

**THE
DAMAN AND DIU GAZETTE
GOVERNMENT OF INDIA
EXTRAORDINARY
SERIES-.....
PUBLISHED BY AUTHORITY**

Vol. No. DAMAN DAY 2018 No. .

**Union Territory, Administration of Daman and Diu
Urban Development Department
Notification**

No.DD/DMC/RULES/01/2018.

Date:

Rules

In exercise of the powers conferred by sub section (2) of section 306, read with section 78, of The Daman and Diu Municipalities (Amended) Regulation 1994, the Administrator, Daman and Diu, hereby makes the following rules, namely:-

1. Short title and commencement: - (1) These **rules** may be called the Daman Municipal Council **Conduct of Business Rules, 2018**.
(2) They shall come in to force on the date of their final publication in the Official Gazette.
2. Definition: - In these rules, unless the context otherwise requires: -
 - (a) "Form" means a Form appended to these rules;
 - (b) "Regulation" means The Daman and Diu Municipalities (Amended) Regulation 1994 ;
 - (c) "Section" means section of the Regulations; and
 - (d) Point of order means statement asking the presiding authority to prioritize any item of business, or asking the presiding authority to correct any irregularities in the conduct of business.
 - (e) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.
3. Notice of meeting: - (1) A notice of meeting of the Council under sub-section (4) of section 78 shall be in Form-A.
(2) A notice, except a notice of a meeting referred to in sub-section (14) of section 78 shall be delivered in person to a Councilor or sent through registered post, or shall be sent on registered email of the Councilor.
4. Attendance Register: - (1) An attendance register shall be maintained in Form-B showing the names of the Councilors.
 - (2) The register shall be placed in the meeting hall at the commencement of each meeting and every Councilor present and participating in the deliberations of the meeting shall append his signature against his name in such register.
 - (3) Where any Councilor is not in a position to append his signature, he may with the help of any other Councilor or any officer or employee of the Council, put his thumb impression against his name.
 - (4) The thumb impression shall be certified by Chief Officer or any officer duly authorized in this behalf by the presiding authority.
5. Order of business: - Subject to the provisions of sub-section (11) of section 78, the business for every meeting shall be arranged in the following order, namely:-
 - (a) confirmation of the minutes of the last meeting kept in accordance with Part-I and Part-II of Form-C:-
 - (b) questions from Councilors;
 - (c) elections and appointments to be made by the general meeting;

- (d) resolution of the Standing Committee;
 - (e) resolution of any other Committee;
 - (f) communication from Government;
 - (g) consideration of motions to be transacted in the meeting; and
 - (h) any other business to be transacted at the meeting.
6. Presiding authority in absence of President or Vice- President: - (1) Where the President, for any reason, is unable to attend a meeting, the Vice-President shall preside at the meeting.
 - (2) Where both, the President and the Vice-President, are unable to attend a meeting, a Councilor chosen by the Councilors present from amongst themselves at the meeting shall preside over the meeting as provided in sub-section (6) of section 78.
 7. Raising point of order: -(1) Any Councilor may at any time submit a point of order for the decision of the presiding authority, but in doing so he shall confine himself to stating the point.
 - (2) The decision of the presiding authority on any point of order shall be final.
 - (3) No discussion on any point of order shall be permissible, except with the approval of the presiding authority.
 8. Resumption of seat: -(1) A Councilor called to order by the presiding authority shall resume his seat.
 - (2) If any time, the presiding authority rises, while a Councilor is speaking, or he rises to a point of order, the Councilor speaking shall immediately resume his seat.
 9. Duration of speech: -The presiding authority shall have the power, having regard to the state of business before the meeting and the nature of the subject, specify time limit for speeches on any subject.
 10. Manner of speaking: - (1) A Councilor while speaking on any subject matter shall address his remarks to the presiding authority:
 - (2) If more than one Councilor start to simultaneously address the meeting, the presiding authority shall decide who shall speak first.
 - (3) A Councilor shall not be allowed to read his speech, but he may refresh his memory by reference to notes.
 11. Right of presiding authority to address meeting: -The presiding authority may, address the meeting at any stage of the debate without any time limit for speech.
 12. Seeking explanation during speech: - (1) Where in the meeting during a debate any Councilor intend to seek an explanation or information from the Councilor so speaking, he shall rise in his seat and call upon the presiding authority.
 - (2) Where the presiding authority does not allow for such explanation or information, he shall resume his seat.
 - (3) Where the presiding authority allows such explanation or information, the Councilor speaking shall resume his seat.
 13. Talk amongst Councilors: - In the meeting Councilors shall not talk amongst themselves so as to interrupt the proceedings or disturb the Councilor who is speaking.
 14. Withdrawal from meeting: -A Councilor who intend to leave a meeting while proceedings are going on, shall, before leaving, rise in his seat and take the permission of presiding authority.
 15. Questions: -(1) A Councilor may address questions to the President or the Chairman of the Standing Committee or the Chairman of the Subject Committee or to the Chief Officer on matters connected with the functions and duties of the Council as specified under the provisions of the Regulation.
 - (2) The Councilor seeking to address the question shall give under his signature or thumb impression a notice of the question together with a copy thereof to the Chief Officer at least ten days before the meeting of the Council at which it is to be replied.

- (3) Subject to the provisions of sub-rule (5), the Councilor shall be entitled to an oral reply in the meeting or at any following meeting if the presiding authority for certain reasons deems it fit to extend the time:
 Provided that, if in the opinion of the presiding authority any question entitled to an oral answer is of such a nature that a written reply may be more appropriate, it may direct that such question shall be answered with a written reply at the meeting or at any following meeting.
- (4) The question shall be answered by the President or the Chairman, as the case may be:
 Provided that, the Chief Officer may, with the permission of the presiding authority, answer any question on behalf of the President or such Chairman.
- (5) The presiding authority may disallow any question: -
- (a) in respect of which ten clear days notice in writing specifying the question has not been given to the Chief Officer; or
 - (b) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or
 - (c) which concerns or is direct connected with, any pending suit or proceedings in any court of law or before any judicial tribunal; or
 - (d) which relates to the character or conduct or performance of any Councilor or an officer or an employee of the Council; or
 - (e) which is, or by implication may be, defamatory or which makes or implies a charge of personal character against any person or any community or a section of any community; or
 - (f) which contains arguments, inferences, imputations, ironical expressions, epithets, or defamatory statements; or
 - (g) which relates to a matter with which the council is not concerned; or
 - (h) which, in the opinion of the presiding authority, is frivolous, trivial, vexatious or offensive; or
 - (i) if it seeks information about matters which are in their nature secret; or
 - (j) which involves the communication of information given to the presiding authority or any officer or employee of the Council in confidence; or
 - (k) which contains any name or statement not strictly necessary to make the question intelligible; or
 - (l) which relates to the individual service matters including grievances or complaints of officers or employee of the Council; or
 - (m) which is of excessive length; or
 - (n) which repeats in substance questions already answered or has been disallowed:
 Provided that, the presiding authority may allow any question in an amended form.
- (6) Where any doubt arises whether any question does or does not fall under any of the clauses of sub-rule (5), the President shall decide the point and his decision shall be final.
- (7) If a question contains a statement, the Councilor shall be responsible for the accuracy of the contents of such statement.
- (8) Subject to the provisions of this rule, every question which has not been disallowed shall be entered in the list of questions for the day and shall be called, if the time allowed permits, in the order in which it is enumerated in the list.
- (9) After the question has been answered, any Councilor may put supplementary questions for the purpose of further elucidating any matter of fact regarding which an answer has been given:
 Provided that, the presiding authority may disallow any supplementary question if, in its opinion, it infringes any of the provisions of sub-rule (5)
- (10) If the presiding authority is satisfied that sufficient information is not available for an answer, it may direct that the answer to the question may be given later at the same meeting or at the next ordinary meeting of the Council.
- (11) No debate or speech shall be allowed on any question or answer supplied.
- (12) All questions, whether allowed or disallowed or replied, shall be incorporated in part III of the register in Form-C.

