

Haryana Municipal (Dangerous and Offensive Trades) Bye-laws, 1982

HARYANA

India

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Rule

HARYANA-MUNICIPAL-DANGEROUS-AND-OFFENSIVE-TRADES-BYE of 1982

- Published on 6 September 1982
- Commenced on 6 September 1982
- [This is the version of this document from 6 September 1982.]
- [Note: The original publication document is not available and this content could not be verified.]

Haryana Municipal (Dangerous and Offensive Trades) Bye-laws, 1982Published vide Haryana Government Notification No. GSR 93/H.A. 24/73/Sections 200 and 214/82, dated 6.9.1982Local Government DepartmentNo. G.S.R. 93/H.A. 24/73/Sections 200 and 214/82. - In exercise of the powers conferred by sections 200 and 214 of the Haryana Municipal Act, 1973, and with reference to Haryana Government, Local Government Department, notification No. G.S.R. 47/H.A. 24/73/Sections 200 and 214/82, dated the 23rd March, 1982, the Governor of Haryana hereby makes the following bye-laws, namely :-

1.

These bye-laws may be called the Haryana Municipal (Dangerous and Offensive Trades) Bye-laws, 1982.

2.

A licence, under section 128 of the Haryana Municipal Act, 1973, for premises to be used for any of the purposes mentioned in sub-section (1) of that section may be granted by the committee, on the application of the owner or occupier of such premises, and shall be issued by an officer, appointed by the committee, in form A appended to these bye-laws on payment of fees specified in the schedule to these bye-laws and in other cases as may be approved by the Deputy Commissioner under sub-section (3) of section 128 and on the conditions detailed in bye-laws 6 :Provided that licence fee for each such trade or different types of business carried on in one place and listed in the

serial numbers in the Schedule to these bye-laws shall require separate licence for cash serial number excepting those serial numbers in which it is indicated otherwise.

3.

Application for the renewal of a licence shall be made by the 1st day of March in every year.

4.

No licence shall be granted in the case of leased premises where the carrying on of manufacture in commercial shop or workshop of factory driven by hand or with the aid of electric motor/power or oil engine or steam engine or oil fired furnace or electric furnace is not in accordance with the terms of the lease or in the case of owned premises where the character of the area is residential.

5.

No licence shall be transferable and on the change of occupation, possession, or ownership of any premises in respect of which a licence has been issued, the licensee shall report such change and shall surrender his licence for cancellation and the transferee shall apply for a fresh licence; provided that when a licence is surrendered for cancellation under this bye- law, the committee shall refund to the licensee such portion of the fee as may be deemed to cover the unexpired period of the licence.

6.

Every licence issued under bye-law 2 shall be subject to the following conditions, namely:-(a)that the licensee shall, at all reasonable times, without notice permit any person authorised by the committee, in this behalf, to inspect the licensed premises;(b)that the licensee shall always keep the licence at the licensed premises and shall, on demand, produce it for inspection to any person duly authorised by the committee under clause (a);(c)that the licensee shall make adequate arrangement to the satisfaction of the committee for the extinction of any outbreak of fire including provision of adequate fire extinguishing appliances;(d)that the licensee shall at all times keep the licensed premises in a clean and sanitary condition and shall provide them with adequate drinking water facilities, ventilation, suitable drains, latrines, urinals and other sanitary conveniences for the use of workmen employed therein to the satisfaction of the Municipal Medical Officer of Health;(e)(i)that the licensee shall not, without the permission of the committee in writing, use the licensed premises for residential purposes;(ii)that the licensee shall not install the workshop or factory or carry on manufacture in commercial shop or workshop or factory driven by hand or with the aid of electric power or oil engine or steam engine or boiler or oil fired furnace or electric furnace in residential area.(f)that the licensee shall not permit any work to be carried on at the licensed premises which give rise to loud and offensive noises between 7 p.m. and 6 a.m. in summer and between 7 p.m. and 7 a.m. in winter unless he has been specially permitted in writing by the committee in this behalf;(g)that in premises where oil engines are used, rooms containing kerosene oil, petroleum and

