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NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 18 dated 3-8-2017 namely, Extraordinary dated 4-8-2017 from pages 1145 to 1146 from Department of Finance, Debt Management Division Notification No. 5-4-2017-Fin(DMU) regarding the Market Borrowing Programme.

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Goa Legislature Secretariat

LA/Legn/2017/1384

The following bill which was introduced in the Legislative Assembly of the State of Goa on 2nd August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Compensation to the Project
Affected Persons and Vesting of Land
in the Government Bill, 2017

(Bill No. 19 of 2017)

A

BILL

to provide for compensation to the project affected persons and vesting of land in the Government.

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Act, 2017.

(2) It extends to the whole of the State of Goa.

(3) It shall be deemed to have come into force on the 1st day of December, 2012.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Authority” means the Goa Project Affected Persons Disputes Redressal Authority established under sub-section (1) of section 5 of this Act;

(b) “Collector” means the Collector of the District where the land is situated and includes any other officer specially empowered by the Government by notification in the Official Gazette to

perform the functions of a Collector under this Act;

(c) “Court” means the Court of the Principal District Judge of Original Jurisdiction and includes the Court of any Additional District Judge or the Court of Civil Judge having pecuniary jurisdiction as may be specified by the Government by notification as a Court;

(d) “Government” means the Government of Goa;

(e) “land” includes benefits arising out of land, things attached to earth or permanently fastened to anything attached to the earth;

(f) “project” means project undertaken by the Government for public purpose;

(g) “Public purpose” shall mean and include the following purposes, namely:—

(a) strategic purposes relating to State police, safety of the people; or

(b) infrastructure projects, which includes the following, namely:—

(i) projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy, fisheries, and meat processing, set up or owned by the Government or by a farmers’ co-operative or by an institution set up under a statute;

(ii) project for industrial corridors or mining activities;

(iii) project for water harvesting and water conservation structures, sanitation;

(iv) project for Government administered, Government aided educational and research schemes or institutions;

(v) project for sports, health care, tourism, transportation;

(vi) any infrastructure facility as may be notified in this regard by the Government;

(c) project for project affected families.

(d) project for housing, or such income groups, as may be specified from time to time by the Government;

(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;

(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the Government;

(g) infrastructural project of any Statutory corporations, bodies, authorities or any other Government bodies and includes the land acquired for any project relating to Airport.

3. *Compensation to the Project Affected Person.*— (1) Where any land is acquired by the Government under the Land Acquisition Act, 1894 (Act 1 of 1894), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) or any other law, dealing with acquisition of land, for the time being in force and the acquired land has been already marked out and measured and a plan has been made of the same, such land as marked in such plan shall be deemed to have been validly acquired and vested in the Government free from all encumbrances, and the Government shall pay compensation thereof to the interested person, notwithstanding the fact that the details of such land such as area, survey number or the details of the interested person such as name, address, etc., is, not specified

or erroneously specified in the notification, declaration, award, notice or order issued under the said Acts.

(2) Any dispute arising out of the provisions contained in sub-section (1) shall be referred to the Authority constituted under section 5. The decision of the Authority shall be final and binding.

(3) In the event any interested person fails to claim compensation, the Collector shall cause compensation payable under sub-section (1) to be deposited in the Court in a separate account.

4. *Vesting of Land in the Government.*—
(1) Notwithstanding,—

(i) anything contained in the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), the Legislative Diploma No. 645 dated 30-3-1933 in its application to the State of Goa, the Goa Land Use (Regulation) Act, 1991 (Act 3 of 1991) or any other law for the time being in force, or decree, judgment or direction of any Court or rules, regulations, notifications or Orders issued by the Government; and

(ii) prohibition on, sale of land under the said Legislative Diploma No. 645 dated 30-03-1933 or development of land in no development zone or use of land under the said Act 21 of 1975 or the Act 3 of 1991, as the case may be, or rules, notifications, plans issued thereunder, the Government shall be entitled to enter into any transaction with any person, body of persons, committee, etc., including transaction to enter into contract or obtain no objection certificate from the owner, where the land is needed for public purpose and all such land purchased/acquired by the Government shall vest in the Government free from all encumbrances of whatsoever nature and the Government shall use such land for setting up of project.

(2) Where the Government has already entered into any transaction referred to in sub-section (1) before the commencement of this Act, all such transactions shall be deemed to have been validly done, or entered

into and all such land shall be deemed to have been vested in the Government free from all encumbrances.

(3) The Government shall use the land referred under sub-sections (1) and (2) for setting up of project.

5. *Establishment of Authority.*— (1) The Government shall for the purpose of providing speedy disposal of disputes under this Act establish by notification in the Official Gazette one or more authorities to be known as the Project Affected Persons Disputes Redressal Authority.

(2) The Authority shall consists of one person who shall be not below the rank of Secretary to the Government of Goa to be appointed by the Government by notification in the Official Gazette.

(3) If any vacancy occurs in the office of the Authority, the Government shall appoint another person in accordance with the provisions of this Act to fill such vacancy and the proceedings may be continued before the Authority from the stage at which it had reached when such vacancy arose.

6. *Protection for action taken in good faith.*— No suit, prosecution or other proceedings shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

7. *Jurisdiction of Civil Courts barred.*— No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute in respect of which the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.

8. *Power to make rules.*— The Government may, by notification, in the Official Gazette make rules to carry out the purposes of this Act.

9. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the

provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of enactment of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the State Legislature.

Statement of Objects and Reasons

The Bill seeks to provide right of compensation to the persons affected by acquisition of land for various projects and to adequately compensate them where they have not received compensation due to mistakes in the notifications, declarations or awards notice or order passed by the Land Acquisition Officer under the Land Acquisition Act, 1894 (1 of 1894), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) or any other law, dealing with acquisition of land, for the time being in force.

The Bill also seeks to provide for protection of title to lands vested in the Government.

This Bill seeks to achieve the above Objects.

Financial Memorandum

Clause 3 of the Bill provides for acquisition of land and for payment of compensation. Section 5 proposes for establishing of one or more Authorities to be known as the Project Affected Persons Disputes Redressal Authority, for the purpose of providing speedy disposal of disputes under this Act.

The amount of financial implications towards compensation for land acquisition and establishment of Authority towards costs of staffing, office exigencies and honorarium

to the members, cannot be quantified at this stage.

Memorandum Regarding Delegated Legislation

Clause 2 (b) of the Bill empowers the Government to issue notification for empowering an officer to perform the functions of Collector.

Sub-clause (1) and (2) of Clause 5 empowers the Government to issue notification for establishing Project Affected Persons Disputes Redressal Authority and for appointment of such authority.

These delegations are of normal character.

Porvorim-Goa.
1st August, 2017.

ROHAN KHAUNTE
Minister for Revenue

Assembly Hall,
Porvorim-Goa.
1st August, 2017.

Shri NILKANT SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Smt. Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Compensation to the Project Affected Persons and Vesting of Land in the Government Bill, 2017.

RAJ BHAVAN.
Date: 1-8-2017.

MRIDULA SINHA
Governor of Goa.

LA/LEGN/2017/1418

The following bill which was introduced in the Legislative Assembly of the State of Goa on 3rd August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation Acts (Repeal) Bill, 2017

(Bill No. 13 of 2017)

A

BILL

to repeal Appropriation Acts

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation Acts (Repeal) Act, 2017.

2. *Repeal of Appropriation Acts.*— The enactments specified in the Schedule are hereby repealed.

3. *Savings.*— The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing; nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed; nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

SCHEDULE

(See section 2)

Year	No.	Short title
1979	(1)	The Goa, Daman and Diu Appropriation (Second Vote on Account) Act, 1979 (Central Act 25 of 1979).
1999	(2)	The Goa Appropriation (Vote on Account) Act, 1999 (Central Act 13 of 1999).
1999	(3)	The Goa Appropriation Act, 1999 (Central Act 14 of 1999).
2005	(4)	The Goa Appropriation (Vote on Account) Act, 2005 (Central Act 10 of 2005).
2005	(5)	The Goa Appropriation Act, 2005 (Central Act 11 of 2005).

Statement of Objects and Reasons

The repeal of enactments which have ceased to be in force or have become obsolete or the retention whereof as separate, independent and distinct Acts is unnecessary, then, such enactments are to be repealed. The principal object of such repealing Acts is to excise dead matter, prune off superfluities and remove such redundant laws from the Statute Book to bring in clarity.

The Appropriation Acts which are sought to be repealed by this Bill, in reality, have lost their meaning but are still shown on the Statue-Books. These laws have become either irrelevant or dysfunctional and, importantly, have served their purpose and outlived their utility. This Bill, therefore, seeks to repeal the said appropriation Acts. Since the Appropriation Acts spend themselves after a particular Financial Year, an appropriate saving clause has been incorporated in the Bill to save the past transactions.

This Bill seeks to achieve the aforesaid objectives.

Porvorim, Goa. MANOHAR PARRIKAR
2nd August, 2017. Finance Minister/Chief
Minister

Assembly Hall, NILKANTH SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
2nd August, 2017. Assembly of Goa

LA/LEGN/2017/1419

The following bill which was introduced in the Legislative Assembly of the State of Goa on 3rd August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Protection of Interests of
Depositors (in Financial Establishments)
(Amendment) Bill, 2017

(Bill No. 15 of 2017)

A

BILL

to amend the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (Goa Act 10 of 1999).

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Protection of Interests of Depositors (in Financial Establishments) (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (Goa Act 10 of 1999) (hereinafter referred to as the “principal Act”), for clause (c), the following clause shall be substituted, namely:—

“(c) “financial establishment” means an individual, an association of individuals, a firm or a company/incorporated bodies registered under the Companies Act, 1956 (Central Act 1 of 1956) or the Companies Act, 2013 (Central Act 18 of 2013), carrying on the business of receiving deposits under any scheme or arrangement or in any other manner but does not include a corporation or a co-operative society owned or controlled by any State Government or the Central Government, or a banking company

as defined under clause (c) of section 5 of the Banking Regulation Act, 1949 (Central Act 10 of 1949) or a non-banking financial company as defined in clause (f) of section 45-I of the Reserve Bank of India Act, 1934 (Central Act 2 of 1934).”.

3. *Amendment of section 4.*— In section 4 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) The competent authority shall make an application to any court having jurisdiction to try similar cases or deal with the subject matter pertaining to money or property belonging to a financial establishment or any person specified in section 3 situated within the territorial jurisdiction of that court for appropriate orders.

(6) For the purpose of crediting and dealing with the money realized by the competent authority, he shall open an account in any Scheduled commercial bank.”.

4. *Insertion of new section 4A.*— After section 4 of the principal Act, the following section shall be inserted, namely:—

“4A. *Report and return by financial establishment.*— (1) Every financial establishment which commences or carries on its business as such in the State of Goa on or after the commencement of the Goa Protection of Interests of Depositors (in Financial Establishments) (Amendment) Act, 2017 (hereinafter, in this section, referred to as the “said Act”), shall make a report to the District Collector of the district, mentioning the details about its authority to carry on such business, the location of the financial establishment in the State and its main Branch Office, if any, wherever situated, permanent address of every person responsible for the management of, or conducting of, the business or affairs of the financial establishment in the State and such other particulars as may be prescribed.

(2) Such report shall be made within seven days from the date on which a financial establishment commences or carries on its business as such in the State:

Provided that a financial establishment which has been carrying on its business as such prior to the commencement of the said Act shall make such report within seven days from the date of such commencement.

(3) Every financial establishment shall furnish a quarterly return within one month of the expiry of each quarter of a financial year to the District Collector in respect of its business and financial position, the area of its investment and the location of investments of moneys made by it within and outside the State, if any, and such other particulars as may be prescribed.

(4) Whoever contravenes the provisions of this section shall be liable to a penalty of one thousand rupees per day of delay and upto a maximum of fifty thousand rupees, to be leviable by Competent Authority.”.

5. *Substitution of section 5.*— For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. *Fraudulent default by financial establishment.*— Any financial establishment, which fraudulently defaults any repayment of deposit on maturity along with any benefit in the form of interest, bonus, profit or in any other form as promised or fraudulently fails to render service as assured against the deposit, every person including the promoter, partner, director, manager or any other person or an employee responsible for the management of or conducting of the business or affairs of such financial establishment shall, on conviction, be punished with imprisonment for a term which may extend to ten years and with fine which may extend to one lakh of rupees and such financial establishment also shall be liable for a fine which may extend to five lakh of rupees.

Explanation.— For the purpose of this section, a financial establishment, which

commits default in repayment of such deposit with such benefits in the form of interest, bonus, profit or in any other form as promised or fails to render any specified service promised against such deposit, or fails to render any specific service agreed against the deposit with an intention of causing wrongful gain to one person or wrongful loss to another person or commits such default due to its liability arising out of impracticable or commercially not viable promises made while accepting such deposit or arising out of deployment of money or assets acquired out of deposits in such a manner as it involves inherent risk in recovering the same when needed, shall be deemed to have committed a default or failed to render the specific service, fraudulently.”.

6. *Amendment of section 7.*— In section 7 of the principal Act,—

(i) for the existing title thereof, the following title shall be substituted, namely:—

“7. Powers of Special Court regarding attachment, sale, realization and distribution.—”;

(ii) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Upon receipt of an application under section 4, the Special Court shall issue to the financial establishment or to any other person whose property is attached by the Government under section 3, notice accompanied by the application and affidavits and of the evidence, if any, recorded, calling upon the said financial establishment or the said person to show cause on a date to be specified in the notice why the order of attachment should not be made absolute and the properties so attached be sold in public auction.”;

(iii) in sub-section (4), the following expression shall be added at the end, namely:—

“and direct the competent authority to sell the property so attached by public auction and realize the sale proceeds.”;

(iv) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) After investigation under sub-section (5), the Special Court shall pass an order, within a period of one hundred and eighty days from the date of receipt of an application under sub-section (3) of section 4, either by making the ad-interim order of attachment absolute or varying it by releasing a portion of the property from attachment or cancelling the ad-interim order of attachment and then direct the competent authority to sell the property so attached by public auction and realize the sale proceeds:

Provided that the Special Court shall not release from attachment any interest which it is satisfied that the financial establishment or the person referred to in sub-section (1) has in the property unless it is also satisfied that there will remain under attachment an amount of property of value not less than the value that is required for repayment to the depositors of such financial establishment.”;

(v) after sub-section (6), the following sub-sections shall be inserted, namely:—

“(7) The Special Court shall, on an application by the competent authority pass such order or issue such direction as may be necessary for the equitable distribution among the depositors of the money attached or realized out of the sale.

(8) In case the money realized from the sale of property attached is not enough to cover the shortfall, the Special Court may impose fine on every person, including the promoter, partner, director, manager or any other person or an employee responsible for the management of or conducting of the business of

the affairs of such financial establishment to cover the shortfall as may be necessary for the purpose of repayment to the depositors.

(9) Where an application is made by any person duly authorized or specified by any other State Government under similar enactment empowering him to exercise control over any money or property or assets attached by that State Government, the Special Court shall exercise all its powers as if such an application were made under this Act and pass appropriate order or direction on such application so as to give effect to the provisions of such enactment.”.

7. *Amendment of section 11.*— In section 11 of the principal Act, the existing provision thereof shall be numbered as sub-section (1) and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) No appeal under sub-section (1), by a person who is in any manner liable to repay the deposit and the interest accrued thereon to the depositors, shall be entertained unless, the appeal is accompanied by satisfactory proof for the deposit with the competent authority of an amount equivalent to seventy five percent of the aggregate amount of deposit liability.”.

8. *Insertion of new section 13A.*— After section 13 of the principal Act, the following section shall be inserted, namely:—

“13A. *Offences to be cognizable.*— All offences under this Act shall be cognizable.”.