16. Admissibility of motion: - No motion shall be admissible which do not comply with the following conditions, namely:-
- (a) have only one clearly and precisely expressed definite issue;
 - (b) does not contain arguments, inferences, ironical expressions or defamatory statements;
 - (c) refer to the conduct or character of any Councilor or an officer or employee of the Council except in his official or public capacity; and
 - (d) relates to any matter which is mentioned in clause (i) of sub- rule (2) of rule 25.
17. Moving motion: -(1) Every motion, not being a formal motion including a motion for adjournment, closure and the like, shall be handed over or sent by the proposer in writing after putting his signature or thumb impression thereon to the President or the Chief Officer before it is moved.
- (2) Where a motion has been handed over or sent to the President, a copy thereof shall be sent to the Chief Officer.
 - (3) Subject to the provisions of sub-section (10) of section 78, where a motion under sub-rule (1) has not been received by the President or the Chief Officer at least ten days before the date of a meeting, such motion shall not be included in the business to be transacted in that meeting:
Provided that, the presiding authority may in special circumstances for reasons to be recorded in writing, include a motion which has been received before seven days from the date of the meeting.
 - (4) Where on receipt of the motion the Chief Officer is of the view that: -
 - (a) the motion is not consistent with the provisions of the Regulation or the rules or bye-laws made there under; or
 - (b) that it entails expenditure from the Municipal Fund and no financial sanction has been obtained, then he shall forward his views to the President.
 - (5) Where the motion is in order, the Chief Officer shall prepare a brief note thereon giving the necessary information from the financial and administrative point of view.
18. Seconding of motion: -No motion or amendment there of shall be taken up for discussion unless it is seconded by such Councilor who is entitled to vote:
Provided that, a motion of an amendment suggested by the presiding authority shall not require to be seconded.
Provided further that a motion by the President shall not be required to be seconded.
19. Moving motion in absence of mover: -Where a Councilor who has given a notice of a motion is not present, any other Councilor entitled to vote and duly authorized by him in writing may move it.
20. Withdrawal of motion: -Any motion which has been proposed and seconded may be withdrawn by the proposer, with the consent of the Councilor who seconded the motion and with the permission of the Council.
21. Withdrawn motion cannot be proposed in same meeting: -A motion which has once been withdrawn under rule 20 shall not be moved again at the same meeting including an adjourned meeting.
22. Limitation on certain motions: -A notice of a proposition for priority for any item under the provision to sub-section (11) of section 78 shall be given to the Chief Officer before the commencement of the meeting and no debate or speech shall be allowed on such proposition.
23. Motion to postpone matter: -(1) A motion to postpone the consideration of any matter may be moved by any Councilor at any time after it is taken up and such motion shall take precedence over any other motion relating to that matter.
- (2) The presiding authority shall, after seeking a brief explanatory statement from the mover of the motion and if the motion is opposed by not more than one Councilor, without any further debate put the motion to vote.
 - (3) A motion for the postponement of consideration of any matter shall not, without the permission of the presiding authority, be made more than once during the debate on any matter.

- 24.** Discussion: -(1) On a motion or amendment thereof, being moved and seconded, the presiding authority shall read it or cause to be read to the meeting.
- (2) After being read in accordance with the provisions of sub-rule (1), the presiding authority shall get it considered for discussion.
 - (3) The mover may then speak in support of the motion or amendment thereof, as the case may be, and the seconder may either follow or reserve his speech for a later stage of the debate thereon.
 - (4) Other Councilors who have given their names to the presiding authority for discussion, may, speak on the motion in the order in which they are called upon by the presiding authority.
 - (5) The Chief Officer may express his views on the motion if it is inconsistent with the provisions of the Regulation or the rules or bye-laws made there under or involve any expenditure from the Municipal Fund.
 - (6) A Councilor who has once addressed the meeting on a motion shall not subsequently move or second an amendment thereto or otherwise take part in the debate on that motion.
 - (7) A Councilor shall not vote or take part in the discussion of any matter before a meeting or ask any question under rule 15 concerning any matter in which he has, directly, by himself, or by his partner, any share or interest as described under sub-section (3) of section 16 or in which he is professionally interested on behalf of a client, principal or any other person.
- 25.** Limitation of debate: -(1) The matter of every speech in a meeting shall be relevant to the subject on which it is made.
- (2) A Councilor while speaking shall not: -
 - (i) refer to any matter of fact which is under adjudication before a Court of Law, including any Tribunal having jurisdiction in any part of India;
 - (ii) make a personal charge against another Councilor or any Officer other than for work done in his official capacity.
 - (iii) reflect upon any decision arrived at by the Council on any matter except on a fresh motion relating to such matter;
 - (iv) use offensive or defamatory expressions;
 - (v) use his right of speech for the purpose of obstructing the business of the meeting;
 - (vi) disclose the proceedings of any Committee appointed by the Council; or
 - (vii) discuss any ruling, order or discretion of the presiding authority except: -
 - a. the ruling, order or discretion on a resolution for the removal from Office of the President or Vice-President brought under sub-section (1) of section 56; and
 - b. with the consent of the presiding authority.
 - (3) The Councilor who objects to offending or offensive or defamatory words shall move either at once or at the conclusion of the speech of the Councilor who used such offending words, "that the words be removed from the proceedings of the meeting".
 - (4) Where such motion is agreed to, the presiding authority shall direct that such words be removed from the proceedings of the meeting.
 - (5) A Councilor whose words have been removed from the proceeding of the meeting shall be guilty of a breach of order.
 - (6) The presiding authority, having called the attention of the meeting to the conduct of the Councilor who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other Councilors in debate or willfully contravenes the provisions of sub-rule (10) or any other rule, may direct him to discontinue his speech.
- 26.** Opening adjourned debate: -On resumption of an adjourned debate, the Councilor who was speaking in the meeting immediately before the adjournment shall be entitled to speak first.
- 27.** Power of presiding authority to divide motion or amendment: -When any motion or amendment thereto involves several points, the presiding authority shall divide it and put each point separately to vote.
- 28.** Grouping of motions and amendments: -Where the subject matter of more than one motions or amendments thereto are substantially the same, the presiding authority may group together two or more such motions or amendments thereto for consideration of a meeting.

