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# DADRA AND NAGAR HAVELI

## DAMAN AND DIU

ANIKET R. SAWANT\*

### Introduction

Dadra & Nagar Haveli and Daman & Diu is a Union Territory administered under Articles 239 and 240 of the Constitution of India and does not have a legislative assembly. In the absence of an elected legislature, law applicable to the territory is made through constitutionally recognised mechanisms, including Presidential Regulations issued under Article 240 and rules, notifications, policies, and orders notified by the Union Territory administration in the Official Gazette.

This institutional arrangement shapes the form through which law is produced in the territory. Rather than legislative enactments passed through deliberative processes, regulatory norms emerge through notified instruments that give binding legal effect to policy choices, administrative frameworks, and statutory implementation. As a result, law-making in the Union Territory is characterised by selective statutory intervention and a wider body of subordinate and notified instruments that structure governance across different sectors.

This paper surveys the laws and legal instruments notified in Dadra & Nagar Haveli and Daman & Diu during the year 2023, mapping the subject areas regulated and the legal forms through which regulation occurred. It distinguishes between primary statutory intervention through Presidential Regulation and other notified instruments that create enforceable norms of general application. Parliamentary enactments of nationwide application are excluded unless accompanied by territory-specific adaptation, in order to maintain focus on law-making attributable to the Union Territory during the year.

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## Research Methodology and Constraints

The analysis draws primarily upon the Official Gazette of Dadra & Nagar Haveli and Daman & Diu, accessed through the UT Administration's website, and the e-Gazette of India for Presidential Regulations. Departmental portals relating to town planning, transport, and local governance were also consulted. Gazette notifications issued during 2023 were reviewed chronologically and classified according to their legal character.

A key limitation of this study arises from the fragmented and non-centralised nature of UT lawmaking records. Unlike States, there is no annual legislative report, session calendar, or consolidated list of laws enacted. Lawmaking activity is scattered across departmental notifications, often without cross-referencing or thematic grouping. This structural opacity itself reflects the limited visibility and accountability of executive-led lawmaking in non-legislative Union Territories.

The analysis was undertaken through a systematic review of Official Gazettes and materials published on the official websites of the Union Territory Administration of Dadra & Nagar Haveli and Daman & Diu, covering outputs from a wide range of departments and authorities. These included, inter alia, Information Technology, Legal Metrology, Municipal Administration, Electricity, Tourism, the UT Election Commission, Labour and Employment, VAT, Police and security forces, Social Welfare, Health, Education, Urban and Rural Development, Environment and Forests, Transport, Agriculture, Disaster Management, Planning and Statistics, and allied administrative bodies.

The documents so identified were then sorted and analysed by the author using established constitutional and administrative law principles, particularly the distinction between normative instruments that create or modify legal rights and obligations and routine executive or administrative actions that merely implement existing law. This classificatory exercise was based on a reasoned legal assessment of the source of power, form, and legal effect of each instrument, rather than on their nomenclature alone, to determine whether they constituted instances of statutory or delegated law-making within the Union Territory.

## Institutional Context

Following the merger of Dadra & Nagar Haveli with Daman & Diu in 2020,<sup>1</sup> governance in the UT has been marked by a gradual process of regulatory consolidation. Rather than

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<sup>1</sup> *Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019* — the legislation that merged the two UTs into one effective 26th January, 2020, vide notification No. S.O. 4542(E), dated 19th December, 2019, see Gazette of India, Extraordinary, Part II, sec. 3(ii).

comprehensive statutory reform, the administration has relied on piecemeal rule-making and policy notifications to harmonise regulatory frameworks across the unified territory.<sup>2</sup> This approach continued through 2023 and shaped the character of lawmaking during the year.

