

**THE DAMAN AND DIU
MUNICIPALITIES (AMENDMENT)
REGULATION, 1994**

Contents	Page No.
CHAPTER - I	
PRELIMINARY	
1. Short title, extent and Commencement	2
2. Definitions	2
 CHAPTER - II	
Municipal Councils	
Municipal area and their classification	
3. Areas to be declared as municipal areas	13
4. Constitution of Municipalities for Daman & Diu.	13
5. Election Commission	14
6. Alteration of the limits of a Municipal area.	14
7. Municipal authorities charged with execution of the Regulation.	15
8. Establishment and incorporation of Councils.	15
9. Composition of Councils.	16
9A. Reservation of seats.	16
10. Division of municipal area into wards and reservation of wards for women, Scheduled Castes and Schedules Tribes.	17
11. List of voters.	19
12. Right to vote.	20
13. Manner of voting.	20
14. Other restrictions on voting.	20
15. Qualifications for candidates.	20
16. Disqualifications for becoming a Councillor.	21
17. Question of disqualification to be decided by Administrator.	23
18. Power to make rules regulating elections.	23
19. Failure to elect.	25
20. Declarations of results of elections.	25
21. Publication of names of co-opted and nominated Councillors in the Official Gazette,	26
22. Disputes in respect of election, co-option or nomination of Councillors.	26
23. Currupt Practices.	31
24. Prohibition of public meetings on the election day.	34
25. Disturbances at election meeting.	34
26. Prohibition of canvassing in or near polling stations.	35
27. Penalty for disorderly conduct in or near polling stations.	35
28. Penalty for misconduct at polling station.	36
29. Penalty for illegal hiring or procuring of conveyances at election.	37
30. Maintenance of secrecy of voting	37
31. Officers, etc. at election not to act for candidates or to influence voting.	37

Contents	Page No.
32. Breaches of official duty in connection with election.	38
33. Removal of ballot papers from polling station to be an offence.	38
34. Other electoral offences and penalties therefor	39
35. Prosecution regarding certain offences.	40
36. Requisitioning of premises, vehicles, etc. for election.	40
37. Payment of compensation.	41
38. Power to obtain information.	43
39. Eviction from requisitioned premises.	43
40. No civil court to have jurisdiction.	43
41. Release of premises from requisition.	44
42. Term of office of Councillors.	45
43. Resignation of Councillors.	45
44. Liability of Councillors to removal from office.	46
45. Resignation not to affect subsequent disqualification of a Councillor.	46
46. Disqualification of Councillor during his term of office.	47
47. Special provisions regarding disqualification for failure to pay taxes due to the Council.	48
48. Section 47 not to affect Councils other powers for recovery of taxes.	50
49. Councillor to vacate all offices if he ceases to be Councillor.	50
50. Casual Vacancies how to be filled up.	51

CHAPTER - III

Duties and function of the Council and the Municipal Executive.

51. Duties and function of the Council.	52
52. Election of President and Vice-President.	59
53. Term of office of President and Vice-President.	61
54. Resignation of President.	61
55. Resignation of Vice-President.	61
56. Removal of President and Vice-President.	61
57. Consequences of absence of President or Vice-President without leave.	63
58. President or Vice-President to hand over charge.	64
59. Functions of President.	65
60. Function of Vice-President.	66
61. Simultaneous vacancy in the office of President and Vice-President.	66
62. Honorarium or allowances to President and members of Council.	67
63. Standing and Subject Committees for all classes of Councils.	67
64. Constitution of Standing Committee of Councils.	68
65. Special Committees.	68

