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Administration of Dadra and Nagar Haveli, Union Territory.
Urban Development Department

NOTIFICATION

No.DNH/SMC/BYE LAWS/01/2019

Date : 31.10.2019

Subject to sanction of Director Municipal Administration, in exercise of the powers conferred by sub-sections (1) & (2) of Section 301 read with Section 306 of the Dadra and Nagar Haveli Municipal Council Regulation, 2004, Silvassa Municipal Council proposes to make the following draft Bye-Laws, which are hereby published, as required by clause(b) of sub-section(3) of Section 301 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 period of **30 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, Silvassa Municipal Council, Union Territory of Dadra & Nagar Haveli within the period specified above.

Any objections or suggestions, which may be received by the Chief Officer, Silvassa Municipal Council, Dadra and Nagar Haveli within aforesaid period, shall be considered by the Council

Draft Bye-Laws

1. Short title, extent commencement and application –

- i. This bye law may be called as the Silvassa Municipal Council (Right to Citizen to Time Bound Delivery of Services) Bye-law, 2019.
- ii. They shall extend to the whole Union Territory of the Dadra and Nagar Haveli.
- iii. They shall come into force on date of their publication in the Official Gazette.

2. **Definitions :-** In this bye-law, unless the context otherwise requires,-
- i. **“Applicant”** means the person seeking time-bound delivery of services in accordance with the bye-law by submitting appropriate application along with necessary documents and payment of such changes as may be prescribed by the respective departments of Silvassa Municipal Council.
 - ii. **“Appellate Authority”** means the Director, Municipal Administration.
 - iii. **“Citizen related services”** includes the services as specified in the Schedule.
 - iv. **“Competent Officer”** means the Chief Officer, Silvassa Municipal Council.
 - v. **“Council”** means Silvassa Municipal Council.
 - vi. **“department”** means a wing of Silvassa Municipal Council including the administrative wing, engineering wing, sanitation wing, account wing or education wing or any other wing created in future identified for the purpose of this bye-law.
 - vii. **“dealing hand”** is the employee of the council who is responsible for the initiating any service delivery.
 - viii. **“Employee of the Council”** means an ‘officer or employee of the Council’ within the meaning of Section 2 clause 35 of Dadra and Nagar Haveli Municipal Council Regulation 2004, as amended by Dadra and Nagar Haveli Municipal Council (Amendment) regulation 2018 and includes any officer or person working in diverted capacity or deputation in the council and shall include all employees, whether on daily wages, contract or regular.
 - ix. **“notification”** means a notification published in the Official Gazette.
 - x. **“service delivery”** means delivery of any certificate, receipt, license, orders related to services, information under RTI, No Objection Certificates, permissions, or any other proof of service, change in names in records , and any physical service like water connection, sewerage connection, dustbin deployment, repair and maintenance of any roads or property of Silvassa Municipal Council and any other service prescribed in Dadra and Nagar Haveli, Municipal Council Regulation 2004, rules and bye-laws made thereunder or which Silvassa Municipal Council is duty-bound to provide under any other law for the time being in force or under any administrative, contractual or legal obligation but shall not include enforcement on illegal construction, court replies, punitive actions on employees or such other matter as may be resolved by Silvassa Municipal Council by a simple majority to this effect.
 - xi. **“Service Management System”** means a dedicated portal created for the purpose of checking the status of the application seeking time-bound delivery of services, tracking and monitoring of status of such applications.

3. **Right of the citizen to obtain time-bound delivery of services** – Every citizen shall have the right to obtain the citizen related services in Silvassa Municipal Council in accordance with this bye-law within the time-bound period as stipulated in the schedule:

Provided that the Silvassa Municipal Council shall be entitled to amend and revise the schedule from time to time by a resolution passed by a simple majority at a General Body meeting of the Council.

Provided further that any such resolution shall, before coming into force, be placed before Director Municipal Administration, who may approve or reject such application or approve or reject such resolution with such modifications as he may deem fit.

Provided further that any such resolution after approval be published in at least two local newspapers and shall also be placed upon council’s notice board and upon the council’s website.

Provided further that to avail this right, the applicant shall have to submit the application which is complete in all respects, as required by this bye-law.