9. *Insertion of new section 14A.*— After section 14 of the principal Act, the following section shall be inserted, namely:—

“14A. *Protection of action taken in good faith.*— No suit or other proceedings shall lie against the Government or the competent

authority or an officer or employee of the Government for anything which is, in good faith, done or intended to be done under this Act.”.

Statement of Objects and Reasons

The Bill seeks to amend clause (c) of section 2 of the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (Goa Act 10 of 1999) (hereinafter referred to as the “said Act”) so as to enlarge scope of the words “financial establishment” and include therein a company.

The Bill further seeks to insert sub-sections (5) and (6) to section 4 of the said Act, so as to make provision to permit competent authority to make an application to any Court having jurisdiction to try cases under said Act and for opening an account in Scheduled Bank for crediting money realized by the competent authority under the said Act.

The Bill also seeks to insert new section 4A in the said Act so as to make provision to file reports and returns by financial establishments to the District Collector.

The Bill also seeks to substitute section 5 of the said Act so as to make liable the promoter, partner, director, manager or any other person or an employee of financial establishment for punishment in case such financial establishment fraudulently defaults in payment to depositors.

The Bill also seeks to amend section 7 of the Act so as to empower Special Court for attachment, sale, realization of property in respect of fraudulent financial establishments.

The Bill also seeks to amend section 11 of the said Act so as to make liable financial establishment to deposit seventy five percent of the aggregate amount of deposit liability before making an appeal.

The Bill also seeks to insert new section 13A so as to make provision for offences under the said Act to be cognizable.

The Bill also seeks to insert new section 14A so as to protect the Government or any officer or employee of the Government from any action taken in good faith under the said Act.

The above amendments are as per the Model Bill received from the Reserve Bank of India for strengthening the enforcement mechanism and fill the gaps that exists in said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 4 of the Bill empowers the Government to specify the particulars which the Financial Establishment shall report to the District Collector, other than the particulars specified in sub-clause (1) thereof.

The said clause 4 also empowers the Government to frame rules to specify the particulars which the quarterly return should contain, other than the particulars as specified in sub-clause (3) thereof.

These delegations are of normal character.

Secretariat, MANOHAR PARRIKAR
Porvorim-Goa. Chief Minister/Finance Minister
Date: 01-08-2017.

Legislative Assembly, NILKANT SUBHEDAR
Porvorim-Goa. Secretary (Legislature)
Date: 01-08-2017.

ANNEXURE

Extract of clause (c) of Section 2 of the Goa Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (GPID Act, 1999).

Clause (c) "financial establishment" means an individual, an association of individuals or a firm carrying on the business of receiving deposits under any Scheme or arrangement or in any other manner but does not include a company registered under the Companies Act, 1956, or a corporation or a

co-operative society owned or controlled by any State Government or the Central Government, or a banking company as defined under section 5 (c) of the Banking Regulation Act, 1949 (Central Act X of 1949) or a non-banking financial company as defined in clause (f) of section 45-I of the Reserve Bank of India Act, 1934 (Central Act 2 of 1934).

Extract of Section 4 of the GPID Act, 1999.

4. *Competent authority.*— (1) The Government may by notification, appoint an authority, hereinafter called "the competent authority" to exercise control over the properties attached by the Government under section 3.

(2) The competent authority shall have such other powers as may be necessary for carrying out the purposes of this Act.

(3) Upon receipt of the orders of the Government under section 3, the competent authority shall apply within fifteen days to the Special Court constituted under this Act for making the ad-interim order of attachment absolute.

(4) An application under sub-section (3) shall be accompanied by one or more affidavits, stating the grounds on which the belief that the financial establishment has committed any default or is likely to defraud, is founded, the amount of money or value of other property believed to have been procured by means of the deposit, and the details, if any, of persons in whose name such property is believed to have been invested or purchased out of the deposits or any other property attached under section 3.

Extract of Section 5 of the GPID Act, 1999.

Section 5: Default in repayment of deposits and interests honouring the commitment.— Notwithstanding anything contained in Chapter II, where any financial establishment defaults the return of the deposit or defaults the payment of interest on the deposit, every person responsible for the management of the affairs of the financial establishment shall be punished with imprisonment for a term which may extend to ten years and with fine which may extend to one lakh of rupees and such financial establishment shall also be liable for fine which may extend to one lakh of rupees.

Extract of Section 7 of the GPID Act, 1999.

7. *Powers of Special Court regarding attachment.*— (1) Upon receipt of an application under section

4, the Special Court shall issue to the financial establishment or to any other person whose property is attached by the Government under section 3, notice accompanied by the application and affidavits and of the evidence if any, recorded, calling upon him to show cause on a date to be specified in the notice why the order of attachment should not be made absolute.

(2) The Special Court shall also issue such notice, to all other persons represented to it as having or being likely to claim, any interest or title in the property of the financial establishment or the person to whom the notice is issued calling upon such person to appear on the same date as that specified in the notice and make objection; if he so desires, to the attachment of the property or any portion thereof on the ground that he has an interest in such property or portion thereof.

(3) Any person claiming an interest in the property attached or any portion thereof may, notwithstanding that no notice has been served upon him under this section, make an objection as aforesaid to the Special Court at any time before an order is passed under sub-section (4) or sub-section (6).

(4) If no cause is shown and no objections are made on or before the specified date, the Special Court shall forthwith pass an order making the ad-interim order of attachment absolute.

(5) If cause is shown or any objection is made as aforesaid, the Special Court shall proceed to investigate the same, and in so doing as regards the examination of the parties and in all other respects, the Special Court shall subject to the provisions of this Act, follow the procedure and exercise all the powers of a Court in hearing a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) and any person making an objection shall be required to adduce evidence to show that at the date of the attachment he had some interest in the property attached.

(6) After investigation under sub-section (5), the Special Court shall pass an order making the ad-interim order of attachment absolute or varying it by releasing a portion of the property from attachment or cancelling the ad-interim order of attachment:

Provided that the Special Court shall not release from attachment any interest which it is satisfied that the financial establishment or the person referred to in sub-section (1) has in the property unless it is also satisfied that there will remain under attachment an amount of property of value not less

than the value that is required for repayment to the depositors of such financial establishment.

Extract of Section 11 of the GPID Act, 1999.

Section 11: Appeal.— Any person including the competent authority, if aggrieved by an order of the Special Court, may appeal to the High Court within thirty days from the date of order.

Extract of Section 13 of the GPID Act, 1999.

13. Procedure and powers of Special Court regarding offences.— (1) The Special Court may take cognizance of the offence without the accused being committed to it for trial and in trying the accused person, shall follow the procedure prescribed in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for the trial of warrant cases by Magistrate.

(2) The provisions of the Code of Criminal Procedure (Central Act 2 of 1974) shall, so far as may be, apply to the proceedings before a Special Court and for the purpose of the said provisions a Special Court shall be deemed to be a Magistrate.

Extract of Section 14 of the GPID Act, 1999.

Section 14: Act to have overriding effect.— Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

LA/LEGN/2017/1420

The following bill which was introduced in the Legislative Assembly of the State of Goa on 3rd August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Value Added Tax (Tenth Amendment) Bill, 2017

(Bill No. 16 of 2017)

A

BILL

further to amend the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005).

Be it enacted by the Legislative Assembly of Goa, in the Sixty-Eighth Year of Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Value Added Tax (Tenth Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 1st day of July, 2017.

2. *Amendment of section 2.*— In section 2 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the “principal Act”),—

(i) clauses (a), (b), (j) and (l) shall be omitted;

(ii) for clause (p), the following clause shall be substituted, namely:—

“(p) “goods” means—

(i) petroleum crude;

(ii) high speed diesel;

(iii) motor spirit (commonly known as petrol);

(iv) natural gas;

(v) aviation turbine fuel; and

(vi) alcoholic liquor for human consumption;”.

3. *Amendment of section 35.*— In section 35 of the principal Act, in sub-section (4), for the expression “sub-section (2)”, the expression “this section” shall be substituted.

4. *Amendment of section 70.*— In section 70 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), every dealer liable to pay tax, other than the one dealing in any of the goods, namely, petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption, shall, if his gross

turnover of sales for the period commencing from the first day of the respective financial year till the end of the day immediately before commencement of the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017), exceeds rupees twenty-five lakh, or in any other case, if the amount of input tax credit claimed by him during the said period exceeds rupees three lakh, get his accounts in respect of that period audited by an accountant by such date and in such manner as may be prescribed and furnish the report of such audit duly verified and signed by such accountant setting forth such particulars and certificates, in such form and within such period, as may be prescribed:

Provided that except in case of oil marketing company, the turnover of goods listed in Schedule ‘D’ and Schedule ‘G’ shall not be included in the gross turnover of sales specified above.”.

5. *Repeal and Saving.*— (1) The Goa Value Added Tax (Tenth Amendment) Ordinance, 2017 (Ordinance No. 4 of 2017) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Bill seeks to omit clauses (a), (b), (j) and (l) of section 2 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the “said Act”), so as to omit certain definitions and amend clause (p) of section 2 of the said Act in view of the amendment carried out to the constitution of India vide the Constitution (One Hundred and First Amendment) Act, 2016 and implementation of the Goa Goods and Services Tax Act, 2017 (Act 4 of 2017) from 1st July, 2017, as this State is now empowered to levy taxes only on sale of petroleum crude, high speed diesel, motor spirit (commonly known as

petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption.

The Bill further seeks to amend sub-section (4) of section 35 of the said Act so as to make the appellants to deposit ten percent of the disputed dues alongwith payment of whole of undisputed dues, while preferring an appeal with Appellate Authority within the prescribed time.

The Bill also seeks to amend section 70 of the said Act by inserting sub-section (1A) therein, so as to make the dealers, whose turnover for the period commencing from the 1st day of April, 2017 and ending with the 30th day of June, 2017 exceeds twenty-five lakh rupees or as the case may be, who claims an input tax credit of an amount exceeding three lakh rupees for the said period, to get their accounts audited by an accountant and furnish the report of the audit thereof with in prescribed period.

The Bill also seeks to replace the Goa Value Added Tax (Tenth Amendment) Ordinance, 2017 (Ordinance No. 4 of 2017), promulgated by the Governor of Goa on the thirtieth day of June, 2017.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 4 of the Bill empowers the Government to frame rules to specify the period within which and the manner in which, the dealer shall get his accounts audited from an accountant, and also the form in which and the period within which the audit report is to be furnished.

This delegation is of normal character.

Assembly Hall, Shri MANOHAR PARRIKAR
Porvorim, Goa. Hon. Chief Minister/Finance
2nd August, 2017. Minister

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
2nd August, 2017. Assembly of Goa

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, the Governor of Goa hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Value Added Tax (Tenth Amendment) Bill, 2017.

RAJ BHAVAN.

MRIDULA SINHA

Date: 1st August, 2017.

Governor of Goa

ANNEXURE

Bill No. ____ of 2017

Extract of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005)

2. *Definition.*— In this Act, unless the context otherwise requires,—

(a) "agriculture" with all its grammatical variations and cognate expressions, includes horticulture, the raising of crops, grass or garden produce, and also grazing; but does not include dairy farming, poultry farming, stock breeding, the mere cutting of wood or grass, gathering of fruit, raising of man-made forests or rearing of seedlings or plants;

Explanation.— For the purposes of this clause and clause (d), the expression "forest" means the forest to which the Indian Forest Act, 1927 (Central Act 16 of 1927), in its application to the State of Goa, applies;

(b) "agriculturist" means a person who cultivates land personally, for the purpose of agriculture;

(c) "appointed day" means the day on which this Act shall come into force;

(d) "business" includes, -

(i) any trade, commerce or manufacture;

(ii) any adventure or concern in the nature of trade, commerce or manufacture;

(iii) any transaction in connection with, or incidental to or ancillary to trade, commerce, manufacture, adventure or concern;

(iv) any transaction in connection with, or incidental to or ancillary to the commencement or closure of such business;

(v) any occasional transaction in the nature of trade, commerce, manufacture, adventure or concern whether or not there is volume, frequency, continuity or regularity of such transaction,

whether or not trade, commerce, manufacture, adventure, concern or transaction is effected with a motive to make gain or profit and whether or not any gain or profit accrues from such trade, commerce, manufacture, adventure, concern or transaction.

Explanation.— For the purpose of this clause,

(i) the activity of raising of man-made forest or rearing of seedlings or plants shall be deemed to be business.

(ii) any transaction of sale of capital goods pertaining to such trade, commerce, manufacture, adventure, concern or transaction shall be deemed to be a transaction comprised in business.

(iii) sales of any goods, the proceeds of which are credited to the business shall be deemed to be transactions comprised in business;

(e) “business premises” means any place where a dealer or a transporter sells, transports, books or delivers goods and includes any place where he stores, processes, produces or manufactures goods or keeps books of accounts;

(f) “capital goods” means plant and machinery (including spares and components) and equipment used in or in relation to manufacture or processing of goods for sale or any other goods which is notified by the Government and used in furtherance of any business excluding such civil structures as may be prescribed;

(g) “casual trader” means a dealer who, whether as principal, agent or in any other capacity, has occasional or seasonal transaction involving the selling, supplying or distribution of goods or conducting any exhibition-cum-sale in Goa whether for cash or for deferred payment, commission, remuneration or other valuable consideration;

(h) “Company” means a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956) and includes a body corporate or

corporation within the meaning of clause (7) of section (2) or Foreign Company referred to in section 591 of that Act;

(i) “Commissioner” means the person appointed to be the Commissioner of Commercial Taxes/Sales Tax or Value Added Tax for the purposes of this Act;

(j) “to cultivate personally” means to carry on any agricultural operation on one’s own account,—

(i) by one’s own labour, or

(ii) by the labour of one’s family, or

(iii) by servants on wages payable in cash or kind (but not in crop share), or by hired labour under one’s personal supervision or the personal supervision of any member of one’s family;

Explanation I.— A widow or a minor, or a person who is subject to any physical or mental disability or is a serving member of the armed forces of the Union, shall be deemed to cultivate land personally if it is cultivated by her or his servants or by hired labour.

Explanation II.— In the case of a Hindu undivided family, land shall be deemed to be cultivated personally, if it is cultivated by any member of such family.

(k) “dealer” means any person who carries on the business of buying, selling, supplying or distributing goods, executing works contract, delivering any goods on hire purchase or any system of payment by instalments, transferring the right to use any goods or supplying by way of or as part of any service, any goods directly or other wise whether for cash or for deferred payment, or for commission, remuneration or other valuable consideration and includes;

(a) a casual trader;

(b) a commission agent, a broker or a del-credere agent or an auctioneer or any other mercantile agent, by whatever name called;

(c) a non-resident dealer or an agent of a non-resident dealer, or a local branch of a firm or company or association or body of persons whether incorporated or not, situated outside the State;

(d) a person who, whether in the course of business or not,-

(i) sells goods produced by him by manufacture, agriculture, horticulture or otherwise; or

(ii) transfers any goods, including controlled goods whether in pursuance of a contract or not, for cash or for deferred payment or for other valuable consideration;

(iii) supplies, by way of or as part of any service or in any other manner whatsoever, goods, being food or any other articles for human consumption or any drink (whether or not intoxicating), where such supply or service is for cash, deferred payment or other valuable consideration;

Explanation.—

(a) an agriculturist who sells exclusively agricultural produce grown on land cultivated by him personally shall not be deemed to be a dealer within the meaning of this clause;

(b) government or departments of Union Governments or Other State Governments and Union Territories which whether or not in the course of business, sells, supplies or distributes, goods directly or otherwise, for cash or for deferred payment or for commission, remuneration or other valuable consideration, shall, in relation to any sale, supply or distribution of surplus, unserviceable or old stores or materials or waste products or obsolete or discarded machinery or parts or accessories thereof, be deemed to be a dealer for the purpose of this Act;

(c) each of the following persons and bodies who dispose of any goods including goods as unclaimed or confiscated or as unserviceable or as scrap, surplus, old, obsolete or discarded material or waste products whether by auction or otherwise, directly or through an agent for cash or for deferred payment, or for any other valuable consideration, shall notwithstanding anything contained in clause (d) or any other provision of this Act, be deemed to be a dealer, to the extent of such disposals, namely:—

(i) Port Trust;

(ii) Municipal Corporation/Council, and other Local authorities;

(iii) Railway Administration as defined under the Railway Act, 1989 (Central Act 24 of 1989);

(iv) Shipping Transport and Construction Companies;

(v) Air Transport companies and Airlines;

(vi) Transporters, holding permit for transport vehicles granted under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) which are used or adopted to be used for hire;

(vii) Customs and Central Excise Department of Government of India administering the Customs Act, 1962 (Central Act 52 of 1962) and the Central Excise Tariff Act, 1985 (Central Act 5 of 1986);

(viii) Insurance and Financial Corporations or companies and Banks included in the Second Schedule to the Reserve Bank of India Act, 1934 (Act 2 of 1934);

(ix) Advertising agencies;

(x) Any other corporation, company, body or authority owned or set up by, or subject to administrative control of the Government;

(xi) Income Tax Department of Government of India administering the Income Tax Act, 1961 (Central Act 43 of 1961);

(xii) Any other body as may be notified by the Government from time to time.