Contents	Page No.
66. Term of office of Chairman and members of Standing and Subject Committees.	68
67. Casual vacancies in Committees of the Council.	69
68. Function and power of Standing Committees and Subjects Committees.	69
69. Limits of powers of Committee in respect of financial sanctions.	70
70. Subordination of Committees to Council.	70
 CHAPTER - IV	
Director of Municipal Administration and Collector	
71. Appointment of Director of Municipal Administration and his powers and the powers of the Collector.	71
 CHAPTER - V	
Provisions regarding Officers and Servants	
72. Appointment of Chief Officer, Engineer, water Works Engineer, Health Officer, Auditor and certain other officers.	71
73. Appointment of other officers and servants.	73
74. Powers and duties of Chief Officer.	73
75. Powers and duties of other officers and servants.	74
76. Punishment of officers and servants.	75
77. Bye laws to be made regulating certain conditions of service.	77
 CHAPTER - VI	
Conduct of Business	
78. Provision in regard to meetings of Council.	78
79. Meetings of Committees.	83
80. Chief Officer to be present at every meeting of the Council and if required at a meeting of a Committee, but not to vote or make any proposition.	84
81. Power of Council or Committee to require information, document, etc., from Chief Officer.	85
82. Joint Committees of local bodies.	85
83. Acts and proceedings of Council and Committees not vitiated by disqualifications, etc. of members thereof.	86

Contents	Page No.
CHAPTER - VII	
Municipal Property, Funds, Contracts and Liabilities	
84. Power to acquire and hold Property.	87
85. Decision of claims to property by or against the Council.	89
86. Municipal fund.	90
87. Constitution of Salary Reserve Fund.	92
88. Provisions regarding transfer of municipal property.	92
89. Provisions relating to contracts and tenders.	93
90. Bar against officers, and servants being interested in contract.	95
91. Penalty to Councillors, officers and servants for improper interest in contracts etc.	96
92. Liability of Councillors, officers and servants for loss, or damage.	96
93. Application of Municipal property and funds within and without the municipal area.	97
94. Special provision regarding loan of fire fighting equipment, etc.	99
95. Depositing or investing of Surplus Funds of a Council.	99
96. Power of Council to compromise suits.	99
CHAPTER -VIII	
Budget and Accounts	
97. Budget.	100
98. Municipal accounts.	102
99. Publication of accounts.	103
100. Audit of Accounts.	103
CHAPTER - IX	
Municipal Taxation	
101. Imposition of compulsory taxes.	104
102. Loss of income from tax due to exemption to be reimbursed by Government.	105
103. Section 103 Omitted.	105
104. Other taxes which Council may impose.	105
105. Procedure preliminary to imposing tax under section 104.	106
106. Discretionary tax when sanctioned not to be abolished without previous sanction of Government	107
107. Local publication of bye-laws relating to taxes, with notice.	107
108. Council may vary rates of tax within prescribed limits.	108

Contents	Page No.
109. Appointment of authorised Valuation Officer.	109
110. Rateable value how to be determined.	109
111. Preparation of assessment list.	110
112. Person primarily liable for a property tax how to be designated if his name cannot be ascertained.	110
113. Authorised Valuation Officer to check assessment.	110
114. Publication of notice of assessment list.	111
115. Public notice of time fixed for lodging objections.	111
116. Objection how to be dealt with.	111
117. Authentication of list of assessment.	112
118. Authentic list how far conclusive.	112
119. Amendment of assessment list.	113
120. Reassessment to be done after every four years.	113
121. Primary responsibility for property taxes on whom to rest.	114
122. When occupiers may be held liable for payment of property taxes.	115
123. Partial remission in respect of property remaining unoccupied.	115
124. When building or land deemed to be productive of rent.	116
125. Parties to transfer of property to give notice of transfer.	116
126. Form of notice.	117
127. In absence of notice, liability to taxes to continue on original holder.	117
128. Power to fix special rate in lieu of special sanitary tax.	117
129. Recovery of sums claimed under the last two preceeding sections.	118
130. Council may sell surplus water for use outside municipal area.	118
131. 131 to 134 Omitted.	118
135. Tables of tolls to be shown on demand.	119
136. Power to seize vehicle or animal or goods for non-payment of octroi or toll and to dispose of seized property.	119
137. Sections 137 and 138 omitted.	120
139. Farming of tools.	121
140. Powers to compound tax on vehicles or animals.	121
141. Assessment not invalid for defect of form.	122
142. Power of Government to require Council to impose taxes.	122
143. Fees may be charged for certain licences, permission, etc.	122