## Qualitative Analysis

### Tenancy and Housing Regulation

The principal instance of statutory law-making in the Union Territory during 2023 was the promulgation of the Dadra and Nagar Haveli and Daman and Diu Tenancy Regulation, 2023, issued by the President under Article 240 of the Constitution. As a Presidential Regulation, it carries the force of primary legislation and represents the highest form of law-making available within the constitutional framework governing the Union Territory.<sup>3</sup>

The Regulation establishes a uniform legal framework governing landlord–tenant relations across the territory.<sup>4</sup> It mandates written tenancy agreements,<sup>5</sup> regulates rent revision<sup>6</sup> and security deposits,<sup>7</sup> and codifies the rights and obligations of landlords and tenants.<sup>8</sup> In addition to substantive regulation, it restructures dispute resolution by creating Rent Authorities, Rent Courts, and Rent Tribunals with exclusive jurisdiction over tenancy matters.<sup>9</sup> Civil court jurisdiction is expressly barred<sup>10</sup> for issues covered by the Regulation, indicating an intention to create a self-contained adjudicatory regime.<sup>11</sup>

Through these provisions, the Regulation standardises tenancy practices and reallocates institutional authority in the housing sector. It addresses tenancy not merely as a contractual matter but as an area requiring dedicated regulatory and adjudicatory mechanisms. The

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<sup>2</sup> Press Information Bureau, Government of India, *Cabinet approves Amendments/Extension/Repeal in Acts dealing with Goods and Services Tax, Value Added Tax and Excise Duty in view of merger of Dadra & Nagar Haveli and Daman & Diu*, PIB Delhi, January 22, 2020, available at <https://www.pib.gov.in/PressReleaselframePage.aspx?PRID=1600087> (Last visited on October 3, 2025) (stating that the merger was aimed at eliminating duplication of administrative structures, ensuring uniformity in taxation and regulatory frameworks, and advancing the governance objective of “Minimum Government, Maximum Governance”).

<sup>3</sup> The Constitution of India, 1950, Art. 240(2).

<sup>4</sup> The Dadra and Nagar Haveli and Daman and Diu Tenancy Regulation, 2023, No. 3 of 2023, §§ 3–7.

<sup>5</sup> *ibid.*, § 4(1)–(2).

<sup>6</sup> *ibid.*, § 9–10.

<sup>7</sup> *ibid.*, § 11.

<sup>8</sup> *ibid.*, Chapter IV (ss. 12–20).

<sup>9</sup> *ibid.*, § 30, 33 & 34.

<sup>10</sup> *ibid.*, § 40.

<sup>11</sup> *ibid.*, § 35–38 read with s. 40

framework combines substantive norms with procedural pathways and enforcement structures, enabling tenancy disputes to be resolved within a specialised statutory system.<sup>12</sup>

The Tenancy Regulation was the only Presidential Regulation promulgated for the Union Territory during 2023. No other subject areas were addressed through Article 240 during the year. This suggests that statutory intervention was confined to a discrete regulatory domain rather than deployed as a broader legislative strategy.<sup>13</sup> The Regulation therefore occupies a distinctive position in the 2023 law-making record, both as a substantive intervention in housing law and as an indicator of the selective use of primary law-making powers in the Union Territory.<sup>14</sup>

## Labour and Employment Rules

Labour and employment constituted the most extensive area of law-making in the Union Territory during 2023. The regulatory framework was shaped through the notification of three sets of rules under the central labour codes: the Occupational Safety, Health and Working Conditions Rules, 2023, the Industrial Relations Rules, 2023, and the Social Security Rules, 2023. Together, these instruments form the operative legal regime governing labour relations within the territory.<sup>15</sup>

The rules operationalise parliamentary labour codes by prescribing detailed norms relating to registration of establishments, working conditions, safety standards, inspection regimes, dispute resolution mechanisms, and the constitution and functioning of welfare boards.<sup>16</sup> They also regulate enforcement processes, compliance obligations, and administrative oversight.<sup>17</sup> In effect, they translate broad statutory frameworks into concrete, territorially

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<sup>12</sup> *ibid.*, Chapters II–VIII

<sup>13</sup> *Cabinet okays tenancy regulations to provide transparent ecosystem for renting premises* (ET Online, 4 Oct 2023) <https://economictimes.indiatimes.com/news/economy/policy/cabinet-okays-tenancy-regulations-to-provide-transparent-ecosystem-for-renting-premises/articleshow/104158212.cms> accessed 23 December 2025.

