

**U.T. Administration of Daman and Diu
Town and Country Planning Department
Daman.**

No. ATP/DMN/PDA/1208/2009/726

Dated :-03.01.2012

NOTIFICATION

In exercise of the powers conferred in sub-section (1) of section 140 of the Daman and Diu Town & Country Planning Regulation (Amendment), 1999 (read with Principal Act-Goa, Daman and Diu Town and Country Planning Act, 1974) and all other powers enabling in that behalf, the Administrator of Daman and Diu is pleased to make the following rules :

1. Short Title, Extent and Commencement:

These rules shall be called as "The Planning and Development Authority Rules, 2011" and shall be applicable to the entire declared planning area in UT of Daman and Diu under Section 18 of the Town and Country Planning Act. It shall come into force from the date of its publication in the Official Gazette of Daman and Diu.

2. Definitions :

In these rules, unless the context otherwise requires-

- (i) "Act" means the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975).
- (ii) "Administrator" means the Administrator of Union Territory of Daman and Diu appointed by the President of India under Article 239 of the Constitution of India.
- (iii) "Chairman" means the Chairman of Planning and Development Authority.
- (iv) "Form" means a form appended to these rules.
- (v) "Member" means a member of the Planning and Development Authority and includes the Chairman thereof.
- (vi) "Member Secretary" means the Member Secretary of the Planning and Development Authority.
- (vii) "Section" means the section of the Act.
- (viii) The words and expressions used in these rules but not defined herein shall have same meanings as are respectively assigned to them in the Act.

3. Term of Office and conditions of service of Chairman and the members of Planning and Development Authority :-

- (i) Save as otherwise provided in these rules, the Chairman and members of a Planning and Development Authority shall hold office for a period of two years from the date of their appointment by notification. ["Unless the term of office is terminated earlier by the Administrator"].

Provided that the Administrator may, at the request of a Planning and Development Authority, by a notification in Official Gazette, extend the term of office of the aforesaid Chairman and Members by such period or periods not exceeding one year at a time as it deems fit;

Provided further that a member who has been appointed from amongst the Members of the local authority shall not continued as a member of the Planning & Development Authority, if he ceases to be a member of the local authority.

Planning and Development Authority Rules, 2011

UT of Daman and Diu

- (ii) If the Administrator of UT Administration of Daman and Diu is of the opinion that any member is guilty of misconduct in the discharge of his duties or is incompetent or is incapable of performing his duties as such member, or should for any other good and sufficient reason be removed, the Administrator may after giving the member an opportunity of showing cause against his removal, remove him from the office.
- (iii) A member shall cease to be member of a Planning and Development Authority, if he-
- (a) is declared to be of unsound mind by a Competent Court; or
 - (b) is adjudged insolvent; or
 - (c) has been convicted by any court of India for any offence and sentenced to imprisonment for not less than two years; or
 - (d) is absent without the permission of the Planning & Development Authority in writing, from three consecutive meetings thereof.
- (iv) A member, who is directly or indirectly concerned or interested in any proposal before the Planning and Development Authority, or is professionally interested on behalf of a principal or other person in any matter concerning to Planning and Development Authority, or is engaged at the time in any proceedings against the Planning and Development Authority shall, at the earliest possible opportunity, disclose the nature of his interest to the Planning and Development Authority and the disclosure shall be recorded in the minutes of the Planning and Development Authority. The said member shall not be present at any meeting of the Planning and Development Authority when such proposal is discussed, unless his presence is required by other members for the purpose of eliciting information, but no member so required to be present shall vote on any such proposal.

Provided that, a member shall not be deemed to be concerned or interested as aforesaid by reason only of his being a share holder of a company concerned in such proposal.

Provided further that a member shall not be disqualified under this sub-rule, if he is engaged for the Planning and Development Authority without receiving any remuneration therefore or appears and conducts his own case in a Court of Law or before any authority against the Planning and Development Authority irrespective of whether such a member is a Legal practitioner by profession or not.