Contents	Page No.
CHAPTER - X	
Recovery of Municipal claims	
144. Mode of recovery of any money claimable under this Regulation.	124
145. Presentation of bill for sums due to Council and discount for prompt payment.	124
146. When notice of demand issued.	124
147. When warrant may issue.	125
148. To whom warrant addressed.	125
149. Power of entry by force under special order.	126
150. Warrant how to be executed.	126
151. Sale of property distrained or attached; application of proceeds of sale.	127
152. Surplus, if any, how dealt with.	128
153. Sale outside municipal area.	128
154. Fees and costs chargeable.	129
155. Summary proceedings may be taken against person about to leave municipal area.	129
156. Sales in other cases by whom to be ordered and the manner of making and confirming them.	130
157. Liability of lands, buildings, etc. for taxes.	130
158. Receipts to be given for all payments.	130
159. Certain amounts to be recovered as arrears of land revenue.	130
160. Stay orders on warrants by whom to be issued.	130
161. Interest payable on dues for taxes.	131
162. Power to write off.	131
163. Appointment of Recovery Officer.	132
164. Appeals to Magistrates.	132
165. Procedure in Appeal.	133
166. Revision by Court.	133
167. Bar of other proceedings.	133

CHAPTER - XI**Streets and Open Spaces**

168. Powers in respect of public streets.	133
169. Powers to declare any street a public street, subject to objections by owners.	134
170. Power to require repair, etc. of private streets and to declare them as public streets.	135
171. Regular line of a public street.	136
172. Setting back projecting buildings.	137
173. Setting forward to regular line of street.	139
174. Surface projections, obstructions and encroachments in respect of public streets.	140
175. Prohibition of projections other than surface projections upon streets, etc.	141

Contents	Page No.
176. Projections, encroachment, etc., in public places and open spaces whether vesting in council or not.	143
177. Power to require boundary walls, hedges, etc. to be constructed or removed.	144
178. New private streets.	144
179. Troughs and pipes for rain water.	146
180. Naming and numbering streets and numbering of premises.	146
181. Displacing pavements, etc.	147
182. Prohibition of sale of articles in public streets, without licence.	148
183. Prohibition of plying hand-carts without licence.	148
CHAPTER - XII	
Control over Buildings	
184. Notice of construction of building.	149
184A. Preparation of Development Plan.	153
184B. District Planning Committee.	153
185. Powers of Chief Officer and Council to refuse permission.	155
186. Level of buildings.	157
187. Roofs and external walls of buildings not to be made of inflammable materials.	157
188. Completion certificate, permission to occupy or use.	158
189. Building for human habitation not to be used as godown, etc. and vice versa.	160
190. Removal of buildings, structures, etc. which are in ruins or likely to fall.	160
191. Penalty for defacing building, etc.	161
192. Fixing of lamps, brackets, etc., to house.	162
193. Regulation of huts.	162
194. Improvement of huts.	163
CHAPTER - XIII	
Drainage	
195. Municipal control over drainage.	164
196. Power of making and repairing drains.	164
197. Power to require sufficient drainage of houses.	165
198. New building not to be erected without drains.	166
199. Powers of owners and occupiers of buildings or lands to drain into municipal drains.	167
200. Right to carry drain through land or into drain belonging to other persons.	167

Contents	Page No.
201. Rights of owner of land through which drain is carried in regard to subsequent building thereon.	168
202. Provision of privies, etc.	169
203. Power to require owners to keep drains, etc. in proper order; or to demolish or close a privy or cesspool.	170
204. Power to close private drains and cesspools.	170
205. Encroachment on municipal drains.	171
206. Power in respect of drains, etc. unauthorisedly constructed, re-built or unstopped.	171
207. Inspection of drains, etc.	171
208. Council may execute certain works without option to person concerned of executing the same.	172
209. Pipes, etc. constructed by Council to be municipal property.	172

