

**UT Administration Of Daman and Diu
Urban Development Department
Daman**

No. UD/DMN/AMD/Muni. Regulation/3411/2013/ 1108

Dated: 11/02/2016

NOTIFICATION

Whereas the Goa, Daman and Diu Municipalities Act, 1968 was enacted by the Legislative Assembly of erstwhile UT of Goa, Daman and Diu in the Nineteenth Year of Republic of India to provide a municipal pattern in consonance with the one in force in the rest of the Country for the constitution, administration and powers of the Municipalities in the erstwhile Union Territory of Goa, Daman and Diu.


Whereas the said Act was amended in the year 1994 titled as "Daman and Diu Municipalities Regulation (Amendment) Regulation, 1994" which is referred to as Principal Act, as in force in the Union Territory of Daman and Diu.

Whereas the said Regulation is required to be amended in order to meet the present circumstances and for smooth functioning of the Municipalities.

Therefore, the draft of proposed amendments to be carried out to the Daman and Diu Municipalities (Amendment) Regulation, 1994 (annexed hereto) are hereby published & uploaded on the Urban Development web page on daman.nic website for the purpose of calling suggestions/views from public/other stakeholders.

The general public/other stakeholders may furnish suggestions/views in writing, if any, **within 30 days** from the date of publication of the draft amendments in the Official Gazette of UT of Daman and Diu, to the Deputy Secretary (Urban Development) C/o Town and Country Planning Department, Fort Area, Moti Daman.

By Order and in the name of
the Administrator of UT of
Daman and Diu and DNH.


(P.P. Parmar) 11/02/16
Dy. Secretary (UD)

Copy Forwarded to :-

1. The Director (Muni. Administration)/Collector, Collectorate, Daman/Diu with a request to place the above notification on the Notice Board for information to the public in general.
2. The Dy. Director, Govt. Printing Press, Secretariat, Daman with a request to publish the above notification in the Official Gazette of Daman and Diu.
3. The District Informatics Officer, NIC, Secretariat, Daman (along with soft copy) with a request to upload the above notification and its enclosures on the website of Daman and Diu for wide publicity.
4. The Chief Officer, Municipal Councils, Daman/Diu with a request to place the above notification on the Notice Board for information to the public in general.

Proposed Amendments to the Daman & Diu Municipalities (Amendment) Regulation,1994.

Section	Existing Provisions	Proposed Amendments	Justifications
Section 2	Definition:-(33) “ officer or servant of the Council” means the officer or servant appointed by the Council or any other competent authority subordinate to it, and includes any Government Officer or servant who is for time being, serving under the Council.	Definition:-(33) “officer or employee of the Council” means an officer or employee appointed by the Chief Officer or Government and includes any Government Officer or employee who is for the time being, serving under the Council.	Since the word” Servant ” is colonial therefore, needs to be replaced by the word “ Employee ”. Government will be the appointing authority for the posts mentioned under Section 72 and Chief Officer is the appointing authority for the posts under Section 73 and hence, it is required to insert the word “Chief Officer” and the word “Government”.
Section 13 (1) New Clause (3)	Manner of voting –(1) The voting at an election shall be by ballot, and no votes shall be received by proxy. (2) A voter shall be entitled to one vote, which he may give to any one candidate.	Manner of voting –(1) The voting at an election shall be by ballot, or by electronic voting machines (EVMs) and no votes shall be received by proxy. (2) A voter shall be entitled to one vote, which he may give to any one candidate. (3)Electronic Voting Machines(EVMs):-A Voting machine at elections-Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of the Municipal Council as the State Election Commission may, having regard to the circumstances of each case, specify. Explanation- For the purpose of this section, “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or	Electronic Voting Machine for voting at election is proposed to be added to have provision for use of Electronic Voting Machine during election. New Clause (3) is proposed to be added.

		ballot paper. In this Regulation or the rules made there under shall, save as otherwise provided, be construed as including a reference to a such voting machine wherever such Voting machine is used at any election.	
--	--	--	--

Section 16	Disqualifications for becoming a Councillor, who —	Disqualifications for becoming a Councillor, who —	
16(1)(l)	(l) save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any transaction of loan of money advanced to or borrowed from any officer or servant of the Council;	(l) save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any transaction of loan of money advanced to or borrowed from any officer or employee of the Council; or	The word "servant" is proposed to be substituted by the word "employee"
16(1)(m)		(m) if he is so disqualified by or under any law for the time being in force for the purposes of election to the House of the People; Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years; or	New Clause 16(1)(m) is proposed to be inserted pertaining to disqualification which are analogous provision as per the provisions of Article 243 V of the Constitution and on the lines of amendments as carried out in Section 14(m) of Daman and Diu Panchayat Regulation, 2012.
16(1)(n)		(n) if he is disqualified under the <u>X-Schedule</u> of this Regulation.	New Clause 16(1)(n) is proposed on the lines of the amendment pertaining to anti defection provisions specified under Section 14(2) of the Daman and Diu Panchayat Regulation, 2012 and accordance to Article 102(2) of the Constitution.

<p>Section 23</p>	<p>Corrupt Practices:- The following shall be deemed to be corrupt practices for the purpose of this Regulation:-</p> <p>(1) Bribery that is to say, ---</p> <p>(a) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any gratification, to any person whomsoever, with the object, directly or in directly, of including ---</p> <p>(b) a person to stand or not to stand as or to withdraw from being a candidate at an election : or</p> <p>(c) a voter to vote or refrain from voting at an election ; or as a reward to ---</p> <p>(i) a person for having so stood or not stood, or for having withdrawn his candidature ; or</p> <p>(ii) a voter for having voted or refrained from voting ;</p> <p>(B)the receipt of, or agreement to receive any gratification, whether as a motive or a reward, -</p> <p>(a) by a person for standing or not standing as, or for withdrawing from being, a candidate; or</p> <p>(b)by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any voter to vote or refrain from voting, or any candidate to withdraw his candidature.</p> <p>Explanation - For the purposes of this clause the term</p>	<p>Section 23 :Corrupt Practice:- All provisions contained in Chapter-I of Part-VII of the Representation of the People Act, 1951 shall have effect as if-</p> <p>(a)in Part-VII for the words "purpose of this Act "the words" purpose of this Regulation" had been substituted; and</p> <p>(b)reference therein to an election were reference to an election under this Regulation;</p>	<p>Section 23 shall be substituted by the new Section 23 to include all provisions of Chapter I of Part-VII of the Representation of the People Act, 1951.</p>
--------------------------	---	--	--

<p>“gratification” is not restricted to pecuniary gratifications or gratification estimable in money and it includes all forms of entertainment and all form of employment for reward, but it does not include the payment of any expenses bonafide incurred at , or for the purpose of any election.</p> <p>(2) Undue influence, that is to say any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right :</p> <p>Provided that -</p> <p>(a)Without prejudice to the generality of the provisions of this clause any such person as is referred to therein who -</p> <p>(i)Threatens any candidate or any voter or any person in whom a candidate or a voter is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community ; or</p> <p>(ii) induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of this clause;</p> <p>(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right</p>		
--	--	--

<p>without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.</p> <p>(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the grounds of his religion, race, caste community or language or the use of, or appeal to, religion symbols, or the use of, or appeal to, national symbols, such as national the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.</p> <p>(4) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate election.</p> <p>(5) The hiring or procuring whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent for the conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station.</p> <p>Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint costs for the</p>		
---	--	--

<p>purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel, so hired is a vehicle or vessel not propelled by mechanical power :</p> <p>Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.</p> <p>Explanation- In this clause the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.</p> <p>(6)The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his election agent or by any other person with the consent of a or his election agent any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election from any person in the service of the Government or Council.</p>		
---	--	--

Section 24	<p>24. Prohibition of public meetings on the election day:- (1) No person shall convene, hold attend any public meeting within a ward of a municipal area on the date or dates on which poll is taken for an election from the ward.</p> <p>(2) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.</p>	<p>Section 24 Electoral Offences:- All provisions contained in Chapter-III of Part-VII of the Representation of the People Act, 1951 shall have effect as if-</p> <p>(a)reference therein to an election were reference to an election under this Regulation;</p> <p>(b)references therein to a constituency included references to the area within the jurisdiction of a Municipal area or a ward thereof;</p> <p>(c) for the words” by or under this Act “ the words ”by or under this Regulation” had been substituted; and</p> <p>(d) for the words “the House of the People or the Legislative Assembly of a State”, the words “Municipal area“ had been substituted.</p>	<p>Provisions contained in Chapter III of Part-VII of the RPA,1951 are proposed to be substituted in place of existing Section 24.</p>
Section 25	<p>25.Disturbances at election meeting:-(1) This section applies to any public meeting in connection with an election held in a municipal area after the programme for the election from any ward of the municipal area is announced.</p> <p>(2)Any person who at a public meeting to which this section applies acts. or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall, on conviction be punished with fine which may extend to two hundred and fifty rupees.</p> <p>(3)If any police officer reasonably suspects any person of committing an offence under sub section (2) he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or if the police officer reasonably suspects</p>	<p>Omitted.</p>	<p>Section 25 to 35 shall be deleted as the corresponding provisions already exist in Chapter III of Part VII of Representation of the People Act, 1951, which has been inserted vide amended section 24 of the Regulation.</p>

<p>Section 26</p>	<p>him of giving a false name or address, the police officer may arrest him without warrant.</p> <p>26. Prohibition of canvassing in or near polling stations:- (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely :-</p> <p>(a) canvassing for votes ; or</p> <p>(b) Soliciting the vote of any voter ; or</p> <p>(c)persuading any voter not to vote for any particular candidate; or</p> <p>(d) persuading any voter not to vote at the election ; or</p> <p>(e)exhibiting any notice or sign (other than an official notice) relating to the election.</p> <p>(2) Any person who contravenes any provision of sub section (i) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.</p>	<p>Omitted.</p>	
<p>Section 27</p>	<p>27. Penalty for disorderly conduct in or near polling station:-</p> <p>(1) No person shall, on the date or dates on which a poll is taken at any polling station -</p> <p>(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or</p> <p>(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighborhood thereof, so as to cause annoyance to any person visiting the polling station for the</p>	<p>Omitted.</p>	

<p>Section 28</p>	<p>poll or so as to interfere with the work of officers and other persons on duty at the polling station.</p> <p>(2) any person who contravenes, or willfully aids or abets the contravention of , any provision of subsection (1) shall, on conviction, be punished with imprisonment for a term which may extend three months or with fine which may extend to two hundred and fifty rupees, or with both.</p> <p>(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.</p> <p>(4) Any police officer may take such steps and use such force, as may be reasonably necessary for preventing and contravention of the provision of sub section (1), and may seize any apparatus us for such contravention.</p> <p>28. Penalty for misconduct at polling station:- (1) Any person who during the hours fixed for poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by the person authorized in this behalf by such presiding officer.</p> <p>(2) The powers conferred by sub- section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.</p> <p>(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of presiding officer, he shall on conviction, be punished with</p>	<p>Omitted.</p>	
-------------------	---	-----------------	--

	<p>imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.</p> <p>(4) An offence under sub-section (3) shall be cognizable.</p>		
Section 29	<p>29. Penalty for illegal hiring or procuring of conveyances at election, - If any person is guilty of any such corrupt practice as is specified in clause (5) of section 23 at or in connection with an election he shall, on conviction be punished with fine which may extend to two hundred and fifty rupees.</p>	Omitted.	
Section 30	<p>30. Maintenance of secrecy of voting:- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.</p> <p>(2) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine, or with both.</p>	Omitted.	
Section 31	<p>31. Officers, etc. at election not to act for candidates or to influence voting:- (1) No person who is a returning officer or a presiding or polling officer at an election or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election, shall, in the conduct or the management of the election shall, in the conduct or the management of the election, do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.</p> <p>(2) No such person as aforesaid, and no member of a police</p>	Omitted.	

<p>Section 32</p>	<p>force, shall endeavour -</p> <p>(a)to persuade any person to give his vote at an election; or</p> <p>(b)to dissuade any person from giving his vote an election; or</p> <p>(c)to influence the voting of any person at an election in any manner.</p> <p>(3) Any person who contravenes any provision of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both</p> <p>32. Breaches of official duty in connection with election:-(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall on conviction, be punished with fine which may extend to five hundred rupee.</p> <p>(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.</p> <p>(3)The person to whom this section applies are the returning officers, presiding officers, polling officers and any other persons appointed to perform any duty in connection with the preparation of a municipal voters list, the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at any election, and the expression official duty shall, for the purposes of this section, be construed accordingly, but shall not include duties imposed otherwise than by or under this Regulation.</p>	<p>Omitted.</p>	
<p>Section 33</p>	<p>33. Removal of ballot papers from polling station to be an offence:-(1) Any person who, at any election, fraudulently takes, or attempt to take, a ballot paper out of a polling station, or willfully aids or abets the doing of any such act shall on conviction, be punished with imprisonment for a</p>	<p>Omitted.</p>	

<p>Section 34</p>	<p>term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.</p> <p>(2) If the presiding officer of a polling station has reason to believe that any person in committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:</p> <p>Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.</p> <p>(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.</p> <p>(4) An offence punishable under sub- section(1) shall be cognizable.</p> <p>34. Other electoral offences and penalties therefore:-(1) A person shall be guilty of an electoral offence if at any election, be-</p> <p>(a)Fraudulently defaces or fraudulently destroys any nomination paper: or</p> <p>(b)Fraudulently defaces destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or</p> <p>(c)Fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or</p> <p>(d)Without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or</p>	<p>Omitted.</p>	
-------------------	---	-----------------	--

<p>Section 35</p>	<p>(e) Fraudulently puts into any ballot box anything, other than the ballot paper which he is authorized by law to put in; or</p> <p>(f) Without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election ; or</p> <p>(g) Fraudulently, or without due authority as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.</p> <p>(2) Any person guilty of an offence under this section shall-</p> <p>(a) If he is the returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both;</p> <p>(b) If he is any other person, on conviction be punished with imprisonment for a term which may extend to six months, or fine, or with both.</p> <p>(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election but the expression official duty shall not include any duty imposed otherwise than by or under this Regulation.</p> <p>(4) An offence punishable under clause (b) of sub section (2) shall be cognizable.</p> <p>35. Prosecution regarding certain offences:- No court shall take cognizance of any offence punishable under section 31 or under section 32 or under clause (a) of sub section (2) of</p>	<p>Omitted.</p>	
-------------------	---	-----------------	--

	section 34 unless there is a complaint made by an order of, or under authority from, the "Election Commission."		
--	---	--	--

<p>Sec.51(3)(u)</p> <p>51(5)(a)</p>	<p>(3) A Council may, at its discretion provide, either wholly or partly, out of the municipal property and funds for-</p> <p>(u)Any public reception ceremony, fair, entertainment or exhibition within the Municipal area if the expenses in each case do not exceed Rs. 200.00 and the total expenditure during the year does not exceed Rs. 1000.00 provided, however, that the Collector's sanction shall be necessary-</p> <p>51(5) Every Council shall also, out of the municipal property and fund, make payments at such rates as the Government may from time to time by general or special order specify for the maintenance and treatment either in the municipal area or at the any asylum, hospital or house, whether within or without such municipal areas, which the Government declares by notification to be suitable for such purpose, -</p> <p>(a) of lunatics, not being persons for whose confinement an order under Chapter [XXV] of the Code of Criminal Procedure,1898, is in force.</p>	<p>(3) A Council may, at its discretion provide, either wholly or partly, out of the municipal property and funds for-</p> <p>(u)Any public reception, ceremony, fair, entertainment or exhibition held in the Municipal area, within the amount as notified by the Government by an order.</p> <p>51(5) Every Council shall also, out of the municipal property and fund, make payments at such rates as the Government may from time to time by general or special order specify for the maintenance and treatment either in the municipal area or at the any asylum, hospital or house, whether within or without such municipal areas, which the Government declares by notification to be suitable for such purpose, -</p> <p>(a) of lunatics, not being persons for whose confinement an order under Chapter [XXV] of the Code of Criminal Procedure ,1973(Central Act 2 of 1974), is in force.</p>	<p>The existing prescribed financial limit is based on the market price prior to 1968 and it is required to be revised. Hence, it is proposed that the financial limit be notified by the Government considering that specifying the financial limit in the Act would lead to further amendment of the Act in future.</p> <p>The word "Code of Criminal Procedure ,1898" is required to be substituted by the revised Code , that is "Code of Criminal Procedure,1973(Central Act 2 of 1974)".</p>
---	---	---	--