4. Honorarium, allowance and other conditions of the service of the Chairman and other members of the Planning and Development Authority :-

- (i) Where a Government servant is appointed as Chairman, the terms and conditions of his service shall be such as may be specified by the Government from time to time.
 - (ii) Any member who is a Government servant may draw the traveling and daily allowances which he may be entitled to claim for traveling on official duties according to his grade under the Supplementary Rules and Fundamental Rules.
 - (iii) Any non-official member shall be paid sitting fee as may be fixed by Government, by order, from time to time.
-

Planning and Development Authority Rules, 2011

UT of Daman and Diu

5. Manner of filling casual vacancies :-

In the event of a vacancy in the office of any member of a Planning and Development Authority, the vacancy shall be filled by the Government, and the person so appointed shall hold office so long only as the member in whose place he is appointed would have held office, if the vacancy had not occurred.

6. Procedure to be followed in regard to transaction of business at meetings of Planning and Development Authority :-

- (i) The members of a Planning and Development Authority shall meet at such times and places as the Chairman may determine.
- (ii) Twenty one day's notice at least specifying the place, date and the hour of the meeting and the agenda shall be given to the members, but no receipt of such a notice by any member shall invalidate the proceedings of the meeting.
- (iii) The quorum necessary for the transaction of business at any meeting of a Planning and Development Authority shall be one-half of the total number of member of the Planning and Development Authority. If the requisite number of members is not present, the meeting shall stand adjourned for 10 minutes and be held as an adjourned meeting, not requiring a quorum.
- (iv) The order in which the business shall be transacted at any meeting shall be determined by the presiding authority.
- (v) Minutes containing the names of the members present and others who attend the meetings of a Planning and Development Authority under the provision of the Act, and of the proceedings at each meeting shall be kept in English in a minute book to be maintained for this purpose. The names of the members voting for or against any proposal or motion shall be recorded in the minute book. The minutes shall be recorded in the minute book. The minutes shall be signed as soon as practicable, by the presiding authority of such meeting. Such minutes shall be placed before the next meeting of the Planning and Development Authority and shall, after confirmation, be signed by the presiding authority of such meeting, and shall be open to inspection by any member during office hours.

7. Temporary Association of persons with Planning and Development Authority for particular purposes :-

- (i) A Planning and Development Authority may associate with itself any Institution/organization/ person whose assistance or advice, it may consider necessary in performing any of its functions under the Act.
- (ii) The Institution/person/organization so assisting or advising a Planning and Development Authority shall be given an appointment letter, mentioning the purpose therein for which such association has been made and the period for which association may last and the terms and conditions governing such association.
- (iii) If the person associated with the Planning and Development Authority under sub-rule (i) happens to be a non-official resident of Daman and Diu, he shall be entitled to draw TA and DA according to the Government of India Rules as applicable to the government servant in the union territory and as shall be amended from time to time.

Planning and Development Authority Rules, 2011

UT of Daman and Diu

- (iv) Notwithstanding anything contained in sub-rule (iii), if such person is a Government servant or an employee in a Government undertaking he shall be entitled to traveling and daily allowances only at the rates admissible under relevant rules applicable to him.

8. Staff of Planning and Development Authority :-

- (i) The number of officers and staff to be appointed by a Planning and Development Authority shall be such as may be approved by the Administrator in this behalf.
- (ii) The designations, Qualifications, pay allowances and method of recruitment of the officers and staff of a Planning and Development Authority shall be such as may be approved by the Administrator in this behalf and the terms and conditions of service shall be such as are applicable to a Government Servant.

9. Powers and duties of Chairman of Planning and Development Authority :-

- (i) The Chairman shall have overall control over the day to day activities of the Planning and Development Authority.
- (ii) The Chairman may undertake tours within the jurisdiction of the Planning and Development Authority.

Provided that the Chairman may by order, delegate any of his powers or functions under the Act or these rules to the Vice- Chairman subject to such restrictions and conditions as may be specified in the order.

Provided further that whenever the Chairman is unable to discharge his functions owing to absence, illness or any other cause or in the event of any vacancy in his office by reason of death, resignation, disqualification or otherwise, the Vice- Chairman shall exercise the powers and perform the functions of the Chairman under the Act or these Rules until the date on which the Chairman resumes his duties or a new Chairman assumes his office.