CHAPTER - XIV

Water Supply

210. Prohibition of certain acts affecting the municipal water works.	173
211. Prohibition of wilful or neglectful acts relating to water works.	174
212. Prohibition of constructing drains, etc. near sources of water supply.	175
213. Power of carrying water mains.	175
214. Power to require water supply to be taken.	176
215. Powers and duties with regards to dangerous, stagnant or insanitary sources of water supply.	176
216. Power to regulate bathing and washing places.	178
217. Digging of wells, etc., without permission prohibited.	178

CHAPTER - XV

Public Safety and Conveniences

218. Fencing and lighting during repairs, etc.	178
219. Dangerous quarrying.	179
220. Hoards to be set up during repairs, etc.	180
221. Power to require precaution in place of public entertainments.	180
222. Powers for supersession for fires.	181

Contents	Page No.
CHAPTER - XVI	
Nuisances	
223. Depositing dust, etc., committing nuisance.	182
224. Discharging sewage, etc.	183
225. Non-removal of filth, etc.	183
226. Removal of night-soil.	183
227. Using offensive manure, etc.	184
228. Abatement of nuisance from wells, etc.	184
229. Buildings or rooms in buildings unfit for human habitation.	185
230. Filthy buildings, etc.	186
CHAPTER - XVII	
Prevention and Control of Dangerous Diseases	
231. Dangerous diseases.	187
232. Power to prohibit use of public conveyances for carriage of persons suffering from dangerous diseases.	188
233. Restrictions on persons suffering from dangerous diseases.	188
234. Control and prevention of dangerous diseases.	189
235. Information to be given to Chief Officer or Health Officer about incidence of dangerous diseases.	189
236. Power of entry into places where cases of dangerous disease suspected.	190
237. Chief Officer or Health Officer may direct owner or occupier to take certain precautionary measures and in default, carry out the same.	190
238. Prohibition of use of water likely to spread dangerous diseases.	191
239. Additional powers of Council on threatened outbreak of dangerous disease.	192
240. Penalty for contravention of provisions relating to dangerous diseases.	193
241. Payment of compensation.	194
242. Diseases among animals.	194
243. Proceedings to abate over-crowding of interiors of buildings.	194
244. Withdrawal and modification of powers and orders under this chapter.	195
245. Special powers in respect of overcrowding area.	196

Contents	Page No.
CHAPTER - XVIII	
Disposal of Dead Bodies and Carcasses of Animals	
246. Council to provide or permit burning and burial grounds.	197
247. Closing of places for disposal of dead.	198
248. Acts prohibited in connection with disposal of dead.	199
249. Certificate for disposal of the dead.	200
250. Disposal of dead animals.	200
CHAPTER - XIX	
Markets, Slaughter-Houses, Trades and Occupations	
251. Power to provide and maintain municipal markets and slaughter-houses.	200
252. Private markets, etc., not to be held without licence.	201
253. Slaughter-house, etc., beyond municipal area.	202
254. Restriction on slaughter of animals for sale.	202
255. Provisions for requiring private market buildings and slaughter-houses to be properly paved and drained.	202
256. Provisions regarding approaches and environs of private markets.	203
257. Levy of stallages, rents and fees.	204
258. Farming of market and slaughter-house rents.	205
259. Control on preparation of food, eating houses, hotels, lodging houses, etc.	206
260. Control on dairies and business in milk, milk products and sweet-meats.	206
261. Control of stables.	207
262. No separate licence necessary if one is obtained under Prevention of Food Adulteration Law.	208
263. Factory, etc., not to be established without licence.	208
264. Prohibition of use of steam whistles, etc.	209
265. Certain other trades and occupations not to be carried on without licence.	209
266. Certain articles not to be kept without licence.	210
CHAPTER - XX	
Cattle Pounds and Other Provisions Relating to Animals	
267. Cattle-trespass Act to cease to apply to municipal areas.	211
268. Power to establish cattle-pounds and appoint pound-keepers.	212