Section 52	Election of President and Vice -President :-	Election of President and Vice -President :-	
52(2)	52(2) Within twenty five days from the date on which the names of Councillors elected to a Council are published, or as the case may be, first published, under sub-section (1) of section 20, in the Official Gazette, the Collector shall convene a special meeting of the Councillors for election of President and Vice President.	52(2) On the constitution of a Municipal Council for the first time under this Regulation or on the expiry of the term of a Municipal Council or its reconstitution, a meeting shall be called on a date fixed by the Collector for the election of President and Vice-President in such manner as may be prescribed by the Government.	The proposed amendment is analogous to provision under Sections 17 and 61 of the Daman and Diu Panchayat Regulation, 2012.
52(3)	52(3)The meeting called under sub-section(2) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same power as the President of a Council has, but shall not have the right to vote: Provided that notwithstanding anything contained in this Regulation for regulating procedure at meetings(including the quorum required thereat), the Collector or the officer presiding over such meeting may for reasons which in his opinion are sufficient, refuse to adjourn such meeting.	52(3) Omitted.	Since, the election procedure is already proposed to be prescribed under Sub-Section(2), Sub-sections (3), (4) and (5) are required to be omitted.
52(4)	(4)If, in the election of the President or the Vice-President there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.	52(4) Omitted.	
52(5)	(5)Any dispute regarding election of the President or Vice-President shall be referred to the Administrative Tribunal, whose decision in that behalf shall be final.	52(5) Omitted.	
52(8)	52(8) If during the term of a Council, there is a vacancy in the office of the President due to any reason whatsoever, the same procedure as prescribed in sub-section(2) to (5) shall apply except. [.....] that the special meeting shall be called by the Collector within 25 days from the date on which the vacancy occurs; [...]	52(8) If during the term of a Council, there is a vacancy in the office of the President due to any reason whatsoever, the same procedure as provided for in sub-section (2) shall apply.	Sub-Section 52(8) is proposed to be amended as procedure for election of President and Vice-President would be prescribed by the Government which is analogous to provision under Sections 66 of the Daman and Diu Panchayat Regulation, 2012.

<p>Section 54</p> <p>54(2)</p>	<p>Resignation of President. :-</p> <p>(2) Such resignation shall take effect on the receipt thereof by the Director.</p>	<p>Resignation of President. :-</p> <p>(2) Such resignation shall take effect on the acceptance thereof by the Director.</p>	<p>The word " receipt" is to be replaced by the word "acceptance". which is analogous to section 65(1) of the Daman and Diu Panchayat Regulation,2012.</p>
<p>Section 56</p>	<p>Removal of President and Vice-President:- (1) A President or a Vice-President shall cease to be a President or Vice-President, as the case may be, if the Council by a resolution passed by a majority of the total number of Councillors at a special meeting so decides.</p>	<p>Removal of President and Vice-President: (1) A President or a Vice-President shall cease to be a President or Vice-President, as the case may be, if the Council by a resolution passed by majority of the total number of Councillors at the special meeting so decides.</p> <p>Provided such resolution shall not be moved before six months of assumption of office by the President or the Vice President, as the case may be.</p>	<p>Proviso is proposed which is analogous provision to Section 67(1) of the Daman and Diu Panchayat Regulation,2012.</p>

<p>56(2)</p>	<p>(2) The requisition for such special meeting shall be signed by not less than one fourth of the total number of Councillors and shall, if such meeting is to be convened for considering the resolution for removal from office —</p>	<p>(2) The requisition for such special meeting shall be signed by not less than one third of the total number of Councillors and shall, if such meeting is to be convened for considering the resolution for removal from office —</p>	<p>The word "one fourth" is substituted by the word "one third" which is analogous to Section 67(1) in the Daman and Diu Panchayat Regulation, 2012.</p>
<p>56(3)</p>	<p>(3)The Director or, as the case may be, the President shall within ten days of the receipt of a requisition under Sub-section(2) convene a special meeting of the Council;</p> <p>Provided that, when the Director convenes a special meeting of the Council, he shall given intimation thereof to the President.</p>	<p>(3)The Collector or the President, as the case may be, shall within ten days of the receipt of a requisition under Sub-section(2) convene a special meeting of the Council;</p> <p>Provided that, when the Collector convenes a special meeting of the Council, he shall given intimation thereof to the President.</p>	<p>The word "Director" is to be substituted by the word "Collector" after the words " <i>the</i> "at the beginning of the sub-section. The word "Director" is to be substituted in the proviso by the word "Collector" after the words "<i>when the</i>"</p>
<p>56(4)(a)</p>	<p>(4)A meeting to consider a resolution under sub-section (1) shall be presided over. -</p> <p>(a)by the Director or any other officer authorized by him in this behalf, when a resolution for the removal of the President or of the Vice-President is under consideration, but he shall have no right to vote.</p>	<p>4)A meeting to consider a resolution under sub-section (1) shall be presided over. -</p> <p>(a) by the Collector or any other officer authorized by him in this behalf, when a resolution for the removal of the President or of the Vice-President is under consideration, but he shall have no right to vote.</p>	<p>The word "Director" is to be substituted by the word "Collector" after the words "<i>by the</i> " at the beginning of sub-section.</p>

Section 58 58(4)	President or Vice-President to hand over charge. — (4) If any President or a Vice-President to whom a direction has been issued under sub-section (3) does not comply with such direction, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two thousand rupees , or with both.	President or Vice-President to hand over charge. — (4) If any President or a Vice-President to whom a direction has been issued under sub-section (3) does not comply with such direction, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees , or with both.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly revised amount of fine is proposed.
Section 59 (1)(d)	(1) Subject to the provisions of this Regulation of any rules and bye-laws framed thereunder, the President of the Council shall - (d) exercise supervision and control over the acts and proceedings of all officers and servants of the Council in matters of executive administration and in matters concerning the accounts and records of the Council; and	(1) Subject to the provisions of this Regulation of any rules and bye-laws framed thereunder, the President of the Council shall - (d) exercise supervision and control over the acts and proceedings of all officers and employees through Chief Officer of the Council in matters of executive administration and in matters concerning the accounts and records of the Council; and	The President may exercise supervision and control over the acts of Officers and employees of the Council through Chief Officer.
Section 63 63(1) 63(2) 63(3)	Standing and Subject Committees for all classes of Councils.— (1) Every Municipal Council shall appoint a Standing Committee and may appoint such Subjects Committees , as it may deem necessary. (2) The Standing Committee shall consist of such number of members as the Council may determine, so however that the number of members so determined shall not exceed one third of the total number of Councillors: Provided that in so determining the number of the members of the Standing Committee, a fraction shall be ignored. (3) If the Council decides to appoint any Subjects Committee, such Committee shall consist of not more than five members, as it may determine.	Standing and Subjects Committees for all classes of Councils.— (1) Every Municipal Council shall constitute a Standing Committee and may appoint not more than three Subjects Committees , as it may deem necessary. (2) The Standing Committee shall consist of such number of members as the Council may determine so, however that the number of members so determined shall not exceed one third of the total number of Councillors or five whichever is more: Provided that in so determining the number of the members of the Standing Committee, a fraction shall be ignored. (3) If the Council decides to constitute any Subjects Committee, such Committee shall consist of three members only.	The word “ appoint ” is to be substituted by word “ constitute ”. The words “ not more than three ” is proposed to be inserted considering that Municipal areas is small in terms its area as well population and three Subjects Committee can satisfy the functionality for more than one subject. Further, the size of the Subject Committee is also proposed to be specified considering the total number of Councillors to have opportunity for inclusion of Councillors of the opposite party for participation in decision making in the Subject Committee.

<p>63(4)(a)</p> <p>63(4)(b)</p> <p>63(4)(c)</p> <p>63(5)</p>	<p>(4) The President shall, within seven days of his election as President under section 52 call special meeting of the Council for the purpose of-</p> <p>(a) determining the number of members of the Standing Committee;</p> <p>(b) determining the Subject Committee or Committees, if any, to be to be appointed and the number of members of each such Committee and if more than one such Committee are to be appointed, the subject committee of which the Vice- President shall be the ex - officio Chairman ;</p> <p>(c) holding elections to the Standing Committee and the Subjects Committee, or Committees, if any, in the manner prescribed by the Government.</p> <p>(5) If more than one Subjects Committee are to be appointed, the Chairman of the Subjects Committee, other than that of which the Vice- President is to be ex - officio Chairman shall be elected by the members thereof, at the meeting convened under sub-section (4).</p>	<p>(4) The President shall, within seven days of his election as President under section 52 call special meeting of the Council for the purpose of-</p> <p>(a) determining the number of members of the Standing Committee and allocating one or more than one subject to the Standing Committee and Subjects Committees.</p> <p>(b) determining the number of Subjects Committee or Committees to be constituted and if more than one such Committees are or if any, to be constituted, the Subject Committee of which the Vice- President shall be the ex - officio Chairman ;</p> <p>(c) holding elections to the Standing Committee and the Subjects Committee, or Committees, if any, in the manner prescribed by the Government.</p> <p>Provided that no Councillor shall be eligible to be elected to more than one Subject Committee.</p> <p>(5) If more than one Subjects Committees are to be constituted, the Chairman of the Subjects Committees, other than that of which the Vice- President is to be ex - officio Chairman shall be elected by the members thereof, at the meeting convened under sub-section (4).</p>	<p>The purpose of this amendment is to make the council more inclusive and broad based and accommodate the maximum number of councilors in the working of the Subjects Committees. Hence, the words” and allocating one or more than one subject to the Standing Committee and Subject Committees “ is proposed to be inserted after the words” <i>Standing Committee</i>”.</p> <p>This proviso is proposed to be added to have scope for inclusion of Councillor of the opposite party.</p> <p>The word “appointed” is to be substituted by the word “constituted”</p>
--	--	---	---

<p>Section 64</p> <p>64(b)</p>	<p>Constitution of Standing Committee of Councils.—The Standing Committee referred to in sub-section (1) of the last preceding section shall consist of—</p> <p>(a) the President of the Council as the Chairman,</p> <p>(b) the Chairman or Chairmen of the subjects Committees, if any,</p>	<p>Constitution of Standing Committee of Councils.—The Standing Committee referred to in sub-section (1) of the last preceding section shall consist of—</p> <p>(a) the President of the Council as the Chairman,</p> <p>(b) Chairman or Chairmen of the Subjects Committees, if any,</p>	<p>This section has been redrafted to make the Standing Committee more broad based.</p>
--	---	---	---

<p>64(c)</p> <p>Section 65</p>	<p>appointed under Clause (b) of sub section (4) of that section, and if no such subjects committee is appointed, the Vice-President, as the member or members; and</p> <p>(c) such other members elected by the Councillors from amongst their number in the manner laid down in clause (c) of sub-section (4) of section 63, so however that the total number of members of the Standing Committee shall not exceed the number determined under clause (a) of sub-section (4) of the said section:</p> <p>Provided that no Councillor shall be eligible to be a member of the Standing Committee, if he is already elected as member of more than one Subjects Committee.</p> <p>Special Committees. – A Council may from time to time appoint Special Councillors and for such duration as it may determine, and may refer to such Committees such special subjects or matters relating to the purposes of this Regulation, for opinion, or inquiry and report, as the Council may think fit. The Council may at any time discontinue or alter the constitution of any such committee. Such Committee may be directed by the Council to submit its report or opinion, either to the Council, the Standing Committee or any of its Subjects Committees.</p>	<p>constituted under Clause (b) of sub section (4) of that section, and if no such Subjects Committee is constituted, the Vice-President, as the member or members; and</p> <p>(c) such other members elected by the Councillors excluding President, Vice-President and members of any Subjects Committee or Committees from amongst their number in the manner laid down in clause (c) of sub-section (4) of section 63, so however that the total number of members of the Standing Committee shall not exceed the number determined under clause (a) of sub-section (4) of the said section:</p> <p>Omitted.</p> <p>Special Subjects. – A Council may from time to time refer to a Subjects Committee constituted under section 63 such special subjects or matters relating to the purposes of this Regulation, for opinion, or inquiry and report, as the Council may think fit. Such Subjects Committee may be directed by the Council to submit its report or opinion, either to the Council or the Standing Committee.</p>	<p>Municipal areas of Daman is very small with a population size of about 55,000. If any issue arises which requires special attention, it can be taken care of by any Subject Committee itself rather than forming a new Special Committee in this regard.</p>
--------------------------------	--	---	---

Section 68	<p>Functions and power of Standing Committees and Subjects Committees.—Each Council shall make bye-laws to provide for the following matters:—</p> <p>(a) Allotment of subjects to the Standing Committee and the Subjects Committees (if any):</p> <p>Provided that the subjects of transport undertaking finance and welfare of conservancy staff shall be allotted to the Standing Committee, and the subjects of fairs and pilgrims to the Sanitation, Medical and Public Health Committee, and where such Committee is not appointed to the Standing Committee;</p> <p>(b) Extent of powers of the Council under this Regulation or any other law for the time being in force to be exercised by the Standing Committee and the Subjects Committees (if any) in respect of the subjects allotted to such Committees.</p>	<p>Functions and power of Standing Committees and Subjects Committees.—Each Council shall make bye-laws to provide for the extent of powers of the Council under this Act or any other law for the time being in force to be exercised by the Standing Committee and the Subjects Committees (if any), in respect of the subjects allotted to such Committees.</p>	<p>Allotment of subjects to the Standing Committee and Subjects Committees are already provided in section 63. Hence, it is required to omit sub-section (a) along with the proviso and sub-section (b) becomes a part of the main section; itself.</p>
Section 69	<p>Limit of powers of Committee in respect of financial sanctions:- The powers of financial sanctions of the Standing Committee and the Subjects Committees of Council shall not exceed Rs. 50,000.00 and Rs. 10,000.00 respectively.</p>	<p>Limit of powers of Committee in respect of financial sanctions:- The powers of financial sanctions of the Standing Committee and the Subjects Committees of Council shall not exceed the limits as notified by the Government.</p>	<p>The existing prescribed financial limit is based on the market price prior to 1968 and hence, it is required to be revised. Hence, it is proposed that the limit be notified by the Government considering that specifying the financial limit in the Act would lead to further amendment of the Act whenever it is required to be revised.</p>
<p>Chapter V</p> <p>Section 72</p> <p>72(4)</p>	<p>Provisions regarding Officers and Servants</p> <p>Appointment of Chief Officer, Engineer, Water Works Engineer, Health Officer, Auditor and certain other officers --</p> <p>(4) Subject to the provisions of sub-sections (5) and (6), the power of making appointment to the posts specified in sub-section (1) and (2) shall vest in the Council.</p>	<p>Provisions regarding Officers and Employees</p> <p>Appointment of Chief Officer, Engineer, Water Works Engineer, Health Officer, Auditor, certain other officers</p> <p>(4) Subject to the provisions of sub-sections (5) and (6), the power of making appointment to the posts specified in sub-section (1) and (2) shall vest in the Government.</p>	<p>Since the word " Servants" is colonial therefore, needs to be replaced by the word "Employees".</p> <p>To bring uniformity in the recruitment of the higher officers of the council, the appointing authority may be Government instead of Council. Further it will help to post officers on</p>