10. Powers and duties of Member Secretary of Planning and Development Authority:-

The Member Secretary shall be subordinate to the Chairman and shall, subject to the control of the Chairman exercise the following powers, namely:-

- (i) the Member Secretary shall be in charge of all the confidential papers of the Planning and Development Authority and shall be responsible for preserving them;
- (ii) the Member Secretary shall produce such papers whenever so directed by the Chairman;
- (iii) the Member Secretary shall make available such papers to any member of the Planning and Development Authority;
- (iv) the Member Secretary shall be entitled to call for services of any officer or employee of the Planning and Development Authority, and files, papers and documents for study as also to carry out inspection at any time including checking of accounts, vouchers, bills and other records and stores pertaining to the Planning and Development Authority;
- (v) the Member Secretary may withhold any payment:

Planning and Development Authority Rules, 2011

UT of Daman and Diu

Provided that as soon as may be after such withholding of payment the matter shall be placed before the Planning and Development Authority for its approval;

- (vi) the Member Secretary shall make all arrangements for holding meetings of the Planning and Development Authority and meeting of the Committees constituted by the Planning and Development Authority;
- (vii) all orders or instructions to be issued by the Planning and Development Authority shall be over the signature of the Member Secretary;
- (viii) the Member Secretary shall authorize, sanction or pass all payments against allotments made or estimates sanctioned by the Planning and Development Authority;
- (ix) the Member Secretary shall write and maintain confidential reports of all officers of the Planning and Development Authority and shall get them countersigned by the Chairman;
- (x) the Member Secretary shall countersign the confidential reports of all the Class III employees of the Planning and Development Authority;
- (xi) (a) the Member Secretary shall sanction the annual increments of Class II officers of the Planning and Development Authority and with the approval from Chairman for Class I officers:

Provided that the increment of Class I and Class II officers shall be withheld only with the approval of the Chairman;

- (b) The annual increments of others employees of the Planning and Development Authority not referred to in sub-clause (a) shall be sanctioned by officers authorized in this behalf by the Member Secretary;
- (xii) the Member Secretary shall exercise such other powers and perform such other functions as may be delegated to him from time to time either by the Planning and Development Authority or by the Chairman.

11. Form in which land use map and land use register to be prepared:-

- (i) The land use map shall consist of an index map which shall be drawn to a scale not smaller than one centimeter to fifty meters. The index map shall show the boundaries of the plots, the structures on the plot and show areas used for various use such as:-

Sl. No.	Main Group	Sub Group
1	Vacant	Partly Built but unoccupied
2	Residential	Single Family
		Two Family
		Multi Family
		Holiday Homes & Boarding Houses of Permanent nature such as Hotels but not including public assistance institutions providing residential accommodations such as Dharmashalas etc.

Planning and Development Authority Rules, 2011

UT of Daman and Diu

3	Commercial	Retail Trade
		Wholesale Trade
		Warehouses and Storage
		Banks, Restaurants, Hotels and Transit Boarding Houses including Public assistance institutions providing residential accommodations like Dharmshalas. Tourits Homes etc.
		Cinema and other places of Public Assembly run on a commercial basis.
4	Industrial	Professional Establishments
		Service Industries
		Light Industries
		Extensive Industries
		Heavy Industries
		Noxious Industries
5	Transport	Railway Yards
	Communication	Railway Stations and Sidings
		Road and Road Transport, Depots and Parking Area
		Dockyard, Jetties and Piers
		Airport and Air Stations
		Telegraph Offices, Telephones and Telephone Exchanges, Telecommunication Towers etc.
		Boardcasting Stations
6	Public Utilities	Water Supply Installations incl. Treatment Plants
		Drainage and Sanitary Installations incl. Disposal Works
		Electric Power Plant, HT and LT transmission lines, Sub Stations etc.
		Gas Installations and Gas Works