Contents	Page No.
269. Duties of pound-keepers.	212
270. Impounding cattle.	212
271. Delivery of cattle claimed.	213
272. Security in respect of impounded cattle.	213
273. Sale of cattle not claimed.	213
274. Pound-fees and expenses chargeable to be fixed.	214
275. Complaints of illegal seizure or detention.	214
276. Penalty for allowing cattle to stray in street or to trespass upon private or public property.	215
277. Tethering cattle, etc.	216
278. Provision as to dogs.	216
279. Provisions as to keeping of pigs.	217
280. Feeding animals on filth prohibited.	218

CHAPTER - XXI

Prosecutions, Suits and Powers of Police

281. Provisions as respects institution, compounding etc. of criminal actions.	218
282. Distress lawful though defective in form.	220
283. Damage to municipal property how made good.	220
284. General penalty.	221
285. Minimum penalty for offences under this Regulation.	221
286. Power to institute, defend suits, etc.	222
287. Councillors, officers, servants, etc. to be public servants.	223
288. Bar of suits against Council, its officers, servants, etc., for acts done in good faith.	223
289. Limitation of suits against Council, its committees, officers and servants for acts done in pursuance or execution of this Regulation.	223
290. Powers of police officers.	224

CHAPTER - XXII

Control

291. Power of inspection and supervision.	225
292. Power to call for returns and reports.	225
293. Powers to suspend execution of orders and resolutions of Council on certain grounds.	226
294. Extraordinary powers of execution of certain works in case of emergency.	227
295. Power of Director to prevent extravagance in the employment of establishment.	227
296. Inquiry into municipal matters by Government.	228
297. Power of Director to enforce performance of duties.	229
298. Dissolution of the Council. (Substitution for section 298 to 302 both inclusive).	230

Contents	Page No.
303. Revisional powers of Government.	231
304. Government's powers to enforce its orders.	232
305. Powers of review.	232
 CHAPTER - XXIII	
Rules and Bye Laws	
306. Power of Government to make rules.	233
307. Power of Council to make bye-laws.	233
308. Power to make and enforce acceptance of model bye laws.	235
309. Copies of Regulation, rules and bye-laws to be made available at Council's office for public inspection and for sale.	236
 CHAPTER - XXIV	
Service of Notices, Execution of Works on Default and Compensation	
310. Service of notices, etc., addressed to individuals.	236
311. Publication of public and general notices.	238
312. Reasonable time to be fixed when no time fixed under the Regulation for any requisition.	238
313. Council in default of owner or occupier may execute works and recover expenses.	239
314. Proceedings, if any occupier opposes the execution of the Regulation.	241
315. Determination of damages, compensation, etc.	241
316. Costs or expenses how determined and recovered.	243
 CHAPTER - XXV	
Miscellaneous	
317. Informalities and errors in assessment etc., not to be deemed to invalidate such assessment, etc.	243
318. Entry for purposes of the Regulation.	244
319. Chief Officer may authorise any person to enter upon adjoining premises.	245
320. Power of Chief Officer to call for information as to ownership of any property.	246
321. Power of Collector to recover record and money.	246
322. Power to grant ex-post facto sanction.	247
323. General Provisions regarding grant, suspension or withdrawal of licences and written permission and levy of fees, etc.	248

Contents	Page No.
324. Power to order closure of place.	249
325. Power of Govt. to make suitable provisions by order when a municipal area is created or altered.	250
326. Abolition of municipalities.	254

CHAPTER - XXVI

Repeals and Transitory Provision

327. Repeal.	254
328. Interpretation.	255
329. Special provisions regarding the term of Councillors or existing Council whose term is due to expire.	255
330. Consequences of replacement of existing Councils.	255
331. Pension relating to officers and servants.	259
332. Obligation to carry out certain duties and functions of existing Councils.	260
333. Omitted.	260
334. Power to remove difficulty.	260

*

MINISTRY OF LAW AND JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 23rd May, 1994/Jyaistha 2, 1916 (Saka)

THE DAMAN AND DIU MUNICIPALITIES (AMENDMENT) REGULATION, 1994

NO. 6 OF 1994

Promulgated by the President in the Forty-fifth year of the
Republic of India

A Regulation further to amend the Goa, Daman and Diu
Municipalities Act, 1968

[1] A regulation to consolidate and amend the law relating to municipalities in the Union Territory of [.....] Daman and Diu.