- 29.** Amendment: -(1) After a motion has been moved and seconded, amendments may be proposed thereto.
- (2) Every amendment shall be relevant to the motion and propose a variation or addition or omission, but no amendment shall be a direct negation of the motion before the meeting or shall in substance be the same which has already been negated at the same meeting.
 - (3) Any number of amendments may be moved before the meeting at the same time, but no Councilor shall propose more than one amendment to the same motion.
 - (4) No Councilor who has proposed or seconded any motion shall propose or second an amendment thereto.
 - (5) When an amendment to an amendment is moved, the amendment sought to be amended shall be, as long as the amendment by which it is sought to be amended is under discussion, be deemed to be the substantive proposition before the meeting.
 - (5) An amendment in alternative shall not be moved.
 - (6) The presiding authority may disallow any amendment which is in its opinion frivolous.
 - (7) No amendment shall be moved after a Councilor has commenced his right of reply.
- 30.** Right to reply: -The mover, or if the mover waives his right, the seconder of a substantive motion, may reply at the conclusion of the debate on it but no other Councilor shall speak on the same motion or amendment, after the reply, except to explain, with the permission of the presiding authority, any material ambiguity in the speech of reply.
- 31.** Closure: -(1) The presiding authority or any Councilor may at any time move "that the question be now put to vote" and if the motion is carried, the presiding authority, after allowing the mover or the seconder to reply to the debate under rule 30, shall put the motion together, with the amendment, if any, to vote.
- (2) There shall be no debate on a motion for closure.
 - (3) If a motion for closure is lost, it shall not be moved again before fifteen minutes.
- 32.** Voting on original motion and amendment: - (1) On the conclusion of the debate on a motion, or where the presiding authority is satisfied that the motion has been sufficiently discussed, it shall, after allowing the mover or seconder his right to reply, put the motion to the vote of the meeting without further discussion.
- (2) The votes shall be taken in the following manner, namely:-
 - (a) when there is only one amendment to the motion: -
 - (i) the amendment shall first be put to vote;
 - (ii) if the amendment is lost, the motion shall then be put to vote; or
 - (iii) if the amendment is carried, the amended motion shall be put to vote.
 - (b) when there are more than one amendments: -
 - (i) the amendments shall first be put to vote one after another in such order as the presiding authority may decide;
 - (ii) where all amendments are lost, the motion shall be put to vote; or
 - (iii) where all or any of the amendments are carried, the amended motion shall be put to vote.
- 33.** Method of recording vote: -Votes shall ordinarily be taken by a show of hands, but on special occasion, if the presiding authority so decides, votes may be taken by ballot:
Provided that, votes in respect of any motion or proposal involving financial commitments shall not be recorded by ballot by the presiding authority, but the names of the Councilors voting for or against such motion or proposal shall be recorded as provided under sub-section (12) of section 78.
- 34.** Voting by ballot: -(1)When votes are taken by ballot, each Councilor shall record his vote on vote recording machine or on a voting paper.
- (2) The papers used for voting shall not be destroyed till one month from the date of declaration of the result.
- 35.** Refrain from voting: -Any Councilor present at the meeting may refrain from voting if he so decides to do.

36. Consequences of equality of votes: -When there is an equality of votes and the presiding authority refrains from giving its casting or second vote, the proposition shall be held to have lapsed and shall not be brought forward at any subsequent meeting till a period of three months has elapsed.
37. Declaration of result: -(1) As soon as the votes have been counted the presiding authority shall, subject to the provisions of sub-section (13) of section 78, then and there declare the result of voting which shall be duly recorded in the minute book.
- (2) Where votes are taken by show of hands, a declaration by the presiding authority that a resolution or motion has been carried and an entry to that effect in the minute book shall be conclusive evidence of the fact that the resolution or motion has been carried.
38. Voting on fiscal matter: -(1) When budget estimate, supplementary budget estimate, proposition for re-appropriation of funds, code of rules or bye-laws, list of lands for sale or purchase or lease or transfer, list of items for write off, lists of arrears, accounts of the Council or such other propositions as the Standing Committee decides, are laid before a meeting, the presiding authority may group the items in such groups as may be convenient to it and propose to the meeting for each group in succession.
- (2) The presiding authority may sub-divide or re-arrange the groups.
- (3) Where on the sense of the meetings being taken by the presiding authority, all Councilors present are of the opinion that no item or group should be considered separately, the whole question shall be considered as one proposition.
- (4) No debate or speech shall be allowed when the opinion or sense of the meeting is being taken under sub-rule (3).
- (5) Each resolution approving the proposal shall be seconded before it is proceeded with.
39. Form of minutes: -The minutes of every meeting shall be recorded and maintained in accordance with sub-section (12) of section 78 in a book in Form-C.
40. Amendment of Minutes: -(1) Where, after the minutes are placed before the next meeting of the Council, any Councilor objects to the minutes as having been incorrectly or incompletely recorded, the presiding authority shall, after taking the sense of the meeting, make such amendments in the minutes as the meeting deems proper and shall confirm and sign the minutes as so amended.
- (2) The presiding authority shall initial or sign all amendments so made.
- (3) No debate or speech shall be allowed on any objection to the minutes raised under this rule.
- (4) The record of the minutes of the meeting shall always contain the views, if any, expressed by the Chief Officer, on the motion or resolution at the meeting.

FORM-A
(See sub-rule (1) of rule 3)

Form of Notice of Meeting

No.....

Office of the Municipal Council.....

Date.....

Notice is hereby given to Shri/Shrimati..... Councilor of the Municipal Council that an ordinary/Special meeting of the Municipal Council will be held on the day of at (time.....) in the Municipal office situated at....., for transacting business mentioned in the Annexure.

The Councilor is requested to make it convenient to attend the meeting.

A copy of the motion*/proposition of which written notice has been given by a Councilor*/the Councilors of his/their intention to bring forward at the meeting/mentioned in the written request for the special meeting, is enclosed.

(Signature)
(Designation)

*score out what is inapplicable

ANNEXURE

Business to be transacted at meeting of the Municipal Council on the Day of

- 1.
- 2.
- 3.

(Signature)
(Designation)

FORM-B
(See sub-rule (1) of rule 4)
Attendance Register

Date of meeting.....

Sr.No.	Ward No.	Name of the Councilor	Signature of thumb impression duly attested
1	2	3	4
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

FORM-C
(See rules 5 and 39)

Minute Book

PART-I

Date and time of the meeting	Names of Councillors Present	Names of others who have attended the meeting	Proceedings in brief
1	2	3	4

(Signature)
(Presiding Authority)

PART-II

Date and time of meeting	Subject of motion	Working of motion	Names of proposer and seconder	Amendment if any		Numbers of Votes given		Final resolution after the vote amendments	
				Working	Names of (i) Proposer (ii) Seconder	For	Against	Working	Serial No.
1	2	3	4	5	6	7	8	9	10

*When votes are not recorded by ballot, give also the names of Councilors who voted for and against the motion in column 7 and 8 respectively.

(Signature)
(Presiding Authority)

PART-III

(See sub-rule (12) of rule 15)

Register of Questions

Date of meeting.....

Question	Name of the Councillors by whom tabled the question	Whether allowed or disallowed	Reply given if any	If reply given, by whom given
1	2	3	4	5

**By order and in the name of the Administrator
Daman and Diu**

**DeputySecretary (UD)
Daman and Diu,
Daman.**

Daman
Dated / /2018

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**Union Territory, Administration of Daman and Diu
Urban Development Department
Notification**

No.DD/DMC/RULES/01/2018.