Planning and Development Authority Rules, 2011

UT of Daman and Diu

SI. No.	Main Group	Sub Group
7	Public and Semi Public Uses	Government Administrative Centers, Secretariat, District Offices, Law Courts, Jails, Police Stations, Educational, Cultural & Religious institutions, Medical & Health Institutions, Cultural Institutions like Theatres, Opera House etc. of a predominantly non- commercial nature and land belonging to Defence.
8	Open Space	Sports Ground, Stadium, Play Grounds, Parks
		Other Recreational Uses
		Cemeteries, Crematoriums etc.
9	Agricultural Land	Market Garden
		Orchards and Nurseries
		Land under Staple Crops
		Grazing Land and Pastures
		Marshy Land
		Barren Land
		Land under Water
10	Forest Land	Forest lands

(ii) The form in which the land use register is to be prepared shall be as prescribed in **Form A**.

12. Form and content of Development Plan:-

- (i) The Development plan shall consist of an index map and a written statement supplemented by other maps, charts, illustrations and documents as may be necessary.
- (ii) The index map shall be to a scale not smaller than one centimeter to fifty meters, and shall show the areas or locations of various proposals and other particulars specified in section 30 and 32 as may be appropriate to the Development Plan.
- (iii) Other maps and documents shall further illustrate and amplify the proposals of the Development Plan and the maps shall be drawn to a scale not less than one centimeter to ten meters.
- (iv) The written statement shall describe in detail the report of the surveys conducted, their analysis and findings and will describe in brief the main proposals of the Development Plan made in the index map and the other maps and the stages of the development programme for executing the Development Plan.

13. Time limit for directing modifications in Development Plan by Government:-

The time within which modifications may be directed by the Government to be made in the Development Plan shall be sixty days from the date of its submission to the Administrator under sub-section (1) of section 34.

14. Application for permission for development:-

(i) Every application under section 44 for permission to carry out any development shall be made in Form B.

(ii) The form 'B' shall be accompanied by the following documents, namely:-

(a) in the case of building operations - a site plan in quadruplicate drawn to a scale of not less than one centimeter to five meters showing therein the boundaries of the site, the width of the existing streets, if any, direction of the North, existing buildings, or structures on, over or under the site or projecting beyond the site, if any, the position of the building or buildings the applicant intends to erect on the site and those within 15 meter around the site, the means of access and its width from the street to the site, the dimensions of front, rear and side setbacks, if any, a clear indication of the area of the plot, plot coverage and the floor area ratio and also a detailed plan in quadruplicate, showing the plan section and elevations of the proposed development work.

(b) in the case of engineering, mining, quarrying operations - a site plan in quadruplicate drawn to a scale of not less than one centimeter to ten meters showing therein the boundaries of the site, direction of the North, existing buildings or structures on, over or under the site or projecting beyond the site the means the access with its width from the street to the site, and the exact nature of the operations the applicant intends to carry out on the site.

(c) in the case of making of any material change in use of any building or land - a site Plan in quadruplicate drawn to a scale of not less than one centimeter to five meters, showing therein the boundaries of the site, direction of the north, existing buildings or structures on, over or under the sites or projecting beyond the site, if any, the means of access from the street with its width to the site and the exact nature of the change in use of a building or land proposed and its extent.

(d) In case of sub-division of any land or layout of private street a site plan in quadruplicate drawing to a scale of not less than one centimeter to five meters, showing therein the boundaries of the site, direction of the north, existing buildings or structures on, over or under the sites or projecting beyond the site, if any, the means of access from the street to the site, the dimensions of each of the proposed sub-divisions, width of the proposed street, dimensions and area of open space to be provided in the layout plan for the purpose of garden or recreation of like purpose and the details of proposed land use.

Note:- All plan shall be duly signed by the owner and the architect registered with Planning and Development Authority and shall indicate their names, address qualifications and registered number, allotted by Planning and Development Authority.

(e) Cash receipt of the fees payable to the Planning and Development Authority for permission under this rules.