Whereas it is expedient 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 municipalities in the Union Territory of Daman and Diu to make better provisions therefore;

* In exercise of the powers conferred by article 240 of the Constitution the President is pleased to promulgate the following Regulation made by him :-

CHAPTER I

PRELIMINARY

[2]. 1 Short Title, extent and commencement -

(1) This Regulation may be called the Daman and Diu Municipalities (Amendment) Regulation, 1994.

(2) It extends to the whole of the Union territory of Daman and Diu.

(3) It shall come into force on the first day of June 1994.

2. Definitions :- In this Regulation, unless the context otherwise requires :-

(1) "Administrative Tribunal " means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965.

3. (1A) "Administrator " means the Administrator of the Union territory of Daman & Diu appointed by the President under article 239 of the Constitution;

(2) "appointed day " in relation to an area, means the date on which the relevant provisions of this Regulation come into force in that area;

-
- [1] Omitted vide amendment, 1994
[4] Substituted vide Amendment, 1994
[2] Substituted vide Amendment, 1994
[3] Inserted vide Amendment, 1994
-

(3) "building" includes, a house, out-house, stable shed, hut and other enclosure or structure, whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, door steps, walls (including compound walls) and fencing and the like;

(4) "bye law " means a bye-law made or deemed to be made by the Council under this Regulation;

(5) "Cesspool" includes a tank for the reception or disposal of foul matter from buildings;

(6) "Chief Officer ", means the person appointed or deemed to be appointed under this Regulation to be the Chief Officer of a Municipal area;

[4] (7) "Collector " means the Collector of Daman or the Collector of Diu;

(8) "Council " means a Municipal council constituted or deemed to be constituted under this Regulation for a municipal area ;

[5] (9) "Councillor " means a person who is duly elected as a member of the Council;

(10) "dairy " includes any farm, cattle-shed, cow-house, milk-store, milk-shop or other place from which milk is supplied for sale, or in which milk is kept for purposes of sale or manufactured into butter, ghee, cheese, curds, dried, sterilized or condensed or toned milk, but does not include -

(A) a shop of other-place in which milk is sold for consumption on the premises only or,

(B) a shop, or other place from which milk is sold or supplied in hermetically closed and un-opened receptacles in the same original condition in which it was first received in such shop or other place;

[4] Substituted vide Amendment, 1994

[5] Omitted vide Amendment, 1994

(11) "Director" means the person appointed by the Government to be the Director of Municipal Administration under this Regulation;

[6] (11A) "district " means a district in the Union territory

(12) " drain " includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic- tank or other devise for carrying off or treating sewage, offensive matter, polluted water sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(13) " eating house " means any premises to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain or any person owning or having an interest in or managing such premises;

[7] (14) "election " means an election to a Council and include bye-election ;

(14 A) " Election Commission " means the Commission referred to in section 5 ;

(15) " factory " means a factory as LXIII of 1948 defined in the Factories Act, 1948;

(16) " filth " includes sewage, night-soil and all offensive matter.

[8] (16A) "Finance Commission " means the Commission referred to in section 142 A;

[6] Inserted vide Amendment, 1994
[7] Inserted vide Amendment, 1994
[8] Inserted vide Amendment, 1994

(17) " food " includes every article used as food or drink for human consumption other than drugs or water; and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionary, flavouring and colouring matters and spices and condiments;

(18) "goods" includes animals;

(19) " Government " means the Administrator ;

(20) " house drain" means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communicating therefrom with a municipal drain ;

(21) "house-gully " or " service passage " means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or of affording access to a privy urinal, cesspool or other

[9] Substituted vide Amendment, 1994

receptacle for filthy or polluted matter, to servants of the Council or to persons employed in the cleansing thereof or in the removal of such matter therefrom :

(22) "land " includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and right created by legislative enactment over any street :

(23) "local authority" means a municipality or village panchayat as the case may be, constituted under any law for the time being in force in the Union Territory ;

