

Tripura Markets Act, 1979

TRIPURA

India

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Act 10 of 1979

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Tripura Markets Act, 1979(Tripura Act No. 10 of 1979)Last Updated 10th June, 2020[Dated 03.06.1979]An Act to provide for controlling and establishing private markets in the State of Tripura and for matters connected therewith.Be it enacted the Legislative Assembly of Tripura in the Thirtieth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Tripura Markets Act, 1979.(2)It extends to the whole of the State of Tripura.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context :-(a)"District Magistrate" means the District Magistrate of any revenue district and any officer appointed by the Government to exercise and perform all or any of the powers and functions of a District Magistrate under this Act ;(b)"Government" means the State Government of Tripura ;(c)"licence" means a person or group of persons granted license under this Act ;(d)"licensing authority" means the Sub-Divisional Officer having jurisdiction over the area or any other authority so notified by the Government ;(e)"local body" means the authority set up under the United Provinces Panchayat Raj Act, 1947 or the Bengal Municipal Act, 1932 as extended of Tripura or any other relevant Acts ;(f)"market" means any place not owned or managed by a local authority or Government where persons assemble for the sale of, or for the purpose of exposing for sale meat, fish, fruit, vegetable or any other articles of human food whatsoever, animals, fire wood or bamboo ;(g)"notified" means notified through publication in the Tripura Gazette ;(h)"prescribed" means prescribed by the rule made under this Act ;(i)"Sub-divisional Officer" means the sub-divisional Officer in-charge of a revenue Sub-Division of the District in which the market place is located ;(j)"toll" means the rate charged by the owner, organiser or Manager of a market from the persons assembling in the market place for the sale of goods.

3. Requirement for licence.

(1) No person shall establish or permit to be established a new market after the commencement of this Act without a licence from the licensing authority. Explanation. - New market means a market established, or organised or sought to be established or organised after the commencement of this Act. (2) The owner, organiser or Manager of the Market which has been so functioning or existing at the commencement of the Act shall apply for grant of a licence [to] [Amended by The Tripura Markets (Amendment) Act, 1980, w.e.f. 8.7.1980.] the licensing authority within such period as may be specified by the State Government by a Notification in the Official Gazette in this behalf. (3) The licensing authority may grant the licence on such conditions as it may deem fit or reject the application for reasons for reasons to be recorded by him in writing provided that no application shall be rejected except after giving an opportunity to the applicant of being heard. (4) No licence shall be granted for any market without the consent of the owner of the market place.

4. Powers to renew, suspend, terminate licences.

(1) The licence if granted shall be required to be renewed every three years and the licensing authority may refuse to renew or terminate or suspend a licence for violation of any of the conditions of the licence or for any other sufficient reasons to be recorded in writing and communicated to the licence : Provided that no order refusing to renew or terminating the licence shall be passed without giving an opportunity to the licence of being heard, and the suspension of the licences shall not be for a period exceeding three months at a time. (2) The application for renewal shall be made at least three months before the expiry of the period for which the licence is valid : Provided that the licensing authority may waive this condition in individual cases if sufficient cause is shown for not filing the application in time.

5. Prohibition of unlicensed.

- No person shall, without or otherwise than in conformity with the terms of the licence granted by the licensing authority, keep open any market or wilfully or negligently permit any place to be used as a market or expose good for sale at a sale at a place not so licensed.

6. Power of licensing authority to close unlicensed markets.

- Licensing authority may by order close any place which has been or is being used as a market without any licence and may thereupon take steps to prevent such place from being used as a market.

7. Duty of sellers.

- No person shall sell or expose for sale any rotten or decomposed articles of food in any market.

8. Duty of the licences.

- The licensee shall keep the site of the market and the drains therein clean.

9. Power to give directions.

- The licensing authority may, by a written order direct the licensee of a market-(a)to cause the whole or any portion of the floor of the market, to be raised or paved with dressed stone or other suitable material ;(b)to cause such drains to be made in or from the market, of such material size and description, at such level, and with such outfall as may appear necessary to the licensing authority ;(c)to cause supply of water to be provided for keeping market, in a clean and wholesome state ;(d)to cause any shop, stall, shed or other structure in the market to be altered or improved in such manner as the licensing authority may consider necessary ;(e)to lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the licensing authority, approaches, streets passages and ways to or in the market ;(f)to provide conveniences for the use of persons resorting to the market Provided that no such order shall be passed without giving an opportunity to the licensee of being heard ;Provided further that the order specify a time limit within which the directions are required to be carried out.

10. Restriction regarding tolls.

- No licensee shall charge tolls in excess of the schedule of tolls notified by the Government from time to time.

11. Entrustment of management to local body.

- (1)Where the licensing authority is of the opinion that the closure of a market, as a consequence of termination or suspension of the licence, may be detrimental to and cause great inconvenience to the members of the public, it may entrust the management of such market for such period as it may deem fit to a local body :Provided that the management shall not be so entrusted for a period exceeding three years.(2)Such local body as is entrusted with the management under this section shall be a licensee of the market for all purposes :Provided that the net profits which accrue after taking into account all expenditure connected with the running of the market and bringing improvements therein shall be held in trust by the local body and transferred to the original licensee after the cessation of the management of the market by the local body.

12. Provision regarding transfer.

- All transfers of any interest of the licensee in a market shall be intimated by the transferee within two months of the date of transfer, to the licensing authority and any market the transfer of interest of the licensee in which has not been intimated in accordance with the provisions of this section shall be deemed to be a market without a licence.

13. Appeal.

(1) Any person being aggrieved in any manner by any order of the licensing authority may appeal to the District Magistrate within 30 days of the communication of the order and the District Magistrate may pass such orders on appeal as he may deem fit. (2) Any person may file a second appeal to the prescribed authority against the orders of the District Magistrate within 30 days of the date of intimation of such orders : Provided that the limit of 30 days may be waived at the discretion of the appropriate authority in individual cases.

14. Penalties.

(1) Any person who commits breach of any of the provisions of this Act or rule made thereunder or fails to comply with any directions under section 9 or obstructs the licensing authority or any person duly authorised by the licensing authority in the performance of his duties shall be liable on conviction to a fine which may extend to Rs. 1, 000/- and if the breach is a continuing one, to a further fine which may extend to Rs. 20/- for every day during which the breach or failure to comply is continued after detection. (2) In case of default in payment of fine, the defaulter shall be liable to be punished with imprisonment for a term not exceeding one month. (3) No prosecution under this Act shall be instituted except with the written consent of the licensing authority.

15. Power to make rules.

(1) The Government may make rules for carrying out the purposes of this Act. (2) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of these sessions in which it is so laid or the successive sessions aforesaid, the Legislative Assembly agree in making any modification in the rule or the Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the anything previously done under this rule.