15. Manner of filing appeals under section 45:-

Planning and Development Authority Rules, 2011

UT of Daman and Diu

- (i) Every appeal, under section 45 shall be in writing addressed to the Chairman of the board and shall specify the grounds of appeal and the point on which the ruling of the board is required.
- (ii) Every appeal, except made on the grounds applicable in the case of section 45(1)(b), shall be accompanied in duplicate, by-
- (a) copies of the application made to the Planning and Development Authority;
 - (b) copies of all relevant plans, documents and particulars submitted with the application;
 - (c) true copies of the order of the Planning and Development Authority; and
 - (d) copies of all other relevant correspondence with the Planning and Development Authority.
- (iii) Every appeal, except made on the ground applicable in the case of section 45(1)(b) shall bear a fee of rupees five hundred.

16. Manner of serving acquisition notice under Act:-

Any person serving the acquisition notice under section 47(1) shall submit the same in writing to the Administrator along with documents mentioned in clause (a) to (d) of rule 15 (ii) and specify the points in detail how the claim is supported, mentioning therein the nature of his interest in the land.

17. Manner in which claim for compensation under section 48 is to be made:-

Any person claiming compensation under section 48 of the Act may put his claim in writing to the Planning and Development Authority within ninety days from the date of receipt of an order in appeal under section 45, supporting the claim in detail and accompanied by the documents mentioned in clause (a) to (d) of sub-rule (ii) of rule 15.

18. Exemption from levy of development charges payable:-

The following plots shall be exempted from the levy of development charges payable under the Act:-

- all plots reserved for public and semi-public purposes in the development plan;
- all plots owned by any Department of the Central or any State or Union Territory Government or any local authority.

19. Procedure to be followed in summarily evicting persons under section 80:-

- (1) If a Planning and Development Authority is of opinion that any person is in unauthorized occupation of any land and that he should be evicted, the Planning and Development Authority shall issue in the manner herein after provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.
- (2) The Notice shall -
- (a) specify the ground on which the order of eviction is proposed to be made; and
 - (b) require all persons concerned, that is to say all person who are, or may be in occupation of, or claim interest in land, to show cause, if any against the proposed order on or before such date as is specified in the notice being a date not earlier than 10 days from the date of issue thereof.

- (2) The provision of sub-rules (i) and (ii) of rule 15 shall mutatis mutandis, apply to every such appeal.

23. Depositing of money belonging to Planning and Development Authority:-

The sum of money that may be kept in current account by Planning and Development Authority shall not exceed Rs. 50,00,000/- (Rupees fifty lacs only).

24. Budget:-

The Budget of Planning and Development Authority shall be prepared in **Form 'D'**. The budget so prepared for any financial year shall be submitted to the Government in the month of January preceding the commencement of the said financial year. Six copies each of the budget shall be prepared and shall be sent to the Board and the Government.

25. Maintenance of Accounts:-

- (1) Every Planning and Development Authority shall maintain in **Form 'E'** an account of its transactions in two sections namely 'Revenue' and 'Capital' under the head 'Planning and Development Authority fund'.
- (2) A summary of the Planning and Development Authority Fund account for every year shall be submitted to the Government through the Chief Town Planner not later than the 1st June of the year following and a copy thereof shall be sent to the Deputy Secretary (Finance).

26. Pension and Provident Funds of officers and Employees of Planning and Development Authority:-

Officers and employees of a Planning and Development Authority shall be governed by Civil Service Regulations and Central Civil Service (Pension) Rules, 1972 and General Provident Fund (Central Service) Rules, 1960.

27. Penalty for any contravention:-

Any contravention made by any person on any of the Rules above shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention, with an additional fine which may extend to twenty five rupees for every day during which such contravention continues after conviction for the first such contravention.

SERIES - I No. : 01

DATED : 6TH JANUARY, 2012.

Planning and Development Authority Rules, 2011

UT of Daman and Diu

FORM- 'A'

[See Rule 11(ii)]

Form for Land use Register under section 26 of the Goa, Daman and Diu Town and Country Planning Act, 1974

Land Use Survey Tabulation Sheet

- 1) Survey No.
- 2) Area
- 3) Sub-Survey Nos.
- 4) Predominant Land Use
- 5) No. of structures
- 6) No. of Storeys
- 7) Age of structure
- 8) Type of structure
- 9) Condition of structure
- 10) Source of water availability & Distance
- 11) Source of Electricity

Remarks:-

FORM-'B'

[See Rule 14(i)]

Application for permission for development under section 44 of the Goa, Daman and Diu Town & Country Planning Act, 1974.