(24) "lodging house" means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration, and includes a lodging house for pilgrims whether lodging is provided for or without any monetary consideration;

(25) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale; live-stock or food for livestock or meat, fish, fruit, vegetables, drinks, animals intended for human food or any other articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person ;

(26) "milk" includes cream, skimmed milk, separated milk and condensed, sterilized, desiccated or toned milk ;

(27) "municipal area" means any local area declared or deemed to be declared as municipal area by or under this Act ;

(28) "municipal market" or "municipal slaughter-house" means a market or a slaughter house, as the case may be, which belongs to or is maintained by the Council ;

(29) "nuisance " includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(30) " occupier " includes --

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(b) an owner living in or otherwise using his land or building,

(c) a rent free tenant,

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

[10]

(31) Omitted

(32) "offensive matter " includes animal carcasses, dung, dirt and putrid or putrifying substances other than sewage;

(33) "officer or servant, of the Council" means the officer or servant appointed by the Councillor any other competent authority subordinate to it any includes any Government Officer or servant who is for the time being, serving under the Council;

(34) " official year " or " financial year " means the year commencing on the first day of April;

[10] Omitted vide Amendment 1994.

(35) "owner " means,--

(a) when used with reference to any premises, the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes--

(i) an agent or trustee who receives such rent on account of the owner;

(ii) an agent or trustee who receives the rent of or is entrusted with or concerned for any premises devoted to religious or charitable purposes ;

(iii) a receiver sequestrator or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of the said premises ; and

(iv) a mortgagee in possession ; and

(b) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat;

(36) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published ;

(37) "Premises" includes messuages, buildings and land of any tenure, whether open or enclosed, whether built on or not and whether public or private ;

(38) "Prescribed" means prescribed by rules ;

(39) "President" and "Vice President" means the President and Vice-President of the Council;

(40) "private market" means a market which is not a municipal market, but does not include a market established for the purposes of any law for the time being in force regulating the marketing of agriculture and other produce in such market ;

(41) "Private slaughter-house" means a slaughter-house which is not a municipal slaughter-house ;

(42) "Private street" means a street which is not a public street ;

(43) "Privy" means a place set apart for defecating or urinating or both, together with the structure comprising such place the receptacle therein for human excreta and the fittings and apparatus, if any, connected therewith, and includes a closet of the dry type and aqua privy, a latrine and a urinal ;

(44) "public place " includes any public park or garden or any ground to which the public have or are permitted to have access;

(45) "public securities" means --

(a) securities of the Central Government and of any State Government;

(b) securities, stocks, debentures or shares the interest whereon has been guaranteed by the Central or State Government;

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by any enactment for the time being in force in any part of the territory of India; or

(d) securities expressly authorised by an order which the Government makes in this behalf;

(46) "public street" means any street --

(a) over which the public have a right of way;

(b) heretofore levelled, paved, metalled, channelled, sewerred, or repaired out of municipal or other public funds; or

(c) which under the provisions of this Act becomes, or is declared, a public street;

(47) "rubbis" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(48) "rules" means rules made by the Government under this Act;

(49) "Scheduled Castes " means such castes, races or tribes or parts of, or groups within , such castes, races or tribes as are deemed to be Scheduled Castes in relation to the Union territory under article 341 of the Constitution of India;

(50) "Scheduled Tribes " means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the Union territory under article 342 of the Constitution of India;

(51) " Sewage" means night-soil and other contents of water closets latrines, privies, urinals, cesspools or drains and polluted water from sinks, bath rooms, stables, cattle-sheds and other like places, and includes trade effluent and discharges from manufactories of all kinds;

(52) "street " means any road, foot-way square court-alley, or passage, accessible whether permanently or temporarily to the public, whether a throughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon and if it is used by any persons as a means of access to or from any public place or throughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

[11] (53) Omitted

[12] (54) "Union territory" means Union territory of Daman & Diu;

(55) "Vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, motor-car, and every wheeled conveyance which is used or is capable of being used on a street ;

[13] (55A) "ward" means the territorial constituency of the municipal area ;

[11] Omitted vide Amendment, 1994

[12] Substituted Vide Amendment, 1994

[13] Inserted vide Amendment, 1994

(56) "water closet" means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

(57) " water connection " includes --

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on a private property and connected with a water-main or pipe belonging to the Council ; and

(b) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe ;

(58) "water work " includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main-pipe, culvert, engine, water truck, hydrant, stand-pipe, conduit, and machinery, land, building or thing for supplying or used for supplying water or for protecting sources of water supply;

CHAPTER II

Municipal Councils

(1) Municipal areas and their classification.