(l) "declared goods" means declared goods as defined in the Central Sales Tax Act, 1956 (Central Act 74 of 1956);

(m) "director", in relation to a company, include any person occupying the position of director by whatever name called;

(n) "document" includes written or printed records of any sort, title deeds and data stored electronically in whatever form;

(o) "earlier law" means the Goa Sales Tax Act, 1964 (Act 4 of 1964) as amended from time to time, and includes enactments which have validated anything done or omitted to be done under any of the above mentioned laws;

(p) "goods" means all kinds of movable property (other than newspapers) and includes livestock, all materials, commodities, grass or things attached to or forming part of the earth which are agreed to be severed before sale or under a contract of sale, and property in goods (whether as goods or in some other form) involved in the execution of works contract, lease or hire-purchase or those to be used in the fitting out, improvement or repair of movable property but does not include actionable claims, stocks, shares and securities;

(q) "importer" means a person who brings any goods into the State or to whom any goods are despatched from any place outside the State;

(r) "Input-tax" means tax charged under this Act by a registered dealer to another registered dealer on purchases of goods in the course of business;

(s) "manufacture" includes any activity that brings out a change in an article or articles as a result of some process, treatment, labour and results in transformation into a new and different article so understood in commercial parlance having a distinct name, character, use and includes extracting any goods but does not include such activity of manufacture as may be notified;

(t) "non-resident dealer" means a dealer who has no place of business in the State of Goa but who sells or delivers goods in the State of Goa for sale therein;

(u) "notification" means any notification issued under the Act;

(v) "Output tax" in relation to any registered dealer, means the tax charged in respect of sale or supply of goods made by that dealer;

(w) "person" includes an individual, any Government, any company or society or club or association or body of individuals whether incorporated or not, and also a Hindu undivided family, a firm and a local authority and every artificial juridical person not falling within any of the preceding descriptions;

(x) "prescribed" means prescribed by the rules made under this Act;

(y) "raw materials" means goods used as ingredients in the manufacture of other goods and includes processing materials, consumable stores and material used in the packing of the goods so manufactured;

(z) "registered dealer" means a dealer registered under this Act;

(aa) "resale" means a sale of purchased goods—

(i) in the same form in which they were purchased; or

(j) without doing anything to them, which amounts to, or results in, a manufacture, and the word "resell" shall be construed accordingly;

(ab) "rules" means rules made under this Act;

(ac) "sale" with all its grammatical variations and cognate expressions means every transfer of the property in goods (other than by way of a mortgage, hypothecation, charge or pledge) by one person to another in the course of trade or business for cash or for deferred payment or other valuable consideration, and includes—

(a) transfer, otherwise than in pursuance of a contract, of property, in goods for cash, deferred payment or other valuable consideration;

(b) transfer of property in goods (whether as goods or in some other form) involved in execution of a works contract;

(c) delivery of any goods on hire purchase or any other system of payment by instalments;

(d) transfer of the right to use any goods for any purpose (whether or not for a specified period), for cash, deferred payment or any other valuable consideration;

(e) a supply, by way of or as part of any service or in any other manner whatsoever, of goods being food or any other article for human consumption or any drink (whether or not intoxicating) where such supply or service is for cash, deferred payment or other valuable consideration;

Explanation – A sale shall be deemed to take place in Goa if the goods are within Goa,—

(i) in the case of specific or ascertained goods, at the time the contract of sale made; and

(ii) in the case of unascertained or future goods, at the time of their appropriation to the contract of sale by the seller, whether the assent of the buyer to such appropriation is prior or subsequent to the appropriation:

Provided that where there is a single contract of sale in respect of goods situated in Goa as well as in places outside Goa, provisions of this Explanation shall apply as if there were a separate contract of sale in respect of the goods situated in Goa.

(ad) “sale price” means the amount of valuable consideration received or receivable by a dealer for the sale of any goods less any sum allowed as cash discount, according to the practice normally prevailing in the trade, but inclusive of any sum charged for anything done by the dealer in respect of the goods at the time of or before delivery thereof, excise duty, special excise duty or any other duty or taxes except the tax imposed under this Act;

(ae) “Schedule” means the Schedule appended to this Act;

(af) “State” means the State of Goa;

(ag) “Government” means the Government of Goa;

(ah) “tax” means a tax, payable under this Act;

(ai) “taxable goods” means goods other than those specified in Schedule D;

(aj) “tax period” means such period as may be prescribed as tax period;

(ak) “Tribunal” means the Tribunal constituted under section 14 of this Act;

(al) “taxable turnover” means the turnover on which a dealer shall be liable to pay tax as determined after making such deductions from his total turnover and in such manner as may be prescribed, but shall not include the turnover of sale in the course of interstate

trade or commerce or in the course of export of the goods out of the territory of India or in the course of import of the goods into the territory of India and the value of goods transferred or dispatched outside the State otherwise than by way of sale;

(am) “turnover” means the aggregate amount of sale price for which goods are sold or supplied or distributed by a dealer, either directly or through another, whether on own account or on account of others, whether for cash or for deferred payment, or other valuable consideration;

(an) “taxable sale” means sale which is taxable under the provisions of this Act;

(ao) “taxable person” means every person who is registered or is liable to be registered and liable to pay tax under this Act;

(ap) “vehicle” includes every wheeled conveyance used for the carriage of goods solely or in addition to passengers;

(aq) “Works contract” shall include any agreement for carrying out for cash, deferred payment or other valuable consideration, the building, construction, manufacturing, processing, fabrication, erection, installation, fitting out improvement, modification, repair or commissioning of any movable or immovable property;

(ar) “year” means, the financial year;

(as) “Quarter” means the period of three months ending on the 30th June, 30th September, 31st December or 31st March.

35. *Appeals*.— (1) Any person objecting to an order affecting him passed under the provisions of this Act by an authority may appeal to Appellate Authority as may be prescribed within sixty days from the date of receipt of order by him.

(2) Where the Appellate Authority is satisfied that the person has reasonable cause for not preferring an appeal within the time specified in sub-section (1), he may accept an appeal, provided it is made within one year, from the date of receipt of order by him.

(3) The appeal shall be in the prescribed form and shall specify in detail the grounds upon which it is made.

(4) In case of an appeal against an assessment or any order raising demand against the person,

the Appellate Authority shall consider it only if the person has paid the tax which is not disputed by him.

(5) The appellant shall serve a copy of the appeal memo to the authority against whose order the appeal is filed.

(6) After considering the appeal and after affording an opportunity of hearing, the Appellate Authority may allow it in whole or part and amend the assessment or remand it for fresh disposal or dismiss the appeal or enhance the assessment or penalty or other amount:

Provided that before making an enhancement the appellant shall be given an opportunity of being heard on the proposal of enhancement.

(7) The Appellate Authority shall serve the appellant, with an order in writing, of the appeal decision, setting forth the reasons for the decision.

70. Accounts to be audited in certain cases.— (1) Every dealer liable to pay tax shall, if his gross turnover of sales exceed rupees one crore in any year, or in any other case, if the amount of Input Tax Credit claimed by him in any year exceeds rupees 10 lakhs, get his accounts in respect of such year audited by an accountant within nine months from the end of that year and furnish within that period the report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars and certificates as may be prescribed.

(2) For the purposes of this section, "Accountant" means a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (Central Act 38 of 1949).

(3) If any dealer liable to get his accounts audited under sub-section (1) fails to furnish a copy of such report within the time as aforesaid the Commissioner shall, after giving the dealer a reasonable opportunity of being heard, impose on him, in addition to any tax payable, penalty of rupees one thousand plus rupees hundred per day during the first thirty days of default and rupees two hundred fifty per day thereafter, subject to a maximum of rupees one lakh cumulatively.

(4) If any dealer liable to get his accounts audited under sub-section (1) fails to furnish a copy of such report within the period prescribed, the Commissioner shall impose on him, in addition to any tax payable, a penalty of rupees one hundred

per day for each day of delay, subject to a maximum of rupees twenty-five thousand cumulatively.

Extract of the Goa Value Added Tax (Third Amendment) Act, 2008 (Goa Act 12 of 2008)

5. Amendment of section 70.— In section 70 of the principal Act, (i) for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) Every dealer liable to pay tax shall, if his gross turnover of sales exceeds rupees one crore in any year, or in any other case, if the amount of input tax credit claimed by him in any year exceeds rupees ten lacs, get his accounts in respect of such year audited by an accountant by such date and in such manner as may be prescribed and furnish within the prescribed period the report of such audit in the prescribed form duly verified and signed by such accountant and setting forth such particulars and certificates as may be prescribed."

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) If any dealer liable to get his accounts audited under sub-section (1) fails to furnish a copy of such report within the period prescribed, the Commissioner shall, impose on him, in addition to any tax payable, a penalty of rupees one thousand plus rupees one hundred per day during the first sixty days of default and rupees two hundred fifty per day thereafter, subject to a maximum of rupees one lac cumulatively."

(iii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Notwithstanding anything contained in sub-section (3), the Commissioner, upon an application from the dealer and subject to such rules as may be prescribed, remit the whole or any part of the penalty imposed on such defaulting dealer."

Extract of the Goa Value Added Tax (Sixth Amendment) Act, 2012 (Goa Act 16 of 2012)

6. Amendment of section 70.— In section 70 of the principal Act,— (i) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that except in case of oil marketing company, the turnover of goods listed in Schedule 'D' and Schedule 'G' shall not be included in the gross turnover of sales specified above.";

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) If any dealer liable to get his accounts audited under sub-section (1) fails to furnish a copy of such report within the period prescribed, the Commissioner shall impose on him, in addition to any tax payable, a penalty of rupees one hundred per day for each day of delay, subject to a maximum of rupees twenty-five thousand cumulatively.";

(iii) the sub-section (4) shall be omitted.

Extract of the Goa Value Added Tax (Seventh Amendment) Act, 2013 (Goa Act 12 of 2013)

15. *Amendment of section 35.*— In section 35 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely:—

"(6) After considering the appeal and after affording an opportunity of hearing, the Appellate Authority may allow it in whole or part and amend the assessment or enhance the assessment or levy tax and/or penalty and/or other amount or remand it for fresh disposal or dismiss the appeal:

Provided that before making a levy of tax, penalty or other amount and/or enhancement of assessment as the case may be, the appellant shall be given an opportunity of being heard."

Extract of the Goa Value Added Tax (Ninth Amendment) Act, 2016 (Goa Act 17 of 2016)

4. *Amendment of section 35.*— In section 35 of the principal Act, for sub-section (4), the following sub-sections shall be substituted, namely:—

"(4) No appeal under sub-section (2) shall be entertained by the Appellate Authority, unless such appeal is accompanied by a satisfactory proof of the payment of whole of the undisputed amount of tax, interest and penalty and ten percent of the disputed amount of tax, interest and penalty, that may be due:

(4A) The provisions of sub-section (4) shall be applicable also to any appeal pending before

the Appellate Authority on the date of coming into force of the Goa Value Added Tax (Ninth Amendment) Act, 2016 and the appellant shall make payment as aforesaid within a period of 120 days from such commencement, failing which, such appeal shall stand abated."

LA/LEGN/2017/1421

The following bill which was introduced in the Legislative Assembly of the State of Goa on 3rd August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Excise Duty (Amendment) Bill, 2017

(Bill No. 17 of 2017)

A

BILL

further to amend the Goa Excise Duty Act, 1964 (Act 5 of 1964).

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Excise Duty (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the Goa Excise Duty Act, 1964 (Act 5 of 1964),—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) To assist the Commissioner in the execution of his functions under this Act, the Government shall appoint an Additional Commissioner of Excise or as many Deputy or Assistant Commissioners or other Officers as may be considered necessary.";

(ii) for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) Subject to such restrictions and conditions as may be prescribed, the Commissioner may, by order in writing, delegate any of his powers under this Act to the Additional or Deputy or Assistant Commissioner or to such other officers and persons appointed under sub-sections (2) and (3).”.

Statement of Objects and Reasons

The Commissioner of Excise is functioning as a Head of Department in the Office of the Commissioner of Excise and performing all the executive functions as provided under the Goa Excise Duty Act, 1964 (Act 5 of 1964) (hereinafter referred to as the “said Act”) and two Assistant Commissioners of Excise have been appointed by the Government to assist the Commissioner of Excise in the execution of functions of North and South Goa, respectively. As the workload in the Excise Department has increased manifold, one post of Additional Commissioner of Excise has been created in the Senior Scale of the Goa Civil Service.

The Bill, therefore seeks to amend sub-sections (2) and (7) of section 3 of the said Act so as to enable the Government to appoint an Additional Commissioner of Excise under the said Act and to also empower the Commissioner of Excise to delegate any of his powers under the said Act to the Additional Commissioner of Excise.

This Bill seeks to achieve the above objects.

Financial Memorandum

The financial implications involved are to the extent of salary payable to a Senior Scale Officer of the Goa Civil Service.

Memorandum regarding delegated legislation

Clause 2 of the Bill empowers the Government to, by order, appoint an Additional Commissioner of Excise under the Goa Excise Duty Act, 1964 (Act 5 of 1964) and also empower the Commissioner of Excise to,

by order, delegate any of his powers under the said Act to the Additional Commissioner of Excise.

These delegations are of normal character.

Assembly Hall, MANOHAR PARRIKAR
Porvorim, Goa. Chief Minister/Finance Minister
2nd August, 2017.

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
2nd August, 2017. Assembly of Goa

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Excise Duty (Amendment) Bill, 2017.

RAJ BHAVAN. MRIDULA SINHA
Date: 1st August, 2017. Governor of Goa

ANNEXURE

Bill No. 17 of 2017

Extract of the Goa Excise Duty Act and Rules, 1964

[Section 3. Excise Authorities and delegation of powers.— (1) for carrying out the purposes of this Act, the Government shall appoint an Officer to be called the Commissioner of Excise.

(2) To assist the Commissioner in the execution of his functions under this Act, the Government shall appoint as many Deputy or Assistant Commissioners or other Officers as may be considered necessary.

(3) The Commissioner may, subject to the rules and orders regulating the conditions of service of persons in public services and posts, appoint as many Excise Inspectors, Sub-Inspectors of Excise and such other executive or ministerial staff as may be sanctioned by the Government to assist him in the execution of the functions.