4. Submission of application:-

- i. Every department of the Council shall within 15 days of the publication of this bye-law, update on website and notice board of the council, the list of services given by the department, the form in which the application shall be made, the fee required therefor and the list of the documents which are needed to be annexed with the application.
- ii. Every department, within one week of a new service being created or discovered or delegated, update on website and notice board of the council list of services given by the department, the form in which the application shall be made, the fee required therefor and the list of the documents which are needed to be annexed with the application.
- iii. When a department declares or identifies or removes any such service, the same shall be included in or removed from the schedule of the present bye-law and the schedule of the present bye-law shall be deemed to have been amended to that extent. Any such inclusion or deletion shall be duly published in two local newspapers and shall be put on the notice board and website of the council. Provided that no service shall be deleted without the approval of council.
- iv. Self-attestation by an applicant shall be valid for all applications and affidavit or attestation by a gazetted officer shall not be prescribed unless the same is resolved by General Body of the council.
- v. Any application made online and documents updated online shall be deemed to be sufficient, and a person shall not be required to attend the council in person for any service unless any law, judgement, order, administrative compliance of any order of superior authority or any resolution of Council makes it mandatory to do so.
- vi. All the departments of council are duty-bound to deliver any certificate, receipt, license, orders related to services, information under RTI, No Objection Certificates, permissions, or any other proof of service, or any other document related to service or constituting a part of any service to the doorstep of the applicant, through online medium, email, speed post or any such efficacious mode of communication.
- vii. No applicant shall be made to remain present in Council for any service delivery.
- viii. When a question arises whether any act is service or not, the same shall be referred to the decision of President, Silvassa Municipal Council, whose decision shall be final.
- ix. For any violation of sub-bye laws (i), (ii), (iii), (iv), and (vii) the head of the concerned department of the council shall be liable to pay a cost not exceeding Rs. 1000/- Per violation, on the orders of Chief Officer, if the violation comes to the notice of the Chief Officer, or the Chief Officer shall be liable to pay cost of Rs. 5000/- per violation if the violation comes to the notice of the council or Director Municipal Administration, on the resolution of the Council or the order of the Director Municipal Administration.
- x. Every applicant shall submit his application seeking service as per the schedule as amended from time to time in the format prescribed by the council along with necessary documents duly annexed as per the requirement of the department concerned and also along with requisite fee thereof, if any. Acceptance receipt and non-sending query letter, through posts, personal delivery, within 7 days of the receipt of the application shall be sufficient proof that the application was duly submitted and was complete in all respects.

5. Liability of employees of the Council to deliver services within the stipulated period :- Every employee of the council shall be duty-bound to deliver citizen related services as specified in the schedule within the time as stipulated in the schedule.

6. Monitoring the status of the application:-

- i. Every citizen having applied for any citizen related services shall be provided with an application number by the concerned department and shall be entitled to obtain and monitor status of this application online, after such system is made available by the municipal council, as per such procedure as may be prescribed.
- ii. The concerned department and employee in Silvassa Municipal Council shall maintain the status of all applications governing citizen related services online and shall be duty-bound to update the status of the same as per the procedure as prescribed by these bye-laws in this regard.

7. **Liability to pay cost** – Every employee of municipal council, who fails to deliver the citizen related services to a citizen within the stipulated time as stipulated in the schedule, shall be liable to pay cost as per the rates provided in the schedule for the period of delay subject to maximum amount as prescribed in the schedule per application. Half of such cost, as recovered from the employee, shall be paid by the council to the citizen as compensatory cost.
8. **Payment of compensatory cost to the citizen** –
- i. At the time of delivery of citizen related services, the citizen having applied for such services shall be entitled to seek compensatory cost in accordance with the provisions of this bye-law, in case of delay in the delivery of such services, beyond the period prescribed in the schedule.
 - ii. On such demand of compensatory cost by the citizen, it shall be the duty of the Chief Officer to pay such cost to the citizen against acknowledgement and receipt as per the format as prescribed by the concerned department.
 - iii. Payment of costs to the citizen shall not be delayed because an inquiry into reasons of delay is pending. Payment of compensation is independent of reasons for delay.
9. **Powers of Chief Officer-** The Chief Officer shall be empowered to impose cost against the employee of the council defaulting or delaying the delivery of services in accordance with this bye-law.
10. **Procedure governing fixing of liability** –
- i. Within a period of fifteen days of the payment of such compensatory cost, the Chief Officer or any other officer authorised by him, after conducting preliminary enquiry, shall issue a notice against the employee of the council found responsible for the delay in delivery of such citizen related services, calling upon him as to why the compensatory costs may not be recovered from him.
 - ii. The employee of the Council against whom such notice is issued may represent within a period of seven days from the date of receipt of such notice explaining the reasons and showing cause against such notice. The Chief Officer or the Competent Officer as the case may be shall, after going through such explanation or in case of non-receipt of any such explanation or representation, within the prescribed period shall, pass a brief order directing issue of debit note against such employee of the council either to deposit the cost as stipulated in the debit note within a period of 7 days or in the alternative order directing the Accounts Officer concerned to debit the salary of such employee of the council for the amount mentioned in the debit note.

