

Administration of Daman and Diu, Union Territory.
Urban Development Department
Notification
No. DD/DMC/BYE LAWS/01/2019

The following draft Bye-laws are subject to the previous sanction of the government. The Diu Municipal Council proposes to make them in exercise of the powers conferred by sub-sections (1) & (2) of Section 307 and read with Sections 143,265, 266 and 323 of the Daman and Diu Municipalities Amended Regulation 2018.

These are hereby published, as required by clause(b) of sub-section (3) of Section 307 of the said Regulation, and notice is hereby given that the draft of the said bye-laws will be taken into consideration on the expiry of 15 days from the date of publication of this notification.

Any person who intends to make any objection or suggestion regarding these draft Bye-Laws, may send the same to the Chief Officer, Diu Municipal Council, Diu, Union Territory within the period specified above.

Any objections or suggestions, which may be received by the Chief Officer, Diu Municipal Council, Diu within aforesaid period shall be considered by the Council.

Draft Bye Laws

In exercise of the powers conferred by sub-sections (1) and (2) of Section 307 read with section 143,265,266, and section 323 of The Daman and Diu Municipalities (Amended) Regulation, 2018, these byelaws are hereby published, as required by clause (b) of Sub-Section (3) of Section 307 of the said Regulation. These have been published for suggestions and objections.

These Bye-Laws shall come into force on the date of its publication in Official Gazette.

Short Title- These Bye-Laws may be called the **Diu Municipal Council Trade and Occupation and licencing Bye-Laws, 2019.**

Definitions. - In these Bye-Laws unless the context otherwise requires.

- (i) 'Act' means the Daman and Diu Municipalities (Amended) Regulation ,2018;
- (ii) 'Licensee' means the person to whom licence has been granted under these Bye-Laws and Includes the persons nominated by him in the licence to carry on some trade or occupation on his behalf;
- (iii) 'Licensed Premises' means the premises in respect of which the licence has been granted under these Bye-Laws;
- (iv) 'Manager' means a licensee himself or a person appointed by the Licensee to run the trade or occupation on his behalf;
- (v) 'Schedule' means a Schedule appended to these Bye-Laws.
- (vi) 'Trade' means any business, or commercial activity which are shown in the Schedule appended to' these Bye-Laws;
- (vii) 'Occupation' means any purpose for which the premises are occupied other than for residence, religious educational or charitable purpose.

Bye-Law 1. No Person shall, except under and in accordance with the conditions of the licence granted under these Bye-Laws keep or allow to be kept in or upon any premises in the Municipal area any of the articles specified in the Schedule or use the premises for the purpose of transacting the trades/occupations as shown in the Schedule.

Bye-Law 2. The licence to be granted under Bye-Law 1 above, shall be in **Form 'A'** appended hereto.

Bye-Law 3. Any person desiring and being entitled to under these Bye-Laws to carry on any trade or occupation mentioned in the Bye-Laws or Schedule Shall apply to the Chief Officer for any trade or occupation licence in the prescribed **Form 'B'**.

Provided that those already carrying on such Trades and Occupation shall within **45 days** from the date on which these Bye-Laws come into force, apply to the Chief Officer for licence of such Trades and Occupation.

Bye-Law 4. The, Chief Officer may grant or refuse to grant the licence applied for. If the licence is refused, the reasons for refusal shall be stated in the order of refusal.

Bye-Law 5. Every licence shall expire at the end of the licencing year i. e. 31st March and it shall be renewed during the months of April/May on payment of the fees prescribed under the Schedule read with Bye-Law No. 28. **On default of payment of fee within the specified time limit, the defaulter shall be liable for penalty not exceeding 25% during the first half of the licensing year and 50% for every subsequent year subject to maximum of two years after which the licence shall stand cancelled. He shall apply for fresh licence and on payment of fine of Rs. 1,000/-, a fresh licence may be issued.**

Bye-Law 6. The licence fees chargeable in respect of a Trade/Occupation or for purpose shown in column of Schedule shall be as shown in the respective column against the item concerned.

Bye-Law 7. Every person applying a licence to the Chief Officer shall submit the application in writing, in the prescribed **Form 'B'** and shall also furnish the details of the premises such as location, area, reference to payment of House Tax, plans of the premises, reference to occupancy/completion certificate, N. O. C. from the owner, lease deed, rent receipts, number of employees' employed or such other details.