Date:

Rules

In exercise of the powers conferred by sub section (2) of section 306, read with section 96, of The Daman and Diu Municipalities(Amended) Regulation 1994, the Administrator, Daman and Diu, hereby makes the following rules, namely:-

1. Short title and commencement: - (1) These **rules** may be called the Daman Municipal Council **(Compromise of Suits) Rules, 2018.**
(2) They shall come in to force on the date of their final publication in the Official Gazette.
2. Definition: - In these rules, unless the context otherwise requires: -
 - (a) "Regulation" means The Daman and Diu Municipalities(Amended) Regulation 1994; and
 - (b) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.
3. Competent authority to satisfy about compromise in suits: -(1)Neither any suit instituted by or against the Municipal Council nor any claim or demand arising out of a contract entered into on behalf of Council shall be compromised, unless the Council, after such inquiry as it deems fit, is satisfied that instead of proceedings with the suit, claim or demand, as the case may be, a compromise may be advantageous to the Council.
4. Any such resolution shall be put before the Director and shall come into force only when approved by the Government.

**By order and in the name of the Administrator
Daman and Diu**

**Deputy Secretary (UD)
Daman and Diu,
Daman.**

Daman
Dated / /2018

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Date:

Rules

In exercise of the powers conferred by sub section (2) of section 306, read with section 162, of The Daman and Diu Municipalities(Amended) Regulation 1994, the Administrator, Daman and Diu, hereby makes the following rules, namely:-

1. Short title and commencement: - (1) These **rules** may be called the **Daman Writing-off Irrecoverable Tax, Fee and Dues Rules, 2018**.
(2) They shall come in to force on the date of their final publication in the Official Gazette.
2. Definition: - In these rules, unless the context otherwise requires: -
 - (a) "Regulation" means the Daman and Diu Municipalities(Amended) Regulation 1994;
 - (b) "Section" means section of Regulation; and
 - (c) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.
3. Resolution under section 162 to contain particulars: - Every resolution to be passed by a Council under the first provision to section 162 approving the writing off of any tax, fee or other sum due to the Council, shall specify: -
 - (a) the amount sought to be written off, the name of person from whom and the period for which it is outstanding;
 - (b) the process followed by the Council for the recovery of the amount; and
 - (c) the reasons for which the Council considers that the sum is irrecoverable.
4. Resolution shall be put before Director: - The Chief Officer shall, within 15 days of passing of resolution under section 162, cause such resolution to be put before the Director, and no such resolution shall come into force unless it is approved by the Government. Provided that if the sum is less than Rs.100, no such approval of Director will be needed.

**By order and in the name of the Administrator
Daman and Diu**

**Deputy Secretary (UD)
Daman and Diu,
Daman.**

Daman
Dated / /2018

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Date:

Rules

In exercise of the powers conferred by sub section (2) of section 306, read with section 145, of The Daman and Diu Municipalities(Amended) Regulation 1994, the Administrator, Daman and Diu, hereby makes the following rules, namely:-

1. Short title and commencement: - (1) These **rules** may be called the Daman Municipal Council **(Discount and Interest Regarding Dues) Rules, 2018**.
(2) They shall come in to force on the date of their final publication in the Official Gazette.
2. Definition: - In these rules, unless the context otherwise requires: -
 - (a) "Form" means the form appended to these rules;
 - (b) "Regulation" means the Daman and Diu Municipalities(Amended) Regulation 1994;
 - (c) "Section" means section of Regulation; and
 - (d) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.
3. Manner and period for obtaining discount for prompt payment of dues: - (1) Every bill or copy of the bill presented in accordance with sub-section (1) of section 145 shall include a Note as provided in Form -1.
 - (2) Where the bill is paid within fifteen days from the date of the presentation thereof, the Chief Officer, shall deduct the amount of discount from the bill and issue a receipt showing the gross amount, the discount and the net amount of the bill paid:
Provided that, no discount shall be paid on any amount in the bill due by way of arrears and for which a bill had been issued earlier.
 - (3) Whenever discount is paid, a note thereof shall be taken on the back side of office copy of the bill showing number and the date of receipt passed on to a person.
 - (4) A note shall also be taken in the Municipal account books against the relevant original credit entry and other records in which the money received are entered in detail.
4. Remission of Interest where sum due is rupee one hundred or less: - Where the amount of interest due from any person for any period under section 161 is rupee one hundred or less, the Chief Officer may, in his discretion, or on application by such person, remit the interest payable by him.

FORM -1
(See rule 3)

If this bill is paid within fifteen days from the date of presentation thereof, the discount of rupees paise.....(rupees* and paise only) under the provision of sub-section (3) of section 141 shall be paid by the Council.

Date:

Chief Officer,
The Municipal Council

*Figures to be inserted in words

**By order and in the name of the Administrator
Daman and Diu**

**Deputy Secretary (UD)
Daman and Diu
Daman**

Daman
Dated / /2018

**THE
DAMAN AND DIU GAZETTE
GOVERNMENT OF INDIA
EXTRAORDINARY
SERIES-.....
PUBLISHED BY AUTHORITY**

Vol. No. DAMAN DAY 2018 No. .

**Union Territory, Administration of Daman and Diu
Urban Development Department
Notification**

No.DD/DMC/RULES/01/2018.

Date:

Rules

In exercise of the powers conferred by sub section (2) of section 306, read with sub-section (1) of section 151, of The Daman and Diu Municipalities(Amended) Regulation 1994, the Administrator, Daman and Diu, hereby makes the following rules, namely:-

1. Short title and commencement: - (1) These **rules** may be called the **Daman and Diu Municipal Council (Sale of Distressed or Attached Movable and Immovable Property) Rules, 2018**.
(2) They shall come in to force on the date of their final publication in the Official Gazette.
2. Definition: - In these rules, unless the context otherwise requires: -
 - (a) "Form" means a Form appended to these rules;
 - (b) "local language" in relation to Dadra and Nagar Haveli means Gujarati;
 - (c) "Regulation" means the Daman and Diu Municipalities(Amended) Regulation 1994;
 - (d) "Section" means section of Regulation; and
 - (e) words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.
3. Chief Officer to make proclamation of intended sale: - When any sale of movable or immovable property, as the case may be, is ordered under sub-section (1) of section 151, the Chief Officer shall fifteen days prior to the date of such sale, issue a proclamation thereof, in Form 'A' in English or any local language specifying there in: -
 - (a) the time and place of sale;
 - (b) the description of the property;
 - (c) any encumbrance to which the property is liable; and
 - (d) any other particulars necessary to identify the nature and value of the property.
4. Notice to defaulter of intended sale: - When the proclamation for sale is issued under rule 3, a copy of such proclamation shall be served on the defaulter with a notice in Form 'B'.
5. Publication of proclamation: - (1) The proclamation issued under rule 3 shall be got published by the Chief Officer in one or more vernacular local newspapers in circulation in the Municipal area.
 - (2) A copy of the proclamation shall also be affixed on the Notice Board of the Council Office and also on Council's website.
 - (3) Where the property is land paying revenue to the Government, a copy of the proclamation issued under rule 3 shall be affixed on the Notice Board in the office of the Collector of district in which the land is situated.
 - (4) Where it is immovable property, a copy of the proclamation shall be fixed at the conspicuous place of the premises where it is situated.
 - (5) The Chief Officer may also give such additional publicity to the proclamation of sale by beat of drum or any other customary mode of publicity as he may consider it necessary.