Provided that if the competent officer finds reasonable and justified grounds in favour of such employee of the council and comes to the conclusion that the delay in the delivery of services to the citizen was not attributable to him but was attributable to some other employee of the council, it shall be lawful for competent officer to withdraw the notice against him and issue fresh show-cause notice to such other employee of the council as found responsible for the delay and shall follow the procedure mutatis-mutandis as stipulated in this sub-byelaw and sub-byelaw (1) of this bye-law.

Provided that if the Chief Officer or the Competent officer had earlier issued notice/ notices to one or more employee of the council but after the inquiry is satisfied that one or more employee of the council is/are not the defaulter, he will withdraw the show-cause notice against such employee of the council (s) against whom the competent officer is satisfied that no delay is attributable towards the end.

Provided further that it shall be lawful for the officers heading any wing of the Council to devise, in advance, a work-flow with timelines of the respective employee of the council for each defined stage/ stages for the time-bound delivery of services.

- iii. While fixing the liability under this bye-law, the competent officer shall follow the principles of natural justice before passing the order in that respect.

- 11. Right to appeal** – Any employee of the council aggrieved by the order passed by the competent officer or any citizen aggrieved by refusal to grant compensatory costs, shall be entitled to file an appeal to the Appellate Authority against such order within a period not exceeding thirty days of the receipt of the impugned order or within 30 days after the expiry of time period in which the costs should be paid. The order of the Appellate Authority shall be final and binding.
- 12. Developing culture to deliver services within a fixed period** –
- The defaults on the part of employee of the council in the time-bound delivery of citizen related services as defined in this bye-law shall not be counted towards misconduct, as the purpose and object is to sensitize the employee of the council/ public employee towards the citizen and to enhance and imbibe a culture to deliver time-bound services to the citizens.
 - In case of a habitual defaulter, the Chief Officer shall be competent to take appropriate administrative action after recording a finding to this effect but not before giving a show-cause notice and opportunity of hearing to the defaulting employee.
- Explanation – For this sub-byelaw, an employee of the council shall be deemed to be habitual defaulter in case he commits more than twenty-five defaults in one year.
- To encourage and enhance the efficiency of the employee of the councils, it shall be lawful for the Chief Officer to recommend cash incentive not exceeding five thousand rupees per annum in aggregate in favour of an employee of the council against whom no default is reported in one year. On such recommendation, the Council shall be competent to grant such incentive as it deems fit and proper, not exceeding the amount as recommended by the Chief Officer, along with certificate of appreciation.
- 13. Deemed service condition** – The provisions of this bye-laws shall be deemed to be part of service conditions of the employee of the councils in Silvassa Municipal Council.
- 14. Supplement** – The provisions of this bye-laws shall be supplemented to the disciplinary and financial rules and such other service rules and regulations as applicable to the employees of Silvassa Municipal Council, as the case may be, and not in derogation to such service rules and regulations governing the service condition and conduct of the employee of the councils or the employees of the local body concerned.

SCHEDULE :

Sr.No	Name of Service	No. of days for service delivery after receipt of application	Department	Costs to be imposed on employee per violation in Rs.
1.	Issuance of Birth & Death Certificate	5 Days	Administrative wing	50/-
2.	Construction Permission	60 days	Engineering wing	500/-
3.	Occupancy Certificate	45 Days	Engineering wing	1000/-
4.	Registration of Property	7 Days	Administrative wing	100/-
5.	New Water Connection	15 Days	Engineering wing	50/-
6.	Income Certificate	5 Days	Administrative wing	50/-
7.	Below Poverty Line Certificate	5 Days	Administrative wing	50/-

8.	Transfer of Property by Legal Heirships	60 Days	Administrative wing	500/-
9.	Transfer of Property by Sale – Deed	10 Days	Administrative wing	50/-
10.	Temporary Structure permission for Marriage/Function	10 Days	Engineering wing	50/-
11.	Mobile Toilets on Rent	2 Days	Sanitation wing	50/-
12.	Door to Door Collection of Waste from a property	2 Days	Sanitation wing	50/-
13.	Street Dog Catching	60 Days	Sanitation wing	50/-
14.	Picking up dead animal	2 Days	Sanitation wing	50/-
15.	Cattle Catching	60 Days	Sanitation wing	50/-
16.	NOC for laying Over Head Cable Network	30 Days	Administrative and Engineering wing	500/-
17.	Advertisement Permission	30 Days	Administrative wing	50/-
18.	Tower and OFC laying Permission	45 Days	Administrative and Engineering wing	500/-
19.	Septic Tank Emptying Vehicle	3 Days	Sanitation wing	50/-
20.	To Provide Dustbin for function	3 Days	Sanitation wing	50/-
21.	Providing Water Tank for a function	3 Days	Engineering Wing	50/-

Chief Officer
Silvassa Municipal Council
Silvassa