Bye-Law 8. The Licensee shall adopt measures as may be required by the Chief Officer for the prevention of all nuisance by smoke, gas, vapour, dust, fumes, smell, noise or other such impurities and cause all materials not required for immediate use to be kept in such manner so as to prevent the noxious or noxious or injuries effluvia therefrom. No business or process of manufacture undertaken in a factory or workshop or a place of business to whom licence is granted under these bye-laws shall create any nuisance such as a noise or serious pollution to the nearby residences.

Bye-Law 9. The licensee shall provide in the premises proper water supply, wash basins, w. c. whenever specific trade or occupation so demands, according to the satisfaction of the Chief Officer.

Bye-Law 10. The licensee shall cause all the refuse matter from the premises to be collected and deposited in suitable covered, impervious receptacles. He/she shall cause all the refuse to be removed at least once a day and deposited in the Municipal dust bin.

Bye-Law 11. The licensee shall provide sufficient light and ventilation in the premises wherein the trade and occupation is carried out.

Bye-Law 12. The Licensee shall get all his employees medically examined by the Government Health Officer and maintain their respective health cards which shall be renewed annually and which shall be produced to the Chief Officer or any other Officer duly authorised by him/her, on demand.

Bye-Law 13. The Licensee shall cause to take all Precautions in order to avoid fire hazard in respect of the shops dealing with inflammable products, etc.

Bye Law 14. The Licensee shall cause to pay in the Municipal Office fees in respect of advertisement boards, wall paintings including name boards/name of the shop displayed at the premises in terms of the Notification prescribing these boards.

Bye-Law 15. The Chief Officer may delegate in writing with the permission of the Council one or more powers vested in him under these Bye-Laws to any other Municipal Officer under his control.

Bye-Law 16. The licensee shall also follow these conditions, namely:

The licensee where applicable :

- (i) the Licensee shall keep the premises and all the equipment in clean and hygienic conditions and keep ready for the use of customers disinfectants as and when to be provided on demand;
- (ii) no person suffering from an open sore or any loathsome, infectious or contagious disease shall be permitted to carry on the business of a barber or be employed in or to assist in the carrying on the business of spa, saloons, hamam khana etc and the licensee shall obtain a medical certificate every year from the Health Officer to the effect that the employees are free from diseases or infection of any kind and fit for employment in such business;
- (iii) shall provide the scales approved by the Controller of Weights and Measures when used.
- (iv) The Licensee shall keep the licensed premises in a clean condition 'at all times, and shall take reasonable precautions in respect of the storage of meat, milk and other articles of human consumption to avoid its deterioration and contamination.
- (v) All utensils, used in cooking or for serving articles of food shall be kept in a clean and hygienic condition and to the satisfaction of the Chief Officer.
- (vi) Every person employed in the licensed premises for serving food shall at all times, be dressed in clean clothing. The licensee shall not employ any person suffering from any infectious disease, in the premises in any capacity.
- (vii) No impediments or encroachment shall be made on the footpath or public road in front of the licensed premises by placing thereon such as chairs, benches, tables, soda water boxes, or any other articles for the use of the licensee of his customers.
- (viii) The floor of every cooking room, or kitchen and eating room or dining hall shall be paved to the satisfaction of the Chief Officer and the cooking room or kitchen be separated from the eating room or dining .hall.
- (ix) The Licensee shall use a metal bin or metal lined wooden box for the storage of any coal, coke or charcoal or fire wood required for the preparation of food. Such bin or box shall be located in a place approved by the Chief Officer.
- (x) The Licensee shall provide a proper washing place for cleaning dishes, cups, etc., such washing place shall not be in the room reserved for consuming eatables. It shall be properly drained and connected the Sewage Treatment plant on the premises of the hotel(if the eating place is in a hotel) or sewerage network otherwise.
- (xi) Licensee of the places where food and beverages are stored mandatorily do on site composting of the food waste.
- (xii) Licensee, shall in premises where sleeping accommodation is provided shall follow the specifications as notified by the Department of Tourism, Daman and Diu.

Bye-Law 17. - Every person who does or *omits* to do any act in contravention of any provisions of these bye-laws, shall, be liable to a fine of 25 % of the licence fee on the 1st occasion and revocation of licence on recurrence of the offence.

Bye-Law 18. - Any licensee aggrieved by the decision of the Chief Officer may within 30 days from the date of such grievance, submit an appeal to the Council through the Chief Officer and the Council shall decide upon his appeal within the provisions of these bye-laws. If any difficulty arises as to the construction or meaning of these Bye-Laws, the decision of the Council in this regard shall be final.