72(5)(b)	<p>(5)Notwithstanding anything contained in this Regulation, the Government may, by notification in the Official Gazette, constitute, in respect of all Council.—</p> <p>(b) common cadre of all or any of the officers specified in sub-section (2), whose minimum salary (exclusive of allowance) is not less than Rs. 225/ per month.</p>	<p>(5)Notwithstanding anything contained in this Regulation, the Government may, by notification in the Official Gazette, constitute, in respect of all Council.—</p> <p>(b) common cadre of all or any of the officers or employee of the Council specified in sub-section (2)</p>	<p>deputation to the Council in case of vacancy.</p> <p>The Word" whose minimum salary (exclusive of allowance) is not less than Rs.225/ per month" is required to be deleted as it is not relevant with the present pay structure.</p>
----------	---	---	--

<p>Section 73</p> <p>73(1)</p> <p>73(2)</p> <p>73(4)(a)</p> <p>73(4)(b)</p>	<p>Appointment of other officers and servants:— (1) A Council may , with the sanction of the Director, create such posts of officers and servants other than those specified in sub-section(1) and (2) of the last preceding section as it shall deem necessary for efficient execution of its duties under this Regulation.</p> <p>(2) The qualifications, pay, allowances, and other conditions of service and method of recruitment of any such officers and servants</p> <p>(a)If the minimum salary (exclusive of allowances) of the post is less then Rs 120/-per month , shall be determined by bye-laws made by council in this behalf; and</p> <p>(b)If the minimum salary (exclusive of allowances) of the post is Rs 120/- or more shall be determined by General or Special order made by the Director in this behalf .</p> <p>(4) (a) The Power of making appointment to any post referred to in clause (a) of Sub- section (2) shall vest in the standing Committee, and if the Council so decides, in the President .</p> <p>(b) The power of making appointment to any post referred to in clause (b) of Sub- section (2) shall vest in the council or the standing Committee, if the Council so decides.</p>	<p>Appointment of other officers and employees:-(1) A Council may , with the sanction of the Director, create such posts of officers and employees other than those specified in sub-section(1) and (2) of the last preceding section as it shall deem necessary for efficient execution of its duties under this Regulation.</p> <p>(2)The qualifications, pay, allowances, and other conditions of service and method of recruitment of any such officers and employees shall be determined by general or special order made by the Government in this behalf.</p> <p>Omitted.</p> <p>Omitted.</p> <p>(4) (a)The power of making appointment to any post referred to in Sub- section (1) shall vest in the Chief Officer, with the prior approval of the Director.</p> <p>Omitted.</p>	<p>Since the word" Servants" is colonial therefore, needs to be replaced by the word "Employees".</p> <p>To bring uniformity among the employees of UT and Council, Government should prescribe qualifications, pay, allowances, and other conditions of service and method of recruitment</p> <p>Section 73(2)(a) is therefore required to be omitted.</p> <p>Section 73(2)(b) is therefore required to be omitted.</p> <p>The Council may create posts under Section 73(1) but Chief Officer being the executive head, should be appointing authority for these posts. This amendment is analogous to sub-section 68(5) of the Daman and Diu Panchayat Regulation,2012.</p> <p>Section 73(4)(b) is required to be omitted.</p>
---	---	---	--

<p>Section 74</p> <p>74(1)(a)</p> <p>74(1)(b)</p> <p>74(1)(g)</p> <p>74(1)(h)</p>	<p>Powers and duties of Chief Officer. — (1) The Chief Officer shall—</p> <p>(a)subject to the control, direction and supervision of the President, supervise the financial and executive administration of the Council and exercise such powers and perform such duties and functions as may be conferred or imposed upon him or allotted to him by or under this regulation,</p> <p>(b) take steps to give effect to all the decisions or resolution of the Council,</p> <p>(g) exercise supervision and control over the acts and proceedings of all the officers and servants of the Council;</p> <p>(h) subject to the rules, by laws and general and special orders made under this Regulation, dispose of all questions such as the pay and allowances leave and other privileges in respect of the officers and servants of the Council.</p>	<p>Powers and duties of Chief Officer:- (1) The Chief Officer shall—</p> <p>(a) subject to the control, direction and supervision of the Council, supervise the financial and executive administration of the Council and exercise such powers and perform such duties and functions as may be conferred or imposed upon him or allotted to him by or under this regulation,</p> <p>(b) take steps to give effect to all the decisions or resolution of the Council and the Standing Committee.</p> <p>Provided however, if it appears to the Chief Officer that any decision or resolution is against public interest, harmony, or is otherwise ultra-vires, he shall refer the resolution to the Collector for appropriate clarification or decision, as the case may be,</p> <p>Provided further that the Chief Officer while thus referring the matter to the Collector shall not implement the decision or resolution until a clarification or decision in this regard is received from the Collector, unless otherwise directed to do so in writing by the Collector.</p> <p>(g) exercise supervision and control over the acts and proceedings of all the officers and employees of the Council;</p> <p>(h) subject to the rules, by laws and general and special orders made under this Regulation, dispose of all questions such as the pay and allowances leave and other privileges in respect of the officers and employees of the Council.</p> <p>(i) may undertake minor repairs, and maintenance works within financial limits notified by Government.</p>	<p>Since Chief Officer works for the Council therefore he should work under supervision and control of the Council.</p> <p>Standing Committee meets more frequently and takes decision on behalf of the Council. Council meets every alternate month and ratifies the decision of the Council, so Standing Committee added</p> <p>The provisos have been added to ensure the working of the council as per rules in public interest.</p> <p>Since the word "servants" is colonial therefore, needs to be replaced by the word "employees".</p> <p>New sub-clause 74(1)(i) is proposed to enable the Chief Officer to undertake minor repair and maintenance works in public interest.</p>
--	--	---	---

Section.75	<p>Powers and duties of other officers and servants.— The powers and duties of all officers and servants of the Council, other than the Chief Officer, shall be such as the Standing Committee may specify from time to time.</p>	<p>Powers and duties of other officers and employees.— The powers and duties of all officers and employees of the Council, other than the Chief Officer, shall be such as the Chief Officer may specify from time to time.</p>	<p>The word“ servants” shall be substituted by the word “ employees”. Further, the word” Standing Committee” is to be replaced by the word” Chief Officer” as the Chief Officer is responsible for day to day executive administration of the Municipal Council.</p>
<p>Section 76</p> <p>76(1)</p> <p>76(2)</p>	<p>Punishment of officers and servants.- (1) Without prejudice to the provisions of any law for the time being in force, the following penalties may for good reasons, be imposed upon any officer or servant of the Council;-</p> <p>(i) Censure ;</p> <p>(ii) Withholding of increments or promotion including stoppage at an efficiency bar;</p> <p>(iii)Reduction to a lower post on a fixed pay or a time scale or a lower stage in a time scale;</p> <p>(iv)Recover from his pay of the whole or part of any pecuniary loss caused to the Council by negligence or breach of order ;</p> <p>(v)Removal from the service, which does not disqualify from future employment ;</p> <p>(vi)Dismissal from the service, which ordinarily disqualifies from future employment.</p> <p>(2) Any of the penalties mentioned in sub-section (1) may be imposed on an officer or servant of the Council by the authority competent to make the appointment of the officer or servant :</p> <p>Provided that the penalty mentioned in items (i) and (ii) of sub-section (1) may be imposed on an officer of the Council other than an officer belonging to the common cadre specified in sub-clause (5) of section 72 or a servant of the Council, by the Chief Officer of the Council.</p>	<p>Punishment of officers and employees.—(1) Without prejudice to the provisions of any law for the time being in force, the following penalties may for good reasons, be imposed upon any officer or employee of the Council:-</p> <p>(a) Minor Penalties -</p> <p>(i) Censure;</p> <p>(ii) Withholding of promotion;</p> <p>(iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Council by negligence or breach of orders;</p> <p>(iv)Withholding of increments of pay;</p> <p>(b) Major Penalties -</p> <p>(i) Reduction to a lower post on a fixed pay or a time scale or to a lower stage in a time scale;</p> <p>(ii) Removal from the service, which does not disqualify from future employment;</p> <p>(iii)Dismissal from the service, which ordinarily disqualifies from future employment</p> <p>(2)The major penalties mentioned in clause (b) of sub-section (1) may be imposed on an officer or employee of the Council by the authority competent to make the appointment of the officer or employee:</p> <p>Provided that the minor penalties mentioned in clause (a) of sub-section (1) may be imposed on an officer (other than an officer belonging to the common cadre specified in sub-clause (5) of Section (72)) or an employee of the Council, by the Chief Officer of the Council.</p>	<p>The word “servants” shall be substituted by the word “ employees”.</p> <p>After the word “any officer or..” the word “servant” shall be substituted by the word “ employee”.</p> <p>Section 76 is proposed to be amended to bring in line with the provisions of CCS (CCA) rules. Accordingly, major and minor penalties are categorized.</p> <p>In this section, the word “servant” shall be substituted by the word “ employee”.</p> <p>After the word “ any officer or ..” the word “servant” shall be substituted by the word “ employee”.</p>

<p>76(3)</p> <p>76(4)</p> <p>76(5)</p>	<p>Provided further that suspension of an officer or servant pending inquiry into the allegations against such officer or servant shall not be deemed to be a penalty and shall be ordered only by the authority competent to make appointment to the post held by such officer or servant.</p> <p>(3) No officer or servant shall be reduced to a lower post or rank or removed or dismissed from service under this section unless he has been given a reasonable opportunity of showing cause against such reduction, removal or dismissal:</p> <p>Provided that this sub-section shall not apply-</p> <p>(a) Where a person is reduced, removed or dismissed on the ground of conduct which has led to this conviction on a criminal charge; or</p> <p>(b) Where the competent authority is satisfied that, for reasons to be recorded in writing by such authority, it is not reasonably practicable to give that person an opportunity of showing cause.</p> <p>(4)In the case of any officer or servant holding any post, permanently the minimum salary of which (exclusive of allowances) in Rs. 120- or more, no order of dismissal, removal or reduction in post or rank shall be passed without the prior approval of the Director.</p> <p>(5) In any case referred to the Director under the last proceeding sub-section the Director shall not refuse to give his approval unless he is satisfied that-</p> <p>(i) the finding at the inquiry is perverse; or</p> <p>(ii) the penalty of removal or dismissal or reduction, as the case may be, is too severe.</p> <p>Where the Director informs the Council or the Standing</p>	<p>Provided further that suspension of an officer or servant pending inquiry into the allegations against such officer or employee shall not be deemed to be a penalty and shall be ordered only by the authority competent to make appointment to the post held by such officer or employee .</p> <p>(3)No officer or employee shall be imposed major penalties mentioned in clause (b) of sub-section (1) unless he has been given a reasonable opportunity of showing cause against such penalties;</p> <p>Provided that this sub-section shall not apply-</p> <p>(a) Where a person is reduced, removed or dismissed on the ground of conduct which has led to this conviction on a criminal charge; or</p> <p>(b) Where the competent authority is satisfied that, for reasons to be recorded in writing by such authority, it is not reasonably practicable to give that person an opportunity of showing cause.</p> <p>(4) In the case of any officer or employee appointed under sub-section 4 of section 73, no major penalty mentioned in clause (b) of sub-section (1) shall be imposed, without the prior approval of the Director.</p> <p>(5) In every case referred to the Director under the last preceding sub-section the Director shall not refuse to give his approval unless he is satisfied that -</p> <p>(i) the finding at the inquiry is perverse; or</p> <p>(ii) the major penalty imposed is too severe.</p> <p>Where the Director informs the Chief Officer that the</p>	<p>In this section, the word "servant" shall be substituted by the word "employee".</p> <p>Minimum salary mentioned under the existing clause is not relevant to the present pay scale. Further, category of employees to whom penalty are to be imposed under this section has already been proposed under Sub-Section 4 of section 73. Accordingly, this section is required to be amended as proposed.</p> <p>Sub-section 5(ii) is proposed to be replaced by the word "the major penalty imposed is too severe" as the penalty of removal, dismissal and reduction have already been included under the category of major penalty</p>
--	---	--	--

	<p>Committee that finding at the inquiry is perverse, no further proceedings shall be taken against the officer or servant concerned in respect of the same matter.</p> <p>76(6) (6) An appeal against any order imposing any penalty mentioned in sub-section (1) may be made to the authority imposing the penalty as shown below:-</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Authority imposing the Penalty</p> <p>(i) Chief Officer (ii) Standing Committee. (iii) Council</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Superior authority to which appeal may be made.</p> <p>Standing Committee. Council. Administrative Tribunal.</p> </td> </tr> </table> <p>76(7) (7) No such appeal may be entered if not preferred within one month from the date of receipt of the order appealed against by the officer or servant concerned.</p> <p>76(8) (8) Any officer or servant aggrieved by an order of removal, dismissal or reduction in a post or rank passed against him with the approval of the Director under sub-section (4) may file a revision application shall be filled within 60 days from the date of such order.</p>	<p>Authority imposing the Penalty</p> <p>(i) Chief Officer (ii) Standing Committee. (iii) Council</p>	<p>Superior authority to which appeal may be made.</p> <p>Standing Committee. Council. Administrative Tribunal.</p>	<p>finding at the inquiry is perverse, no further proceedings shall be taken against the officer or employee concerned in respect of the same matter.</p> <p>(6) An appeal against any order imposing any penalty mentioned in sub-section 1 may be made as shown below:-</p> <p>(i) An appeal against any order imposing any minor penalty mentioned in clause (a) of sub-section (1) may be made to the Director. (ii) An appeal against any order imposing any major penalty mentioned in clause (b) of sub-section (1) may be made to the authority specified in this behalf by the Administrator by an order.</p> <p>(7) No such appeal may be entertained if not preferred within one month from the date of receipt of the order appealed against by the officer or employee concerned.</p> <p>(8)The appellate authority, within six months of the date of the order passed or any other authority specified in this behalf by the Administrator by a general or special order; and within such time as may be prescribed in such general or special order; may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made for reduction to a lower post or rank or removal or dismissal from the service, and may-</p> <p>(i)confirm, modify, reduce, enhance or set aside the order; or (ii)remit the case to the authority which made the order</p>	<p>under sub-section1(b).</p> <p>The word “Standing Committee” shall be substituted by the word “ Chief Officer”. Further, the word“ servant” shall be substituted by the word “employee”.</p> <p>There is mechanism of only one appeal under CCS (CCA) Rule, therefore this is modified to bring it in uniformity of CCS (CCA) Rule</p> <p>The word“ servant” shall be substituted by the word “ employee”.</p> <p>Revision provisions are proposed to be amended as per CCS (CCA) Rule</p>
<p>Authority imposing the Penalty</p> <p>(i) Chief Officer (ii) Standing Committee. (iii) Council</p>	<p>Superior authority to which appeal may be made.</p> <p>Standing Committee. Council. Administrative Tribunal.</p>				

76(9)		<p>to or any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or (iii) pass such orders as it may deem fit</p> <p>(9) The Administrator may, at any time, either on his own motion or otherwise review any order passed under this section, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice.</p>	<p>New sub-section</p> <p>Review provision is proposed on the line of CCS (CCA), 1965 rules.</p>
-------	--	---	--