<sup>14</sup> Express News Service, *Cabinet approves tenancy regulations for three union territories*, ECONOMIC TIMES (Realty) (October 5, 2023), available at <https://realty.economictimes.indiatimes.com/news/regulatory/cabinet-approves-tenancy-regulations-for-three-union-territories/104174518> (Last visited on October 3, 2025)

<sup>15</sup> The Dadra and Nagar Haveli and Daman and Diu Occupational Safety, Health and Working Conditions Rules, 2023, Rule 1; The Dadra and Nagar Haveli and Daman and Diu Industrial Relations Rules, 2023, Rule. 1; The Dadra and Nagar Haveli and Daman and Diu Social Security Rules, 2023, Rule 1.

<sup>16</sup> See generally chs. II–VIII, Occupational Safety, Health and Working Conditions Rules, 2023 (registration, inspections, safety and compliance); chs. II–VII, Industrial Relations Rules, 2023 (works committees, trade unions, standing orders, dispute resolution); chs. II–VII, Social Security Rules, 2023 (welfare boards, benefits, adjudicatory mechanisms).

<sup>17</sup> The Dadra and Nagar Haveli and Daman and Diu Occupational Safety, Health and Working Conditions Rules, 2023, Ch. VIII (Inspector-cum-Facilitator); The Dadra and Nagar Haveli and Daman and Diu Industrial Relations

applicable legal norms that directly affect workers, employers, and regulatory authorities. Rather than functioning as ancillary instruments, these rules collectively structure the substantive content of labour governance in the Union Territory.<sup>18</sup> They determine institutional design, enforcement architecture, and the practical balance between regulatory oversight and employer obligations.<sup>19</sup> As a result, the lived experience of labour law in the territory is shaped primarily by these notified rules.

The volume and scope of labour-related rules notified in 2023 distinguish this domain from others addressed during the year. Unlike tenancy regulation, which was dealt with through a single statutory intervention, labour governance was structured through multiple, detailed instruments addressing different aspects of employment relations and social security. The labour sector thus reflects a pattern of comprehensive regulation achieved through delegated instruments rather than through primary legislation.

## **Urban Planning, Land Use, and Development Control**

Urban planning and land use regulation in the Union Territory during 2023 was governed primarily through the notification of the Dadra and Nagar Haveli and Daman and Diu General Development Rules, 2023.<sup>20</sup> These Rules constitute the principal legal framework regulating zoning, land use classification, development permissions, and construction standards across the territory.<sup>21</sup>

The Rules prescribe permissible land uses, regulate the grant of development permissions, and lay down conditions governing construction activity.<sup>22</sup> They also allocate regulatory authority among planning bodies and administrative officials, establishing procedural requirements for approvals, compliance, and enforcement.<sup>23</sup> Through these provisions, the

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Rules, 2023, Chs. VI–VII; The Dadra and Nagar Haveli and Daman and Diu Social Security Rules, 2023, Chs. III, V, VI.

<sup>18</sup> For the breadth and density of regulation across wages, conditions of work, industrial relations, and social security, see Occupational Safety, Health and Working Conditions Rules, 2023; Industrial Relations Rules, 2023; Social Security Rules, 2023.

<sup>19</sup> See provisions relating to constitution and functioning of Works Committees, Grievance Redressal Committees, Welfare Boards, Inspectors and adjudicatory authorities under the Industrial Relations Rules, 2023 and Social Security Rules, 2023.

<sup>20</sup> General Development Rules, 2023 for Dadra and Nagar Haveli District, rr. 1.1–1.3, framed under ss. 30, 140(y) & 141, Dadra and Nagar Haveli and Daman and Diu Town & Country Planning Act, 1974.

<sup>21</sup> See generally rr. 2 (definitions and land-use categories), 4 (development permission), 5 (procedure during construction) and 6 (occupancy and use), General Development Rules, 2023.

<sup>22</sup> General Development Rules, 2023, rr. 2.125 (use and occupancy classifications), 4.1 (development permission required), 5.1–5.6 (construction regulation and inspections).