Bye-Law 19. - A Licence is valid only for the premises specified in the licence and if the Licensee desires to carry on such trade or any occupation connected therewith, in additional room or space, he shall apply for a fresh licence.

Bye-Law 20. - If the licensee vacates, or gives up possession of the premises during the period of the licence, he shall forthwith inform the Chief Officer of the same.

Bye-Law 21. - A licence is not transferable either as regards the person to whom or the premises for which it is granted without written permission of the Chief Officer.

Bye-Law 22. - The Licensee shall cause such licence to be affixed in some conspicuous part of the licensed premises.

Bye-Law 23. - The Licensee shall at all hours, while the licensed premises are open, allow the municipal officers or servants authorised by the Chief Officer to enter his premises, and afford every facility for inspecting the place, also the vessels, articles of food or drink, or the furniture and shall comply with the directions that the Chief Officer may give in writing for securing cleanliness, light, and air, or otherwise.

Bye-Law 24. - The Licensee shall be liable to suspension or revocation if the licensed premises are so kept, or any process or operation connected with it, is so carried on as to be, in the opinion of the Chief Officer, a source of nuisance, or danger to life, health or property.

Bye-Law 25. - The Licence fee shall be deemed to be revised **every alternate year by 1 % of the licence fee of the proceeding official year.** Any fraction of it arrived shall be rounded to the nearest rupee.

Bye-Law 26. - These Bye-Laws shall not be applicable to Government Offices but shall apply to autonomous bodies and Corporations.

Bye-Law 27. - Every person who does or omits to do any act in contravention of any provisions of these bye laws, shall, if no other penalty is provided for the offence in the Act, on conviction be punished as provided in section 284 of the Act.

Bye-Law 28. - The Bye laws named Carrying on trade and operation and keeping of Article Bye-Laws 1971 published in Official Gazette Series – I, No. 28 dated 07-10-71 in their application to Diu Municipal Area amended further through Notification No 34-1-97/ TAX published in Official Gazette of UT Administration of Daman and Diu on 27th November, 1998, in force immediately before the commencement of these bye laws shall stand repealed except as respect things done or omitted to be done under the bye laws in force before their repeal.

SCHEDULE

SCHEDULE OF TRADES/OCCUPATIONS FOR THE PURPOSE OF YEARLY LICENCE FEES

| Sr. No. | Type of Activity | Amount of Licence fees per year in rupees. |
|---------|--|--|
| 1. | <u>Agencies</u> a) Gas Agency b) Kerosene Agent c) Pass Port Agent d) Travel Agent e) Air Travel Office f) National Banks g) Co-Operative Banks h) Insurance Office i) Insurance Agent j) Courier Services k) Export / Import Office | 10,000.00 1,000.00 5,000.00 2,500.00 10,000.00 15,000.00 10,000.00 5,000.00 1,000.00 1,000.00 3,000.00 |
| 2. | <u>Contractor / Architect</u> a) Architect b) Contactor Grade A. Class B. Class C. Class D. Class E. Class (1) Class (2) | 5,000.00 3,000.00 2,500.00 2,000.00 1,500.00 1,000.00 1,000.00 |
| 3. | <u>Commercial Houses</u> a) T.V./Radio/Refrigerator & Electronic Items b) Food Grain Shop c) Food Grain / Iron Paint etc. d) Iron / Paint / Hardware(Pipe, tools) etc. e) Engine oil/Machine Oil /Diesel Shop f) Petrol Pump g) Audio/Video Cassette/CD Shop h) Oil / Kerosene Agent i) Soda Factory – Mineral water Shop j) Cycle Sales & Services k) Cement Dealer l) Departmental Store / Multipurpose Sales. m) Sanitary Ware Tiles etc. n) Marine Diesel Engine parts shop o) Custom shop/ Toy shop p) Money exchange shop q) Kirana shop | 5,000.00 500.00 3,000.00 3,000.00 1,500.00 5,000.00 500.00 1,000.00 5,000.00 2,000.00 3,000.00 3,000.00 3,000.00 2,000.00 2,000.00 2,000.00 1,000.00 |
| 4. | <u>Commercial Institutes</u> a) Computer Centre / Classes. b) Tuition Classes. c) Motor Driving School. d) Private School 1. (1 st to 5 th classes) 2. (5 th to 10 th Classes) 3. (11 th and 12 th classes) e) Play School/Pre School | 1,500.00 1,500.00 2,000.00 5,000.00 5,000.00 10,000.00 5,000.00 |
| 5. | <u>Cinema / Theatres</u> | |