other inflammable oil shall not have any internal connection with the engine room;(h)that in the case of storage of dangerously inflammable material, the licensee shall be required to observe the prohibitions and directions issued from time to time by the committee under sections 192 and 193 of the Haryana Municipal Act, 1973;(i)that in the case of flour mill, the licensee shall store all grains or pulses received for milling in a suitable room or rooms which shall be used for no other purpose and shall be rat-proof, and all flour or pulses produced by milling shall be similarly stored;(j)that the licensee shall adopt the best practicable means to the satisfaction of the committee for rendering innocuous all gases, affluvia or vapours emitted during the processes of working and shall in every case cause such gases, affluvia or vapours to be discharged into the external air in such a manner and at such height as to admit of the proper diffusion of these gases, without producing any unwholesome or injurious effects in the neighbourhood, or shall cause such gases, to pass through an exhaust pipe (or other outlet for such gases) through fire or into a condensing apparatus and then through fire in such a manner as to consume effectually such gases so as to deprive the same of all noxious or injurious properties;(k)that in premises where, in the process of manufacture, smoke is produced from combustion of coal, the licensee shall use such apparatus which will, so far as practicable, consume the smoke.

7.

No person shall without having a licence under these bye-laws store and pool, straw, fuel, coal or wooden boxes, etc :Provided that a person may store less than ten maunds of poolas, straw, fuel, coal, etc., or less than twenty five wooden boxes for his own consumption or use but not for sale.

8.

All Government manufactories, engine house or places of business are exempted from the payment of licence fee.

9.

For a breach of any of the conditions of a licence, the licensee shall be liable at any time to have the licence suspended or cancelled by an order of the committee. In the event of such cancellation, the licensee shall not be entitled to refund of any portion of the licence fee.

10.

Any person who commits, or abets the commission of, a breach of any of these bye-laws shall, on conviction by a magistrate, be punishable with a fine which shall not be less than one hundred rupees and more than one thousand rupees and where the breach is a continuing breach, with a further fine of fifty rupees for every day after the first during which the breach continues.

11.

All bye-laws relating to dangerous and offensive trades in force in municipalities immediately before the commencement of these bye-laws shall stand repealed :Provided that any order made or action taken under these bye-laws so repealed shall be deemed to have been made or taken under the corresponding provisions of these bye-laws.

FORM A

A licence to carry on an offensive and dangerous trade in themunicipality of _____

N.B. :- This licence is subject to the conditions specified inthe bye-laws and reproduced on the back of this licence.

COUNTERFOIL OF LICENCE

Municipal Committee

Dated _____ 19

Book No _____

No. _____

1. Name of the licensee _____

2. Father's name _____

3. Address _____

4. Caste. _____

5. Trade _____

6. Purpose of Licence _____

7. Period of Licence _____

8. A description of the premiseslicenced _____

9. The No. and specifications of machinery to be installed inpremises _____

10. Permitted times of working :-6.00 A.M. to 7.00 P.M.Summer7.00 A.M. to 7.00 P.M. in Winter

11. Amount paid Rs. _____

Progressive total :

| Rs. P.Rs. P.

Signatures of Licensing Officer Signatures of Licensing Officer

Conditions(1)Conditions (a) to (k) as in bye-law 6.(2)For possession of spirits of naptha or petroleum -(i)No other goods of combustile nature shall be stored in the licensed premises.(ii)No cask or other receptacle containing any of the materials mentioned in the heading shall be opened within the building in which it is stored.(iii)Smoking shall not be permitted within any such building

FORM A

A licence to carry on an offensive and dangerous trade in themunicipality of _____

N.B. :- This licence is subject to the conditions specified inthe bye-laws and reproduced on the back of this licence.