From (Name of the owner of land): _____

Address _____

To,

The Planning and Development Authority,

Sir,

I intend to carry out the under mentioned development in the site or plot of land, Town/ Revenue Survey No. _____ On _____ Street or road named in the _____ Ward or Division, in accordance with the provisions of Section 44 of the Goa, Daman and Diu Town and Country Planning Act, 1974, and Rule 14 of the Planning and Development Authority Rules, 2011

Particulars of Proposed development :-

Planning and Development Authority Rules, 2011

UT of Daman and Diu

1. I forward herewith;-

- (a) * A site plan.
- (b) * A detailed plan (in quadruplicate)
- (c) * An extract of rights/ property register card (any other document showing ownership of land to be specified).
- (d) * A cash receipt of the fees paid to the Planning and Development Authority.

2. I request that the proposed Development may be approved and that permission may be accorded to carry out the Development.

Signature of the Licensed Architect./ Engineer

Date:

Signature of the owner of the land.

*Strike out which is not applicable.

FORM - 'C'

[See Rule 21]

Form of application for the assessment of development charge.

The Goa, Daman and Diu Town & Country Planning Act, 1974

(Act 21 of 1975)

To,

Sir,

I hereby give notice under sub - section (1) of section 102 of the Act that I intend to carry out/ I am carrying out/ I have carried out development mentioned below and request you to assess the development charge, if any, payable in respect thereof under section 100 of the Act.

- 1. Nature of Development:-
- 2. Location :-

Date:- _____

Signature of owner
Address:

FORM - 'D'

(See Rule 24)

Form of Budget.

Abstract figures of Budget of _____ Planning and Development Authority for the year 20
_____ 20 _____

Accounts of past year 20__20__	Sanctioned Estimate for the current Year	Revised Estimate for the current Year 20__20__			Budget Estimate for the year 20__20__
		Actuals for 8 months	Probable receipts for 8 months	Total	

Opening balance on 01.04.20 _____

Ordinary Section _____

Capital Section _____

Receipts

Ordinary Section _____

Capital Section _____

Total Receipts _____

Expenditure

Ordinary Section _____

Capital Section _____

Total Expenditure _____

Closing balance as on 31.03.20 _____

Ordinary Section _____

Capital Section _____

Planning and Development Authority Rules, 2011

UT of Daman and Diu

FORM - 'E'

(Section Rules 25 (1))

Planning and Development Authority Fund Account

Expenditure

ORDINARY SECTION

1. Town Planning Act Scheme -	Rs.
(1) Staff	_____
(2) Allowances, pensionary contribution and cost of conveyance or here of vehicles etc.	_____
(3) Survey charges	_____
(4) Contingencies and equipment renewals	_____
(5) Law Charges	_____
Total Running Charges	_____
(6) Interest on loans	_____
(7) Stationary, Printing and Notification, expence, cost of preparation of maps. Etc.	_____

A.Total - Ordinary charges.

CAPITAL SECTION

1. Town Planning Act Scheme -	
(1) Acquisition of lands, buildings etc.	
(i) Other purposes.	_____
(2) Works of improvements -	
(i) Raising level	_____
(ii) Road forming	_____

Receipts

ORDINARY SECTION

1. Town planning Act Schemes -	Rs.
(1) Rent of land	_____
(2) Ground rent	_____
(3) Produce of Lands	_____
(4) License fees etc.	_____
(5) Betterment Contributions	_____
(6) Interest on investments.	_____
(7) Law charges recovered	_____
(8) Sundry receipts including sale proceeds of copies of maps and schemes	_____

Total Ordinary receipts

A. Net total - Ordinary section (surplus or deficit)

CAPITAL SECTION

1. Town Planning Act Scheme-	Rs.
(1) Government grants	_____
(2) Contribution from -	_____
(a) Government Department	_____
(b) Other local authority	_____
(c) Private Persons	_____