| | | |
|-----|--|--|
| | a) Theatres. b) Circus /Drama/Fair/Exhibition Show(Per day) c) Disk Cable/DTH Operator. | 5,000.00 500.00 5,000.00 |
| 6. | <u>Establishment / Offices</u> a) Private Office b) Advocate/CA Office | 1,500.00 5,000.00 |
| 7. | <u>Farms/Meat Shops.</u> a) Meat/Chicken Shop | 1,500.00 |
| 8. | <u>Scrap Dealers</u> | 2,000.00 |
| 9. | <u>Hospitals / Nursing Homes/ Laboratory</u> a) Clinic b) Hospital/ Nursing Homes(Per bed) c) Ayurvedic Clinic/Homeopathy/Unani (Non-allopathic clinics) d) Pathology Laboratory | 3,000.00 200.00 3,000.00 1,000.00 |
| 10. | <u>Jewellery Shops</u> a) Gold Smith Shop/Show room b) Silver Ornament Shop c) Gold Work Shop | 10,000.00 5,000.00 5,000.00 |
| 11. | <u>Laundries</u> | 1000.00 |
| 12. | <u>Books/Stationery/Newspapers</u> a) Books/Stationery Shop b) Printing Press | 1,500.00 3,000.00 |
| 13. | <u>Pharmacies / Druggists/ Chemists</u> a) Medical Stores | 5,000.00 |
| 14. | <u>Shops/Stores</u> a) Wood Shop b) Cloth Shop/Suiting Shirting/dress material c) Tailoring Shop/ Embroidery d) Ready Made Garment Shop e) Sweet Farsan Shop f) Coal Shop g) Electric Store h) Cutlery Shop i) Hosiery Shop j) Cosmetic Shop k) Shoe Maker Shop l) Hair Cutting Saloon. m) Carpenter Shop n) Optical Shop o) Vessel (Utensil) Shop p) Black Smith Shop q) Pan, Beedi Cigarette Shop r) Pan, Beedi Cigarette & Cold drinks Shop s) Mattress Shop t) Sport Articles u) Milk & Milk Products. v) Flower/Garland etc. Vendor w) Painter / Artist. x) Mandap Service / Decorators. y) Beauty Parlour | 3,000.00 1,500.00 1,000.00 2,000.00 2,000.00 1,000.00 1,500.00 1,000.00 1,000.00 1,000.00 1,500.00 1,500.00 1,500.00 1,500.00 1,500.00 1,500.00 1,500.00 1,500.00 1,500.00 1,500.00 1,500.00 1,500.00 1,000.00 1,000.00 5,000.00 1,500.00 |

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| | z) Saw Mill aa) Furniture Shop bb) Spa. cc) Ice Cream Shop dd) Gym | 5,000.00 3,000.00 5,000.00 1,500.00 2,000.00 |
| 15. | <u>Studios / Photography/Beauty Parlour</u> a) Photo Color Laboratory b) Studio / Video Shooting | 2,000.00 2,000.00 |
| 16. | <u>Workshop / Repairing/ Garage</u> a) Stove/Petromax/Vessel Repairing shop. b) Battery Service/Electronic Appliances repairing shop. c) Lathe-Welding Workshop d) Scooter Garage e) Car Garage/two wheeler and car garage f) Radio/T.V. Repairing Shop g) Photo Frame repairing shop h) Watch repairing Shop i) Cycle repairing Shop j) Automobile spare parts. | 500.00 1,500.00 2,000.00 1,500.00 3,000.00 1,500.00 1,000.00 1,500.00 500.00 3,000.00 |
| 17 | <u>Distillery</u> a) Distillery Country Liquor b) Distillery IMFL + Country | 25,000.00 50,000.00 |
| 18 | <u>Industries</u> a) Ice Factory b) Candy Factory c) Ghani (Small Oil Mill) d) Mfg. of Cement Flower Pot Grill etc. e) Mfg. of R.C.C. slab plates/poles. f) Generator workshop g) Gruh Udyog | 5,000.00 2,000.00 2,000.00 500.00 1,500.00 2,000.00 1,500.00 |
| 19 | <u>Manufacture of Food Articles</u> a) Bakery/Confectionery shop | 2,000.00 |
| 20 | <u>Handicraft Gruh Udyog</u> | 100.00 |
| 21 | <u>Fishing</u> a) Fishing nets & Accessories b) Fish Suppliers - Fresh - Dry | 3,000.00 5,000.00 3,000.00 |
| 22 | <u>Guest Houses / Hotels</u> a) Hotel A. Class Per Room B. Class Per Room C. Class Per Room b) Paying Guest House Per Room c) B. B. Per Room | 500.00 400.00 300.00 200.00 200.00 |
| 23 | <u>Restaurant</u> a) Tea Stall b) Tea Break Fast/Fast food c) Restaurant Non A/C d) Restaurant A/C e) Mobile Restaurant | 500.00 1,500.00 3,000.00 5,000.00 1,500.00 |