<p>New Chapter V-A to be added 77A</p>	<p style="text-align: center;">CHAPTER V-A</p> <p style="text-align: center;">OMBUDSMAN FOR MUNICIPALITIES</p> <p>(1) Constitution, Term of Office and Conditions of service of Ombudsman.- (1) There shall be an authority known as 'Ombudsman' for making investigations and enquiries, in respect of charges on any action involving corruption or maladministration or irregularities in the discharge of administrative functions, in accordance with the provisions of this Regulation by the Council and Public Servants working under them and for the disposal of such complaint in accordance with Section 77K.</p> <p>(2) The Ombudsman shall be a single member body appointed by the Administrator by notification in the Official Gazette, on the recommendation of a committee constituted by the Administrator from panel of eminent persons of impeccable integrity from civil society. The Ombudsman shall not be a Government employee. The Committee referred to this sub-section shall comprises of the following:</p> <p>(a) Director, Municipal Administration of Daman and Diu;</p> <p>(b) A retired District Judge;</p> <p>(c) A retired civil employee not below the rank of Joint Secretary to the Government of India;</p> <p>(d) Two civil society members nominated by the Administrator.</p> <p>(3) A person appointed to be the Ombudsman shall, before he enter upon his office, make and subscribe before the Administrator or some person appointed in that behalf by him, an oath or affirmation according to the form set out below:-</p> <p style="padding-left: 40px;">"I, A. B. having been appointed as the Ombudsman for the _____ Council under the Daman and Diu Municipalities (Amended) Regulation, _____, do swear in the name of God/Solemnly affirm that will bear true faith and allegiance to the Constitution of India and I will duly and faithfully and the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will".</p> <p>(4) A person appointed as Ombudsman shall hold office for a term of three years from the date on which he enters upon his office provided that-</p> <p>(a) the Ombudsman may, by writing under his hand addressed to the Administrator, resign his office; and</p> <p>(b) the person appointed as Ombudsman may be removed from his office in the manner provided in Section 77B.</p> <p>(5) The person appointed as Ombudsman shall be entitled for salary and allowances as per the rules made under these Regulation.</p> <p>(6) On expiry of his term of office as Ombudsman, he shall not be eligible for re-appointment as Ombudsman or for further appointment to any office of profit under the UT Administration or in any corporation, company, society or university by or under the control of the UT Administration.</p>
---	--

77B	<p>Removal of Ombudsman. (1) The Ombudsman shall not be removed from his office, except by an order of the Administrator, on the ground of proved misbehaviour or incapacity.</p> <p>(2) The procedure for the presentation of an address under sub-section (1) and for the investigation and proof of the misbehaviour or incapacity of the Ombudsman shall be in accordance with the provisions of rules made under these Regulation.</p>
77C	<p>Staff of the Ombudsman.- (1) The Ombudsman shall have other officers and staff as the Government may determine in consultation with the Ombudsman and with the approval of the Central Government to assist the Ombudsman in the exercise of its powers and discharge of its functions under this Regulation.</p> <p>(2) The appointment and conditions of service of the officers and the staff of the Ombudsman shall be such as may be specified by the Government and as far as possible appointment on deputation from Government Department shall be resorted to.</p> <p>(3) The Ombudsman may require the assistance of any Officer of any Government Department in order to ascertain the veracity of an allegation under investigation and such officer shall be bound to render such assistance in addition and without detriment, to his official duties.</p> <p>(4) The Ombudsman may utilize the services of any person having experience and expertise in any particular subject in deciding the questions before it.</p>
77D	<p>Functions of the Ombudsman.- (1) The Ombudsman shall perform all or any of the following functions, namely:-</p> <ul style="list-style-type: none"> (i) Investigate into any allegation contained in a complaint or on a reference from Government, or that has come to the notice of the Ombudsman; (ii) Enquire into any complaint in which corruption or maladministration of a public servant or a Council is alleged; (iii) Pass an order on the allegation in the following manner, namely:- <ul style="list-style-type: none"> (a) Where the irregularity involves a criminal offence committed by a public servant, the matter shall be referred to the appropriate authority for investigation. (b) Where the irregularity causes loss or inconvenience to a citizen, direct the Council to give him compensation and to reimburse the loss from the person responsible for the irregularity; (c) Where the irregularity involves loss or waste or misuse of the fund of the Council, realise such loss from those who are responsible for such irregularity, and (d) Where the irregularity is due to omission or inaction, cause to supply the omission and to rectify the mistake. <p>(2) In addition to the functions enumerated in sub-section (1), the Ombudsman may pass interim order restraining the Council from doing anything detrimental to the interest of the complainant if it is satisfied that much loss or injury will be caused to the complainant due to the alleged act.</p> <p>(3) The Ombudsman may by order, impose penalty in addition to compensation if it is of opinion that the irregularity involves corrupt practice for personal gain.</p>
77E	<p>Powers of the Ombudsman.- (1) The Ombudsman shall, for the purpose of any investigation or enquiry under this Regulation, have the same powers as are vested in</p>

a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any witness and examining him;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public records, or copy thereof from any Court or Office;
- (e) issuing commissions for the examination of witness;
- (f) such other powers as are prescribed;

(2) Where the Ombudsman finds that the allegation contained in a complaint is without any substance or trivial in nature, it may by order direct the complainant to pay to the opposite party so much of the amount specified in the order by way of cost.

(3) Where the allegation contained in a complaint is about the loss or waste or misapplication of the fund of the Council or in respect of the loss or inconvenience caused to a citizen, the Ombudsman may, during enquiry, collect evidence, determine the loss and direct in its order the amount to be realized from the person responsible.

(4) If the amount paid as per the order passed by the Ombudsman under sub-section (2) or sub-section (3) is not paid within the period specified by it, the same shall be recoverable by Revenue Recovery Proceedings as if it were an arrears of land revenue.

77F Service of Government Departments.-The Government may, at the request of the Ombudsman make available the services of officers and employee of the Government including police personnel to assist the Ombudsman in the conduct of investigation and enquiry and in respect of such functions such Officer or employee shall be deemed to be the officer or employee of the Ombudsman.

77G Investigation.-(1) The Ombudsman may, according to the provisions of this Regulation, enquire into any complaint filed before it under this Regulation.

(2) Notwithstanding anything contained in this Regulation the Government may refer any allegation of corruption or maladministration against a Council or a public servant which is within its knowledge or brought to its notice, to the Ombudsman and the Ombudsman shall enquire into it as if it was a complaint filed under this Regulation.

(3) The Ombudsman may, on receipt of a complaint, conduct an investigation in the matter and where there is prima facie case it may conduct a detailed enquiry.

(4) The Ombudsman shall not enquire into matters relating to,-

	<p>(a) any matter in respect of which a formal and public enquiry has been ordered by Government;</p> <p>(b) any matter in respect of which a remedy is available from the Tribunal for Council;</p> <p>(c) any matter in respect of which an enquiry has been ordered under the Commission of Inquiries Act, 1952 (Central Act 60 of 1952) or any matter pending before a Court;</p> <p>(d) any complaint filed after the expiry of three years from the date on which the matter complain against have taken place:</p> <p style="padding-left: 40px;">Provided that the Ombudsman may entertain such complaint if the complainant satisfies that he had sufficient reason for not filing the complaint within the specified period.</p> <p>77H Enquiry-(1) After an investigation, if the Ombudsman is satisfied that,-</p> <p>(a) the complaint is frivolous or vexatious or is not made in good faith; or</p> <p>(b) there is no sufficient ground to initiate proceedings; or</p> <p>(c) other remedies are available to the complainant and it would be more beneficial for the complainant to avail of such remedies in view of the circumstances of the case, it may dispose of the complaint as rejected after recording its findings stating the reason therefore, and communicate the same to the complainant</p> <p>(2) If, the Ombudsman is of opinion that there is a prima facie case against the person or the Council complained of it, shall record its findings to this effect and send notices of the proposed enquiry to the complainant and to the opposite party.</p> <p>(3) The Ombudsman shall, subject to the provisions of this Regulation and the rules made there under, have power to regulate its procedures by fixing the time and place of sitting.</p> <p>(4) In any proceeding before the Ombudsman, no legal practitioner will be permitted to represent any person, unless the Ombudsman permits, by an order, a person to be represented by a legal practitioner for reasons to be recorded.</p> <p>77I Existing cases to be transferred to Ombudsman- (1) Notwithstanding anything contained in any other law, if any proceedings, filed and not disposed of there under, before the constitution of Ombudsman as per the provisions of this Chapter, relate to a public servant or Council as per the provisions of this Regulation, all cases with regard to such proceedings shall be transferred to the Ombudsman and the Ombudsman shall decide the cases in accordance with the provisions of these Regulation.</p> <p>(2) All cases, with regard to the loss, wastage and misappropriation of any land of the Local Self Government Institution, pending before the Government or any other</p>
--	--

	<p>authority and disposed of just before the constitution of Ombudsman and the Ombudsman shall dispose of the cases in accordance with the provisions of this Regulation.</p> <p>77J Initiation of Prosecution:-(1) If, after an investigation or inquiry, the Ombudsman finds that there is a prima-facie case against the accused involving a criminal offence, the Ombudsman may refer the complaint and the findings to a competent authority with recommendation to initiate prosecution.</p> <p>(2) The authority responsible, for initiating such prosecution shall conduct a detailed enquiry if necessary and charge a case.</p> <p>77K Disposal of complaints.- (1) The Ombudsman may consider and dispose of complaints other than those involving criminal offences, in the following manner,-</p> <ul style="list-style-type: none"> (i) Award of compensation, to a citizen in case of loss or grievance; (ii) Order the recovery of loss caused to the Council from the person responsible; (iii) Order the supply of omission or rectification of defects due to inaction; (iv) Order the recovery of loss from the accused failing which, order realization through Revenue Recovery Proceedings; (v) Order other necessary remedial measures considering the facts and circumstances of the case. <p>(2) Where the Ombudsman finds that the procedure or practice regarding the administration of Council gives room for complaint, it may give suggestions to the Government or Council relating to the measures for avoiding the recurrence of such complaint.</p> <p>(3) The Ombudsman shall give annually a detailed report regarding the performance of its functions under this Regulation to the Government.</p> <p>77L Procedures to be prescribed.-The Government may make rules in respect of the following matters, namely:-</p> <ul style="list-style-type: none"> (i) The conditions of service of the person to be appointed as Ombudsman and the Ombudsman's staff; (ii) The manner of filing complaints before the Ombudsman and the manner or filling cases either suo motu or on reference by Government (iii) The manner and procedure of conducting investigation; (iv) Procedure for moving the appropriate authority for the initiation of prosecution; (v) Procedure to be followed during the inquiry, which as far as possible be summary proceedings; (vi) The manner of implementing the order of the Ombudsman and further proceedings; (vii) The form for filing complaints to Ombudsman; (viii) Any other matter which the Government may deem necessary to prescribe.
--	--

<p>Section 81</p> <p>81(1)(c)</p> <p>81(2)</p>	<p>Power of Council or Committee to require information, document, etc., from Chief Officer.—</p> <p>(1)The Council or any Committee may require from the Chief Officer-</p> <p>(c) a copy of any record, correspondence, plan or other document which is in his possession or under his control in his official capacity or, which is recorded or filed in his office or in the office of any officer or servant subordinate to him.</p> <p>(2) The Chief Officer shall comply with any requisition under sub-section (1), unless he is of opinion that compliance therewith will be prejudicial to the interest of the Council or of the public, in which case, he shall refer such requisition to the President and abide by the decision of the President .</p>	<p>Power of Council or Committee to require information, document, etc., from Chief Officer.—</p> <p>(1)The Council or any Committee may require from the Chief Officer-</p> <p>(c) a copy of any record, correspondence, plan or other document which is in his possession or under his control in his official capacity or, which is recorded or filed in his office or in the office of any officer or employee subordinate to him.</p> <p>(2) The Chief Officer shall comply with any requisition under sub-section (1), unless he is of opinion that compliance therewith will be prejudicial to the interest of the Council or of the public, in which case, he shall refer such requisition to the Collector and abide by the decision of the Collector.</p>	<p>The word “ servant ” is to be replaced by word “ employee ”</p> <p>The word “ President ” is to be replaced by word “ Collector ” so that Collector could provide his opinion after due consultation</p>
---	--	--	---

<p>Section 86</p> <p>86(2)(e)</p>	<p>Municipal fund:-</p> <p>(2)The Government may under appropriation duly made in this behalf make such grants to every Council every year and subject to such terms and conditions and in such manner as it deem fit for all or any of the following purposes, namely:-</p> <p>(e) Dearness allowance to the officers and servants of the Council;</p> <p>(f) Pay and allowances to the officers belonging to the common cadre constituted under section 72.</p>	<p>Municipal fund.—</p> <p>(2)The Government may under appropriation duly made in this behalf make such grants to every Council every year and subject to such terms and conditions and in such manner as it deem fit for all or any of the following purposes, namely:-</p> <p>(e)Dearness allowance to the officers and employees of the Council;</p> <p>(f) Pay and allowances to the officers belonging to the common cadre constituted under section 72 and the officers belonging to the Government Departments posted on deputation to the council.</p>	<p>The word “ servants ” is to be replaced by word “ employees ”</p> <p><i>The word “belonging to the Government Departments posted on deputation to the Council ” is to be added so that if any officer is posted on deputation his salary is being paid from the Government</i></p>
---	--	--	--

	Officer shall before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding One thousand rupees give notice by advertisement in a local newspaper, inviting tenders for such contract:	Officer shall before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding the limits as notified by the Government, and give notice by advertisement inviting tenders for such contract and follow the procedure laid down by the Government.	for procurement of goods and services, therefore the same procedure, may be made applicable to Municipalities by Government by an order. Therefore, word " follow the procedure laid down by the Government " is to be inserted.
Section 90	Bar against officers, and servants being interested in contract.—	Bar against officers, and employees being interested in contract.—	The word " servants " is to be replaced by the word " employees ".
90(1)	(1) No Officer or servant of a Council shall, without the written permission of the Director, in any-wise be connected with or interested in any bargain or contract made with the Council for any of the purposes of this Regulation.	(1) No Officer or employee of a Council shall, without the written permission of the Director, in any-wise be connected with or interested in any bargain or contract made with the Council for any of the purposes of this Regulation.	Similarly, the word " servant " is to be replaced by the word " employee ".
Section 91	Penalty to Councillors, officers and servants for improper interest in contracts, etc.— (1) if any Councillor, or any officer or servant of a Council, without the written permission of the Director, is directly or indirectly interested in any contract made with such Council, he shall be deemed to have committed an offence under section 168 of the Indian Penal code. XLV of 1860.	Penalty to Councillors, officers and employees for improper interest in contracts, etc.— (1) if any Councillor, or any officer or employee of a Council, without the written permission of the Director, is directly or indirectly interested in any contract made with such Council, he shall be deemed to have committed an offence under section 168 of the Indian Penal code. LV of 1860.	The word " servants " is to be replaced by the word " employees ". Similarly, the word " servant " is to be replaced by the word " employee ".
(2)	(2) A Councillor or an officer or servant of a Council shall not, by reason only of being a shareholder in, or a member of any company, or co-operative society, be deemed to be interested in any contract entered into between the company or the society and the Council.	(2) A Councillor or an officer or employee of a Council shall not, by reason only of being a shareholder in, or a member of any company, or co-operative society, be deemed to be interested in any contract entered into between the company or the society and the Council.	The word " servant " is to be replaced by the word " employee ".
Section 92	Liability of Councillors, officers and servants for loss, or damage.— (1) If any Councillor or an officer or servant of a Council makes or directs to be made any payment or application of any money or other property belonging to or under the control of such Council to any purpose not authorized by or under this Regulation, or assents to, or concurs with or participates in any affirmative vote or proceeding relating thereto, he shall be individually liable to such Council for the loss or damage caused thereby, unless he proves that he acted in good faith and with due care and attention.	Liability of Councillors, officers and employees for loss, or damage.— (1) If any Councillor or an officer or employee of a Council makes or directs to be made any payment or application of any money or other property belonging to or under the control of such Council to any purpose not authorized by or under this Regulation, or assents to, or concurs with or participates in any affirmative vote or proceeding relating thereto, he shall be individually liable to such Council for the loss or damage caused thereby, unless he proves that he acted in good faith and with due care and attention.	The word " servants " is to be replaced by the word " employees ". Similarly, the word " servant " is to be replaced by the word " employee ".
92(1)			