(4) The Commissioner and all other officers and persons appointed under sub-sections (2) and (3) shall exercise such powers as may be conferred and

perform such duties as may be required, by or under this Act.

(5) The Commissioner and all other Officers and persons appointed under sub-sections (2) and (3) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(6) Subject to such restrictions and conditions as may be prescribed, the Government may by order in writing, delegate any of its powers under this Act to the Commissioner.

(7) Subject to such restrictions and conditions as may be prescribed, the Commissioner may, by order in writing, delegate any of his powers under this Act to the Deputy or Assistant Commissioner or to such other officers and persons appointed under sub-sections (2) and (3).]

LA/LEGN/2017/1422

The following bill which was introduced in the Legislative Assembly of the State of Goa on 3rd August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Requisition and Acquisition of Property Bill, 2017

(Bill No. 18 of 2017)

A

BILL

to provide for the requisition and speedy acquisition of property for certain purposes, not being purposes of the Union.

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Requisition and Acquisition of Property Act, 2017.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “award” means an award made by an arbitrator under section 7;

(b) “Collector” means the Collector of the district where the property to be requisitioned or acquired is situated and includes any other officer specially authorised by the Government by notification to perform the functions of a Collector under this Act;

(c) “Court” means the Court of the principal District Judge of original jurisdiction and includes the Court of any Additional District Judge or the Court of Civil Judge having pecuniary jurisdiction, as may be specified by the Government by notification, as a Court;

(d) “Government” means the Government of Goa;

(e) “land” includes benefits to arise out of land and things attached to earth or permanently fastened to anything attached to the earth;

(f) “landlord” means the owner of the property and includes any person who for the time being is receiving or is entitled to receive, the rent of any property, whether on his own account, or on account or on behalf of for the benefit, of any other person or as a trustee, guardian or receiver for any other person, or who would so receive the rent or be entitled to receive the rent if property is let to a tenant;

(g) “notification” means a notification published in the Official Gazette;

(h) “Official Gazette” means the Official Gazette of the Government;

(i) “person interested” includes all persons claiming, or entitled to claim, compensation payable on account of the requisitioning or acquisition of that property under this Act;

(j) "premises" means any building or part of a building and includes,—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building;

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "property" means immovable property of every kind and includes any right in or over such property;

(m) "public purpose" shall mean and include the following purposes, namely:—

(a) sanitary improvements of any kind including reclamation;

(b) laying out of village sites, townships or the extension, planned development or improvement of existing village sites or townships;

(c) town or rural planning under any law relating to such planning;

(d) the provision of land for,—

(i) maintaining supplies and services essential to the life of the community;

(ii) providing proper facilities for transport, communication, irrigation or drainage;

(iii) carrying out any housing scheme, health scheme or any development scheme relating to agriculture, animal husbandry irrigational facilities or promotion of tourism, sponsored by the Government or any local authority;

(iv) creation of better living conditions in rural or urban areas, by

clearing slum areas, relieving congestion or otherwise;

(v) for housing poor, landless or displaced persons or persons residing in areas affected by landslides, floods or other similar natural calamities;

(vi) residential accommodation for persons serving under the Government where the provision of such accommodation is, in the opinion of the Government, necessary in the interest of public service;

(vii) locating Government or other public offices;

(viii) establishment, extension or further development of any trade or industry or other concern owned, managed, controlled by the Government;

(ix) establishment of industrial estates by way of planned development from public funds and subsequent disposal thereof in whole or in part by lease, assignment or other mode of transfer;

(x) corporation owned, managed or controlled by the Government or for any municipal corporation or other local authority or for the establishment or development of any educational institution;

(xi) a company, corporation or co-operative society for such work which, in the opinion of the Government, is substantially useful for and beneficial for the public;

(xii) medical, education or advancement of any other object of general public utility;

(xiii) creation of any infrastructure or development of bus stand, airport, truck terminus.

3. *Power to requisition.*— (1) Where the Government is of the opinion that any property is needed or likely to be needed for any public purpose, not being a purpose of the Union, the Government may, by order published in the Official Gazette and two local newspapers, requisition such property:

Provided that no property used for the purpose of religious worship or used by an educational or charitable institution shall be requisitioned under this section.

(2) An order under sub-section (1) shall be served in such manner as may be prescribed on the owner of the property and where such property is in occupation of an occupier, not being the owner, also on such occupier.

(3) If any person fails to comply with an order of requisition made under sub-section (1), the Collector or any other person authorized by him by Order in writing in this behalf shall execute the order of requisition in such manner as he considers expedient and may,-

(a) if he is a magistrate, enforce the delivery of possession of the property in respect of which the order has been made, to the Government, or

(b) if he is not a magistrate, he shall apply to a magistrate and such magistrate shall enforce the delivery of possession of such property to the Government.

4. *Rights over requisitioned property.*— (1) The whole of the property requisitioned shall be used only for such purpose as may be mentioned in the order of requisition issued under sub-section (1) of section 3.

(2) Where any premises is requisitioned under section 3, the Collector may order the landlord to execute such repairs as may be necessary and are usually made by the landlords in that locality and as may be specified in the order, within such reasonable time as may be mentioned therein, and if the

landlord fails to execute any repairs in pursuance of such order, the Collector may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.

5. *Release of requisitioned property.*— (1) When the purpose for which any requisitioned property was being used, ceases to exist, and if such property is not acquired under section 6, the Government may by order published in the Official Gazette release any property requisitioned under this Act and shall, as far as possible, restore such property in as good condition as it was when possession thereof was taken, subject to the changes caused by reasonable wear and tear and irresistible force.

(2) Notwithstanding anything contained in sub-section (1), the Government shall release the property requisitioned under this Act, within a period of six months from the expiry of a period of fifteen years from the date on which possession of such property was surrendered or delivered or taken by, the Government under section 3, unless such property is acquired under section 6 within the said period of fifteen years.

(3) Where any requisitioned property is to be released under sub-section (1) or sub-section (2), the Collector may, after such inquiry, as he may consider necessary to make, specify by order in writing the person to whom possession of the property shall be given and such possession shall, as far as practicable, be given to the person from whom the possession was taken at the time of the requisition or to the successors-in-interest of such person.

(4) The delivery of the possession of the property to the person specified in an order under sub-section (3) shall be a full discharge of the Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by due process

of law to enforce against the person to whom possession of the property is given.

(5) Where any person to whom the possession of any requisitioned property is to be given is not found and has no agent or other person empowered to accept delivery of possession on his behalf, the Collector shall cause a notice declaring that the property is released from requisition to be affixed on some conspicuous part of the property and shall also publish such notice in the Official Gazette and two local newspapers.

(6) When a notice referred to in sub-section (5) is published, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof and the Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

(7) Where any property requisitioned under this Act or any material part thereof is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was requisitioned by reason of fire, earthquake, tempest, flood or violence of any army or of a mob or other irresistible force, the requisition shall be void.

6. Power to acquire requisitioned property.—

(1) The Government may, if it is of the opinion that it is necessary to acquire the property requisitioned under this Act for a public purpose, acquire such property by publishing a notice to that effect in the Official Gazette and two local newspapers, that the Government has decided to acquire the property in pursuance of this section, in the following circumstances, namely:—

(a) where any works have been carried out, during the period of requisition, in or over, the property wholly or partially at the expense of the Government and the Government decides that the value of, or the

right to use, such works should be secured or preserved for the purposes of the Government; or

(b) where the cost of restoration of the property to its condition as it was at the time of its requisition would, in the opinion of the Government, be excessive and the owner declines to accept release from requisition of the property without payment of compensation for restoration of such property:

Provided that before issuing such notice, the Government shall call upon the person interested to show cause why the property should not be acquired; and after considering the cause, if any, shown by him and after giving him an opportunity of being heard, the Government may pass such order as it deems fit, which shall be published in the Official Gazette.

Explanation:— For the purposes of clause (a) of sub-section (1), “works” includes buildings, structures and improvements of every description.

(2) Where an order as aforesaid is passed, the requisitioned property shall, on the day on which such order is passed, vest absolutely in the Government free from all encumbrances and the period of requisition of such property shall end.

(3) Notwithstanding anything contained in this section, the Government may acquire the land specified in sub-section (1), under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resttlement Act, 2013 (Central Act No. 30 of 2013).

7. Principles and method of determining compensation.— (1) Where any property is requisitioned or acquired under this Act, there shall be paid compensation which shall be determined in the manner and in accordance with the principles hereinafter set forth, namely:—

(a) where the amount of compensation can be fixed by an agreement, it shall be paid in accordance with such agreement;

(b) where no agreement can be reached, the Government shall, by notification appoint as arbitrator a person who has been or is qualified for appointment as, a judge of a High Court;

(c) the Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned or acquired, to assist the arbitrator and where such nomination is made, the person interested may also nominate an assessor for the same purpose;

(d) at the commencement of the proceedings before the arbitrator, the Government and the person interested shall state what in their respective opinion is a fair amount of compensation.

(e) the arbitrator shall, after hearing the parties make an award determining the amount of compensation which appears to him to be just and specifying the person or persons to whom such compensation shall be paid; and in making the award, he shall have regard to the circumstances of each case and the provisions of sub-sections (2) and (3), so far as they are applicable;

(f) when there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are, entitled to compensation, he shall apportion the amount thereof amongst such persons;

(g) nothing contained in the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) shall apply to the arbitration proceedings under this section.

(2) The amount of compensation payable for the requisitioning of any property shall, subject to the provisions of sub-sections (3) and (4), consist of—

(a) a recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period; and

(b) such sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the following matters, namely:—

(i) pecuniary loss due to requisitioning;

(ii) expenses on account of vacating the requisitioned property;

(iii) expenses on account of re-occupying the property upon release from requisition; and

(iv) damages (other than normal wear and tear) caused to the property during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition as it was at the time of its requisition.

(3) The recurring payment, referred to in clause (a) of sub-section (2), in respect of any property shall, unless such property is released from requisition under section 5 or acquired under section 6, be revised in accordance with the provisions of sub-section (4) in the following manner:—

In a case where such property has been subject to requisition under this Act for a period of five years or more,—

(i) first, with effect from the date of expiry of five years from the date on which possession of such property has been surrendered or delivered or taken under section 3, and

(ii) secondly, with effect from the date of expiry of five years, from the date on which the revision made under sub-clause (i) takes effect.

(4) The recurring payment referred to in clause (a) of sub-section (2) shall be revised by re-determining such payment in the manner and in accordance with the principles set out in sub-section (1) read with clause (a) of sub-section (2), as if such property is being requisitioned under this Act on the date from which such revision takes effect.

(5) The compensation payable for the acquisition of any property under section 6 shall be paid,—

(a) where the amount of compensation can be fixed by an agreement, in accordance with the provisions specified in the Policy on Procurement of land under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for Direct Procurement of land to set up public purposes projects on priority basis;

(b) where no agreement can be reached, in accordance with the award made by the arbitrator. The provisions of sections 26, 27, 28, 29 and 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013) so far as they may be applicable, shall apply in respect of such award.

8. *Reference to Court.*— (1) Any person interested who is aggrieved by an award may, by written application to the Arbitrator, require that the matter be referred by the Arbitrator for the determination of the Court:

Provided that the Arbitrator shall, within a period of thirty days from the date of receipt of application, make a reference to the Court:

Provided further that where the Arbitrator fails to make such reference within the period so specified, the applicant may apply to the Court, requesting it to direct the Arbitrator to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) if the person making it was present or represented before the Arbitrator at the time when he made his award, within six weeks from the date of the Arbitrator's award;

(b) in other cases, within six months from the date of the Arbitrator's award:

Provided further that the Arbitrator may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

(3) No person who has received any amount under the award otherwise than under protest shall be entitled to make an application under sub-section (1).

(4) The provisions contained in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013) so far as they may be applicable, shall apply in respect of any reference to the Court under this section.

9. *Payment to Tenant.*— Notwithstanding anything contained in this Act or any other law for the time being in force, if any land which is being cultivated by a tenant is requisitioned or acquired under this Act, the tenant shall be paid only half of the total compensation amount payable, if he is cultivating the land at the time of requisition/ acquisition.

10. *Appeals from orders of requisitioning.*— (1) Any person aggrieved by an order of requisition made under section 3 may, within thirty days from the date of service of the order, prefer an appeal to the Government:

Provided that the Government may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Government may, after calling a report from the Collector and giving an opportunity to the parties of being heard and after making such further inquiry, if any, as may be necessary, pass such order as it thinks fit and such order shall be final.

(3) Where an appeal is preferred under sub-section (1), the Government may stay the enforcement of the order referred in sub-section (1) for such period and on such conditions as it thinks fit.

11. *Appeal from award in respect of compensation.*— Any person aggrieved by an award of the arbitrator made under section 7 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the requisitioned or acquired property is situated:

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

12. *Power to obtain information.*— The Government or the Collector may, with a view to carrying out the purposes of sections 3, 6 and 7, by order require any person to furnish to such officer, as may be specified in the order, such information in his possession as may be specified relating to any property which is requisitioned or acquired, or intended to be requisitioned or acquired, under this Act.

13. *Power to enter and inspect.*— The Collector or any officer authorised by him in this behalf, by general or special order, may enter and inspect any property for the purposes of determining in what manner, an order under this Act should be made in

relation to such property or with a view to secure compliance of an order made under this Act.

14. *Service of notice and orders.*— Save as otherwise provided in this Act and any rules that may be made under this Act, every notice or order issued or made under this Act shall,—

(a) in the case of any notice or order of a general nature or affecting a class of persons, be published in the Official Gazette and

(b) in the case of any notice or order affecting an individual, corporation or firm be served in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908 (5 of 1908); and

(c) in the case of any order affecting an individual person (not being a corporation or firm), be served on such person—

(i) by delivering or tendering it to that person;

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain; and failing service by both these means,

(iii) by post.

(d) in case, the ownership of the property is in dispute or the persons interested in the property are not readily traceable and the notice or order cannot be served without undue delay, the notice or order may be served by publishing it in the Official Gazette and two local newspapers and where possible, by affixing a copy thereof on any conspicuous part of the property to which it relates.

15. *Easement not to be disturbed.*— No person interested in any property requisitioned or acquired under this Act shall, without the previous written consent of the Collector except for the purpose of effecting repairs or for complying with a requirement of the local authority, willfully disturb any convenience or easement attached to such property or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the property.

16. *Penalty.*— If any person contravenes the provisions of this Act, he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

17. *Jurisdiction of civil courts barred.*— No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the arbitrator or the Government is empowered by or under this Act, and no injunction shall be granted by any Court in respect of any such matter.

18. *Protection of action taken under this Act.*— No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government or any other person authorized under this Act for anything, which is in good faith done or intended to be done under this Act or the Rules or any order made thereunder.

19. *Power to make rules.*— The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

20. *Act to have overriding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

21. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the

provisions of this Act, the Government may by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

Statement of Objects and Reasons

This Bill seeks to provide for requisition and speedy acquisition of immovable property for certain public purposes, not being purposes of the Union.

The Bill seeks to achieve the above Object.

Financial Memorandum

Financial implications would arise as and when the Government decides to requisition and/or acquire land and the same cannot be quantified at this stage.

Memorandum Regarding Delegated Legislation

Clause 1(3) of the Bill empowers the Government to issue notification for appointing the date to bring into force the Act.

Clause 2(c) of the Bill empowers the Government to issue notification to authorize any officer to perform the functions of the Collector.

Clause 2(d) of the Bill empowers the Government to issue notification to specify the Court for the purposes of the Act.

Clause 3(1) of the Bill empowers the Government to issue an order for requisitioning any immovable property for public purpose.

Clause 3(2) of the Bill empowers the Government to frame rules to specify the manner of serving an order on the owner or occupier of the property.

Clause 3(3) of the Bill empowers the Collector to authorize any person by order in writing to execute the order of requisition of any immovable property.