- (6) No sale of attached or distrained property shall be held invalid merely on the ground that the notice of proclamation was not given in the manner provided in these rules, if reasonable notice was given to affected parties.
6. Reasons for postponement of sale to be recorded: - Chief Officer may, for any sufficient reasons to be recorded in writing, postpone the sale and give sufficient publicity to the revised time, date and place fixed by him for holding the sale.
7. Sale under supervision of Chief Officer: - Every sale shall take place under the supervision of the Chief Officer:
Provided that, where for sufficient reasons, it is not possible for the Chief Officer to conduct the sale, he shall, with the prior permission of the President, authorize in writing any other Officer, not below the rank of a Head Clerk in the employment of the Council for the purpose of supervising the sale.
8. Purchaser to deposit purchase money: - (1) When the officer conducting the sale concludes the sale of movable property, the bidder shall pay the sale price for which the sale is concluded immediately to the said officer, in default of which the property shall be resold at his risk.
(2) Where the resale results in any loss to the Council, the bidder shall be liable for such loss.
(3) In the case of immovable property, the person who is declared to be the purchaser shall deposit twenty per cent of the sale price immediately after his bid is accepted, with the officer conducting the sale.
(4) The purchaser shall pay the balance within fifteen days from the date of sale of the property in the Office of the Council.
(5) Where the last day be a Sunday or a public holiday, then payment shall be made on the first working day immediately after such day.
(6) Where the purchaser does not pay the balance of sale price within the period specified under sub-rule (4), the property shall be resold at his risk.
(7) The purchaser shall forfeit all claims to the sale price realized on resale and if such resale results in any loss to the Council, he shall be liable for such loss.
9. Loss to be recovered as arrears of Municipal taxes: - When the resale of any property results in any loss to the Council, the difference in the original sale price and price realized after resale together with all expenses, incurred on such resale shall be recovered by the Council from the defaulter as arrears of Municipal taxes. It shall be lawful for the Chief Officer to ask prospective bidders to deposit earnest money or bid charges so that only genuine bidders participate in the auction. Provided that such earnest money shall not exceed 10% of total value of the property to be auctioned.
10. Resale after fresh proclamation: - Whenever any postponed sale or resale is to be held under these rules, the Chief Officer shall issue a fresh proclamation in the manner specified in rule 3 and follow the procedure specified in rules 4 and 5.
11. Setting aside sale in certain cases: - Where due to sale of any immovable property, interests of some person are affected, such person may apply, to the Chief Officer within twenty one days from the date on which the sale is held, to set aside the sale on the ground of some material irregularity, mistake or fraud in the proclamation or conduct of the sale:
Provided that, no sale shall be set aside on the aforesaid ground, unless, it is proved to his satisfaction that the applicant has sustained substantial loss by reason thereof.
12. Refund of deposit or purchase money: - When the sale is set aside the deposit or purchase money, as the case may be, of the purchaser shall be refunded to him.
13. The Chief Officer to confirm the sale: - (1) Where no objection is raised within twenty one days from the date on which the sale of immovable property is held, or even when any objections are so raised and the Chief Officer is satisfied that there is no valid reason to set aside the sale and full payment is made as required by these rules, the Chief Officer shall confirm the sale by granting a certificate as specified under sub- (2) of section 151 in Form C".

- (2) No sale shall be deemed to be complete, unless, it is confirmed by the Chief Officer.
- (3) Where the sale of immovable property is confirmed by the Chief Officer, the name of the purchaser shall be entered in the Municipal record as the owner of the said property, in lieu of the defaulter.

FORM 'A'
(See rule 3)
.....Municipal Council

Form of the Proclamation of Sale of attached property.

Whereas Shri..... failed to pay the Municipal dues amounting to Rs..... relating to the period from.....to.....

And whereas in accordance with the order No. dated..... issued by the Chief Officer under section 141 of The Daman and Diu Municipalities(Amended) Regulation 1994, the property of the said person herein under specified has been attached/distrained towards recovery of the aforesaid Municipal dues;

Now, therefore, notice is hereby given that subject to the provisions of sub-section (1) of section 151 of the The Daman and Diu Municipalities(Amended) Regulation 1994, the officer of the Municipal Council shall sell by public auction..... day ofat

(Date) (Month and year)

betweenon such conditions as are set out in the subjoined schedule of conditions of sale, the right, title and interest of the said Shri..... in the property hereunder specified.

Details of immovable property:-

Details of Movable property:-

Date:

Chief Officer,
.....Municipal Council

Schedule of conditions of Sale (Here insert conditions of Sale)

FORM 'B'
(See rule 4)
.....Municipal Council
Notice of Sale

From..... (Name and office of the persons charges with the execution of the warrant.)

To

Shri.....(Name, father's name and address of the defaulter whose property is to be sold).

You are hereby required to take notice that the property described in the proclamation annexed hereto and which has been attached under **Section 147** of The Daman and Diu Municipalities(Amended) Regulation 1994 shall be sold by public auction at(place) on the day..... (date)

day of200 (month and year at.....(hour)

A copy of the proclamation issued in Form 'A' attached.

Place

Date.....

Signature of the person charged
with the execution of the warrant.

FORM 'C'
[See sub-rule (1) of rule 13]
.....Municipal Council

(Sale certificate to be issued under **sub-section (2) of section 151** of The Daman and Diu Municipalities(Amended) Regulation 1994

This is to certify that Shri/ Shrimati.....(son/daughter/wife)..... resident of has been declared the purchaser of the property specified below for Rs..... at a sale by public auction held on the of and that the said(month and year) sale has been confirmed by the Chief Officer.....Municipal Council on the.....

(date) day of
.....200 (month and year)

Such sale transfers the right, title and interest of Shri/Shrimati.....son/daughter/wife of..... Resident of..... in the said property to the purchaser aforesaid.

Details of the property

1	2	3
Accurate situation of the property with Detailed description of boundaries Surroundings etc. (applicable to Immovable property)	Details of the property said property	Name in full of the owner of the property

Date:

Signature of the Chief Officer

Note: - The details of the property shall, as far as may be, the same as in the property register.