92(2)	(2) Every Councillor or officer or servant of a Council shall be liable to such Council for the loss of any money or the loss of, or damage to, other property belonging to it or under its control, if such loss or damage is a direct consequence of his negligence or misconduct.	(2) Every Councillor or officer or employee of a Council shall be liable to such Council for the loss of any money or the loss of, or damage to, other property belonging to it or under its control, if such loss or damage is a direct consequence of his negligence or misconduct.	The word “ servant ” is to be replaced by the word “ employee ”
Section 97 (5)(c)	Budget:- (c) for the payment of salaries and allowances of the officers and servants of the Council;	Budget:- (c) for the payment of salaries and allowances of the officers and employees of the Council;	The word “ servants ” is to be replaced by the word “ employees ”.
Sec.101(1) (a)	(a) a consolidated property tax on lands or buildings or both situated within municipal area based on their rateable value as determined in accordance with section 110;	(a) a consolidated property tax on lands or buildings or both situated within municipal area, other than those belonging to the Government or Central Government on their rateable value as determined in accordance with section 110;	The word “ other than those belonging to the Government or Central Government ” is required to be inserted to exempt the Govt. properties from the purview of property tax.
Section 104 104(a)	Other taxes which Council may impose.— (a) a tax on all vehicles (excluding motor vehicles as defined in the Motor Vehicles Act,1939 boats or animals used for riding, draught or burden and kept for use within the municipal area, whether they are actually kept within or outside such area; IV of 1939	Other taxes which Council may impose.— (a)a tax on all vehicles (excluding motor vehicles as defined in the Motor Vehicles Act,1988 boats or animals used for riding, draught or burden and kept for use within the municipal area, whether they are actually kept within or outside such area;	The Motor Vehicle Act, 1939 is required to be substituted by the Motor Vehicles Act,1988. IV of 1939 is to be deleted.
Section 108 108 (1) (b)	Council may vary rates of tax within prescribed limits: (1)Notwithstanding any rule, bye-law or resolution specifying the amount or rate at which a tax is leviable, a Council may, by a resolution passed at a special meeting, decide to increase or reduce the amount or rate at which such tax is leviable and to that extent the bye-laws already sanctioned by the Government shall be deemed to have been suitably amended with effect from the date specified in the notice referred to under sub-section(2):	Council may vary rates of tax within prescribed limits: (1)Notwithstanding any rule, bye-law or resolution specifying the amount or rate at which a tax is leviable, a Council may, by a resolution passed at a special meeting, decide to increase or reduce the amount or rate at which such tax is leviable and to that extent the bye-laws already sanctioned by the Government shall be deemed to have been suitably amended with effect from the date specified in the	

	<p>Provided that_____</p> <p>(b)such increase or reduction shall not exceed ten per centum of the amount or rate at which such tax was leviable during the preceding the financial year.</p>	<p>notice referred to under sub-section(2): Provided that_____</p> <p>(b) such reduction shall not exceed ten per centum of the amount or rate at which such tax was leviable during the preceding the financial year.</p>	<p>The word “increase or” is proposed to be omitted.</p>
--	--	---	--

Section 125	Parties to transfer of property to give notice of transfer:-	Parties to transfer of property to give notice of transfer:-	
125(3)	(3) If the person liable to give the notice referred to in sub-section (1) or sub-section(2) fails to give such notice, he shall, on conviction, be punished with fine which may extend to fifty rupees .	(3) If the person liable to give the notice referred to in sub-section (1) or sub-section(2) fails to give such notice, he shall, on conviction, be punished with fine which may extend to two thousand rupees .	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.

Section 162	Power to write off. — Subject to the approval of the Director and subject to such rules as the Government may make in this behalf, a Council may write off any tax, fee or other amount due to it which in its opinion is irrecoverable: Provided that no amount shall be written off unless a resolution to that effect is passed by a majority of not less than three-fourths of the total number of Councillors: Provided further that no approval of the Director need be obtained if the sum to be written off, not being a sum under a contract, is not more than one hundred rupees in any case.	Power to write off. — Subject to the approval of the Director and subject to such rules as the Government may make in this behalf, a Council may write off any tax, fee or other amount due to it which in its opinion is irrecoverable: Provided that no amount shall be written off unless a resolution to that effect is passed by a majority of not less than three-fourths of the total number of Councillors: Provided further that no approval of the Director need be obtained if the sum to be written off, not being a sum under a contract, is not more than fifty thousand rupees in any case.	The existing amount is very less which was fixed almost in the year 1968 and hence, it is required to be revised.
--------------------	---	--	---

<p>Section 174</p> <p>174(2)</p>	<p>Surface projections, obstructions and encroachments in respect of public streets.— (1) No person shall, except with the written permission of the Chief Officer under sub-section (4),—</p> <p>(2) Whoever contravenes any provision of sub-section (1), shall, unless the provisions of clause (a) of sub-section (6) of section 171 apply, on conviction, be punished with fine which may extend to one hundred rupees, and in the case of a continuing contravention with further fine which may extend to twenty rupees for every day after the first during which such contravention continues.</p>	<p>Surface projections, obstructions and encroachments in respect of public streets.— (1) No person shall, except with the written permission of the Chief Officer under sub-section (4),—</p> <p>(2) Whoever contravenes any provision of sub-section (1), shall, unless the provisions of clause (a) of sub-section (6) of section 171 apply, on conviction, be punished with simple imprisonment for a term which may extend upto six months and fine which may extend to fifty thousand rupees, and in the case of a continuing contravention with further fine which may extend to five hundred rupees for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also , considering the gravity of the offence, six months imprisonment is also proposed.</p>
<p>174(8)</p>	<p>(8) Whoever contravenes the conditions of any permission granted under sub-section (4), or fails to comply with the provisions of sub-section (6) or (7), shall, on conviction, be punished with fine which may extend one hundred rupees, and in the case of continuing contravention with further fine which may extend to twenty rupees for every day after the first during which such contravention continues.</p>	<p>(8) Whoever contravenes the conditions of any permission granted under sub-section (4), or fails to comply with the provisions of sub-section (6) or (7), shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of continuing contravention with further fine which may extend to five hundred rupees for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly revised amount of fine is proposed.</p>
<p>Section 175</p> <p>175(7)</p>	<p>Prohibition of projections other than surface projections upon streets, etc. — (1) Except as provided in sub-section (2), no person shall erect, set up, add to or place against or in front of any premises any structure or fixture which will—</p> <p>(7) Any such owner or occupier putting up any projection or obstruction without the permission of the Council under sub-section (2), or in contravention of such permission or any owner or occupier who fails to remove any projection, encroachment or obstruction after the receipt of a notice from the Council under sub-section (4) or (5) shall, on conviction, be punished with fine</p>	<p>Prohibition of projections other than surface projections upon streets, etc. — (1) Except as provided in sub-section (2), no person shall erect, set up, add to or place against or in front of any premises any structure or fixture which will—</p> <p>(7) Any such owner or occupier putting up any projection or obstruction without the permission of the Council under sub-section (2), or in contravention of such permission or any owner or occupier who fails to remove any projection, encroachment or obstruction after the receipt of a notice from the Council under sub-section (4) or (5) shall, on conviction, be</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also , considering the gravity of the offense, six months imprisonment is also proposed.</p>

	which may extend to One hundred rupees and in the case of a continuing offence with further fine which may extend to twenty rupees for every day after the first during which such offence continues.	punished with simple imprisonment for a term which may extend upto six months and fine which may extend to fifty thousand rupees and in the case of a continuing offence with further fine which may extend to five hundred rupees for every day after the first during which such offence continues.	
Section 176	Projections, encroachment, etc., in public places and open spaces whether vesting in Council or not.—	Projections, encroachment, etc., in public places and open spaces whether vesting in Council or not.—	
176(3)	(3) Whoever not being duly authorized in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon, any open space which is not a private property, shall, on conviction, be punished with fine which may extend to one hundred rupees , and in the case of continuing offence with further fine which may extend to twenty rupees for every day after the first during which such offence continues.	(3) Whoever not being duly authorized in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon, any open space which is not a private property, shall, on conviction, be punished with simple imprisonment for a term which may extend upto three months and fine which may extend to fifty thousand rupees , and in the case of continuing offence with further fine which may extend to five hundred rupees for every day after the first during which such offence continues.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also , considering the gravity of the offense, three months imprisonment is also proposed.
Section 178	New private streets-	New private streets.—	
178(6)	(6) Whoever lays out or makes any such street either without giving the notice required by sub-section (1) or otherwise than in accordance with the instructions issued by the Council under clause (a) of sub-section (3), or in any manner contrary to the provisions of this Regulation, or of any bye-laws in force there under shall, on conviction, be punished with fine which may extend to one thousand rupees , and the Council may cause any street so laid out or made, to be altered and any building constructed in such street to be altered or removed and the expense thereby incurred shall be paid to the Council by the offender, and shall be recoverable in the same manner as an amount due on account of a property tax.	(6) Whoever lays out or makes any such street either without giving the notice required by sub-section (1) or otherwise than in accordance with the instructions issued by the Council under clause (a) of sub-section (3), or in any manner contrary to the provisions of this Regulation, or of any bye-laws in force there under shall, on conviction, be punished with fine which may extend to ten thousand rupees , and the Council may cause any street so laid out or made, to be altered and any building constructed in such street to be altered or removed and the expense thereby incurred shall be paid to the Council by the offender, and shall be recoverable in the same manner as an amount due on account of a property tax.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.

<p>Section 180</p> <p>180(2)</p>	<p>Naming and numbering streets and numbering of premises.—</p> <p>(2) Any person who destroys, pulls down or defaces any such name or number of a public street or number or sub-number of any premises or part thereof or puts up any name, number or sub-number different from that determined by the Council and any owner of any premises or part thereof who does not at his own expense put up such number or sub-number of such premises or part thereof, shall, on conviction, be punished with fine which may extend to fifty rupees.</p>	<p>Naming and numbering streets and numbering of premises.—</p> <p>(2) Any person who destroys, pulls down or defaces any such name or number of a public street or number or sub-number of any premises or part thereof or puts up any name, number or sub-number different from that determined by the Council and any owner of any premises or part thereof who does not at his own expense put up such number or sub-number of such premises or part thereof, shall, on conviction, be punished with fine which may extend to ten thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 181</p> <p>181(3)</p>	<p>Displacing pavements, etc.—</p> <p>(3) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees.</p>	<p>Displacing pavements, etc.—</p> <p>(3) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to ten thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 182</p> <p>182(2)</p>	<p>Prohibition of sale of articles in public streets, without licence.—</p> <p>(2) Any person who contravenes any provision of sub-section (1) or of any licence issued to him shall, on conviction, be punished with fine which may extend to fifty rupees.</p>	<p>Prohibition of sale of articles in public streets, without licence.—</p> <p>(2) Any person who contravenes any provision of sub-section (1) or of any licence issued to him shall, on conviction, be punished with fine which may extend to five thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 183</p> <p>183(2)</p>	<p>Prohibition of plying hand-carts without licence.—</p> <p>(2) Any person who contravenes any provision of sub-section(1) or of any licence issued to him shall, on conviction, be punished with fine which may extend to fifty rupees.</p>	<p>Prohibition of plying hand-carts without licence.—</p> <p>(2) Any person who contravenes any provision of sub-section(1) or of any licence issued to him shall, on conviction, be punished with fine which may extend to five thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 184</p> <p>184(9)</p>	<p>Notice of construction of building.—</p> <p>(9) Any person who fails to comply with the notice issued by the Chief Officer under sub-section (8), shall, on conviction, be</p>	<p>Notice of construction of building.—</p> <p>(9) Any person who fails to comply with the notice issued by the Chief Officer under sub-section (8), shall, on conviction, be</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised</p>

<p>184(10)</p>	<p>punished with fine which may extend to five thousand rupees.</p> <p>(10) The Court convicting such person may also direct such person to demolish or alter the building in accordance with the order of the Chief Officer or in such other manner as the Court may deem proper and within the period specified by the Court. If such person fails to demolish or alter the building within the period specified by the Court, or in the manner required by the Court, he shall, on conviction, be punished with further fine which may extend to twenty –five rupees for every day after the expiry of the period for compliance specified by the Court in its order during which such non-compliance continues.</p>	<p>punished with simple imprisonment for a term which may extend upto six months and fine which may extend to one lakh rupees.</p> <p>(10) The Court convicting such person may also direct such person to demolish or alter the building in accordance with the order of the Chief Officer or in such other manner as the Court may deem proper and within the period specified by the Court. If such person fails to demolish or alter the building within the period specified by the Court, or in the manner required by the Court, he shall, on conviction, be punished with further fine which may extend to five thousand rupees for every day after the expiry of the period for compliance specified by the Court in its order during which such non-compliance continues.</p>	<p>amount of fine is proposed. Also , considering the gravity of the offense, six months imprisonment is also proposed.</p> <p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
-----------------------	--	---	--

<p>Section 187</p> <p>187(5)</p>	<p>Roofs and external walls of buildings not to be made of inflammable materials.—</p> <p>(5) Whoever without such permission as is required by subsection (1), makes or causes to be made, or in disobedience to the requirements of a notice given under subsection (2) suffers to remain, any roof or wall of such material as aforesaid, shall, on conviction, be punished with fine which may extend to one hundred rupees, and in the case of a continuing offence with further fine which may extend to twenty five Rupees for every day after the first during which such offence continues.</p>	<p>Roofs and external walls of buildings not to be made of inflammable materials.—</p> <p>(5) Whoever without such permission as is required by subsection (1), makes or causes to be made, or in disobedience to the requirements of a notice given under subsection (2) suffers to remain, any roof or wall of such material as aforesaid, shall, on conviction, be punished with fine which may extend to five thousand rupees , and in the case of a continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such offence continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
--	--	--	--

<p>Section 188</p> <p>188(1)(b)</p>	<p>Completion certificate, permission to occupy or use.—</p> <p>(b) fails to comply with any order or requisition made under sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees, and in the case of continuing contravention or non-compliance with further fine which may extend to twenty five rupees for every day after the first during which such contravention or non-compliance continues.</p>	<p>Completion certificate, permission to occupy or use.—</p> <p>(b) fails to comply with any order or requisition made under sub-section (1) shall, on conviction, be punished with simple imprisonment for a term which may extend upto six months and fine which may extend to one lakh rupees and in the case of continuing contravention or non-compliance with further fine which may not be less than one thousand rupees for every day after the first during which such contravention or non-compliance continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also , considering the gravity of the offense, six months imprisonment is also proposed.</p>
---	---	---	---