Clause 5(1) and 5(2) of the Bill empowers the Government to issue an order for releasing an immovable property requisitioned under the Act.

Clause 6(1) of the Bill empowers the Government to issue an order for acquiring an immovable property which is requisitioned under the Act.

Clause 7(1)(b) of the Bill empowers the Government to appoint an Arbitrator for determining the amount of compensation payable to the interested person and also to apportion such amount if he finds that more than one person are entitled to such amount.

Clause 13 of the Bill empowers the Collector to issue an order for authorizing any officer to enter and inspect any property.

Clause 19 of the Bill empowers the Government to make rules to carry out the purposes of the Act.

Clause 21 of the Bill empowers the Government to issue an order for the removal of any doubt or difficulty which arises in giving effect to the provisions of the Act.

These delegations are of normal character.

Porvorim-Goa. ROHAN KHAUNTE
1st August, 2017. Minister for Revenue

Assembly Hall, Shri NILKANT SUBHEDAR
Porvorim-Goa. Secretary to the Legislative
1st August, 2017. Assembly of Goa

Governor's Recommendation under Article 207 of the
Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Requisition and Acquisition of Property Bill, 2017.

RAJ BHAVAN. MRIDULA SINHA
Date: 1-8-2017. Governor of Goa

LA/LEGN/2017/1430

The following bill which was introduced in the Legislative Assembly of the State of Goa on 4th August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Information Technology
Development (Amendment)
Bill, 2017

(Bill No. 20 of 2017)

A

BILL

further to amend the Goa Information Technology Development Act, 2007 (Goa Act 10 of 2007).

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Information Technology Development (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Information Technology Development Act, 2007 (Goa Act 10 of 2007) (hereinafter referred to as the “principal Act”),

(i) in clause (g), for the expression “Integrated Information Technology Township/Information Technology Parks”, the expression “Integrated Information Technology Township/Information Technology Parks, Information Technology (IT) Companies, Information Technology Enabled Services (ITES), Startup, Electronic Manufacturing Cluster (EMC), Industry 4.0” shall be substituted;

(ii) after clause (g), the following clauses shall be inserted, namely:—

(ga) “Information Technology (IT) Companies” includes Information Technology Software, Information Technology Services;

(gb) “Information Technology Enabled Services (ITES)” includes Call Centres, Medical Transcriptions, Back Office Operations/Business Process Outsourcing (BPO)/Knowledge Process Outsourcing (KPO), Website services and Development, AVGC (Animation, Visual Effects, Gaming and Comics), Information Technology System Audit Services, Legal Database Processing, Bioinformatics, Information Technology enabled banking, non-banking services including insurance, pension asset management and market related services, Information Technology solution provider/Implementers (including server data banks, application service provider, internet/web based e-commerce service providers and system integrators)/Visual Effects/Digital Entertainment and Information Technology Engineering Services Companies;

(gc) “Startup” means an entity, incorporated or registered in Goa;

(i) not prior to seven years, and in case of Biotechnology Startups, not prior to ten years;

(ii) with annual turnover not exceeding Indian Rupee (INR) 25 crores in the preceding financial year; and

(iii) working towards innovation, development or improvement of products or processes or services, with a high potential of employment generation or wealth creation; and

(iv) not formed by splitting up, or reconstruction, of a business already in existence;

(gd) “Electronic Manufacturing Cluster (EMC)” means either a Greenfield

EMC or a Brownfield EMC notified under the guidelines for notifying Brownfield Clusters under M-SIPS Scheme dated 14.01.2013 [F. No. 36(3)/2012-IPHW] or a Greenfield EMC as notified under clause 6.8(iii) of the guidelines No. 8(50)/2011-IPHW dated 15th April, 2013;

(ge) “Industry 4.0” means current trend of automation and data exchange in manufacturing technologies including cyber-physical systems, the Internet of things and cloud computing;

3. *Amendment of section 14.*— In section 14 of the principal Act,

(i) in clause (b), after the expression “Integrated IT Township/IT Parks”, and before the expression “and construct and maintain”, expression “and for Information Technology (IT) Companies, Information Technology Enabled Services (ITES), Startup, Electronic Manufacturing Cluster (EMC) and Industry 4.0” shall be inserted;

(ii) in clause (e) (i) after the expression “Integrated IT Township/IT Parks”, and before the expression “established or developed by the Corporation”, expression “and for Information Technology (IT) Companies, Information Technology Enabled Services (ITES), Startup, Electronic Manufacturing Cluster (EMC) and Industry 4.0” shall be inserted.

Statement of Objects and Reasons

The Bill seeks to amend the section 2 of the Goa Information Technology Development Act, 2007 (Goa Act 10 of 2007) (hereinafter referred to as the “said Act”) so as to define certain terms in the said Act. The Bill also seeks to amend section 14 of the said Act so as to enable to implement the Information Technology Investment policy with the changing dynamics of the Information Technology and to remove the difficulties in implementation of the said Act. This Bill seeks to achieve the above objects.

Financial Memorandum

There are financial implications for establishment of Infrastructure for Information

Technology in the State, but the same cannot be quantified at this stage.

Memorandum regarding delegated legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa.
3rd August, 2017.

ROHAN A. KHAUNTE
Minister for
Information Technology

Assembly Hall,
Porvorim, Goa.
3rd August, 2017.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa

Governor's Recommendation under Article 207
of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the Goa Information Technology Development (Amendment) Bill, 2017.

RAJ BHAVAN.
Date: 3rd August, 2017.

MRIDULA SINHA
Governor of Goa

ANNEXURE

(Bill No. 20 of 2017)

**Extract of the Goa Information Technology
Development Act, 2007
(Act 10 of 2007)**

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “amenity” includes road, supply of water or electricity, street lighting, drainage, sewage, conservancy and such other connivance as the Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(b) “building” means any structure or erection, or a part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(c) “Collector” means the Collector of the district, and includes any Officer specially appointed by the Government to perform the functions of a Collector under this Act;

(d) “Corporation” means the Goa Information Technology Development Corporation established under section 3;

(e) “development” with its grammatical variations, means the carrying out of building, engineering, quarrying or other operations, in, on, over or under land, or the making of any material change on any building or land, and includes re-development, but does not include mining operations and “to develop” shall be construed accordingly;

(f) “engineering operation” include the formation or laying out of means of access to a road or the laying out of means of water supply;

(g) “Integrated IT Township/IT Parks” means any site selected by the Government where the Corporation shall develop plots, build factories other buildings and make them available for Integrated Information Technology Township/Information Technology Parks;

(h) “means of access” includes a road, wharf or any means of access, whether private or public, for vehicles or boats or for foot passengers;

(i) “premises” means any land or building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(j) “prescribed” means prescribed by rules made under this Act;

(k) the expression “land” and the expression “person interested” shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894 (1 of 1894);

(l) “Government” means the Government of Goa.

14. *General powers of the Corporation.*— Subject to the provisions of this Act, the Corporation shall have power,—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation;

(b) to provide or cause to be provided amenities and common facilities in Integrated IT Township/IT Parks and construct and maintain or cause to be constructed and maintained works and buildings therefor;

(c) to make available buildings on hire or on sale to industrialists or persons intending to start Information Technology industries;

(d) to construct buildings for the housing of the employees;

(e) (i) to allot buildings or parts of buildings, including residential tenements to suitable persons in the Integrated IT Township/IT Parks established or developed by the Corporation;

(ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment;

(f) to constitute advisory committee to advise the Corporation;

(g) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions;

(h) subject to the previous permission of the Government, to delegate any of its powers generally or specially to any of its committees or officers, and to permit them to re-delegate specific powers to their subordinates;

(i) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions; and

(j) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and the carrying into effect the purposes of this Act.

LA/LEGN/2017/1431

The following bill which was introduced in the Legislative Assembly of the State of Goa on 4th August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Preservation of Trees (Amendment) Bill, 2017

(Bill No. 21 of 2017)

A

BILL

further to amend the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984).

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Preservation of Trees (Amendment) Act, 2017.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984) (hereinafter referred to as the “principal Act”),—

(i) the existing clause (a) shall be re-numbered as clause (aa) and before clause (aa) as so re-numbered, the following clause shall be inserted, namely:—

“(a) “Agriculture Officer” means an officer of the Directorate of Agriculture not below the rank of the Zonal Agriculture officer as may be authorized by the Government for the purposes of this Act, by a notification in the Official Gazette;”;

(ii) after clause (b), the following clause shall be inserted, namely:—

(bb) “commercial plantation” means the plantation of trees grown for commercial purposes on private non-forest land”.

(iii) in clause (j), the words “and includes coconut palm” shall be inserted at the end.

3. *Insertion of new section, 7A.*— After section 7 of the principal Act, the following section shall be inserted namely:—

“7A. *Declaration of State tree.*— The Government may, having regard to ecological, socio-economic, cultural or heritage value, declare a tree to be a State tree”.

4. *Insertion of new section 8A.*— After section 8 of the principal Act, the following section shall be inserted, namely:—

"8A. *Removal of coconut palms.*— Any person desirous of removing old, unyielding coconut palms to replace the same with new ones, or removal of coconut palms which are likely to cause damage to life or property, may apply to Agriculture officer, having jurisdiction of the area, who shall deal with the same as prescribed".

5. *Insertion of new section 32A.*— After section 32 of the principal Act, the following section shall be inserted, namely:—

“32A. *Powers of Government in respect of Commercial Plantation.*— The Government may, by notification in the Official Gazette, specify the terms and conditions for carrying out commercial plantation in the State of Goa and exempt such area from the provisions of this Act”.

Statement of Objects and Reasons

The Bill seeks to amend section 2 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984) (hereinafter referred to as the “said Act”), so as to define the term “Agricultural Officer” and the “Commercial Plantation” in the said Act.

The Bill further seeks to insert a new section 7A in the said Act, so as to empower the Government to declare a tree to be a State Tree.

The Bill also seeks to insert a new section 8A in the said Act, so as to make a provision to replace the old, unyielding coconut palms with new ones and for removing the coconut palms which are likely to cause danger to life or property.

The Bill also seeks to insert a new section 32A in the said Act, so as to empower the

Government to specify the terms and conditions for carrying out commercial plantation and also to exempt such area from the provisions of the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum regarding delegated legislation

Clause 1(2) of the Bill empowers the Government to appoint a date, by notification in the Official Gazette, for bringing into force the Act.

Clause 2 of the Bill empowers the Government to authorize an Agricultural Officer, by notification in the Official Gazette for the purposes of the Act.

Clause 4 of the Bill empowers the Government to frame rules specifying the manner in which the Agriculture Officer shall deal with an application regarding removal of coconut palm.

Clause 5 of the Bill empowers the Government to issue notification specifying the terms and conditions for carrying out commercial plantation.

These delegations are of moral character.

Porvorim-Goa. Shri MANOHAR PARRIKAR
3rd August, 2017. Hon'ble Chief Minister/
/Forest Minister

Assembly Hall, Shri NILKANT B. SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
3rd August, 2017. Assembly of Goa

ANNEXURE

**Extract of the Goa, Daman and Diu
Preservation of Trees Act, 1984 (Act No. 6
of 1984) Sought to be Amended**

[1-A Definitions.— In this Act, unless the context otherwise requires,—

(a) "Appellate Authority" means an authority appointed by the Government as appellate authority under this Act;

(b) "blank area" means any piece of land (not being under cultivation) measuring one – half of an hectare or more, which has five or less number of trees growing on it per every half hectares;

(c) "Conservator of Forests" means the Conservator of Forests, Goa, Daman and Diu;

(d) "Deputy Conservator of Forests" means a Forest Officer in-charge of a Forest Division and exercising jurisdiction over the area;

(e) "Government" means the Government of Goa, Daman and Diu;

(f) "forest produce" includes—

(a) the following whether found in, or brought from, a forest or not, that is to say—

timber, charcoal, caoutchouc, catechu wood-oil; resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say—

(i) trees and leaves, flowers and fruits, and all other parts or produce not herein before mentioned, of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts of produce of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and oil products of mines or quarries);

(g) "notification" means a notification published in the Official Gazette;

(h) "rural area" means an area as specified in Schedules I and II;

(i) "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bull-doing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner;

(j) "tree" means any woody plant whose branches spring from and are supported upon a

trunk or body and whose trunk or body is not less than five centimeters in diameter at a height of thirty centimeters from the ground level and is not less than one metre in height from the ground level;

(k) "tree officer" means a Forest Officer appointed as such by the Conservator of Forests for the purposes of this Act;

Porvorim-Goa.

3rd August, 2017. Secretary to the Legislative Assembly of Goa

N. B. SUBHEDAR

LA/LEGN/2017/1432

The following bill which was introduced in the Legislative Assembly of the State of Goa on 4th August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Highways (Amendment) Bill, 2017

(Bill No. 22 of 2017)

A

BILL

further to amend the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974).

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Highways (Amendment) Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974),

(i) (a) in clause (iv), after the expression "Village Road", the expression "or a Urban Road", shall be inserted;

(ii) the following proviso shall be inserted, namely:—

Provided that no road within the limits of the City of Panaji Corporation or a Municipal Council upto the distance terminating to National Highway shall be declared as State Highway.

Statement of Objects and Reasons

The Bill seeks to amend Section 3 (i) and (iv) of the Goa, Daman and Diu Highways Act, 1974 (Act No. 10 of 1974) so as to empower the Government to declare State Highways lying within the limits of the City of Panaji Corporation and the Municipal Councils upto the distance terminating to National Highway, as Urban road.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this bill.

Memorandum Regarding Delegated Legislations

Clause 2 of the Bill empowers the Government to issue notification for declaring urban roads.

This delegation is of normal character.

Porvorim-Goa.
Dated: 04-08-2017.

R. M. DHAVLIKAR
Hon'ble PWD Minister

Assembly Hall,
Porvorim-Goa
Dated: 04-08-2017

NILKHANT B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa

ANNEXURE

(Bill No. 22 of 2017)

Extract of Section 3 of the Goa, Daman and Diu Highways Act, 1974 (Act 10 of 1974)

Declaration of Highways, Highway Authorities and their Powers and Functions.

3. *Declaration of roads, ways or lands as highways.*— The Government may, by notification in the Official Gazette, declare any road, way or land to be a highway and classify it as:—

- (i) a State Highway
- (ii) a major district road
- (iii) other district road or
- (iv) a Village road

LA/LEGN/2017/1440

The following bill which was introduced in the Legislative Assembly of the State of Goa on 7th August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation (No. 2) Bill, 2017

(Bill No. 7 of 2017)

A

BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2017-18.

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 2) Act, 2017.