**By order and in the name of the Administrator
Daman and Diu**

**DeputySecretary (UD)
Daman and Diu,
Daman.**

Daman
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Date:

Rules

In exercise of the powers conferred by sub section (2) of section 306, read with Section 101 (1) and read with 101 (1) (a), of The Daman and Diu Municipalities(Amended) Regulation 1994, the Administrator, Daman and Diu, hereby makes the following rules, namely:-

1. **Short Title and Commencement:** -(1) These rules may be called the Daman **(Imposing of a Consolidated Tax on land and buildings in Municipal Area Rules), 2018.**
- (2) They shall come into force on the date of their final publication in the Official Gazette.
2. **Definition:** - In these rules, unless the context otherwise requires: -
 - 1) Property tax means a consolidated property tax on lands and buildings comprising of a general tax; a general water tax; a lighting tax and a general sanitary tax as detailed in sub-section (2) of Section 101;
 - 2) "Building" means a building as define under Sub-Section(3) of Section-2 of the Regulation;
 - 3) Annual Rateable Value of a building shall be equal to the 90 percent of Annual rent of the building –where annual rent shall be calculated by the method specified in Rule 5 of these Rules.
 - 4) Residential property is either a land lying vacant and unused or a property used exclusively for the residential purposes. Every other property is commercial property.
 - 5) Words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Regulation.
3. Tax rates of properties in Municipal Council area shall be as under:-
 - a) Commercial properties: -5.5% of annual rateable value.
 - b) Residential properties: -3.5% of annual rateable value.
4. **Presumed Annual Rent :-** The council shall, by a resolution passed by 2/3rd Majority of total strength of the Council, classify various locations of the city in 4 classes, namely class 1, class 2 , class 3 and class 4. Provided that not more than 20% of the households in the city can be classified as being in class 4 locations. Provided further that any such resolution shall need approval of the Director (Municipal Administration) before coming in force. Any such resolution will be duly published in at least three vernacular newspapers in circulation in local area and shall also be sent for publication in official gazette.
Presumed annual rent of the property in different locations shall be as under:-

Location	Presumed Annual Rent per square feet per annum.	
	Residential Property	Commercial Property
Class 1	120	180
Class 2	110	165
Class 3	100	150
Class 4	50	80

Provided that so long as the Municipal Council does not pass any such resolution, every property in Municipal Council area shall be treated as class 3 property.

Provided further that Presumed Annual Rent shall automatically increase by 4% annually and these rules shall be deemed to have been amended to that extent.

5. Annual rent of the property in different locations shall be calculated as per following rules:-
 - i. The annual rent of a building or property shall be either the actual rent received on the property or the rent on which the property could be let, whichever is higher.
 - ii. The rent on which property could be let shall be calculated by using following formula.
Built-up area x Presumed annual rent as per rule 4.
 - iii. Built-up area of any vacant land shall be equal to plot area.
6. The property tax of all residential property having built up area less than or equal to 25 square meter shall be such as council may by resolution decide from time to time. So long as no such resolution is passed, the property tax shall be calculated by method specified in rule 5.
7. The council may, by a resolution passed by at least two third majority, and subject of approval of Director Municipal Administration, increase or decrease the presumed annual rent mentioned in rule 4, or the tax rates for different classes of buildings as mentioned in rule 3.
Provided that such increase or decrease shall not be more than 15% in any financial year.
8. The council is empowered by a resolution, to grant an exemption from levy of tax on building or land belonging to following persons and institutions:
 - a) All the Buildings lands use for religious purpose;
 - b) All the Houses allotted to the beneficiaries under various schemes of poverty alleviation programme;
 - c) All traditional huts built with indigenous materials and have negligible rent value and occupied by the poor households; and
 - d) Retired Soldiers and their Widow / Widower can be exempted from the levy of tax on building and land on which they are living.
9. The Council may decide to allot House number plate to each building registered with Municipal Council at free of cost.
10. The Council may carry a survey to identify the houses not yet registered with council and take steps to get them registered with Council. Mere registration of the house for property tax shall neither create nor extinguish any right title or interest in the property. Such registration shall not legalize an illegal construction and shall neither be deemed as a proof of either ownership or possession in any court of law.
11. All disputes related to, or connected with, the property tax shall be decided by the Authorised Valuation Officer and in its absence by the Chief Officer. Appeal against decision of Authorised Valuation Officer or the Chief Officer shall lie with the Standing Committee whose decision shall be final.
12. The owner or authorized person of the taxable property shall furnish correct information regarding rent being charged and collected by him and built up and carpet area as the case may be on demand. Refusal to furnish information or furnishing false information shall be punishable by a fine up to Rs.20000/-. Such fine shall be recoverable as the property tax.
13. The council shall, at all times, display rates of property tax, presumed annual rent as amended from time to time, on notice board in the Council premises and also on website of the Council.
14. Final property tax shall be rounded off to nearest integer.

Schedule 1

Application form for furnishing the details of the taxable property

1. Name :
2. House No. / Property No. :
3. Location: Area and Ward :
4. Year of Construction of Building :
5. Use of the Property Residential :
6. Use of the Property Non-Residential :
state uses of the property.
7. Rent of the Property if, let on rent. :
8. Rent of the property to be let on :
rent. Area of the Property in
square feet for Built up or
Carpet area as the case maybe.

**Signature of Owner/
Authorized Person**

Schedule 2

Register for assessing demand and recovery of property tax.

House No. / Property No.
Class of Buildings

Name:

Area / ward:

Year of Taxation	Annual rent value	Rate of Tax	Demand	Recovery	Receipt No.	Date	Outstanding Amount		Signature
							Tax	Interest	

Schedule 3

Property tax of area per square feet.

Location Class	Residential Property Tax per. sq. feet/ per annum	Commercial Property Tax per. sq. feet/ per annum
1	$120 \times 90\% = 108 \times 3.5\% =$ Rs. 3.78	$180 \times 90\% = 162 \times 5.5\% =$ Rs. 8.91
2	$110 \times 90\% = 99 \times 3.5\% =$ Rs. 3.46	$165 \times 90\% = 148.5 \times 5.5\% =$ Rs. 8.17
3	$100 \times 90\% = 90 \times 3.5\% =$ Rs. 3.15	$150 \times 90\% = 135 \times 5.5\% =$ Rs. 7.42
4	$50 \times 90\% = 45 \times 3.5\% =$ Rs. 1.57	$80 \times 90\% = 72 \times 5.5\% =$ Rs. 3.96

Schedule 3 (A)
Tax percentages on Commercial and Residential Properties

Location Class	Tax per. sq. feet per annum	
	Residential Property Tax	Commercial Property Tax
1	Rs. 3.78	Rs. 8.91
2	Rs. 3.46	Rs. 8.17
3	Rs. 3.15	Rs. 7.42
4	Rs. 1.57	Rs. 3.96

Schedule 4 (A)

Worksheet for calculation of Property Tax
Commercial Tax per annum

Location Class	100 Square Feet x property tax per sq. ft.	500 Square Feet x property tax per sq. ft.	1000 Square Feet x property tax per sq. ft.	2000 Square Feet x property tax per sq. ft.
1	891	4455	8910	17820
2	817	4085	8170	16340
3	742	3710	7420	14840
4	396	1980	3960	7920

Schedule 4 (B)

Worksheet for calculation of Property Tax
Residential Tax per annum

Location Class	100 Square Feet x property tax per sq. ft.	500 Square Feet x property tax per sq. ft.	1000 Square Feet x property tax per sq. ft.	2000 Square Feet x property tax per sq. ft.
1	378	1890	3780	7560
2	346	1730	3460	6920
3	315	1575	3150	6300
4	157	785	1570	3140

By order and in the name of the Administrator
Daman and Diu

Deputy Secretary (UD)
Daman and Diu,
Daman

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Rules

In exercise of the powers conferred by sub section (2) of Section 101 (1) and read with Section 101 (l) and read with 101 (1) (d), of The Daman and Diu Municipalities(Amended) Regulation 1994, the Administrator, Daman and Diu, hereby makes the following rules, namely:-

