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Government of Tamil Nadu

Abstract

Licence - Dangerous and offensive Trade licence in Municipalities
collection of Licence fees - fixation of responsibilities on
Sanitary Inspectors - orders - issued.

RURAL DEVELOPMENT AND LOCAL ADMINISTRATION DEPARTMENT

G.O.Ms.620

Dated: the 5th May 1983

1st Read:

1. G.O.Ms.No.2327, Rural Development & Local Administration Department, dated 25.10.62.
2. G.O.Ms.No.2422, Rural Development and Local Administration Department, dated 28.11.68.
3. From the Director of Public Health and Preventive Medicine, Lr.No.R.6.68298/DA/S3 dated 13.4.1982.
4. From the Director of Municipal Administration, Lr.No.Roc.7254/81/H2 dated 17.7.82 and 8.1.83.

ORDER:

In the G.O.first read above, Government have prescribed the following procedure in regard to the disposal of applications under Dangerous and offensive Trade for permission and licences or renewal, issue of licences, collection of licence fees and maintenance of registers etc:-

i) The Dangerous and Offensive Trade should continue to be under the control and supervision of Health officer, as it is a technical item of work.

ii) The Health officer should promptly report the cases of Dangerous and offensive trade requiring licences and prosecute those running their trades without the requisite licences. All applications for permission and licences or renewal should be scrutinised by the Municipal Health Officer and transmitted to the Commissioner with his recommendations.

iii) The work of issuing licences, collection of licence fees, and maintenance of relevant registers might be attended to in the Revenue Branch of the Municipalities. in the G.O.

second read above, the Government have written, from the Health Officers, the delegation of power to launch prosecutions, with a view to enable the Commissioners of Municipalities to exercise these power exclusively, as it was considered out desirable to vest the power with two authorities concurrently.

2. In his letter third read above, the Director of Public Health and Preventive Medicine, has stated that even after the issue of orders empowering the Municipal Commissioners to exercise the powers exclusively to launch prosecution against the defaulters, the responsibility for non-collection of licence fees and the failure to prosecute the defaulters for the realisation of the arrears of licence fees, is continued to be fixed on the Sanitary Inspectors as a matter of routine and the Municipal Commissioners are reluctant to find out who is actually responsible for the non-collection of licence fees before ordering the recovery of the loss caused to the Municipal councils, from the Sanitary Inspectors. He has also Revenue Branch for the maintenance of the relevant registers for the collection of licence fees and issuing licences and the Municipal Commissioners are vested with the exclusive power for launching prosecution against the defaulters, the Sanitary Inspectors cannot be absolved of their responsibility of detecting the cases of Dangerous and Offensive Trades requiring licences altogether as they are involved in various Public Health and Sanitary aspects for allowing the trade to run without Health hazards. The Director of Public Health and Preventive Medicine has therefore requested the Government to issue suitable orders precisely as to what extent the services of the Sanitary Inspectors can be utilised by the Municipality in the collection of licence fees under Dangerous and offensive Trades and Preventive of Food Adulteration Act.

3. The Director of Municipal Administration, who was consulted in the matter, has stated that the vesting of the powers to prosecute the offenders, with the Executive Authorities will not exonerate the Sanitary Inspectors from their responsibility such as reporting the cases of Dangerous and offensive Trade and Prevention of Food Adulteration.

requiring licences to the Executive Authorities, giving notice to the unauthorised trades etc. and that after all the appropriate steps are taken by the Sanitary Inspectors if the Executive Authority then can be held responsible for such lapse. In order to maintain harmony in the administration, he has suggested that the power of sanctioning prosecution may be allowed to continue to be with the Executive Authority.

4. The Government after careful consideration, issues the following clarifications:-

i) The licences are issued on payment of licence fees and therefore, there is no question of collection of licence fees. It is the duty of the Sanitary Inspector to ensure that no Dangerous and offensive Trades are run without valid licences.

ii) The Sanitary Inspectors should ensure that no installation or trades are run circumventing the by-laws, or Rules or Acts framed for a particular trade in the Municipality. It is also their responsibility to give notice to the offenders requiring them to take out licences.

iii) If the unauthorised trades fail to take out licences, after issue of notice, the Sanitary Inspector should assist the Executive Authorities in prosecuting them.

4) In G.O. Ms. No. 1755 Rural Development and Local Administration, dated 19.10.61, orders have already been issued to the effect that an annual census of the establishments coming under Dangerous & offensive Trade should be taken in all Local bodies in the month of February also as to avoid the running of the trades, without proper licence. If licence fees may not arise. All the Municipal Commissioners are, therefore, requested to ensure that the census, as ordered in the said G.O., is taken every year without fail.

/By order of the Governor/

J. SAMUEL AMIRTHARAJ
DEPUTY SECRETARY TO GOVERNMENT.

To

The Commissioners of all Municipalities through the Special officer,
The Executive Officers of all Municipal Township through the
Chairman.