<p>Section 189</p> <p>189(2)</p>	<p>Building for human habitation not to be used as godown, etc. and vice versa.—</p> <p>(2) if any person contravenes any provision of sub-section (1), he shall, on conviction, be punished with fine which may extend to five hundred rupees, and in the case of continuing contravention with further fine which may extend to Ten rupees for every day after the first during which such contravention continues.</p>	<p>Building for human habitation not to be used as godown, etc. and vice versa.—</p> <p>(2) if any person contravenes any provision of sub-section (1), he shall, on conviction, be punished with fine which may extend to fifty thousand rupees and in the case of continuing contravention with further fine which may extend to five hundred rupees for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
--	---	---	--

<p>Section 197</p> <p>197(1)(A)</p> <p>197(3)</p>	<p>Power to require sufficient drainage of houses.— (a) some drain or sewer, if there be a suitable, drain or sewer within fifty feet of any part of such building or land; or</p> <p>New sub-section 2(A) is to be added.</p> <p>(3) Whoever fails to comply with the notice issued by the Chief Officer under sub-section (1) or sub-section (2) or sub-section (2A), as the case may be, shall be punishable with fine which may extend to one hundred rupees and in case of a continuing offence with a further fine which may extend to ten rupees for every day after the first during which such offence continues.</p>	<p>Power to require sufficient drainage of houses.— (a) some drain or sewer, if there be a suitable, drain or sewer within fifty meter of any part of such building or land; or</p> <p>(2A) Notwithstanding anything contained in any of the provisions of this Act, it shall be obligatory on the part of the owner of any building to connect such building to the sewage in the area where underground sewage system exists, failing which, the Chief Officer may, by written notice, direct the owner of such building to connect the building to the underground sewage within such period as specified in the notice.</p> <p>(3) Whoever fails to comply with the notice issued by the Chief Officer under sub-section (1) or sub-section (2) or sub-section (2A), as the case may be, shall be punishable with fine which may extend to fifty thousand rupees and in case of a continuing offence with a further fine which may extend to five hundred rupees for every day after the first during which such offence continues.</p>	<p>The word “ fifty feet” is substituted by word “ fifty meter”</p> <p>New Sub-section 197(2A) is to be added as regard to connection of building to sewage system for better hygiene condition of the city.</p> <p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 205</p> <p>205(3)</p>	<p>Encroachment on municipal drains.—</p> <p>(3) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees.</p>	<p>Encroachment on municipal drains.—</p> <p>(3) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with three months imprisonment and fine which may extend to fifty thousand rupees and in the case of continuing contravention with further fine which may extend to five hundred rupees for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, three months imprisonment is also proposed.</p>
<p>Section 206</p> <p>206(2)</p>	<p>Power in respect of drains, etc.,</p> <p>(2) Any person who fails to comply with any notice issued by the Chief Officer under sub-section (1), shall, on conviction, be punished with fine which may extend to one hundred rupees.</p>	<p>Power in respect of drains, etc.-</p> <p>(2) Any person who fails to comply with any notice issued by the Chief Officer under sub-section(1), shall, on conviction, be punished with three months imprisonment and fine which may extend to fifty thousand rupees and in the case of continuing contravention with further fine which may extend to five hundred rupees for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, three months imprisonment is also proposed.</p>

<p>Section 210</p> <p>210(4)</p> <p>210(7)</p>	<p>Prohibition of certain acts affecting the municipal water works.—</p> <p>(4) Whoever contravenes any provision of sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.</p> <p>(7) If any order made under sub-section (6) is disobeyed or the execution thereof resisted, the offender shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to three hundred rupees, or with both.</p>	<p>Prohibition of certain acts affecting the municipal water works.—</p> <p>(4) Whoever contravenes any provision of sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.</p> <p>(7) If any order made under sub-section (6) is disobeyed or the execution thereof resisted, the offender shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p> <p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 211</p> <p>211(2)</p>	<p>Prohibition of wilful or neglectful acts relating to water works.-</p> <p>(2) Whoever contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees.</p>	<p>Prohibition of wilful or neglectful acts relating to water works.—</p> <p>(2) Whoever contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to five thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 212</p> <p>212(2)</p>	<p>Prohibition of constructing drains, etc. near sources of water supply.—</p> <p>(2) Whoever fails to comply with the notice under sub-section (1) shall, on conviction, be punished with fine which may extend to fifty rupees and in the case of continuing offence with further fine which may extend to five rupees for every day after the first during which such offence continues.</p>	<p>Prohibition of constructing drains, etc. near sources of water supply.—</p> <p>(2) Whoever fails to comply with the notice under sub-section (1) shall, on conviction, be punished with fine which may extend to ten thousand rupees and in the case of continuing offence with further fine which may extend to five hundred rupees for every day after the first during which such offence continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 218</p> <p>218(2)</p>	<p>Fencing and lighting during repairs, etc.—</p> <p>(2) Whoever takes down, alters or removes any of the said bars, chains, or posts or removes or extinguishes any such light without the authority or consent of the Chief Officer, shall, on conviction, be punished with fine which may extend to two hundred fifty rupees.</p>	<p>Fencing and lighting during repairs, etc.—</p> <p>(2) Whoever takes down, alters or removes any of the said bars, chains, or posts or removes or extinguishes any such light without the authority or consent of the Chief Officer, shall, on conviction, be punished with fine which may extend to ten thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>

<p>Section 220</p> <p>220(2)</p>	<p>Hoards to be set up during repairs, etc.—</p> <p>(2) Whoever contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to fifty rupees and in the case of continuing contravention with further fine which may extend to ten rupees for every day after the first during which such contravention continues.</p>	<p>Hoards to be set up during repairs, etc.—</p> <p>(2) Whoever contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to ten thousand rupees and in the case of continuing contravention with further fine which may extend to five hundred rupees for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 221</p> <p>221(2)</p>	<p>Power to require precaution in place of public entertainments.—</p> <p>(2) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to Five hundred rupees and in the case of continuing contravention with further fine which may extend to twenty five rupees for every day after the first during which such contravention continues.</p>	<p>Power to require precaution in place of public entertainments.—</p> <p>(2) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to one lakh rupees and in the case of continuing contravention with further fine which may extend to one thousand rupees for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 223</p> <p>223(1)</p>	<p>Depositing dust, etc., committing nuisance.—</p> <p>(1)Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, refuse or filth of any kind or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance or danger, in any street or in any arch under a street or in any drain beside a street or on any open space not being private property or on any quay, jetty or landing place or on any part of the seashore, or the bank of a tidal river, or whether above or below high water mark, or on the bank of the river, water course or nullah, except at such places, in such manner and at such hours as shall be fixed by the Chief Officer, and whoever commits or suffers any members of his family or household to commit nuisance in any such place as aforesaid, shall, on conviction, be punished with fine which may extend to one hundred rupees.</p>	<p>Depositing dust, etc., committing nuisance.—</p> <p>(1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, refuse or filth of any kind or any animal matter or any broken glass or earthenware or other rubbish or garbage or any other thing that is or may be a nuisance or danger, in any street or in any arch under a street or in any drain beside a street or on any open space not being private property or on any quay, jetty or landing place or on any part of the seashore, or the bank of a tidal river, or whether above or below high water mark, or on the bank of the river, water course or nullah, except at such places, in such manner and at such hours as shall be fixed by the Chief Officer, and whoever commits or suffers any members of his family or household to commit nuisance in any such place as aforesaid, shall, on conviction, be punished with fine which may extend to ten thousand rupees.</p>	<p>The word “ or garbage ” is required to be inserted.</p> <p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>

223(2)	(2)Whoever throws or puts or causes or suffers any members of his family or household to throw or put any of the matters described in sub-section (1) except night-soil or except with the permission of the Chief Officer, any night-soil into any drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance or suffers any member of his family or household to commit nuisance in any such drain, culvert, tunnel, gutter or water-course, or in such close proximity thereto as to pollute the same, shall, on conviction, be punished with fine which may extend to one hundred rupees.	(2) Whoever throws or puts or causes or suffers any members of his family or household to throw or put any of the matters described in sub-section (1) except night-soil or except with the permission of the Chief Officer, any night-soil into any drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance or suffers any member of his family or household to commit nuisance in any such drain, culvert, tunnel, gutter or water-course, or in such close proximity thereto as to pollute the same, shall, on conviction, be punished with simple imprisonment for a term which may extend upto one month and fine which may extend to ten thousand rupees.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, one month imprisonment is also proposed.
Section 224	Discharging sewage, etc. — Whoever causes, or allows the water of any sink, sewer or cesspool or any other liquid or other matter which is or which is likely to become a nuisance, from any building or land under his control, to run, drain or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Chief Officer or who fails to comply with any condition prescribed in such permission, shall, on conviction, be punished with fine which may extend to one hundred rupees.	Discharging sewage, etc. — Whoever causes, or allows the water of any sink, sewer or cesspool or any other liquid or other matter which is or which is likely to become a nuisance, from any building or land under his control, to run, drain or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Chief Officer or who fails to comply with any condition prescribed in such permission, shall, on conviction, be punished with simple imprisonment for a term which may extend upto one month and fine which may extend to ten thousand rupees.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, one month imprisonment is also proposed.
Section 225	Non-removal of filth, etc. — Whoever, being the owner or occupier of any building or land, keeps, or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall, on conviction, be punished with fine which may extend to one hundred rupees , and in the case of continuing offence with further fine which may extend to twenty rupees for every day after the first during which such contravention continues.	Non-removal of filth, etc. — Whoever, being the owner or occupier of any building or land, keeps, or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall, on conviction, be punished with fine which may extend to ten thousand rupees and in the case of continuing offence with further fine which may extend to five hundred rupees for every day after the first during which such contravention continues.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.

Section 226	Removal of night-soil.—	Omitted.	Since, the manual scavenging is prohibited, this section is to be omitted.
Section 227	Using offensive manure, etc.— Whoever, except with the written permission of the Chief Officer, and in accordance with the conditions of such permission, stores or uses night-soil or other manure or substance emitting an offensive smell in such manner as to be a nuisance to the neighborhood shall, on conviction, be punished with fine which may extend to one hundred rupees .	Using offensive manure, etc.— Whoever, except with the written permission of the Chief Officer, and in accordance with the conditions of such permission, stores or uses night-soil or other manure or substance emitting an offensive smell in such manner as to be a nuisance to the neighborhood shall, on conviction, be punished with fine which may extend to ten thousand rupees .	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed..
Section 230 230(2)	Filthy buildings, etc.— (2) Any person who fails to comply with the notice issued under sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees , and in the case of continuing non-compliance with further fine which may extend to ten rupees for every day after the first, during which such non-compliance continues.	Filthy buildings, etc.— (2) Any person who fails to comply with the notice issued under sub-section (1) shall, on conviction, be punished with fine which may extend to ten thousand rupees , and in the case of continuing non-compliance with further fine which may extend to five hundred rupees for every day after the first, during which such non-compliance continues.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.
Section 240	Penalty for contravention of provisions relating to dangerous diseases.— (1) Whoever knowingly contravenes any provision of section 232, 233, 235, 236, 237 or 238 or clause (d) of section 239, or disobeys any order or requisition made under any of the aforesaid sections, or obstructs any officer of the Council or other person acting under the authority of the Council in carrying out executively any such order shall, on conviction, be punished with, fine which may extend to two hundred rupees , and in the case of continuing offence with further fine which may extend to twenty rupees for every day after the first during which such contravention continues.	Penalty for contravention of provisions relating to dangerous diseases.— (1) Whoever knowingly contravenes any provision of section 232, 233, 235, 236, 237 or 238 or clause (d) of section 239, or disobeys any order or requisition made under any of the aforesaid sections, or obstructs any officer of the Council or other person acting under the authority of the Council in carrying out executively any such order shall, on conviction, be punished with, fine which may extend to ten thousand rupees , and in the case of continuing offence with further fine which may extend to five hundred rupees for every day after the first during which such contravention continues.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed..

240(2)	(2) Whoever contravenes any provision of clauses (a), (b) or (c) of section 239, or disobeys any order or requisition made under any of the aforesaid clauses, or obstructs any officer of the Council or other person acting under the authority of the Council in carrying out executively any such order shall, on conviction, be punished with fine which may extend to one thousand rupees , and in the case of continuing offence with further fine which may extend to fifty rupees for every day after the first during which such contravention continues.	(2) Whoever contravenes any provision of clauses (a), (b) or (c) of section 239, or disobeys any order or requisition made under any of the aforesaid clauses, or obstructs any officer of the Council or other person acting under the authority of the Council in carrying out executively any such order shall, on conviction, be punished with fine which may extend to fifty thousand rupees , and in the case of continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such contravention continues.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed..
Section 243 243(5)	Proceedings to abate over-crowding of interiors of buildings:— (5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with the notice given to him under sub-section (4), shall, on conviction, be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.	Proceedings to abate over-crowding of interiors of buildings:— (5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with the notice given to him under sub-section (4), shall, on conviction, be punished with fine which may extend to five thousand rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed..
Section 245 245(3)	Special powers in respect of overcrowding area.— (3) Whoever commits a breach of any notice given or of any condition imposed by the Council in exercise of any power under this section shall, on conviction, be punished with fine which may extend to five hundred rupees .	Special powers in respect of overcrowding area.— (3) Whoever commits a breach of any notice given or of any condition imposed by the Council in exercise of any power under this section shall, on conviction, be punished with fine which may extend to fifty thousand rupees .	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed..

<p>Section 247</p> <p>247(3)</p>	<p>Closing of places for disposal of dead.—</p> <p>(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall, on conviction, be punished with fine which may extend to two hundred rupees.</p>	<p>Closing of places for disposal of dead.—</p> <p>(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall, on conviction, be punished with fine which may extend to ten thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 248</p> <p>248(2)</p>	<p>Acts prohibited in connection with disposal of dead:—</p> <p>(2) Any person who contravenes any provision of sub-section (1), shall, on conviction, be punished with fine which may extend to one hundred rupees.</p>	<p>Acts prohibited in connection with disposal of dead:—</p> <p>(2) Any person who contravenes any provision of sub-section (1), shall, on conviction, be punished with fine which may extend to five thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 252</p> <p>252(2)</p>	<p>Private markets, etc., not to be held without licence.—</p> <p>(2) Whoever uses or allows to be used any place for any of the purposes specified in sub-section (1), without a licence, or in contravention of any conditions subject to which a licence may have been granted under sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees if the contravention is of clause .(i) or (ii) of sub-section (1) and with fine which may extend to one hundred rupees if the contravention is of clause (iii) of that sub-section, and in the case of continuing contravention of the said clause (i) or (ii) with further fine of fifty rupees, and of the said clause (iii) with further fine of ten rupees, for every day after the first during which such contravention continues.</p>	<p>Private markets, etc., not to be held without licence.—</p> <p>(2) Whoever uses or allows to be used any place for any of the purposes specified in sub-section (1), without a licence, or in contravention of any conditions subject to which a licence may have been granted under sub-section (1) shall, on conviction, be punished with simple imprisonment for a term which may extend upto three months and fine which may extend to fifty thousand rupees if the contravention is of clause .(i) or (ii) of sub-section (1) and with fine which may extend to ten thousand rupees if the contravention is of clause (iii) of that sub-section, and in the case of continuing contravention of the said clause (i) or (ii) with further fine of five thousand rupees, and of the said clause (iii) with further fine of one thousand rupees, for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, three months imprisonment is also proposed.</p>

Section 254 254(2)	Restriction on slaughter of animals for sale.— (2) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees .	Restriction on slaughter of animals for sale.— (2) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with simple imprisonment for a term which may extend upto one month and fine which may extend to ten thousand rupees .	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, one month imprisonment is also proposed.
Section 257 257(3)	Levy of stallages, rents and fees:- (3) Any person who, without a licence from the Chief Officer under sub-section (2), shall occupy any stall, shop, stand, shed, pen or space in a municipal market or sell or expose for sale any article in a municipal market or use a municipal slaughter-house, shall, on conviction, be punished with fine which may extend to fifty rupees .	Levy of stallages, rents and fees:- (3) Any person who, without a licence from the Chief Officer under sub-section (2), shall occupy any stall, shop, stand, shed, pen or space in a municipal market or sell or expose for sale any article in a municipal market or use a municipal slaughter-house, shall, on conviction, be punished with simple imprisonment for a term which may extend upto three months and fine which may extend to fifty thousand rupees .	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, three months imprisonment is also proposed.
Section 259 259(3)	Control on preparation of food, eating houses, hotels, lodging houses, etc.— (3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (2), shall, on conviction be punished with fine which may extend to five hundred rupees and in the case of continuing offence with further fine which may extend to fifty rupees for every day after the first during which such offence continues.	Control on preparation of food, eating houses, hotels, lodging houses, etc.— (3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (2), shall, on conviction be punished with fine which may extend to one lakh rupees and in the case of continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such offence continues.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.