- 1. Short title and commencement:-** (1) These **rules** may be called the Daman Municipal Council **(Tax on Advertisement)Rules, 2018.**
(2) They shall come into force on the date of their final publication in the Official Gazette.
- 2. Definitions:-** In these Rules , unless the context otherwise requires:-
 - (a) An “advertisement” means some information displayed in pictorial or words form on any object with a view to attract, motivate, or inform viewers about the content of the information and shall include Hoardings, banners, posters, models, video films, audio messages, neon light hoardings etc.
 - (b) “Hoarding” means any work, letter, model sign, device or representation supported on or attached to any post, pole, standard framework or other support wholly or in part upon or over any land building or structure which or any part of which shall be visible from some point in any street and includes all and every part of any such post, pole, standard frame work or other support. It shall also include any balloon parachute or other similar items used wholly or in part for the purpose of any advertisement announcement or direction upon or over any land building or upon or over any street.
 - (c) “Poster” for the purpose of these rules shall mean display of information on paper ,cloth, plastic sheet or any other surface with a size more than 9 square feet, and pasted or painted on some surface.
 - (d) “Banner” means printed or painted information on cloth, plastic sheet legzime and on other surface which is neither pasted on any surface, nor erected on any support structure.
 - (e) “Model” means a miniature of bigger object, whether real or imaginary, including building or image of person, to attract, motivate or inform the interested customers;

- (f) "Video film" means recording of any event for screening and viewing of audiences in any channel, Cinema, or electronic display board located in Daman Municipal Council;
- (g) Words and expressions used but not defined in these rules shall have the same Meaning assigned to them in the regulation or by the Department of Audio Visual Promotion.

3. Every Agency Intending to Display Advertisement shall have to take Permission: A person, agent or company who intends to exhibit its advertisement through any mode, except advertisements in a newspaper, shall have to take written permission of the Chief Officer after due compliance of norms on payment of fee as prescribed under Schedule-I appended here to. Any such permission shall remain valid for a period of one year. Without permission, exhibition of an advertisement in any mode referred above shall be liable to be punished with fine up to twenty times the prescribed fee for every day the violation continues subject to a maximum fine of Rs 100,000/-.

Provided that no permission shall be required for any advertisement which is:-

- i. Is exhibited within the window of any building if the advertisement relates to the person living in, or profession or business carried on in that building, and is less than 40 square feet in size;
- ii. Relates to trade profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale entertainment of meeting to be held on or upon the land or building, and is less than 40 square feet in size;
- iii. Is upon a vehicle and relates to either the owner of the vehicle or to the trade or business carried out by the owner.

Provided further that any tender or permission given by the Municipal Council to any agency permitting it to display advertisement in the Municipal Council area for a definite period shall be deemed to be sufficient permission for the display of advertisement and separate permission shall not be required upon every change of advertisement.

4. No advertisement to be a Traffic Hazard: No advertisement which is a traffic hazard shall be erected at any place within Municipal Council limits. Any person, or agency erecting such advertisement shall remove the same immediately on notice of the Chief Officer or any other officer duly authorised by the council in this behalf.

An advertisement device may be considered a traffic hazard:

- a. If it interferes with road safety or traffic efficiency.
- b. If it interferes with the effectiveness of a traffic control device (e.g. traffic light, stop or give way sign).
- c. Distracts a driver at a critical time (e.g. making a decision at an intersection)
- d. Obscures a driver's view of a road hazard (e.g. at corners or bends in the road)
- e. Gives instructions to traffic to "stop", "halt" or other (e.g. give way or merge)
- f. Imitates a traffic control device.
- g. Is a dangerous obstruction to road or other infrastructure, traffic, pedestrians, cyclists or other road users.
- h. Is in an area where there are several devices and the cumulative effect of those devices may be potentially hazardous.
- i. If situated at locations where the demands on drivers concentration due to road conditions are high such as at major intersections or merging and diverging lanes.

5. Outdoor Advertisement and Road Safety criteria Every advertisement visible from road shall follow following specifications:-

- a. Advertising shall not contain flashing red, blue or amber point light sources which, when viewed from the road, could give the appearance of an emergency service or other special purpose vehicle warning light's.

- b. All lighting associated with the Advertisement Device shall be directed solely on the Advertisement Device and its immediate surroundings.
- c. External illumination sources shall be shielded to ensure that external 'spot' light sources are not directed at approaching motorists.
- d. Illumination of advertisement device is to be concealed or be integral part of it.
- e. Upward pointing light of the device shall not be allowed, any external lighting is to be downward pointing and focused directly on the sign so that glare does not extend beyond the Advertisement Device.
- f. The average maintained luminance shall be reduced to 0.5 candelas or all together shut, after 23.00 hours (11 P.M.) and sunrise by automatic timing devices.
- g. Non-static illuminated Advertisement Devices (flashing lights) are not permitted within the boundaries of Municipal roads.
- h. Moving, rotating or variable message Advertisement Devices are not permitted within the boundaries of municipal roads as these cause a statistically significant distractive influence on motorist's response times to external stimuli.

Provided that nothing in this rule shall apply to variable message displays used by road authorities for traffic management or for displaying other corporate information. Variable message displays located at bus stop or similar places where messages are directed at, and intended for, pedestrians (not motorists) are also excluded.

- 6. Prohibition on Negative Advertisements:** No advertisement which is a negative advertisement shall be erected at any place within Municipal Council limits. Any person, or agency erecting such advertisement shall remove the same immediately on notice of the Chief Officer or any other officer duly authorised by the council in this behalf. In case any person or agency refuses to remove any such advertisement, it shall, on the orders of Chief Officer, shall be punished with fine up to 30 times the annual fee and cost of removal of such advertisement, subject to a maximum penalty of Rs. 2 Lacs.

a. List of Negative Advertisement:-

- i. Nudity
- ii. Racial advertisements or advertisements propagating caste community or ethnic differences;
- iii. Advertisement promoting drugs, alcohol, cigarette or tobacco items;
- iv. Advertisements propagating exploitation of women or child;
- v. Advertisement having sexual overtones;
- vi. Advertisement depicting cruelty to animals;
- vii. Advertisement depicting any nation or institution in poor light;
- viii. Advertisement casting aspersion on any brand or person;
- ix. Advertisement banned by any law
- x. Advertisement glorifying violence;
- xi. Destructive devices and explosives depicting items;
- xii. Any psychedelic, laser or moving displays;
- xiii. Advertisement of Weapons and related items (such as firearms, firearm parts and magazines, ammunition etc.);
- xiv. Advertisement which may be defamatory, libellous, unlawfully threatening or unlawfully harassing;
- xv. Advertisements which may be obscene or contain pornography or contain an "indecent representation of women" within the meaning of the Indecent Representation of Women (Prohibition) Act, 1986;
- xvi. Advertisement linked directly or indirectly to or include description of items, goods or services that are prohibited under any applicable law for the time being in force, including but not limited to the Drugs and Cosmetics Act, 1940, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Indian Penal Code, 1860; and
- xvii. Any other items considered inappropriate by the Municipal body

7. Exact Rates of the Advertisements shall be decided by the Council:-The minimum / maximum rate of tax on different modes of advertisement shall be as prescribed under the Schedule-II. Exact rates of tax on advertisement within different areas of Municipal Council shall be decided by the Council by a resolution passed with at least two third majority. Provided any such rates shall be presented before the Director Municipal Administration and shall come in force after they have been approved by the Director Municipal Administration.