3. Areas to be declared as municipal areas -

[14] (1) After making such enquiries as it deems fit, the Government may, by notification in the Official Gazette, declare any local area to be a municipal area in accordance with the provisions of clause (2) of article 234 Q of the constitution.

(2) Every notification issued under sub-section (1) shall define the limits of the municipal area to which it relates and such areas shall be called the municipal area-.

(3) Before the publication of a notification under sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper circulating in the area to be specified in the notification, a proclamation announcing the intention of the Government to issue such notification, and inviting all persons who entertain any objection to the said proposal to submit the same in writing with the reasons therefor to the Collector of the District within two months from the date of the publication of the proclamation in the Official Gazette.

(4) The Collector shall, with all reasonable despatch, forward any objection so submitted to the Government.

(5) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are in its opinion insufficient or invalid.

4. Constitution of Municipalities for Daman & Diu.

[15] 1. There shall be constituted a Municipality each for the Daman Municipal area and the Diu Municipal area to be known respectively as the Daman Municipal Council and Diu Municipal Council.

[14] Inserted vide Amendment, 1994.

[15] Substituted vide Amendment, 1994.

[16] (2) notwithstanding anything contained in the sub-section(1) and subject to the provisions of section 298 the Daman Municipal council and the Diu Municipal Council existing immediately before the commencement of the Daman and diu Municipalities (Amendment) Regulation, 1994 shall continue to function till the term of the Council under section 42 of the Act expires.

[17] 5. Election Commission :

(1) With effect from such date as the President may by notification, specify, the Election Commission constituted under section 185 of the Andaman and Nicobar islands (Panchayats) Regulation, 1994 shall be the Election commission for the superintendence, directions and control of the preparation of electoral rolls for, and the conduct of all elections to the Council in the Union Territory of Daman and Diu.

[18] (2) The Administrator shall when so requested by the Election Commission, make available to that commission such staff which the Administrator consider necessary for discharge of the functions conferred on the Election Commission by sub-section (1).

6. Alteration of the limits of a municipal area; --

(1) The Government may by notification in the official Gazette --

(a) alter the limits of a municipal area so as to include therein or to exclude therefrom such local area as may be specified in the notification;

(b) amalgamate two or more municipal areas so as to form one municipal area;

(c) split up any municipal area into two or more municipal areas ;

[16] Substituted vide Amendment, 1994

[17] Substituted vide Amendment, 1994

[18] Substituted vide Amendment, 1994

(d) declare that the whole of any local area comprising a municipal area shall cease to be a municipal area;

Provided that no such notification shall be issued by the Government under any of the clauses of this sub-section without consulting the Municipal Council or Councils and other local authorities concerned.

(2) Prior to the publication of a notification under sub-section(1), the procedure prescribed in sub-section (3), (4) and (5) of section 3 shall mutatis mutandis be followed.

(2) Municipal Authorities and Establishment of Councils.

7. Municipal authorities charged with execution of the Regulation.-The municipal authorities charged with carrying out the provisions of this Regulation for each municipal area are --

- (a) the Council ;
- (b) the President ;
- (c) the Standing Committee ;
- (d) the subjects Committees, if any, and
- (e) the Chief Officer.

8. Establishment and incorporation of Councils. --

For every municipal area there shall be Municipal Council. Every such council shall be a body corporate by the name of " The ... Municipal Council" and shall have perpetual succession and a common seal and shall have power to acquire, hold and dispose of property, and to enter into contracts and may by the said name sue, or be sued, through the Chief Officer.