<sup>23</sup> See rr. 2.35 & 2.98A (Competent and Prescribed Authorities), r. 5 (inspection and compliance), rr. 4.7, 4.9 and 6.4 (unauthorised development and penalties), General Development Rules, 2023.

Rules directly affect property rights, development activity, and patterns of urban growth within the Union Territory.<sup>24</sup>

Although framed as delegated legislation, the General Development Rules perform a function that is substantively legislative.<sup>25</sup> They structure the legal conditions under which land may be developed or utilised and impose binding constraints on landowners and developers.<sup>26</sup> In practical terms, they shape real estate markets and economic activity by determining how land can be used and transformed.<sup>27</sup>

The adoption of a comprehensive set of development rules reflects the need for a uniform planning framework following the administrative merger of the territories.<sup>28</sup> Rather than relying on ad hoc permissions or fragmented norms, the Rules provide a consolidated regulatory basis for development control. As such, they form a central component of the Union Territory's legal architecture governing land and urban planning during 2023.

## Transport and Environmental Regulation

Transport and environmental governance in the Union Territory during 2023 was shaped through the notification of the Registered Vehicle Scrapping Policy, 2023 for Dadra & Nagar Haveli and Daman & Diu.<sup>29</sup> Although styled as a policy, the instrument operates as a binding regulatory framework governing the scrapping of end-of-life vehicles within the territory.<sup>30</sup>

The policy prescribes eligibility conditions for Registered Vehicle Scrapping Facilities, regulates operational and compliance standards, and establishes inspection and monitoring mechanisms.<sup>31</sup> It also provides for penalties in cases of unauthorised scrapping, incentives for compliance, and procedural avenues for appeal.<sup>32</sup> Through these provisions, the policy

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<sup>24</sup> *General Development Rules, 2023, rr. 4 (development permission), 6 (occupancy and use), and 4.7 (unauthorised development).*

<sup>25</sup> See rr. 1.4 and 1.6 (overriding effect and binding nature), read with the comprehensive regulatory scheme contained in Parts A–F, *General Development Rules, 2023*

<sup>26</sup> *General Development Rules, 2023, rr. 3.1–3.3 (responsibilities of owners, developers and persons on record).*

<sup>27</sup> See rr. 2.60 (*FSI/FAR*), 2.123 (*Transferable Development Rights*) and 6.6 (*change of use*), *General Development Rules, 2023*.

<sup>28</sup> *General Development Rules, 2023, rr. 1.3, 1.4 and 1.6.*

<sup>29</sup> Registered Vehicle Scrapping Policy of Dadra & Nagar Haveli and Daman & Diu, 2023, Notification No. DDTR/DMN/Scrapping Policy/2023/140, dated 2 August 2023, cl. 3.

<sup>30</sup> *Ibid.*, clauses. 3(b), 11 and 14 (providing for enforceability, inspection and penalties).

<sup>31</sup> *Ibid.*, clauses 4–5 (general conditions and eligibility), clauses, 11 and 15 (inspection, audits and certifications).

<sup>32</sup> *Ibid.*, clauses 7 (incentives), 14 (penalty) and 16 (appeal).

creates enforceable rights and obligations affecting vehicle owners, scrapping facilities, and regulatory authorities.<sup>33</sup>

Functionally, the policy translates central motor vehicle and environmental objectives into a territorially applicable regime.<sup>34</sup> It aligns local implementation with national priorities relating to pollution control, recycling, and road safety, while structuring the market for vehicle scrapping within the Union Territory.<sup>35</sup> The notification of the policy in the Official Gazette gives it legal force, notwithstanding its designation as a policy instrument.

The use of a policy notification to achieve regulatory outcomes comparable to delegated legislation reflects the administrative approach adopted in this sector.<sup>36</sup> Environmental and transport regulation, which requires technical standards and coordinated enforcement, is addressed through an executive instrument that combines normative effect with administrative flexibility. As a result, the Vehicle Scrapping Policy forms an integral part of the legal framework governing transport and environmental regulation in the Union Territory during 2023.