8. Other Important Matters Related to Advertisements:-

- a. For all categories of devices (except Category of devices which are directed only at pedestrians), text elements on an Advertisement Device face should be easily discernible to travelling motorists. This will minimize driver distraction. Additionally, a sign shall be quickly and easily interpreted so as to convey the required advertisement message to the viewer and reduce the period of distraction.
- b. The content or graphic layout exhibited on advertisement device panel shall avoid hard-to-read and overlay intricate typefaces and have letters styles that are appropriate. Under no circumstances should device contain information in text sizes, which would necessitate the driver or passenger in a moving vehicle to stop, read and/or note down, which is detrimental to the smooth flow of traffic and distracting for the driver.
- c. All signs shall be so designed as to maintain a proportion where, as a general rule, letters should not appear to occupy more than 20% of the sign area, unless otherwise permitted by the Municipal Council.

9. Additional Conditions Related to Giant Hoardings etc. All Hoardings with surface area greater than 64 Square Meters shall be deemed to be Giant Hoardings. Giant hoardings should be erected and installed at a safe site at a minimum distance of 10 meters from the edge of the road or on the top of the building and should furnish stability certificate from structural Engineer /Civil Engineer. The person or agency in charge of the hoarding is required to inspect and check the structure of such hoardings at regular interval and get it repaired, if needed. In case hoarding is installed on the top of building, it shall be ensured that minimum height of the platform be raised to protect it against stormy weather condition so as to avoid an accident. The electrical connections and components in all Advertising Devices shall be in accordance with relevant Indian Standards and designed to ensure there is no safety or traffic risk. No generator running on diesel / petrol / kerosene or any bio fuel, causing noise, air or water pollution would be allowed for providing power for illumination of any outdoor advertising device. Sign-board with neon light and electrically operated sign boards shall also be placed at a safe distance and the agency should take all precautions to avoid any accident.

10. Prohibited Areas and controlled area. The Chief Officer may by order, and for reasons to be recorded in writing :-

- a. prohibit the erection, exhibition, fixation, retention or display of all or any class of advertisements in any street road or public park or part thereof or in any place or public resort within Council limits.
- b. with Prior Approval of Council, declare any area as controlled or prohibited area for the purpose of display of advertisement;
- c. regulate the erection, exhibition, fixation, retention or display of advertisements, in the prohibited areas and controlled areas.

Any such order shall be, within 7 days of its publication, laid before Director Municipal Administration, who shall have the power, for reasons to be recorded in writing, to rescind, modify, alter, amend or repeal the order in such manner and to such extent as he deems proper.

Any violation of order of Chief Officer or Director ,as the case may be, shall be liable to be punished with fine of Rs. 5000 per day subject to a maximum fine of Rs. 100,000/-

11. Any default in payment of tax shall, without prejudice to any other power under these rules or Daman and Diu Municipal Municipalities (Amended) Regulation,1994 attract penal interests to the tune of 18% per annum.
12. Any permission to display an advertisement shall remain valid for a period of 1 year. After expiry of one year, the agency displaying the advertisement shall have to repay the application fee.
13. Exhibiting Advertisement on compound wall or on wall of any structures in municipal area is prohibited as to keep the city clean and neat. Any person or institution contravene rules shall be fined up to Rs.10,000/-.
14. Exemption from tax on advertisement:
 - a. All advertisement of the Union or UT government shall be exempted from advertisement tax; and
 - b. All the vehicles registered in municipal area displaying information about the trade, calling or profession of the owner of the vehicle shall be exempted from the advertisement tax.
15. (1) Any person, advertising agency and company, printing, circulating or displaying any advertisement on behalf of a client shall be liable to pay the tax in the same manner and to the same extent as the client would have paid.
(2) Tax of every advertisement related to any event that is about to take place, shall be paid before the event takes place.
(3) Without prejudice to any other power under these rules or the municipal council regulation, any advertisement, whose tax has not been paid or which violates the provisions of these rules or any other law for the time being in force, shall—on directions of Chief Officer—be liable to be summarily removed without any notice to anyone.
(3) Any advertising agency, or person who intends to display advertisement on behalf of anyone else shall have to get itself registered with Municipal Council before it can display any advertisement. The registration fee shall be Rs. 1000/- per year per agency.
16. The sites and assets owned by the municipal council and rented to exhibit an advertisement shall have to pay rent for such use in addition to the advertisement tax prescribed under these rules. All the hoardings on road margins, unless placed in a private property, and all the hoardings and posters on electric or telephone poles situated within Municipal Council area shall be deemed to be the property of the Municipal Council.
17. **Indemnity Bond:-**Any person displaying, installing, erecting any advertising device shall be required to indemnify the Municipal Council against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon the Municipal Authority which arise as a result of the installation or existence of the Advertising Device. The advertiser shall always be responsible for any injury or damage caused or suffered by any person or property arising out of or relating to the display of device / advertisement and the consequential claim shall be borne by the advertiser who will also indemnify and safeguard the Municipal Council in respect of any such claim or claims.
18. Any dispute in the matter of levy of tax on advertisement shall be decided by the Chief Officer of the Municipal Council. Appeal against the decision of the Chief Officer shall lie with the Standing Committee, whose decision shall be final.

19. Any permission or license under these rules shall be deemed to have been given within 15 days of the payment of the requisite fee, unless before expiry of 15 days, the request is denied by the authorised officer of the Council. Provided that nothing in these rules shall prevent the Municipal Council to withdraw the permission given to any person or agency.
20. Form of application for seeking permission to exhibit an advertisement in Municipal area.

1.	Name of person /agent /company, who intends to make advertisement in Municipal area:
2.	Address for contact:
3.	Name of the contact person & Mobile No:
4.	Mode of advertisement along with photos of exhibit:
5.	Probable duration of exhibition of an advertisement:
6.	Seeking convenience for payment of tax viz. daily, weekly, monthly, quarterly and annual.
7.	Stability certificate for high rise hoardings.
8.	Advertising Licence from Competent Authority

Schedule-I
Application fee
(See rule 4)

Sr.No.	Mode of Advertisement	Application Fee per advertisement (Rs.)
1.	Hoarding	1000
2.	Poster	200
3.	Banner	100
4.	Model	1000
5.	Advertisement through Video Films in local channels	200
6.	Advertisement through movie in cinema & video centre	500
7.	Any other mode of advertisement	100

Schedule-II
(See Rule 5)

Sr. No.	Mode of Advertisement	Unit	Period	Minimum (Rs.)	Maximum (Rs.)
1.	Hoardings	Square Meter	Per Annum	500	5000
2.	Banners	One number	Per exhibit Per day	25	500
3.	Posters	One Number	Per Exhibit Per Day	1	100
4.	Model	One number	Per Exhibit Per Day	1	1000
5.	Video Film in Local Channels	One number	Per exhibit	10	500
6.	Advertisement through movie in Cinema & Video Centre	Per show	Per Exhibit	10	500
7.	Any other mode of an advertisement	One number	Daily	1	50

**By order and in the name of the Administrator
Daman and Diu**

**Deputy Secretary (UD)
Daman and Diu,
Daman**

Daman
Dated / /2018