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| | | |
| 24 | <u>Stalls</u> a) Book Stall/Newspaper/Magazines | 1,000.00 |
| 25 | <u>Hand Cart, Sale in General</u> | 1,000.00 |
| 26 | <u>Flour Mill / Spice Mill</u> | 1,500.00 |
| 27 | <u>Liquor shop/Agencies</u> a) Wine Bar with Restaurant A/C Non A/C d) Wine Bar retail e) Whole Sale Liquor Shop | 5,500.00 3,500.00 3,500.00 10,000.00 |
| 28 | STD, PCO / Zerox a) Zerox b) Stationary + Photocopy | 1,500.00 3,000.00 |
| 29 | <u>Any other non-specified trade / occupation</u> a) Hire Motor Cycle Centre b) Hire Cycle Centre c) Wholesaler (food items) d) Any other Non specified trade/occupation | 5,000.00 3,000.00 5,000.00 1,000.00 |

FORM 'A'
Diu Municipal Council

LICENCE

(See Bye-Law No 2, of Diu Municipal Council Trades and Occupation Bye-Laws, 2019)

Licence is hereby granted to.....(name of the applicant) for making use of premises at (address of premises) of ward no.in Diu Municipal Area for the purpose of on payment of a fee of per annum as per the Diu Municipal Council Trade and Occupation -Bye-Laws 2019. The Licensee shall follow and fulfil the conditions given in the Bye-Laws. This licence shall be produced for inspection to any municipal authority on demand.

Licence is valid upto and subject to further renewal as per the Bye-Laws.

(Chief Officer)
Diu Municipal Council.

Date: _____

If the license is to be renewed the application for such renewal the application for such renewal shall be made before the end of February of the year in which it is due to expire.

Renewal

1. Year 19... to 19... Receipt No... Date... ..
2. Year 19... to 19... Receipt No... Date... ..
3. Year 19... to 19... Receipt No... Date... ..
4. Year 19... to 19... Receipt No... Date... ..
5. Year 19... to 19... Receipt No... Date... ..

Conditions of Licence

1. The licence fee is non-refundable and it is valid only for the premises specified in the licence. It shall be exhibited at a conspicuous place of the premises.

2. This licence does not absolve the licensee from the obligations arising out of any other provisions of the law for the time being in force.
3. The licensee shall follow the conditions specified in the Bye-laws.
4. The license is issued subject to the section 323 of the Daman and Diu Municipalities (Amended) Regulation 2018.

FORM 'B'
Diu Municipal Council

APPLICATION FORM

(Pl. See Bye-Law No.3 of Trade and Occupation Bye-Law 2019)

1. Full Name of the Applicant (Block Letters) :-
2. Address of Correspondence :-
3. Name & Style of Trade :-
4. Relation of applicant with the entity functionary under the name and styles:-
5. Authority of the applicant to seek permission form the' entity (support with due document)if any: -
6. Description of the Trade/Business premises: -
(Location house no. ward no. ,Name of street, area of building prescribed given on drawing).
(Occupancy Certificate, N. O. C. of Owner).
7. a) Indicate type of business: -
or
b) Process of manufacturing in brief.
9. Indicate the mode of consumption of smoke/ and other pollutions/disposal of drain water:-
10. Whether premises are fenced and guarded, if not, what measures are taken to prevent danger if any likely to be carried out to the public or trespassers or nearby resident:-
11. Whether permission of licence has been granted by any other authority such as. Excise Dept., Tourism Dept. and the nature of such licence:-
12. No. of employees appointed:-

The above information given by me true to the best of my knowledge and belief.

Place:-

Dated:-

(Signature & Name)