2. *Issue of Rs. 16027,01,06,000/-, out of the Consolidated Fund of the State of Goa for the financial year 2017-18.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule to this Act amounting in the aggregate to the sums of Sixteen thousand twenty seven crore one lakh six thousand rupees towards defraying the several charges which will arise for payment during the financial year 2017-18 in respect of the services and for purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
1	2	3	4	5
01	Legislature Secretariat	2485.03	162.56	2647.59
A1	Raj Bhavan (Charged)	—	877.31	877.31
02	General Administration and Co-ordination	10744.16	—	10744.16
03	District and Sessions Court, North Goa	2353.61	—	2353.61
04	District and Sessions Court, South Goa	1863.35	—	1863.35
05	Prosecution	690.26	—	690.26
06	Election Office	2448.74	—	2448.74
07	Settlement and Land Records	1480.08	—	1480.08
08	Treasury and Accounts Administration, North Goa	105232.61	—	105232.61
09	Treasury and Accounts Administration, South Goa	438.89	—	438.89
A2	Debt Services (Charged)	—	218324.90	218324.90
10	Notary Services	1010.70	—	1010.70
11	Excise	1805.08	—	1805.08
12	Commercial Taxes	5658.51	—	5658.51
13	Transport	27308.90	—	27308.90
A3	Goa Public Service Commission (Charged)	—	476.77	476.77
14	Goa Sadan	444.64	—	444.64
15	Collectorate, North Goa	2806.32	—	2806.32
16	Collectorate, South Goa	2316.48	—	2316.48
17	Police	43597.95	—	43597.95
18	Jails	3630.06	—	3630.06
19	Industries Trade and Commerce	5102.48	—	5102.48
20	Printing and Stationery	1207.64	—	1207.64
21	Public Works	198282.59	—	198282.59
22	Vigilance	600.55	—	600.55
23	Home	1068.31	—	1068.31
25	Home Guards and Civil Defence	2124.39	—	2124.39
26	Fire and Emergency Services	5514.29	—	5514.29
27	Official Language	1018.55	—	1018.55
28	Administrative Tribunal	177.21	—	177.21
29	Public Grievances	137.47	—	137.47
30	Small Savings and Lotteries	2102.03	—	2102.03
31	Panchayats	19220.29	—	19220.29
32	Finance	81535.88	—	81535.88
33	Revenue	7625.18	—	7625.18
34	School Education	122347.73	—	122347.73
35	Higher Education	25531.12	—	25531.12
36	Technical Education	3394.51	—	3394.51
37	Government Polytechnic, Panaji	2509.68	—	2509.68
38	Government Polytechnic, Bicholim	1158.83	—	1158.83

1	2	3	4	5
39	Government Polytechnic, Curchorem	1061.27	—	1061.27
40	Goa College of Engineering	5602.75	—	5602.75
41	Goa Architecture College	746.63	—	746.63
42	Sports and Youth Affairs	20641.88	—	20641.88
43	Art and Culture	10820.55	—	10820.55
44	Goa College of Art	687.04	—	687.04
45	Archives and Archaeology	1764.44	—	1764.44
46	Museum	1255.37	—	1255.37
47	Goa Medical College	34350.71	—	34350.71
48	Health Services	51309.18	—	51309.18
49	Institute of Psychiatry and Human Behaviour	3241.17	—	3241.17
50	Goa College of Pharmacy	1299.73	—	1299.73
51	Goa Dental College	4510.97	—	4510.97
52	Labour	4349.67	—	4349.67
53	Food and Drugs Administration	1077.70	—	1077.70
54	Town and Country Planning	2545.15	—	2545.15
55	Municipal Administration	35194.05	—	35194.05
56	Information and Publicity	4994.05	—	4994.05
57	Social Welfare	31227.89	—	31227.89
58	Women and Child Development	47558.79	—	47558.79
59	Factories and Boilers	579.36	—	579.36
60	Employment	473.77	—	473.77
61	Craftsmen Training	6322.80	—	6322.80
62	Law	10315.20	—	10315.20
63	Rajya Sainik Board	387.62	—	387.62
64	Agriculture	17218.79	—	17218.79
65	Animal Husbandry and Veterinary Services	11593.90	—	11593.90
66	Fisheries	6847.84	—	6847.84
67	Ports Administration	3586.20	—	3586.20
68	Forests	6812.60	—	6812.60
69	Handicraft, Textile and Coir	1536.26	—	1536.26
70	Civil Supplies	11138.07	—	11138.07
71	Co-operation	4581.72	—	4581.72
72	Science, Technology and Environment	12944.06	—	12944.06
73	State Election Commission	903.53	—	903.53
74	Water Resources	33560.01	—	33560.01
75	Planning, Statistics and Evaluation	1738.75	—	1738.75
76	Electricity	214480.11	—	214480.11
77	River Navigation	3903.52	—	3903.52
78	Tourism	20023.55	—	20023.55
79	Goa Gazetteer	44.71	—	44.71
80	Legal Metrology	404.40	—	404.40
81	Department of Tribal Welfare	19098.15	—	19098.15
82	Information Technology	16906.35	—	16906.35
83	Mines	5538.27	—	5538.27
84	Civil Aviation	10706.89	—	10706.89
TOTAL		1382859.52	219841.54	1602701.06

Statement of Objects and Reasons

The Budget for the year 2017-18 was presented to the Legislative Assembly on the 24th March, 2017. The Demands for grants have since been discussed and voted by the Assembly. The Appropriation Bill is, therefore, introduced in accordance with the provisions of Article 204 of the Constitution of India to provide for appropriation out of the Consolidated Fund of the State of Goa of the moneys required for the services during the financial year 2017-18.

Porvorim, Goa.
7th August, 2017.

Shri. MANOHAR PARRIKAR
Finance Minister/
/Chief Minister

Assembly Hall,
Porvorim, Goa.
7th August, 2017.

N. B. SUBHEDAR
Secretary to the
Legislative Assembly of Goa.

Governor's Recommendation under Article 207
of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 2) Bill, 2017, by the Legislative Assembly of Goa.

LA/LEGN/2017/1441

The following bill which was introduced in the Legislative Assembly of the State of Goa on 7th August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation (No. 3) Bill, 2017

(Bill No. 8 of 2017)

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2017-18.

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 3) Act, 2017.

2. *Issue of Rs. 990,60,23,000/-, out of the Consolidated Fund of the State of Goa for the financial year 2017-18.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of nine hundred ninety crore sixty lakhs twenty three thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2017-18 in respect of the services and for purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the said Schedule to this Act in relation to the said financial year.

SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
1	2	3	4	5
01	Legislature Secretariat	220.00	—	220.00
A1	Raj Bhavan (Charged)	—	6.72	6.72

1	2	3	4	5
02	General Administration and Co-ordination	850.00	—	850.00
03	District and Sessions Court, North Goa	200.00	—	200.00
05	Prosecution	300.00	—	300.00
10	Notary Services	55.00	—	55.00
12	Commercial Taxes	100.00	—	100.00
13	Transport	1800.00	—	1800.00
A3	Goa Public Service Commission (Charged)	100.00	—	100.00
15	Collectorate, North Goa	125.00	—	125.00
16	Collectorate, South Goa	536.00	—	536.00
17	Police	3500.00	—	3500.00
19	Industries Trade and Commerce	700.00	—	700.00
20	Printing and Stationery	50.00	—	50.00
21	Public Works	27923.00	72.00	27995.00
22	Vigilance	100.00	—	100.00
23	Home	10.00	—	10.00
25	Home Guards and Civil Defence	500.00	—	500.00
26	Fire and Emergency Services	800.00	—	800.00
27	Official Language	57.00	—	57.00
31	Panchayats	3652.61	—	3652.61
32	Finance	1000.00	—	1000.00
33	Revenue	2.00	1.38	3.38
34	School Education	6811.00	—	6811.00
35	Higher Education	3873.00	18.06	3891.06
38	Government Polytechnic, Bicholim	5.00	—	5.00
39	Government Polytechnic, Curchorem	82.00	—	82.00
41	Goa Architecture College	15.00	—	15.00
42	Sports and Youth Affairs	2626.00	—	2626.00
44	Goa College of Art	40.00	—	40.00
45	Archives and Archaeology	887.12	—	887.12
48	Health Services	5636.00	—	5636.00
51	Goa Dental College	150.00	—	150.00
52	Labour	100.00	—	100.00
54	Town and Country Planning	1700.00	—	1700.00
55	Municipal Administration	11500.00	—	11500.00
56	Information and Publicity	1250.00	—	1250.00
59	Factories and Boilers	15.00	—	15.00
61	Craftsmen Training	1305.59	—	1305.59
62	Law	304.00	—	304.00
63	Rajya Sainik Board	34.00	—	34.00
64	Agriculture	450.00	—	450.00
65	Animal Husbandry and Veterinary Services	300.00	—	300.00
66	Fisheries	200.00	—	200.00
68	Forests	564.75	—	564.75
74	Water Resources	5020.00	—	5020.00
76	Electricity	5484.00	—	5484.00
77	River Navigation	289.00	—	289.00
78	Tourism	5360.00	—	5360.00
82	Information Technology	2080.00	—	2080.00
84	Civil Aviation	300.00	—	300.00
TOTAL		98962.07	98.16	99060.23

Statement of Objects and Reasons

The Supplementary Demands for Grants for the year 2017-18 (First Batch) was presented to the Legislative Assembly. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa, to meet the expenditure on certain services, granted by the Legislative Assembly for those services, during the Financial year 2017-18.

Porvorim, Goa. Shri MANOHAR PARRIKAR
7th August, 2017. Finance Minister/
/Chief Minister

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the
7th August, 2017. Legislative Assembly of Goa.

**Governor's Recommendation under Article 207
of the Constitution of India**

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 3) Bill, 2017, by the Legislative Assembly of Goa.

LA/LEGN/2017/1442

The following bill which was introduced in the Legislative Assembly of the State of Goa on 7th August, 2017 is hereby published for general information in pursuance of Rule – 138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Town and Country Planning
(Amendment) Bill, 2017**

(Bill No. 23 of 2017)

A

BILL

*further to amend the Goa, Daman and Diu
Town and Country Planning Act, 1974 (Act
21 of 1975).*

Be it enacted by the Legislative Assembly of Goa in the Sixty-eighth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2017.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*— For section 3 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the “principal Act”), the following section shall be substituted, namely:—

“3. *Appointment of Chief Town Planners.*— (1) The Government shall, by notification, appoint Chief Town Planner (Administration), Chief Town Planner (Land Use) and Chief Town Planner (Planning), all possessing qualifications in Town and Country Planning as prescribed, for the purposes of this Act.

(2) The Government may by an order transfer, change, substitute or appoint any of Chief Town Planners of any of the three posts in the preceding sub-section (1)”.

3. *Amendment of section 4.*— In section 4 of the principal Act, in sub-section (2), for clause (m), the following shall be substituted, namely:—

“(m) the Chief Town Planner (Planning) Member Secretary”.

4. *Amendment of sections 9, 10, 12 to 15, 17, 17C, 20, 33, 82 and 110.*— In section 9, 10, 12 to 15, 17, 17C, 20, 33, 82 and 110, for the expression “Chief Town Planner”, the expression “Chief Town Planner (Planning)” shall be substituted.

5. *Amendment of section 17A, 28 and 44.*— In section 17A, 28 and 44 of the principal Act, for the expression “Chief Town Planner” wherever it occurs, the expression “Chief Town Planner (Land Use)” shall be substituted.

6. *Amendment of sections 71, 79, 81, 103 and 106.*— In sections 71, 79, 81, 103 and 106 of the principal Act, for the expression “Chief Town Planner” wherever it occurs, the expression “Chief Town Planner (Administration)” shall be substituted.

7. *Amendment of section 140.*— In section 140 of the principal Act, for the expression “Chief Town Planner”, the expression “Chief Town Planner (Administration), Chief Town Planner (Land Use) and Chief Town Planner (Planning)” shall be substituted.

8. In sub-section (2) of section 131 add the word “respective” after the word “The” and before the word “Chief Town Planner”.

Statement of Objects and Reasons

Town and Country Planning Act was enacted in the year 1974. In the last 43 years, the State has witnessed multiple increase in infrastructural projects, in multiple increase in development, land use on account of various factors like increase in tourism, improved standard of living and nuclear families etc. In view of this, the work load on the Town and Country Planning Department has increased multiple fold, therefore it is desirable that a special dedicated Chief Town Planner is available for Planning, Land Use and Administration respectively, so that the Department is able to cope up with the increased load of work which is likely to further increase in coming years.

The Bill therefore seeks to amend section 3 of the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) so as to make provision for appointment of Chief Town Planner (Administration), Chief Town Planner (Land Use) and the Chief Town Planner (Planning) for handling the work of land use, planning and administration independently.

Amendments to other sections are consequential in nature.

This Bill seeks to achieve the above Objects.

Financial Memorandum

On account of creation of two additional posts of Chief Town Planners, it is expected that the expenditure to the extent of Rs. 34.00 lakhs (approx.) is involved for the year.

Memorandum Regarding Delegated Legislation

Clause 1(2) of the Bill empowers the Government to issue notification for appointing a date for bringing into force the Act.

Clause 2 of the Bill empowers the Government to frame Rules for prescribing qualification of Chief Town Planner (Administration), Chief Town Planner (Land Use) and Chief Town Planner (Planning).

Porvorim-Goa.

Dated:

VIJAI SARDESSAI

Hon'ble Minister for

Town and Country Planning

Assembly Hall,

Porvorim, Goa.

Dated:

N. B. SUBHEDAR

Secretary to the Legislative

Assembly of Goa

Department of Labour

Directorate of Skill Development &
Entrepreneurship

Order

2/51/TRG/SDCT/2014/1610

Approval of the Council of Ministers is hereby conveyed for implementation of Government of India scheme “Upgradation of existing Government ITI into Model ITI” as per terms and conditions of the Memorandum of Agreement (MoA) at Panaji Government ITI with Hotel Manoshanti as the Champion Industry Partner, with Key objective is to develop a benchmark for industry oriented ITI which would serve as a model for other it is and which shall also raise dignity of ITI education as well as offer training to new job entrants, Sign flexi Memorandum of Understanding (MoU) with industries, Strengthening Placement Cell, Signing of

tripartite Memorandum of Agreement (MoA) between Govt. of India, the State Government and the Champion Industry Partner, Registration of Institute Managing Committee of Panaji Government ITI as Society under Society Registration Act, 1860 in terms of approved Memorandum of Association (MoA) and Rules and Regulations of the Society and Opening of Saving Bank Account of the IMC Society in any Nationalised Bank.

1. To participate in the scheme, the Industry Partner (IP) shall:—

(a) Nominate a representative as a member of THE IMC to act as Chairperson;

(b) Nominate four other members from the local industries in such a way that the IMC becomes broad based;

(c) Ensured that THE IMC has atleast one women representative preferably from Industries as member.

(d) Provide training to faculty members and on the job training to trainees of the ITI in industrial establishments.

(e) May contribute financially and/or in terms of machinery and equipment which may be instrumental in furthering the objectives of the Scheme.

(f) Open a separate account for this purpose and the IMC shall maintain regular books of accounts as required under the Scheme/relevant Societies Registration Act. The FIRST PARTY may call for its accounts relating to any accounting Years and authorize an officer for inspection of its books.

2. The Institute Managing Committee (IMC) of Panaji Government ITI shall be registered as Society under Society Registration Act, 1860.

3. Having undertaken the above actions, Institute Managing Committee (IMC), shall inter alia, take up the following activities:

(a) Develop the Implementation Plan for the ITI in the Format issued by the FIRST PARTY. The challenges facing the institute and the strategies for dealing with them. It shall set targets for institutional improvement, ensure to achieve key performance indicators and detail the financial requirement with year wise break up to meet the needs;

(b) Obtain short term, medium term and long term requirement of skilled work force and take steps to produce graduates accordingly;

(c) Identify training needs of faculty and depute them for training in associated industries/other institutes;

(d) Ensure implementation of various activities of the scheme in time bound manner so as to adhere to the time schedule agreed in the Implementation Plan;

(e) Monitor the progress of implementation of the scheme at the Institute Level, furnish periodical reports to the SECOND PARTY as per the format prescribed by the FIRST PARTY and the SECOND PARTY from time to time and send a copy of reports directly to the FIRST PARTY also;

(f) set up suitable mechanism to obtain feedback from the trainees and industry about quality of training and use the feedback for improvement in the training delivery;

(g) strengthen the TCPC in the ITI to work as a Career Guidance Centre as envisioned in the National Career Service and guide/ /help the graduates in employment/self employment;

(h) develop suitable sustainable mechanism to trace the careers of the graduates for at least three years;

(i) ensure the admissions in THE ITI upto 20% as provided in section B of this Agreement;

(j) ensure re-affiliation of trades in the ITI if due as per the guidelines of DGT, MSDE, GoI;

(k) undertake the star rating of the ITI as stipulated in the Rating Scheme of ITIs;

(l) take steps for revenue generation as per the set target.