<p>Section 260</p> <p>260(3)</p>	<p>Control on dairies and business in milk, milk products and sweet-meats.—</p> <p>(3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (2), shall, on conviction, be punished with fine which may extend to five hundred rupees and in the case of continuing offence with further fine which may extend to fifty rupees for every day after the first during which such offence continues.</p>	<p>Control on dairies and business in milk, milk products and sweet-meats.—</p> <p>(3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (2), shall, on conviction, be punished with fine which may extend to one lakh rupees and in the case of continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such offence continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 261</p> <p>261(3)</p>	<p>Control of stables;—</p> <p>(3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (2), shall, on conviction, be punished with fine which may extend to five hundred rupees, and in the case of continuing offence with further fine which may extend to fifty rupees for every day after the first during which such offence continues.</p>	<p>Control of stables;—</p> <p>(3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued by the Chief Officer under sub-section (2), shall, on conviction, be punished with fine which may extend to one lakh rupees and in the case of continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such offence continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 263</p> <p>263(3)</p>	<p>Factory, etc., not to be established without licence:-</p> <p>(3)Whoever establishes, alters, enlarges or extends or permits the establishment, material alteration, enlargement or extension of any such factory, workshop or place of business without a licence or in contravention of any condition subject to which the licence may have been granted shall, on conviction, be punished with fine which may extend to five hundred rupees.</p>	<p>Factory, etc., not to be established without licence:-</p> <p>(3)Whoever establishes, alters, enlarges or extends or permits the establishment, material alteration, enlargement or extension of any such factory, workshop or place of business without a license or in contravention of any condition subject to which the license may have been granted shall, on conviction, be punished with simple imprisonment for a term which may extend upto three months and fine which may extend to fifty thousand rupees and in the case of continuing contravention with further fine which may extend to one thousand rupees for every day after the first during which such contravention continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, three months imprisonment is also proposed.</p>

<p>Section 264</p> <p>264(2)</p>	<p>Prohibition of use of steam whistlers, etc.:-</p> <p>(2)Whoever uses or employs any such whistlers or trumpet as aforesaid in contravention of any provision of sub-section(1), shall be, on conviction, be punished with fine which may extend to fifty rupees and in the case of continuing offence with further fine which may extend to five rupees for every day after the first during which the such offence continues.</p>	<p>Prohibition of use of steam whistlers, etc.:-</p> <p>(2)Whoever uses or employs any such whistlers or trumpet as aforesaid in contravention of any provision of sub-section(1), shall be, on conviction, be punished with fine which may extend to ten thousand rupees and in the case of continuing offence with further fine which may extend to five hundred rupees for every day after the first during which the such offence continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 265</p> <p>265(3)</p>	<p>Certain other trades and occupations not to be carried on without licence:-</p> <p>(3)Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (2) shall,, on conviction, be punished with fine which may extend to five hundred rupees , and in the case of continuing offence with further fine which may extend to fifty rupees for every day after the first during which such offence continues.</p>	<p>Certain other trades and occupations not to be carried on without licence:-</p> <p>(3)Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (2) shall, on conviction, be punished with simple imprisonment for a term which may extend upto one month and fine which may extend to fifty thousand rupees and in the case of continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such offence continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, one month imprisonment is also proposed.</p>
<p>Section 266</p> <p>266(3)</p>	<p>Certain articles not to be kept without licence.—</p> <p>(3)Whoever keeps in or upon any premises any article in contravention of the provisions of sub-section (1) or (2), or in contravention of any conditions subject to which a licence may have been granted shall, on conviction, be punished with fine which may extend to two hundred rupees, and in the case of continuing offence with further fine which may extend to twenty rupees for every day after the first during which such offence continues.</p>	<p>Certain articles not to be kept without licence.—</p> <p>(3)Whoever keeps in or upon any premises any article in contravention of the provisions of sub-section (1) or (2), or in contravention of any conditions subject to which a licence may have been granted shall, on conviction, be punished with simple imprisonment for a term which may extend upto one month and fine which may extend to ten thousand rupees, and in the case of continuing offence with further fine which may extend to five hundred rupees for every day after the first during which such offence continues.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed. Also, considering the gravity of the offense, one month imprisonment is also proposed.</p>

<p>Section 270</p> <p>270(1)</p> <p>270(3)</p>	<p>Impounding cattle.— (1) It shall be the duty of every police officer and it shall be lawful for any municipal officer or servant authorized by the Chief Officer in this behalf to seize and take to any public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the municipal area.</p> <p>(3) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.</p>	<p>Impounding cattle.— (1) It shall be the duty of every police officer and it shall be lawful for any municipal officer or employee authorized by the Chief Officer in this behalf to seize and take to any public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the municipal area.</p> <p>(3) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.</p>	<p>The word “ servant ” is substituted by word “ employee”</p> <p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 273</p> <p>273(5)</p>	<p>Sale of cattle not claimed:-</p> <p>(5) No police officer, or Councillor or officer or servant of the Council, including the pound-keeper, shall, directly or indirectly, purchase any cattle at a sale under sub-section (1) or (2).</p>	<p>Sale of cattle not claimed:-</p> <p>(5) No police officer, or Councillor or officer or employee of the Council, including the pound-keeper, shall, directly or indirectly, purchase any cattle at a sale under sub-section (1) or (2).</p>	<p>The word “ servant ” is substituted by word “ employee”</p>
<p>Section 275</p> <p>275(3)</p>	<p>Complaints of illegal seizure or detention.—</p> <p>(3)If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fees and expenses leviable under this chapter shall be paid by the person who made the seizure or detained the cattle.</p>	<p>Complaints of illegal seizure or detention.—</p> <p>(3)If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding ten thousand rupees to be paid by the person who made the seizure or detained the cattle, together with all fees paid and expenses incurred by the complainant in procuring the release of the cattle, and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fees and expenses leviable under this chapter shall be paid by the person who made the seizure or detained the cattle.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>

<p>Section 276</p> <p>276(1)(i)</p> <p>276(1)(ii)</p> <p>276(2)(a)</p>	<p>Penalty for allowing cattle to stray in street or to trespass upon private or public property.—</p> <p>(i) for the first offence, with fine which may extend to three hundred rupees;</p> <p>(ii) for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.</p> <p>(a)that the accused shall pay such compensation not exceeding two hundred and fifty rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land; and also,</p>	<p>Penalty for allowing cattle to stray in street or to trespass upon private or public property.—</p> <p>(i) for the first offence, with fine which may extend to ten thousand rupees;</p> <p>(ii) for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.</p> <p>(a)that the accused shall pay such compensation not exceeding ten thousand rupees as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land; and also,</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p> <p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 277</p> <p>277(a)</p> <p>277(b)</p>	<p>Tethering cattle, etc.—</p> <p>(a) for a first offence, with fine which may extend to one hundred rupees;</p> <p>(b) for a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.</p>	<p>Tethering cattle, etc.—</p> <p>(a) for a first offence, with fine which may extend to ten thousand rupees;</p> <p>(b) for a second or subsequent offence, with fine which may extend to twenty thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 279</p> <p>279(2)</p>	<p>Provisions as to keeping of pigs.—</p> <p>(2) Whoever after such direction keeps any pigs in any place within the municipal area or specified part thereof without the permission required as aforesaid, or otherwise than in accordance with the terms thereof, shall, on conviction, be punished with fine which may extend to fifty rupees.</p>	<p>Provisions as to keeping of pigs.—</p> <p>(2) Whoever after such direction keeps any pigs in any place within the municipal area or specified part thereof without the permission required as aforesaid, or otherwise than in accordance with the terms thereof, shall, on conviction, be punished with fine which may extend to ten thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>

<p>Section 280</p> <p>280(2)</p>	<p>Feeding animals on filth prohibited.—</p> <p>(2) Whoever contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees.</p>	<p>Feeding animals on filth prohibited.—</p> <p>(2) Whoever contravenes any provision of sub-section (1) shall, on conviction, be punished with fine which may extend to two thousand rupees.</p>	<p>The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.</p>
<p>Section 281</p> <p>281(4)</p>	<p>Provisions as respects institution, compounding, etc., of criminal actions.</p> <p>(4) Notwithstanding anything contained in section 248 of the Code of Criminal Procedure, 1898, no Magistrate shall permit withdrawal of a complaint under that section in respect of an offence punishable under this regulation or the rules and bye-laws made there under, unless the Magistrate is satisfied that although the complaint was made in good faith it was based on incorrect facts or insufficient information. V of 1898</p>	<p>Provisions as respects institution, compounding, etc., of criminal actions.</p> <p>(4) Notwithstanding anything contained in section 257 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no Magistrate shall permit withdrawal of a complaint under that section in respect of an offence punishable under this regulation or the rules and bye-laws made there under, unless the Magistrate is satisfied that although the complaint was made in good faith it was based on incorrect facts or insufficient information.</p>	<p>Code of Criminal Procedure, 1898 and its relevant section 248 is to be replaced by "section 257 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)"</p>

281(5)	(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 all offence punishable under this regulation or the rules and bye-laws made there under may be compounded by the Chief officer but only with the permission of the court before which any prosecution for such offence is pending or when the accused had been committed for trial or when he has been convicted and an appeal is committed, or, as the case may be, before which the appeal is to be heard.	(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) all offence punishable under this regulation or the rules and bye-laws made thereunder may be compounded by the Chief officer but only with the permission of the court before which any prosecution for such offence is pending or when the accused had been committed for trial or when he has been convicted and an appeal is committed, or, as the case may be, before which the appeal is to be heard.	Code of Criminal Procedure, 1898 replaced by the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)
281(6)	(6) the Chief officer shall before compounding any offence under the last proceedings sub-section obtain the approval of the standing committee , and the standing Committee shall not accord its approval unless the accused pays by way of composition of the offence such some as may be determined by it. Such some shall not be less than one- fourth of the maximum in amount of fine prescribed for the offence , and if the fine prescribed therefore is unlimited shall not be less than two hundred fifty rupees .	(6) the Chief officer shall before compounding any offence under the last proceedings sub-section obtain the approval of the standing committee, and the standing Committee shall not accord its approval unless the accused pays by way of composition of the offence such some as may be determined by it. Such some shall not be less than one- half of the maximum in amount of fine prescribed for the offence , and if the fine prescribed therefore is unlimited shall not be less than fifty thousand rupees .	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.
Section 284 284(d)	General penalty.— Whoever— (d) when lawfully called upon by the Chief Officer or any officer duly authorized to supply an information in his possession which may be required for the purpose of this Regulation or of any rules or bye-laws made there under, fails to supply such information or willfully supplies false information, shall, if no other penalty is provided for the offence, on conviction, be punished with fine which may extend to one hundred rupees and in the case of continuing offence with further fine which may extend to ten rupees for every day after the first during which such contravention continues:	General penalty.— (d) when lawfully called upon by the Chief Officer or any officer duly authorized to supply an information in his possession which may be required for the purpose of this Regulation or of any rules or bye-laws made thereunder, fails to supply such information or wilfully supplies false information, shall, if no other penalty is provided for the offence, on conviction, be punished with fine which may extend to ten thousand rupees and in the case of continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such contravention continues:	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.

Section 285	Minimum penalty for offences under this Regulation .— In every case in which a person is convicted for an offence punishable by or under this Regulation and the Court considers that he should be sentenced with fine only, then in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the fine to be imposed on him shall not be less than one-fourth of the maximum amount of fine prescribed for that offence, and if the fine prescribed for that offence is unlimited, shall not be less than two hundred and fifty rupees.	Minimum penalty for offences under this Regulation .— In every case in which a person is convicted for an offence punishable by or under this Regulation and the Court considers that he should be sentenced with fine only, then in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, the fine to be imposed on him shall not be less than one-fourth of the maximum amount of fine prescribed for that offence, and if the fine prescribed for that offence is unlimited, shall not be less than five thousand rupees.	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.
Section 286 (1)(e) 286(1)(f) 286(2)	(e) defend any suit or other legal proceedings brought against the Council or any municipal officer or servant in respect of anything done or omitted to be done by them, respectively in their official capacity; (f) admit or compromise any claim, suit or legal proceeding brought against the Council or any municipal officer or servant , in respect of anything done or omitted to be done as aforesaid: (2) A Council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its committees, officers or servants under this Regulation.	(e) defend any suit or other legal proceedings brought against the Council or any municipal officer or employee in respect of anything done or omitted to be done by them, respectively in their official capacity; (f) admit or compromise any claim, suit or legal proceeding brought against the Council or any municipal officer or employee , in respect of anything done or omitted to be done as aforesaid: (2) A Council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its committees, officers or employees under this Regulation.	The word “ servant ” is to be replaced by the word “ employee ” The word “ servant ” is to be replaced by the word “ employee ” The word “ servants ” is to be replaced by the word “ employees ”
Section 287	Councillors, officers, servants , etc., to be public servants .— Every Councillor and every officer or servant of a Council, every contractor or agent appointed by it for the collection of any tax and every person employed by such contractor or agent for the collection of such tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.	Councillors, officers, employees , etc., to be public employees : Every Councillor and every officer or employee of a Council, every contractor or agent appointed by it for the collection of any tax and every person employed by such contractor or agent for the collection of such tax shall be deemed to be a public employee within the meaning of section 21 of the Indian Penal Code. XLV of 1860.	The word “ servants ” is to be replaced by the word “ employees ”. Similarly, the word “ servant ” is proposed to be replaced by the word “ employee ”
Section 288	Bar of suits against Council, its officers, servants , etc., for acts done in good faith.— No suit shall lie in respect of anything in good faith done or intended to be done under this Regulation, against any Council or against any committee constituted under this Regulation or against any officer or servant of a Council or against any person acting under and in accordance with the directions of any such	Bar of suits against Council, its officers, employees , etc., for acts done in good faith:— No suit shall lie in respect of anything in good faith done or intended to be done under this Regulation, against any Council or against any committee constituted under this Regulation or against any officer or employee of a Council or against any person acting under and in accordance with the directions of any such Council, committee, officer or employee or	The word “ servants ” is to be replaced by the word “ employees ”. Similarly, the word “ servant ” is to be replaced by the word “ employee ”

