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Dadra And Nagar Haveli
Gazette
सरकारी राजपत्र
संघ प्रदेश दादरा एवं नगर हवेली, प्रशासन



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Union Territory Administration of Dadra and Nagar Haveli
Urban Development Department

NOTIFICATION

No.DNH/SMC/RULES/07/2018/276

Date: 09/02/2018

Rules

In exercise of the powers conferred by Sub-section(2) of Section 300, read with Section 102 (1) and read with Section 102 (1) (d) of the Dadra and Nagar Haveli, the Administrator Dadra and Nagar Haveli, hereby makes the following rules, namely:-

1. Short title and commencement:- (1) These rules may be called the Dadra and Nagar Haveli Municipal Council (Tax on Advertisement) Rules, 2018.

(2) They shall come into force on the date of their final publication in the Official Gazette.

2. Definitions:- In these Rules , unless the context otherwise requires:-

- (a) An “advertisement” means some information displayed in pictorial or words form on any object with a view to attract, motivate, or inform viewers about the content of the information and shall include Hoardings, banners, posters, models, video films, audio messages, neon light hoardings etc.

- (b) “Hoarding” means any work, letter, model sign, device or representation supported on or attached to any post, pole, standard framework or other support wholly or in part upon or over any land building or structure which or any part of which shall be visible from some point in any street and includes all and every part of any such post, pole, standard framework or other support. It shall also include any balloon parachute or other similar items used wholly or in part for the purpose of any advertisement announcement or direction upon or over any land building or upon or over any street.
- (c) “Poster” for the purpose of these rules shall mean display of information on paper, cloth, plastic sheet or any other surface with a size more than 9 square feet, and pasted or painted on some surface.
- (d) “Banner” means printed or painted information on cloth, plastic sheet, legzime and on other surface which is neither pasted on any surface, nor erected on any support structure.
- (e) “Model” means a miniature of bigger object, whether real or imaginary, including building or image of person, to attract, motivate or inform the interested customers;
- (f) “Video film” means recording of any event for screening and viewing of audiences in any channel, Cinema, or electronic display board located in Silvassa Municipal Council;
- (g) Words and expressions used but not defined in these rules shall have the same Meaning assigned to them in the regulation or by the Department of Audio Visual Promotion.

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

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

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

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

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

An advertisement device may be considered a traffic hazard:

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

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

- a. Advertising shall not contain flashing red, blue or amber point light sources which, when viewed from the road, could give the appearance of an emergency service or other special purpose vehicle warning light's.
- b. All lighting associated with the Advertisement Device shall be directed solely on the Advertisement Device and its immediate surroundings.
- c. External illumination sources shall be shielded to ensure that external 'spot' light sources are not directed at approaching motorists.
- d. Illumination of advertisement device is to be concealed or be integral part of it.
- e. Upward pointing light of the device shall not be allowed, any external lighting is to be downward pointing and focused directly on the sign so that glare does not extend beyond the Advertisement Device.
- f. The average maintained luminance shall be reduced to 0.5 candelas or all together shut, after 2300 hours (11 P.M.) and sunrise by automatic timing devices.
- g. Non-static illuminated Advertisement Devices (flashing lights) are not permitted within the boundaries of Municipal roads.
- h. Moving, rotating or variable message Advertisement Devices are not permitted within the boundaries of municipal roads as these cause a statistically significant distractive influence on motorist's response times to external stimuli.

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

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

a. List of Negative Advertisement:-

- i. Nudity
- ii. Racial advertisements or advertisements propagating caste community or ethnic differences;
- iii. Advertisement promoting drugs, alcohol, cigarette or tobacco items;
- iv. Advertisements propagating exploitation of women or child;

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

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

8. Other Important Matters Related to Advertisements:-

- a. For all categories of devices (except Category of devices which are directed only at pedestrians), text elements on an Advertisement Device face should be easily discernible to travelling motorists. This will minimize driver distraction. Additionally, a sign shall be quickly and easily interpreted so as to convey the required advertisement message to the viewer and reduce the period of distraction.
- b. The content or graphic layout exhibited on advertisement device panel shall avoid hard-to-read and overlay intricate typefaces and have letters styles that are appropriate. Under no circumstances should device contain information

in text sizes, which would necessitate the driver or passenger in a moving vehicle to stop, read and/or note down, which is detrimental to the smooth flow of traffic and distracting for the driver.

- c. All signs shall be so designed as to maintain a proportion where, as a general rule, letters should not appear to occupy more than 20% of the sign area, unless otherwise permitted by the Municipal Council.

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

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

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

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

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

11. Any default in payment of tax shall, without prejudice to any other power under these rules or DNH Municipal Council Regulation, attract penal interests to the tune of 18% per annum.

12. Any permission to display an advertisement shall remain valid for a period of 1 year. After expiry of one year, the agency displaying the advertisement shall have to repay the application fee.

13. Exhibiting Advertisement on compound wall or on wall of any structures in municipal area is prohibited as to keep the city clean and neat. Any person or institution contravene rules shall be fined up to Rs.10,000/-.
14. Exemption from tax on advertisement:
 - a. All advertisement of the Union or UT government shall be exempted from advertisement tax; and
 - b. All the vehicles registered in municipal area displaying information about the trade, calling or profession of the owner of the vehicle shall be exempted from the advertisement tax.
15. (1) Any person, advertising agency and company, printing, circulating or displaying any advertisement on behalf of a client shall be liable to pay the tax in the same manner and to the same extent as the client would have paid.

(2) Tax of every advertisement related to any event that is about to take place, shall be paid before the event takes place.

(3) Without prejudice to any other power under these rules or the municipal council regulation, any advertisement, whose tax has not been paid or which violates the provisions of these rules or any other law for the time being in force, shall—on directions of Chief Officer—be liable to be summarily removed without any notice to anyone.

(3) Any advertising agency, or person who intends to display advertisement on behalf of anyone else shall have to get itself registered with Municipal Council before it can display any advertisement. The registration fee shall be Rs. 1000/- per year per agency.
16. The sites and assets owned by the municipal council and rented to exhibit an advertisement shall have to pay rent for such use in addition to the advertisement tax prescribed under these rules. All the hoardings on road margins, unless placed in a private property, and all the hoardings and posters on electric or telephone poles situated within Municipal Council area shall be deemed to be the property of the Municipal Council.
17. **Indemnity Bond:-**Any person displaying, installing, erecting any advertising device shall be required to indemnify the Municipal Council against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon the Municipal Authority which arise as a result of the installation or existence of the Advertising Device. The advertiser shall always be responsible for any injury or damage caused or suffered by any person or property arising out of or relating to the display of device / advertisement and the consequential claim shall be borne by the advertiser who will also indemnify and safeguard the Municipal Council in, respect of any such claim or claims.
18. Any dispute in the matter of levy of tax on advertisement shall be decided by the Chief Officer of the Municipal Council. Appeal against the decision of the Chief Officer shall lie with the Standing Committee, whose decision shall be final.

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

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

Schedule-I

Application fee

(See rule 4)

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

Schedule-II

(See Rule 5)

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

Silvassa

Dated : 09/02/2018

By order and in the name of the Administrator
Dadra and Nagar Haveli**Deputy Secretary (UD)**
Dadra and Nagar Haveli,
Silvassa.