4. The responsibilities identified above as well as in the guidelines of the Scheme must be included in the Memorandum of Association and Rules and Regulations of the IMC/Society.

5. *Funding*: As per the funding criteria *vis-a-vis* the intake criteria, Rs. five crores are sanctioned by GoI to Panaji Government ITI under the scheme with funding pattern is 70:30 between Government of India and State.

6. Design and Modalities of release of funds: State shall provide the funds to the IMC Society including State share for Civil Works (CW), Machinery and Equipment and other charges as under:—

(a) Civil Work (CW): 25% of the project cost shall be provided for CW which will include construction of new workshop block, renovation of existing workshops and classrooms.

(b) Machinery & Equipment: 50% of the total cost shall be utilised for procurement of equipment for the upgradation of existing trades and also for procurement of equipment for new trades.

(c) Other expenditure to the tune of 25% of the project cost shall be for following activities:—

(i) Establishment/strengthening of library;

(ii) Establishment of functional TCPC including payment for placement officer;

(iii) Office furniture/office equipment;

(iv) Publicity and advocacy efforts;

(v) Undertaking studies, job fairs, visits to other States, etc.

7. Release of Central funds shall be in 3 instalments as per following norms:—

(a) First instalment @ 50% of central share shall be released on the basis of implementation Plan prepared by the IMC.

(b) Second instalment @ 40% will be released on utilization of 80% of 1st instalment and furnishing of the Utilization Certificate by the IMC and State Government.

(c) Remaining 10% shall be given as an incentive fund contingent to performance of ITIs and achieving target Key Performance Indicators as identified in the MoA.

8. *Financial and Procurement Procedure*:—

(a) Except for some contingent expenses of upto Rs. 5000/- at a time, all expenditure made out of the funds of the IMC Society shall have the administrative approval of the Governing Council of the IMC Society.

(b) *Financial powers of different authorities in IMC Society*: The following authorities in the IMC Society shall have financial power to incur expenditure of any nature (works, procurement of goods, services, consultancy etc.) upto the monetary limits mentioned below:—

(a) Upto Rs. 15,000/- ITI Principal/Chairperson, IMC Society.

(b) Above Rs. 15,000 and upto Rs. 10 lakhs-Works and Procurement Committee of IMC Society.

(c) Above Rs. 10 lakh-Governing Council of the IMC Society.

9. The Works and Procurement Committee of the IMC Society shall consist of:-

1. Chairperson/Vice-Chairperson—Chairperson.
2. Member Secretary — Member.
3. Nominated Senior faculty member — Member.
4. One nominated Industry member — Member.

10. *Procurement Procedure*: The authorities mentioned above shall carry out works and procure goods and services according to the procedure mentioned below:-

1. *Works (Civil/Electrical):-*

(i) Upto Rs. 5.00 lakh-Limited tender enquiry: More than three tenders/quotations shall be called from the contractors registered with the Central Government Departments such as CPWD or State Government Departments such as PWD or Indian Railways or Military Engineering Services or Border Road Organization or Public Sector Undertakings set up by the Central Government or State Government to carry out civil or electrical works.

(ii) Above Rs. 5.00 lakh-Open tenders shall be called by advertising in at least one national daily having wide circulation.

2. *Goods:-*

(i) Upto Rs. 15,000/- on each occasion:- Prudent shopping without inviting quotation or bids. A certificate of satisfaction about the quality of goods and reasonableness of their prices to be recorded by the competent authority.

(ii) Above Rs. 15,000/- and upto Rs. 1 lakh on each occasion Limited tender enquiry:- Prudent shopping by a Committee of 3 Members chosen by the Works and Procurement Committee who will survey the market to ascertain reasonableness of rate, quality and specifications and identify the appropriate supplier. A certificate of satisfaction about the quality of goods and

reasonableness of their prices to be recorded by the 3 member committee.

(iii) Above Rs. 1 lakh and upto Rs. 25 lakh - Limited tender enquiry more than three tenders/quotations shall be called from suitable manufacturers/suppliers.

(iv) Above Rs. 25 lakh - Open tenders shall be called by advertising in atleast one national daily having wide circulation. For purchasing high value plant, machinery, etc. of a complex and technical nature, bids shall be obtained in two parts, i.e., Technical bid and Financial bid.

3. *Engaging consultants/guest lectures:-*

(i) Upto Rs. 10 lakh in a year - By calling for bids from more than three potential consultants, identified on the basis of formal/ information inquires.

(ii) Above Rs. 10 lakhs and upto Rs. 25 lakhs during the project period - By seeking "Expression of Interest" from consultants by publishing in a least one national daily having wide circulation and then following a two bid-Technical and Financial bid, procedured with approval of State Government.

4. *Outsourcing of Services:-*

(i) Upto Rs. 10 lakh - Limited tender enquiry-by inviting offers from at least six contractors/ service providers.

(ii) Above Rs. 10 lakh - Open tenders to be called by advertising in at least one national daily having wide circulation.

5. *The Cheques of the Bank Account of the IMC Society shall have to be signed by the following authorities of the Society:-*

(i) Cheques of amount upto Rs. 15,000/- by the Member Secretary (ITI Principal) and one Industry member nominated by the Chairperson, who is regularly available locally.

(ii) Cheques of amount larger than Rs. 15,000/- by the Member Secretary (ITI

Principal) and the Chairperson of the Society.

6. In case of financial decisions taken by the Works and Procurement Committee and Governing Council, the Member Secretary (ITI Principal) will sign all the required documents.

7. Overall, the IMC Society shall ensure that the funds of the Society are spent in the most efficient manner; only for the purposes mandated in the Memorandum of Association of the IMC Society; and in accordance with Implementation Plan.

8. Based on the submissions of the IMC Society, the State Government would submit Utilisation Certificate in Form GFR 19A indicating expenditure incurred under the scheme to Directorate of Training, MoSD&E in duplicate.

11. *Responsibility of State Government:—*

(1) To constitute/reconstitute the Institute Managing Committee and register the same as Society under Society Registration Act, 1860.

2. Entrust the IMC Society, led by the Champion Industry Partner, with managing the affairs of the ITI according to the terms and conditions of the Memorandum of Agreement, Memorandum of Association and Rules and Regulations of the Society.

12. *Actionables by State Government:—*

(a) Delegate the IMC with adequate administrative and financial powers.

(b) Encourage and provide all assistance to the IMC to establish training-cum-production centre and to start a second/third shift in the ITI.

(c) The State Government, as the owner of the ITI, shall continue to regulate admissions and fees for the regular training courses except upto 20% of the total number of seats which shall be determined by the IMC.

(d) The State Government would the IMC in any other manner to help achieve the objectives of improving quality of training and thereby provide better employment opportunities to the trainees.

(e) The State Government would ensure that the sanctioned strength of instructors in the ITI is always filled up and in no case the vacancies shall exceed 10 percent of the sanctioned strength at any point of time.

(f) The State Government would ensure that all additional positions required by the ITI in accordance with its Implementation Plan are sanctioned and filled up on priority.

(g) The State Government would continue to have administrative control over the staff of the ITI and pay their salaries and other emoluments.

(h) The State Government would continue provision of funds to meet office, administrative and other recurring expenses. However, the SECOND PARTY is free to provide funds for any additional activities recommended by the IMC for upgradation of the ITI.

(i) The State Government would ensure that faculty instructors taken on contract etc. are paid minimum of Rs. 14,000/-per month from the year of signing this Memorandum of Agreement and which shall be increased by at least 5% every year thereafter.

(j) The State Government would ensure that reports are collected from the IMC, examined, compiled and submitted to the FIRST PARTY in the relevant format as per frequency prescribed, within one month of end of the period under consideration.

(k) The SECOND PARTY may change the THIRD PARTY for:

(i) breach of terms and conditions spelled under this Memorandum of Agreement and spelled out in the memorandum of Association and Rules and Regulations of the Society;

(ii) undertaking any activities falling under criminal offence;

(iii) causing financial irregularities, and for reasons specified at Section F (10) (iii) of this Memorandum of Agreement; and/or

(iv) replacing the THIRD PARTY with another Champion Industry Partner for improving the upgradation activities of the ITI with approval of the FIRST PARTY.

(l) The State Government would make all efforts to ensure the success of the ITI and emulate the same across other ITIs in the State. It will also compile an annual report to be submitted to the FIRST PARTY consisting of:

(i) an assessment of the performance of the ITI that is in addition to the periodical reports provided by THE IMC;

(ii) a compilation of the best practices developed at the ITI by using the funding under THE SCHEME;

(iii) a list of other ITIs in the State that are adopting the best practices developed at the ITI.

13. Monitoring Mechanism:

(a) All the three parties i.e. the Central Government, the State Government and the IMC Society would monitor the implementation of scheme.

(b) The IMC shall develop monitoring mechanism to review the performance of the ITI under the scheme and submit quarterly reports to State Government.

(c) The State would furnish quarterly progress report to the GoI as per prescribed formats.

(d) The FIRST PARTY shall have power to issue other instructions in respect of utilization of funds of THE IMC from time to time.

(e) Ensure implementation of various activities in time bound manner, so as to adhere to the time schedule agreed in the IDP,

inline with terms and conditions of the MoA, Bye laws and Rules & Regulations of the IMC Society.

By order and in the name of Governor of Goa.

Aleixo F. da Costa, Director & ex officio Joint Secretary (S.D.&E.).

Panaji, 13th July, 2017.

Order

5/15/TRG/SDCT/F-4/10(Part)/1660

Approval of the Council of Ministers is hereby conveyed for adoption of Terms and Conditions of revised Memorandum of Agreement (MoA) for implementation of Centrally sponsored Scheme called "Upgradation of 1396 Government Industrial Training Institute (ITIs) through Public Private Partnership (PPP)" at Vasco Government ITI and for appointment of M/s. Zuari Agro Chemicals Ltd. (ZACL), Zuarinagar, Vasco-Goa as the new Industry Partner (IP).

1. To participate in the scheme, ZACL shall:-

(i) Nominate its representatives as Chairperson of Institute Management Committee (IMC);

(ii) Nominate four other members from local industries in such a way that the IMC becomes broad based;

(iii) Ensure that the IMC has atleast one Woman Industry Representative as Member;

(iv) Shall sign, as the Industry Partner, a tripartite revised Memorandum of Agreement (MoA) with the Central and State Government.

2. Having undertaken the above actions, ZACL shall provide training to faculty members and on the job training to trainees of Vasco Government ITI in industrial establishments.

3. The ZACL may contribute financially and/or in terms of Machinery and equipment which may be instrumental in furthering the objectives of the scheme.

4. The IP/IMC agrees and undertakes to, inter alia:—

(a) Develop the revised Institute Development Plan (IDP) for the ITI. The IDP shall define the long-term goals of the Institute, the issues and challenges facing the Institute and the strategies for dealing with them. It shall set targets for instructional improvement, define Key Performance Indicators (KPIs), and detail the financial requirement with year-wise break up to meet the needs.

(b) Obtain short term, medium term and long term requirement of skilled workforce and take steps to produce ITI graduates, accordingly.

(c) Identify training needs of faculty and depute them for training in the associated industries/other institutes;

(d) Ensure implementation of various activities in time bound manner, so as to adhere to the time schedule agreed in the IDP, inline with terms and conditions of the MoA, RRs and Bye laws of the IMC Society.

(e) Monitor the progress of implementation of the scheme at the Institute level and furnish periodical reports to the State Steering Committee (SSC).

(f) Set up suitable mechanism to obtain feedback from the trainees and industry about quality of training and use the feedback for improvement in the training delivery.

(g) Set up placement cells in the ITI to guide/help the graduates in employment/self employment and develop suitable sustainable mechanism to trace the careers of the graduates.

(h) Furnish periodical reports with respect to the placement to the State Steering Committee.

(i) Determine upto 20% admissions in the ITI and fix and collect fee at minimum rate

of Rs. 5000/- per candidate per year for atleast 10% of the total number of seats in ITI.

(j) Shall adhere to guidelines issued by State/Central Government from time to time.

(k) Shall plan out repayment of the interest free loan of Rs. 2.50 crores, as per the terms set out by Government of India under the scheme.

The State Government reserves the right to replace Industry Partner as per clause 5 (a, b, c and d) of revised MoA.

This is issued in terms of FD's concurrence vide U. O. No. 7432 dated 02-1-2017 and approval accorded by Council of Ministers in its VIIth Cabinet Meeting held on 17-5-2017, as conveyed by GAD vide letter No. 1/21/2017-GAD-II dated 23-5-2017.

By order and in the name of Governor of Goa.

Aleixo F. da Costa, Director & ex officio Joint Secretary (S.D. & E.).

Panaji, 17th July, 2017.



Department of Panchayati Raj and
Community Development

Directorate of Panchayats

Notification

23/DP/ZP/LA/2017/3868

Read:- Notification No. 23/DP/ZP/LA/97 dated 21st April, 1998, published in the Official Gazette, Series I No. 7 dated 14th May, 1998.

Whereas, the draft rules, namely, the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly) (First Amendment) Rules, 2017 which the Government of Goa proposed to make in exercise of powers conferred by clause (ii) of sub-section (4) of section 117 read with sub-

-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), (hereinafter referred to as the "said Act") were pre-published as required by sub-section (1) of section 240 of the said Act, vide Notification No. 23/DP/ZP/LA/2017/2718 dated 12-06-2017 of the Department of Panchayati Raj and Community Development in the Official Gazette, Series I No. 11 dated 15-06-2017 (hereinafter referred to as the "said Notification") inviting objections and suggestions from all persons likely to be affected thereby, within fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Official Gazette was made available to the public on 15-06-2017;

And whereas, no objections and suggestions have been received from the public on the said Notification.

Now, therefore, in exercise of the powers conferred by sections 117, clause (ii) of sub-section (4) read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules so as to further amend the Goa Panchayat Raj (Application of Panchayat and Zilla Panchayat Funds) (Conditions and Limitations) Rules, 2006, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly) (First Amendment) Rules, 2017.

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

2. *Amendment of rule 3.*— In rule 3 of the Goa Zilla Panchayat (Election of the members to the Zilla Panchayat from amongst the members of the State Legislative Assembly) Rules, 1998,—

(i) in item (I), for the words "six members", the words "five members" shall be substituted;

(ii) in item (II), for the words "five members", the words "seven members" shall be substituted.

By order and in the name of the Governor of Goa.

Sandhya Kamat, Director & ex officio Joint Secretary (Panchayats).

Panaji, 8th August, 2017.

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Department of Revenue

Notification

16/39/2017-RD/1687

The following draft rules which the Government of Goa proposes to make in exercise of the powers conferred by sub-section (2) of section 199 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969) so as to further amend the Goa, Daman and Diu Land Revenue (City Survey) Rules, 1969, are hereby pre-published as required by sub-section (3) of section 199 of the said Act, for information of all the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government after expiry of a period of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and/or suggestions to the said draft rules may be forwarded to the Secretary (Revenue) to the Government of Goa, Revenue Department, Secretariat, Porvorim, Goa, before the expiry of the said period of fifteen days so that they may be taken into consideration at the time of finalization of the said draft rules.

DRAFT RULES

In exercise of the powers conferred by sub-section (1) and (2) of section 199 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Land Revenue (City Survey) Rules, 1969, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Land Revenue (City Survey) (Amendment) Rules, 2017.