LICENCE

Municipal Committee

Dated _____ 19

Book No. _____

No. _____

1. Name of the licensee _____

2. Father's name _____

3. Address. _____

4. Caste _____

5. Trade. _____

6. Purpose of Licence _____

7. Period of Licence. _____

8. A description of the premiseslicenced _____

9. The No. and specifications of machinery to be installed inpremises _____

10. Permitted times of working :-6.00 A.M. to 7.00 P.M.Summer7.00 A.M. to 7.00 P.M. in Winter

11. Amount paid Rs. _____

nor shall any artificial light or fire in any form be introduced therein.(iv)All the materials shall be kept in properly sealed tins, drums or cask and if any tin, drum or cask be opened it shall be securely closed again in such a manner that no vapour is given off.(v)The store-house shall be properly ventilated.(vi)The store-house shall be of non-inflammable materials with pakka or iron roofs.(vii)The floor shall be sunk to a level of six inches below the level of all exits so that the liquid cannot flow out in case of fire.(viii)Sand shall always be kept available for extinguishing a fire.Note :- The licence under section 128 of the Haryana Municipal Act, 1973, shall be necessary for the storage of the above mentioned materials in quantities not exceeding -

in the case of spirit 5 gallons; and

in the case of naphtha 1 gallon.

Sr. No.	Particulars of premises to be licenced	Annual rate of fee	Rate of fee if licence is taken for a period not exceeding six months
1	2	3	4
1.	Premises used as commercial shop or workshop or engine house driven by electric power or oil engine for 20 H.P. or more*[having one or more engines]	100.00	60.00
2.	Premises used as shop or workshop or engine house driven by electric power of oil engine for less than 20 H.P. and more than 2 H.P. *[having one or more engines]	50.00	30.00
3.	Premises used for the sale of - (i) kerosene oil (wholesale) and/or (ii) petrol (wholesale) 2,500 litres or over	100.00	60.00
4.	Premises used for sale of kerosene oil in retail	20.00	12.00
5.	Premises used for sale of petrol in retail	50.00	30.00
6.	Premises used for the retail sale of fuel (firewood)	20.00	12.00
7.	Premises used for the sale of furniture	50.00	30.00
	Note :- Premises for the sale of furniture does not include making of furniture.		
8.	Premises used for the sale of timber and wood other than fuelwood	50.00	30.00
9.	Premises used for the manufacture of mutton tallow or oilboiling house	50.00	30.00
10.	Premises used for the manufacture of soap	50.00	30.00
11.	Premises used for the storage or sale of sirka, kannas, munjor ban, *and manufacture or sale of pawas, serus and bahis used in desi charpais	20.00	12.00
12.	Premises used for purpose of storage or sale of Bamboos	20.00	12.00
13.	Premises used for trade in Bhusa and/or other dry fodder	20.00	12.00

14.	Premises used as a brick-kiln	500.00	300.00
15.	Premises used as a lime-kiln	100.00	60.00
16.	Premises used as depot for storage or sale of chuna or kali	50.00	30.00
17.	Premises used as pottery-kiln -		
	(a) turnover above Rs. 20,000 per annum	100.00	60.00
	(b) turnover below Rs. 20,000 per annum	50.00	30.00
18.	Premises used as depot for sale or otherwise of charcoal or coal -		
	(i) wholesale	100.00	60.00
	(ii) retail	50.00	30.00
19.	Premises used for sale of coal-tar (wholesale)	50.00	30.00
20.	Premises used as store for more than 20 gross of matches	50.00	30.00
21.	Premises used as store for less than 20 gross of matches	20.00	12.00
22.	Premises used for the dressing of raw hides dyeing house or tannery -		
	(a) turnover above Rs. 20,000 per annum	100.00	60.00
	(b) turnover below Rs. 20,000 per annum	50.00	30.00
23.	Premises used for storage of dry or wet hides and skins, boiling bones, blood or offal -		
	(a) turnover above Rs. 20,000 per annum	100.00	60.00
	(b) turnover below Rs. 20,000 per annum	20.00	12.00
24.	Premises used for the manufacture of leather goods employing more than 10 persons	100.00	60.00
25.	Premises used for the manufacture, wholesale/sale, or storage of grease, soda caustic, acid, paints, salt-petre, sulphur, naphtha, mercury, turpentine, resin, spirits, wine or any other dangerously inflammable oil, liquids or material -		
	(a) turnover above Rs. 20,000 per annum	100.00	60.00
	(b) turnover below Rs. 20,000 per annum	50.00	30.00
	Note :- For each such trade involving manufacture a separate licence will be necessary. In case of hardware merchants a single licence for hardware items would be necessary as shown in serial number 27.		
26.	Premises used for the manufacture of iron, trunks, tins, utensils or any trade involving hammering of metal -		
	(a) turnover above Rs. 20,000 per annum	100.00	60.00
	(b) turnover below Rs. 20,000 per annum	50.00	30.00
	*Note :- The premises mentioned against serial numbers 1, 2 and 31 shall be exempted from the payment of the fee		