	Council, committee, officer or servant or of a Magistrate.	of a Magistrate.	
Section 289 289(1)	Limitation of suits against Council, its committees, officers and servants for acts done in pursuance or execution of this Regulation — (1) No suit shall lie against a Council or against any committee constituted under this Regulation, or against any officer or servant of a Council in respect of any act done in pursuance or execution or intended execution of this Regulation, or in respect of any alleged neglect or default in the execution of this Regulation,—	Limitation of suits against Council, its committees, officers and employees for acts done in pursuance or execution of this Regulation — (1) No suit shall lie against a Council or against any committee constituted under this Regulation, or against any officer or employee of a Council in respect of any act done in pursuance or execution or intended execution of this Regulation, or in respect of any alleged neglect or default in the execution of this Regulation,—	The word “ servants ” is to be replaced by the word “ employees ” after the word “ <i>officers and</i> ” in the title of the section. Similarly, the word “servant” is to be replaced by the word “ employee ” after the words “ <i>against any officer</i> ”
289(1)(b)	(b) until the expiration of one month after notice in writing has been, in the case of a Council or its committee, delivered or left at the municipal office and, in the case of an officer or servant of a Council, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particularity the causes of action and the name and place of abode of the intending plaintiff and of his advocate, pleader or agent, if any, for the purpose of the suit.	(b) until the expiration of one month after notice in writing has been, in the case of a Council or its committee, delivered or left at the municipal office and, in the case of an officer or employee of a Council, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particularity the causes of action and the name and place of abode of the intending plaintiff and of his advocate, pleader or agent, if any, for the purpose of the suit.	The word “ servant ” is to be replaced by the word “ employee ” after the word “ <i>in case of an officer or</i> ”
289 (3)	(3) If the defendant in any such suit is an officer or servant of a Council payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the Council, be made from the municipal fund.	(3) If the defendant in any such suit is an officer or employee of a Council payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the Council, be made from the municipal fund.	The word “ servant ” is to be replaced by the word “ employee ” after the words “ <i>such suit is an officer or</i> ”
Section 290 290(2)	Powers of police officers:- (2) It shall also be the duty of all police officers to give immediate information to the Council of the commission of any offence against the provisions of this Regulation or of any rule or bye-law made there under and to assist all municipal officers and servants in the exercise of their lawful authority.	Powers of police officers:- (2) It shall also be the duty of all police officers to give immediate information to the Council of the commission of any offence against the provisions of this Regulation or of any rule or bye-law made there under and to assist all municipal officers and employees in the exercise of their lawful authority.	The word “ servants ” is to be replaced by the word “ employees ”

Section 295	Power of Director to prevent extravagance in the employment of establishment. — If in the opinion of the Director the number of persons who are employed by a Council as officers or servants , or whom a Council proposes to employ or the remuneration assigned by the Council to those persons or to any particular person is excessive, the Council shall, on the requirement of the Director, reduce, the number of the said persons or the remuneration of the said person or persons:	Power of Director to prevent extravagance in the employment of establishment. — If in the opinion of the Director the number of persons who are employed by a Council as officers or employees , or whom a Council proposes to employ or the remuneration assigned by the Council to those persons or to any particular person is excessive, the Council shall, on the requirement of the Director, reduce, the number of the said persons or the remuneration of the said person or persons:	The word “ servants ” is to be replaced by the word “ employees ”
Section 307 307 (2)	Power of Council to make bye-laws:- (2) Without prejudice to any power to make bye-laws contained elsewhere in this regulation, a Council may make bye-laws consistent with this regulation and the rules made there under for the administration of its affairs and for the guidance of its Committees, officers and servants .	Power of Council to make bye-laws:- (2) Without prejudice to any power to make bye-laws contained elsewhere in this regulation, a Council may make bye-laws consistent with this regulation and the rules made there under for the administration of its affairs and for the guidance of its Committees, officers and employees .	The word “ servants ” is to be replaced by the word “ employees ”
Section 313 313(1)(c)	Council in default of owner or occupier may execute works and recover expenses:- (1)Where by or under this Regulation, any person is required to execute any work or do anything and default is made in the execution of such work or the doing of such thing, the Council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to the Council by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of a property tax, either in one sum or by installments, as the Council may deem fit: Provided that - - (c) where an order or requisition has been passed under sub-section (1) of section 170, section 178, sub-section (4) or (12) of section 184 or under section 195, 197, 202 or 203 or where permission has been given under section 199 or where an	Council in default of owner or occupier may execute works and recover expenses:- (1)Where by or under this Regulation, any person is required to execute any work or do anything and default is made in the execution of such work or the doing of such thing, the Council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to the Council by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of a property tax, either in one sum or by installments, as the Council may deem fit: Provided that - - (c) where an order or requisition has been passed under sub-section (1) of section 170, section 178, sub-section (4) or (12) of section 184 or under section 195, 197, 202 or 203 or where permission has been given under section 199 or where an	The existing interest rate is enhance to 15 % considering existing price index.

	arrangement has been made under proviso (b) of this sub-section, the Council may, without prejudice to any other powers under this Regulation, if it thinks fit, declare any expenses incurred by the Council in the execution of such order or in the carrying out of such requisition, permission or arrangement to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such installments as the Council may decide, including interest at the rate of seven and a half per cent , per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).	arrangement has been made under proviso (b) of this sub-section, the Council may, without prejudice to any other powers under this Regulation, if it thinks fit, declare any expenses incurred by the Council in the execution of such order or in the carrying out of such requisition, permission or arrangement to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such installments as the Council may decide, including interest at the rate of fifteen per cent , per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).	
Section 314	Proceedings, if any occupier opposes the execution of the Regulation. — If the occupier of any building or land prevents the owner thereof from carrying into effect in respect of such building or land, any of the provisions of this Regulation after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Executive Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner to execute any such work, such occupier shall, on conviction, for every day during which he so continues to refuse, be punished with fine which may extend to fifty Rupees and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.	Proceedings, if any occupier opposes the execution of the Regulation. — If the occupier of any building or land prevents the owner thereof from carrying into effect in respect of such building or land, any of the provisions of this Regulation after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Executive Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land as may be necessary for carrying into effect the provisions of this Regulation, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner to execute any such work, such occupier shall, on conviction, for every day during which he so continues to refuse, be punished with fine which may extend to ten thousand rupees and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works	The existing amount of fine is very less which was fixed in the year 1968 and hence, it is required to be revised. Accordingly, revised amount of fine is proposed.
Section 321 321(1)	Power of Collector to recover record and money. — (1) Where on information received, the Director is of the opinion that any person, who in his capacity as a President, Vice President, Councillor, or officer or servant of a Council had in his custody any records, stores or money or other property belonging to the Council, inspite of the expiry of his term of	Power of Director to recover record and money. — (1) Where on information received, the Director is of the opinion that any person, who in his capacity as a President, Vice President , Councillor, or officer or employee of a Council had in his custody any records, stores or money or other property belonging to the Council, inspite of the expiry of his term of	The word “ servant ” is to be replaced by the word “ employee ”

<p>321(2)</p> <p>321(1)(b)</p>	<p>office or his removal or suspension from office, as the case may be, has not delivered such records, stores, money or other property to his successor in the office, the Director may by a written order require that the records, stores, money or other property so detained, be delivered to such successor within the time to be specified in such order.</p> <p>(2) If such President, Vice President Councillor, or officer or servant of the Council fails to comply with the order of the Director under the foregoing sub- -section, it shall be lawful for the Director;—</p> <p>(b) for recovering any such records or stores or other property, to issue a search warrant and to exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898.</p>	<p>office or his removal or suspension from office, as the case may be, has not delivered such records, stores, money or other property to his successor in the office, the Director may by a written order require that the records, stores, money or other property so detained, be delivered to such successor within the time to be specified in such order.</p> <p>(2) If such President, Vice President Councillor, or officer or employee of the Council fails to comply with the order of the Director under the foregoing sub- -section, it shall be lawful for the Director;—</p> <p>(b) for recovering any such records or stores or other property, to issue a search warrant and to exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 [Central Act 2 of 1974].</p>	<p>The word “ servant” is to be replaced by the word “ employee”</p> <p>Latest Code of Code of Criminal Procedure Act is to be substituted.</p>
<p>Section 330</p> <p>330(c)</p>	<p>Consequences of replacement of existing Councils.— With effect on and from the appointed day, the following consequences shall ensue, that is to say —</p> <p>(c) all property, movable and immovable, situated outside the local areas of a successor Council but within the jurisdiction of a Village Panchayat constituted under the Goa , Daman and Diu Village Panchayats Regulation, 1962 (and all interests of whatsoever nature and kind in such property) which vested in an existing Council immediately before the constitution of such Village Panchayat for the performance of any of the functions or duties which are required to be performed by the said Village Panchayat under the provisions of the Goa, Daman and Diu village. Panchayats Regulation, 1962, and are not required by the Council for the performance of its duties under this regulation, shall be deemed to be transferred to and shall vest, without further assurances in such Village Panchayat, subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting</p>	<p>Consequences of replacement of existing Councils.— With effect on and from the appointed day, the following consequences shall ensue, that is to say —</p> <p>(c) all property, movable and immovable, situated outside the local areas of a successor Council but within the jurisdiction of a Village Panchayat constituted under the Daman and Diu Panchayat Regulation, 2012 (and all interests of whatsoever nature and kind in such property) which vested in an existing Council immediately before the constitution of such Village Panchayat for the performance of any of the functions or duties which are required to be performed by the said Village Panchayat under the provisions of the Daman and Diu Panchayat Regulation, 2012, and are not required by the Council for the performance of its duties under this regulation, shall be deemed to be transferred to and shall vest, without further assurances in such Village Panchayat, subject to all limitations, conditions and rights or interests of any person, body or authority in force or subsisting immediately before the</p>	<p>The Goa, Daman and Diu Panchayats Regulation, 1962 has been repealed and Daman and Diu Panchayat Regulation, 2012 has been enacted and hence, it is required to substitute the latest Regulation, 2012.</p>

<p>330(d)</p>	<p>immediately before the appointed day;</p> <p>(d) all property, movable and immovable, wherever situated (and all interests of whatsoever nature and kind in such property) which vested in an existing Council immediately before the appointed day and which was being used by it for a function which on and from the appointed day is not required to be performed by an existing Council under the provisions of this regulation or by a Village Panchayat under the Goa, Daman and Diu Village Panchayats Regulation, 1962 shall be deemed to be transferred to and shall vest, without further assurances, in the Government, subject to all limitations, conditions and right or interests of any person, body or authority in force or subsisting immediately before the appointed day;</p>	<p>appointed day;</p> <p>(d) all property, movable and immovable, wherever situated (and all interests of whatsoever nature and kind in such property) which vested in an existing Council immediately before the appointed day and which was being used by it for a function which on and from the appointed day is not required to be performed by an existing Council under the provisions of this regulation or by a Village Panchayat under the Daman and Diu Panchayat Regulation, 2012 shall be deemed to be transferred to and shall vest, without further assurances, in the Government, subject to all limitations, conditions and right or interests of any person, body or authority in force or subsisting immediately before the appointed day;</p>	<p>The Goa, Daman and Diu Panchayats Regulation, 1962 has been repealed and Daman and Diu Panchayat Regulation, 2012 has been enacted and hence, it is required to substitute the latest Regulation, 2012.</p>
<p>Section 331</p>	<p>Pensions relating to officers and servants.— All officers and servants in the employment of an existing Council immediately before the appointed day, shall be deemed to be transferred to the service of the successor Council and shall, until other provision is made by a competent authority, receive such salaries and allowances, pension, provident fund, gratuity and other retirement benefits and be subject to such other conditions of service, to which they were entitled immediately before the date of commencement of this regulation,</p> <p>Provided that the conditions of service applicable immediately before that date to the case of any officer or servant so transferred to the service of the successor Council shall not be varied to his disadvantage except with the previous approval of the Government:</p> <p>Provided further that nothing in this section shall affect the powers of the successor Council to discontinue the service of any such officer or servant in accordance with the provisions of this regulation,.</p>	<p>Pensions relating to officers and employees.— All officers and employees in the employment of an existing Council immediately before the appointed day, shall be deemed to be transferred to the service of the successor Council and shall, until other provision is made by a competent authority, receive such salaries and allowances, pension, provident fund, gratuity and other retirement benefits and be subject to such other conditions of service, to which they were entitled immediately before the date of commencement of this regulation,</p> <p>Provided that the conditions of service applicable immediately before that date to the case of any officer or employee so transferred to the service of the successor Council shall not be varied to his disadvantage except with the previous approval of the Government:</p> <p>Provided further that nothing in this section shall affect the powers of the successor Council to discontinue the service of any such officer or employee in accordance with the provisions of this regulation,.</p>	<p>The word “ servants” is to be replaced by the word “ employees”</p> <p>The word “ servant” is to be replaced by the word “ employee”</p> <p>The word “ servant” is to be replaced by the word “ employee”</p>

X SCHEDULE
[See Section 16]

Provisions as to disqualification on ground of defection.

1. Interpretation:- In this Schedule, unless the context otherwise requires-

- (a) "Municipality" means an institution (by whatever name called) of self Government constituted under article 243Q for the urban areas;
- (b) "Council" in relation to a Councillor of a Municipality belonging to any political party in accordance with the provisions of paragraph 2 or paragraph 3, means the group consisting of all the Councillors of that Municipality for the time being belonging to that political party in accordance with the said provision ;
- (c) "Original political party" in relation to a Councillor of a Municipality to which he belongs for the purpose of sub-paragraph (1) of paragraph 2;
- (d) "paragraph " means a paragraph of this Schedule.

2. Disqualification on ground of defection:- (1) Subject to the provisions of paragraph 3, a Councillor of Municipality belonging to any political party shall be disqualified for being a Councillor of Municipality-

- (a) If he has voluntarily given up his membership of such political party; or
- (b) If he votes or abstains from voting in such Municipality contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation: For the purpose of this sub- paragraph, a Councillor of Municipality shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such Councillor.

(2) A Councillor of a Municipality who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a Councillor of the Municipality if he joins any political party after such election.

(3) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the **Daman and Diu Municipalities (Amended) Regulation, 2014** is a Councillor of a Municipality shall,-

- (i) Where he was a member of a political party immediately before such commencement, be deemed, for the purpose of sub-paragraph (1) of this paragraph, to have been elected as a Councillor of such Municipality as a candidate set up by such political party;
- (ii) In any other case, be deemed to be a Councillor of the Municipality who has been elected as such otherwise than as a candidate set up by any political party for the purpose of sub-paragraph(2) of this paragraph.

-2-

3. Disqualification on ground of defection not to apply in case of merger:- (1) A Councillor of Municipality shall not be disqualified under sub-paragraph (1) of paragraph 2. Where his original party merges with another political party and he claims that he and any other Councillors of his original political party-

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group, and from time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purpose of this sub-paragraph.

(2) For the purpose of sub-paragraph (1) of this paragraph, the merger of the original political party of a Councillor of a Municipality shall be deemed to have taken place if, and only if, not less than two-thirds of the Councillors of such political party in the Municipality concerned have agreed to such merger.

4. Decision on question as to disqualification on ground of defection:- (1) If any question arises as to whether a Councillor of a Municipality has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Administrator and his decision shall be final.

(2) Before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission constituted under Section 5 of the Daman and Diu Municipalities (Amended) Regulation, 1994 (6 of 1994) and shall act according to such opinion.

5. Rules:- The Administrator may make rules for giving effect to the provisions of this Schedule, and in particular and without prejudice to the generality of the foregoing, such rules may provide for-

(a) the maintenance of registers or other records as to the political parties, if any, to which different Councillors of the Municipality belong.

(b) the report which the leader of a political party in relation to a Councillor of a Municipality shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph 2 in respect of such Councillor, the time within which and the authority to which such report shall be furnished;

(c) the report, which a political party, shall furnish with regard to admission to such political party of any Councillor of the Municipality and the officer of the Municipality to which such report shall be furnished; and

(d) the procedure for deciding any question referred to in paragraph 4 including the procedure for any inquiry which may be made for the purpose of deciding such question.