## **Infrastructure and Telecommunications Regulation**

Infrastructure governance in the Union Territory during 2023 was shaped through the notification extending the Right of Way framework for Telecom Service Providers to Dadra & Nagar Haveli and Daman & Diu.<sup>37</sup> Through this notification, the Indian Telegraph Right of Way Rules were made applicable within the territorial jurisdiction of the Union Territory, thereby providing a uniform legal framework for the deployment of telecom infrastructure.<sup>38</sup>

The notification regulates access to land and property for the installation of telecom infrastructure, including underground and overground cables, towers, and associated facilities.<sup>39</sup> It prescribes procedural requirements for seeking permissions, sets timelines for approvals, standardises compensation payable for damage or use of land, and delineates

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<sup>33</sup> *Ibid.*, clauses 3(xi), 4 and 6, Registered Vehicle Scrapping Policy, 2023 (mandatory use of authorised RVSF and compliance obligations).

<sup>34</sup> *Ibid.*, *Introduction and clauses 1–2, adopting MoRTH Notifications G.S.R. 653(E) dated 23 September 2021 and Chapter XI, Central Motor Vehicles Rules, 1989.*

<sup>35</sup> *Ibid.*, cl. 2 (objectives relating to pollution reduction, recycling and road safety).

<sup>36</sup> See cls. 8 and 10, Registered Vehicle Scrapping Policy, 2023 (finality of interpretation and power to amend).

<sup>37</sup> *Dadra and Nagar Haveli and Daman & Diu Administration, Notification No. DIR(IT)/Right of Way/2019/266, dated 23 November 2023, issued under art. 239 of the Constitution, extending the Indian Telegraph Right of Way Rules, 2016 (as amended).*

<sup>38</sup> See also r. 3, Indian Telegraph Right of Way Rules, 2016 (applicability to establishment and maintenance of telegraph infrastructure).

<sup>39</sup> *Ibid.*, Chs. II and III, Indian Telegraph Right of Way Rules, 2016 (regulating underground and overground telegraph infrastructure), as applied to Dadra and Nagar Haveli and Daman & Diu.

the responsibilities of authorities involved in granting right of way.<sup>40</sup> These provisions directly affect land use, administrative discretion, and infrastructure deployment within the territory.<sup>41</sup>

Although the substantive norms originate from central rules, their enforceability within the Union Territory depends upon territorial notification.<sup>42</sup> By giving local legal effect to the Right of Way framework, the notification integrates national digital infrastructure standards into the UT's regulatory landscape.<sup>43</sup> It thus reshapes the legal relationship between telecom service providers, landowners, and administrative authorities.

The adoption of this framework reflects the regulatory approach taken towards infrastructure development in 2023, where alignment with national standards was achieved through executive notification rather than independent territorial legislation. The Right of Way notification therefore forms a key component of the Union Territory's legal framework governing telecommunications and infrastructure during the year.

## **Electoral and Democratic Governance**

Electoral governance in the Union Territory during 2023 was regulated through the notification of Election Rules and allied electoral instruments, which together constitute the legal framework governing the conduct and administration of elections within the territory.<sup>44</sup> These instruments prescribe procedural requirements relating to electoral administration, eligibility, supervision, and the roles of election authorities.<sup>45</sup>

The Election Rules structure how electoral processes are carried out in practice, including the management of electoral rolls, conduct of polling, and oversight mechanisms.<sup>46</sup> By laying down binding procedural norms, they determine the legal conditions under which electoral participation is organised and exercised.<sup>47</sup> The rules therefore operate not merely

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<sup>40</sup> *Ibid.*, rr. 5–6, 9–10 (permission and timelines), r. 2(b) (appropriate authority), and Schedule Parts II–III (restoration charges and compensation).

<sup>41</sup> *Ibid.*, rr. 8, 12 and 13, *Indian Telegraph Right of Way Rules, 2016* (supervision, withdrawal of permission, and removal or alteration of infrastructure).

<sup>42</sup> see also r. 2(c), *Indian Telegraph Right of Way Rules, 2016* (defining 'State Government' to include Union Territory administration).