underserial number 26

27.	Premises used for retail sale of grease, soda caustic, acid, paints, salt-petresulphur, mercury, turpentine, resin or any other dangerously inflammable liquids or materials	50.00	
28.	*Premises used for wholesale of ghee, hydrogenated vegetable oil or any other cooking oil	250.00	125.00
28A.	*Premises used for retail sale of ghee hydrogenated oil or any other cooking oil	20.00	12.00
29.	Premises used for welding works	50.00	30.00
**Note :- The premises mentioned against serial numbers 1, 2 and 31 shall be exempted from the payment of the fee underserial No. 29			
30.	Premises used for making cloth by power-looms	100.00	60.00
31.	Commercial shop or workshop or factories covered by the Indian Factories Act, whether specified elsewhere or not and from which nuisance, noise, smoke or unwholesome smell arises or manufacture is carried on contract or otherwise or self-related-		
	(a) turnover above Rs. 20,000 per annum	250.00	150.00
	(b) turnover below Rs. 20,000 per annum	100.00	60.00
32.	Premises used *[exclusively] for storage of paper stationery or waste papers -		
	(a) turnover above Rs. 20,000 per annum	100.00	60.00
	(b) turnover below Rs. 20,000 per annum	50.00	30.00
33.	Bhatti or any other manufacturing or commercial shop or workshop engine house or store house or place of business from which offensive or unwholesome smell, noise, or smoke arise not specifically mentioned in the above clauses, if turnover is not more than Rs. 5,000 per annum	50.00	30.00
Note A :- This will not include Bhatti or premises used by halwais, tea shopkeepers, hoteliers, dhaba wallas, *[bakeries], bharbhujas, goldsmiths and small scale dyers			
*Note B :- The premises mentioned against serial No. 10, shall be exempted from the payment of the fee under serial No. 33			
34.	Premises used by ordinary dyers	20.00	12.00
35.	Premises used for Automobile and/or Scooter workshop	50.00	30.00
36.	Premises used for dry cleaning of clothes	50.00	30.00
37.	Premises used by *[Cold storage and cinema]	500.00	300.00
38.	Premises used for manufacture and storage of Tobacco -		
	(a) turnover above Rs. 20,000 per annum	100.00	60.00

	(b) turnover below Rs. 20,000 per annum	50.00	30.00
39.	Premises used by Rice Shellers	500.00	300.00
40.	Premises used for -		
	(i) Wholesale trade of fire works	100.00	60.00
	(ii) Retail sale of fire works	50.00	30.00
41.	The premises used for the sale of kerosen oil, storage orsale of sirka, kannas, munj, or wan, storage for matches	15.00	80.00
	Note :- If a license under serial 41 has been obtained, noseparate license under serial number 4, 11, 20, 21, 28 or 38 is necessary		
42.	(i) A yard, depot or place of storage of thaching grass, sirkiwan, munjrope, kana, san, khajoor leaves, coconut fibre, unslaked lime, bamboos and bamboo baskets	20.00	10.00
	(ii) Storage of cotton upto 200 kg.	20.00	12.00
	(ii) Storage of cotton above 200 kg.	50.00	30.00

Note :- Storage means ware housing.

*Substituted by Legislative Supplement Part III dated 11.3.1985. **Haryana Notification No. GSR 70/HA24/73/Section 200 and 214 dated 15.12.1983.