR-DAN of 1998

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The M.P. Gram Panchayat (Regulation of Offensive or Dangerous Goods Trades) Rules, 1998 Published vide Notification No. F 1-18-98-22-P-2, M.P. Rajpatra (Asadharan), dated 4-1-1999 at page 20(1) In exercise of the powers conferred by the sub-section (1) of Section 95 read with Clause (i) of Section 54 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules the same having been previously published as required by sub-section (3) of the Section 95 of the said Act, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Gram Panchayat (Regulation of Offensive or Dangerous Goods Trades) Rules, 1998.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994); (b) "License" means the license granted by the Gram Panchayat for any purpose, under certain conditions; (c) "Section" means a section of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994).

3. Regulation of certain trades.

- If it be shown to the satisfaction of the Gram Panchayat that any building or place used or intended by any person to be used,-(i)for boiling or storing offal, blood, bone or rags;(ii)for salting curing and storing fish;(iii)for storing hides, horns and skins;(iv)for the tanning;(v)for the manufacturing of the leather goods;(vi)for dyeing;(vii)for melting tallow or sulphur;(viii)for washing or drying wool or hair;(ix)as a brick, pottery or lime kiln;(x)for soap making;(xi)for oil boiling or extraction of oil;(xii)as a distillery;(xiii)for storing hay, straw, fodder, wood, coal or other combustible material;(xiv)for a manufactory or place of business of any other kind from which offensive or unwholesome smell arise or unwholesome smell may arise or which involves danger of fire;(xv)as a manufactory of snuff, gudaku, Naswar-powder, Bidi and storage and grinding of tobacco;(xvi)for manufacture or sale of sweetmeats;(xvii)as a factory, workshop or place of business in which animals are employed or intended to be employed for doing work or in which water steam or any mechanical power is used or intended to be used, is or is likely by reason of such use of, and of its situation to become a nuisance to the neighborhood or is so used or is so situated as to be likely to be dangerous to life, health or property, the Gram Panchayat, by written notice, require to the owner or the occupier-(a)at once to discontinue the use of it or at once to desist from carrying out, or allowing to be carried out, the intention so to use such building or place, or(b)to use it in such manner, or after such structural alterations as the Gram Panchayat in such notice prescribe, so that it may not become or may no longer, be offensive or dangerous;Explanation. - For the purpose of this rule, offensive shall include any pollution of the atmosphere where by a deposit of soot is caused or any mechanical noise.

4. Issue of license.

- Person engaged in such trade as specified in Rule 3 shall make an application for grant of license from the Gram Panchayat. After satisfaction of the Gram Panchayat that such trader shall comply with the provisions of the rules, shall issue license for such trade, the Gram Panchayat may charge, license fee not exceeding Rs. 250 and not exceeding Rs. 50 for annual renewal of a license.

5. Fine.

(1)Whoever, after notice has been given under Rule 3 uses any building or place or permits it to be used in such manner as to be offensive to the neighborhood or dangerous to life, health or property, shall be punished with fine which may extend to two hundred fifty rupees and with further fine which may extend to five rupees for every day on which such use or permission of use continues after the date of first punishment.(2)Upon punishment under sub-rule (1), Gram Panchayat or any officer authorized by it, shall order to close and thereupon appoint persons to take other steps to prevent such place being used for any purpose mentioned in Rule 3.(3)Whosoever, without a license, or during the suspension or after the withdrawal of licence, any place for any purpose mentioned in Rule 3 in the Gram Panchayat area shall be punished with fine which may extend to two hundred fifty rupees or further fine which may extend to five rupees for every day on which such use continues after the date of first punishment.

6. Provision of sanitary conveniences.

- The owner, keeper or manager incharge of offensive or dangerous trade shall make adequate provision for sanitary conveniences in all premises and houses used for such trades and maintain them in good condition.

7. Prohibition of use of steam whistles, etc.

(1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam or by mechanical means for purpose of summoning or dismissing workmen or persons employed except in accordance with the conditions of a license from the Gram Panchayat. (2) The Gram Panchayat may grant such license subject to such condition as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee : Provided that where the licensee has contravened any of the conditions the license may be withdrawn without any such notice, (3) Whoever uses or employs any such whistle or trumpet as specified above without or in contravention of any of the conditions or the withdrawal of such license, shall be punishable which may extend to two hundred fifty rupees.

8. Repeal.

- The Madhya Pradesh Gram Panchayat (Offensive Trade) Rules, 1967, shall stand repealed from the date of final publication of these rules in the "Madhya Pradesh Gazette".