<sup>43</sup> r. 4(2) (centralised electronic portal), as amended in 2021, 2022 and 2023, and applied to the Union Territory by notification dated 23 November 2023.

<sup>44</sup> Dadra and Nagar Haveli and Daman and Diu Panchayats (Election Procedure) Rules, 2023, Notification dated 23 March 2023, rr. 1–2, issued under s. 121 of the Dadra and Nagar Haveli and Daman and Diu Panchayat Regulation, 2012.

<sup>45</sup> *Ibid.*, chs. III–V and r. 2 (definitions of election authorities).

<sup>46</sup> *Ibid.*, ch. IV (electoral rolls), ch. VIII (administrative machinery), and ch. XI (polling and counting of votes).

<sup>47</sup> *Ibid.*, rr. 4 and 20, (conferring legal force on electoral orders and vesting control in the Election Commission).

as administrative guidance but as enforceable legal standards governing democratic processes.<sup>48</sup>

Unlike legislative enactments, electoral regulation in the Union Territory proceeds through delegated instruments that are notified and implemented by the administration. The resulting framework ensures continuity and procedural certainty in electoral administration, while situating the regulation of democratic processes within the broader body of executive-issued law applicable to the territory.<sup>49</sup>

In the context of the Union Territory's 2023 law-making record, the Election Rules illustrate how core democratic functions are structured through notified legal instruments that operate independently of legislative enactment. They form an essential part of the territory's normative framework governing participation and representation during the year.

## **Public Employment and Service Administration**

Public employment in the Union Territory during 2023 was regulated through the notification of Recruitment Rules framed under Article 309 of the Constitution, including the Recruitment Rules for the post of Head Master (Primary School).<sup>50</sup> These rules form part of the formal legal framework governing eligibility, qualifications, methods of recruitment, and service-related conditions for public posts within the UT administration.

The Recruitment Rules specify educational qualifications, age limits, modes of selection, and conditions for appointment and promotion. By determining who may enter public service and on what terms, they directly affect access to government employment and the composition of the public workforce. Although confined to particular posts, such rules possess statutory force and are binding on both the administration and prospective candidates.

Service rules under Article 309 operate as a specialised category of law-making, regulating public employment through constitutionally authorised rule-making rather than legislative enactment. In practice, they provide the operative legal basis for personnel administration across departments, shaping institutional capacity and administrative continuity within the Union Territory.

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<sup>48</sup> *Ibid.*, ch. VI (qualifications and disqualifications) read with chs. VII–VIII.

<sup>49</sup> *Ibid.*, rr. 5 and 22–30 (maintenance, correction, and conduct of elections).

<sup>50</sup> Administration of Dadra and Nagar Haveli and Daman and Diu, *Head Master Primary School, Group 'B' (Non-Gazetted, Non-Ministerial) Posts Recruitment Rules, 2022*, notified in the *Official Gazette of Dadra and Nagar Haveli and Daman and Diu*, Series II, Notification dated 5 January 2023.

In the overall law-making landscape of 2023, recruitment and service rules represent a routine but consequential form of regulation. While often viewed as internal administrative instruments, they constitute enforceable legal norms that structure public employment and form an integral part of the Union Territory's normative framework during the year.

## **Conclusion**

The survey of law-making in Dadra & Nagar Haveli and Daman & Diu during 2023 reveals a legal landscape shaped through a limited number of statutory interventions and a wider body of delegated and notified instruments. The promulgation of the Tenancy Regulation under Article 240 stands out as the sole instance of primary legislation, addressing landlord-tenant relations through a comprehensive statutory framework. Other key areas of governance, labour and employment, urban planning, transport and environmental regulation, infrastructure deployment, electoral administration, and public employment, were regulated through rules, policies, and notifications that were issued during the year.

By mapping the subject areas regulated and the forms of law employed, this survey provides a baseline account of the Union Territory's law-making activity in 2023. Such a descriptive record is essential for tracking change over time, assessing continuity across years, and situating future legal developments within an identifiable regulatory trajectory. The value of this survey lies not in abstract critique, but in documenting how law is made, structured, and applied in the everyday governance of a non-legislative Union Territory.