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

2. *Substitution of rule 14.*— For rule 14 of the Goa, Daman and Diu Land Revenue (City Survey) Rules, 1969, the following rule shall be substituted, namely:—

“14. *Notice of mutation.*— As soon as a mutation is entered in the Property Card under rule 13, the Talathi shall post up a complete copy of the entry in the town or city in a conspicuous place. He shall also simultaneously give notice in Form ‘G’ to all persons from whom the occupancy right is accrued to the applicant, whose names are appearing in the Property Card and to any person whom he has reason to believe to be interested therein requiring them to send their objections, if any, to the entry either orally or in writing, if any, within fifteen days from the date of receipt of such notice:

Provided that no such notice is required to be given where all such persons appear before the officer referred in rule 16 and give their no objection for carrying out mutation by an affidavit”.

By order and in the name of Governor of Goa.

Sudin A. Natu, Under Secretary (Revenue-I).
Porvorim, 1st August, 2017.



Department of Sports and Youth Affairs

Directorate of Sports & Youth Affairs

Notification

DSYA/SW/Schemes/BBJK Award/2017-18/1462

Scheme for Presentation of “Bakshi Bahaddar Jivabadada Kerkar Award”

The following scheme is approved by the Government of Goa and is hereby published

for general information of the Public and shall come into force from the date of publication in the Official Gazette.

By order and in the name of the Governor of Goa.

V. M. Prabhu Desai, Director & ex officio Joint Secretary (Sports & Youth Affairs).

Panaji, 31st July, 2017.

“SCHEME FOR PRESENTATION OF “BAKSHI BAHADDAR JIVABADADA KERKAR AWARD”

1. *Short title.*— (i) The scheme shall be called bestowing “Bakshi Bahaddar Jivabadada Kerkar Award” on Outstanding Sportspersons and Sports Organisers of Goa.

2. *Introduction.*— Bakshi Bahaddar Jivabadada Kerkar was born in Pawarwada, Keri near Pedne in Goa was a fascinating figure not only in Goa but in Maratha history.

He was a General in Maratha army, a good sportsman, had a muscular physique practicing wrestling, Horse Riding, Shooting, Dards, Baithanks, Mallakhamb and Sword. A brave warrior and the troop leader in the Maratha Army in Peshwa Era, was a Courageous Leader and a fearless warrior who excelled in the third battle of Panipat fought between the Marathas and Afgan in 1761. Having proved his mettle in the battles, at the age of 21 he was elevated to the position of leading Contingents in the Army of the Peshwa ruler. His life was full of hardships and battles but he always emerged victorious in about 175 major and minor incidents.

Later he became a close aide of another great Maratha warrior and kingdom founder, Sardar Mahdji Shinde, later known as Scindia, the Governor of Gwalior and became his Senapati or troop leader and participated in the battles fought against Rajputs, Jats Tipu Sultan and Rambhau Patwardhar.

3. *Objective.*— The objective of the Scheme is to honour Meritorious Sportspersons and Sports Organizers who have excelled at the National & International Level in Games of

Sports recognized by the Ministry of Youth Affairs & Sports, Government of India.

4. *Scope of the scheme.*— (i) *Outstanding Players*— The Award will be bestowed on Sportspersons who have won medals by participating in the recognized International, Senior Nationals, National Games shall only be considered for “Bakshi Bahaddar Jivabadada Kerkar Award”.

(ii) *Outstanding Sports Organisers*— The Award will be bestowed on the Outstanding Sports Organisers who apart from organizational experience, has contributed for promotions of Sports as the Office bearer of Sports Clubs, State Sports Association, the Sports Authority of Goa, National Sports Federation and working on any Government Sports Committee as the nominated member shall also be taken into consideration.

(iii) Disciplines covered under the award of the Bakshi Bahaddar Jivabadada Kerkar Award.

1. Athletics
2. Archery
3. Badminton
4. Boxing
5. Billiards
6. Body Building
7. Basketball
8. Baseball
9. Chess
10. Cricket
11. Fencing
12. Football
13. Gymnastics
14. Handball
15. Hiking
16. Hockey
17. Judo
18. Kabaddi
19. Karate
20. Kho- Kho
21. Mallakhamb
22. Motor Sports
23. Powerlifting
24. Rifle Shooting
25. Rugby
26. Sepak Takraw
27. Softball
28. Swimming

29. Skating/Rollball
30. Sqay Martial Art
31. Squash
32. Table Tennis
33. Tennikoit
34. Tennis
35. Tug of War
36. Volleyball
37. Weightlifting
38. Wrestling
39. Yoga
40. Yatching

5. *Eligibility.*— The names of eligible Sportspersons and Sports Organizers may be recommended every year on or before 31st May, the financial year for which they are recommended.

(i) The candidate recommended should fulfill the eligibility criterion fixed for outstanding Sportsperson or Sports Organiser, with performance/achievements during the last 4 preceding years.

(ii) The State Sports Association may recommend 2 best outstanding Sportspersons and Sports Organisers (men or women) in their respective Sports discipline, to be selected by the Committee.

(iii) The Department of Sports & Youth Affairs on their own shall also recommend the names of the Sportsperson & Sports Organisers to the Sub-committee of the Bakshi Bahaddar Jivabadada Kerkar Award”.

(iv) The applicant must be a domicile of Goa State and shall produce the document at the time of submission of application.

OUTSTANDING PLAYERS

(i) *Age:* 25 yrs. and above at the time of applying for the Award.

(ii) *Participation in Sports:*

(a) The Player who has won medals or has participated in the Olympics, World Cup, Asian Games, Commonwealth Games, Afro Asian Games or any International Games recognized by the Ministry of Youth Affairs & Sports, Government of India.

Or

(b) The Player who has won medals or participated for minimum 3 times in the International Events, organized by the recognized World Federation and approved by the Ministry of Youth Affairs & Sports, Government of India.

Or

(c) Gold/Silver/Bronze medal at Senior National Championship organised by the National Sports Federation in Disciplines recognized by the Ministry of Youth Affairs & Sports, Government of India with 5 or more years of participation in the Senior Nationals.

(d) The marking Scheme for consideration of the Award shall be as shown Annexure B.

FOR ORGANISER:—

(i) The candidate should have completed the age of 40 years as on 1st May of the year of the Award.

(ii) Further, apart from the Organizational experience, his/her contribution to field of Sports as the Office bearer of Sports Clubs, State Sports Association, the Sports Authority of Goa, National Sports Federation and working on any Government Sports Committee as a nominated member shall also be taken into consideration.

(iii) The overall impact of his/her contribution/efforts towards promotion of Sports should have produced very positive results for the good performance of the teams participating at the Zonal/National/International Level.

(iv) The candidate should have been involved in the organization of recognized Sports and by SAG on honorary basis in an important capacity for not less than 12 years.

To be eligible for the Award, the candidate must have organized minimum one National Tournament in the capacity of President, Secretary of the organizing committee.

6. *Quantum of Financial Assistance under the Scheme.*—

The Award will comprise of a Bronze Plaque of Late “BAKSHI BAHADDAR JIVABADADA KERKAR”, a Citation and will carry a purse of

Rs. 25,000/- (Rupees Twenty Five Thousand only).

7. *Pattern of Assistance.— Proposals for Award:*

(i) Proposals for the Award shall be submitted every year by 31st of May for the preceding year ending 31st March, for consideration of the Government on the requisite Proforma as detailed at Annexure-D.

(ii) In case the application is received after 31st May, it will not be considered for that year and will not be carried for the next year.

(iii) Proposals may be sent to the Directorate of Sports & Youth Affairs by local Members of Parliament, M.L.As, State Government Departments, the Sports Authority of Goa or Recognized State Sports Association.

(iv) On receipt in the Directorate of Sports & Youth Affairs on prescribed proforma duly completed, the application will be referred to the Ministry of Youth Affairs & Sports, Government of India. SAI/National Sports Federation/SAG/State Sports Associations to verify and certify that the Sports achievements mentioned therein are factually correct.

(v) Notwithstanding the above, the Directorate of Sports & Youth Affairs retains the right to further investigate and examine the Sports achievements of an applicant for consideration of his/her candidature for the Award.

(vi) The Directorate of Sports & Youth Affairs shall constitute a Committee under the Chairmanship of Secretary Sports & Youth Affairs, comprising of eminent Sportspersons/ Sports promoters/Sports Administrators of longstanding and impeccable integrity for considering these applications and for taking a final decision on the Award. The decision of this Committee shall be final and binding on all and cannot be challenged.

GENERAL:

(i) This Award will be in addition to any other award of the Government or otherwise, which may be available to sportspersons for same achievements.

(ii) This Award will be given to a Sportsperson only once in his/her lifetime.

(iii) Canvassing for the Award in any form is prohibited. Anybody found canvassing in his favour will be debarred from consideration.

(iv) The Award can be given posthumously. In that event, the Cash, the Plaque and Certificate will be given to the legal heir of the honored Sports person.

RELAXATION OF THE PROVISIONS OF THE SCHEME AND ANNULMENT AND CANCELLATION OF AWARD.

The Award may be cancelled in case it is found that it has been obtained by fraudulent manner or misrepresentation or annulled/withdrawn for valid and sufficient reasons on the ground that the Awardee has not conducted himself honorably subsequent to the date of conferment of the Award. This decision would be taken by the duly constituted Committee as specified under point 7.

(i) In the event of annulment/cancellation/withdrawal of the Award, a simple notification by the Directorate of Sports & Youth Affairs to that effect will be deemed proper and sufficient.

(ii) The annulment/cancellation/withdrawal cannot be disputed in any Court of Law and the decision of the Sports Department shall be final and binding.

(iii) The Government shall have the right to restore the Award after the annulment/cancellation/withdrawal, if it so deems fit.

(iv) The State Government shall have powers to relax any of the clauses/conditions in case of a deserving case(s).

8. *Interpretations of the provision of the Scheme.*— The interpretation made by the concerned Department and/or the State Government concerning any of the clauses, terms & conditions will be binding on the applicants.

9. This has been issued with concurrence of the Finance (Expd) Department under their U. O. No. 1400038369 dated 22-06-2017.

V. M. Prabhu Desai, Director & ex officio Joint Secretary (Sports & Youth Affairs).

Panaji, 31st July, 2017.

ELIGIBILITY CRITERIA FOR SELECTION OF CANDIDATES FOR

“BAKSHI BAHADDAR JIVABADADA KERKAR AWARD”

Outstanding players.— The Players who have participated in the recognised International/National Championships shall only be considered for “Bakshi Bahaddar Jivabadada Kerkar Award”.

(a) The Player who has won Medals or has participated in the Olympics, World Cup, Asian Games, Commonwealth Games, Afro Asian Games or any International Games recognized by the Ministry of Youth Affairs & Sports, Government of India.

Or

(b) The Player who has won medals or participated for minimum 3 times in the International Events, organized by the recognized World Federation and approved by the Ministry of Youth Affairs & Sports, Government of India.

Or

(c) Gold/Silver/Bronze medal at Senior National Championship organised by the National Sports Federation in Disciplines recognized by the Ministry of Youth Affairs & Sports, Government of India with 5 or more years of Participation in the Senior Nationals.

(d) The marking Scheme for consideration of the Award shall be as shown Annexure B.

Organiser.—

(i) The Candidate should have completed the age of 40 years as on 1st May of the year of the Award.

(ii) Further, apart from the Organizational experience, his/her contribution to field of Sports as the Office bearer of Sports Clubs, State Sports Association, the Sports Authority of Goa, National Sports Federation and working on any Government Sports Committee as a nominated member shall also be taken into consideration.

(iii) The overall impact of his/her contribution/efforts towards promotion of Sports should have produced very positive results for the good performance of the teams participating at the Zonal/National/International Level.

(iv) The candidate should have been involved in the organization of recognized Sports and by SAG on honorary basis in an important capacity for not less than 12 years.

To be eligible for the Award, the candidate must have organized minimum one National Tournament in the capacity of President, Secretary of the Organizing Committee.

ANNEXURE B

 Government of Goa
Directorate of Sports and Youth Affairs
 Campal, Panaji-Goa
Selection of Sportspersons for the Bakshi Bahaddar Jivabadada Kerkar Award

Sr. No.	Name	Discipline	Olympics				World Cup/Championship				Asian/Commonwealth/Afro-Asian Games				Other internationals				Senior Nationals				Total Score
			Participation marks	1st place 50% weightage of participation marks	2nd place 25%	3rd place 15%	Participation marks	1st place 50% weightage of participation marks	2nd place 25%	3rd place 15%	Participation marks	1st place 50% weightage of participation marks	2nd place 25%	3rd place 15%	Participation marks	1st place 50% weightage of participation marks	2nd place 25%	3rd place 15%	Participation marks	1st place 50% weightage of participation marks	2nd place 25%	3rd place 15%	
			40	20	10	6	30	15	7.5	4.5	15	7.5	4.5	3	10	5	3	2	5	2.5	1.5	1	

ANNEXURE C

 Government of Goa
Directorate of Sports and Youth Affairs
 Campal, Panaji-Goa
Selection of Sports Organiser for the Bakshi Bahaddar Jivabadada Kerkar Award

Sr. No.	Name	Sports Discipline	State Level	Federation Level	Zonal Level	National Level	International Level	Total Score
			5 points	15 points	10 points	25 points	40 points	

ANNEXURE "D"



Government of Goa

Directorate of Sports and Youth Affairs

Campal, Panaji-Goa

APPLICATION FORM FOR THE

BAKSHI BAHADDAR JIVABADADA KERKAR AWARD

- I. Name of the Applicant in full:-
- II. Detailed Address:-
Phone No. (O) (R) Mobile
- III. Age and Date of Birth:- Yrs. / /
- IV. Educational Qualification:
.....
.....
Technical Qualification:-
.....
- V. Achievements in Sports:- (Supported by attested copies of each participation/Merit Certificates).

Sr. No.	Category of participation	Game/Sports in which participated	Year of participation	Position if any	If captained	Organisers
1	2	3	4	5	6	7

1. INTERNATIONAL COMPETITION

- (a) Senior Level
- (b) Junior Level
- (c) Sub-Junior Level

2. NATIONAL LEVEL

- (a) Senior Level
- (b) Junior Level
- (c) Sub-Junior Level

- VI. 1. How many time the candidates has represented the Goa State in Nationals
Senior:-
Junior:-
Sub-Junior:-
2. Are you a recipient of any other Sports Awards:-
3. Have you been called for International/National/Combined University Coaching Camp mentioned the Game:-

4. Have you received any Scholarship/
/Merit/Certificates.
(Mention the purpose, year and
the amount)
5. Have you been penalized or
banned by the State Association
or National Federation for any
major infringement? (for Doping,
bad behaviour/indiscipline, etc.)
if so, name the infringement and
penalty paid.
- VII. For Organisers/Promoters in Sports/
/Games:-
- (a) Game & Sports associated with:-
- (b) How many years put in organi-
sing/coaching:-
- (c) Whether participated in Sports/
/Games, if so, at what level?
Enclose Certificates if any.
- (d) Are you the office bearer of any
association? If so mentioned
the post, you are holding.
- (e) Have you in receipt of any
Rolling Shield/Certificate.
If so mention the year and game.
- (f) Have you attended any seminar/
/conference. If so mention the
year and game.
- (g) Have you contributed any
articles for the magazines?
Give details.
- (h) Have you contributed to any
work of Project Research/Disser-
tation in the field of Physical
Education/Sports? If so, men-
tion the topic.
- VIII. Any other information in brief which
you feel is necessary. (If necessary
an extra sheet of paper may be
attached)
- IX. What have you to suggest for the
improvement and the spread of
game/sport you represented in
particular. (Extra sheet of paper
may be attached).

N. B.: All Information mentioned above should be attached with the true copies of the Certificates failing which the application will not be considered for Scrutiny. Original Credentials will be checked in the office when the names are cleared at the first scrutiny.

This is to certify that Shri./Smt./Kum. is of outstanding Merit in and the information provided above is correct to the best of my knowledge. His/her case is recommended for conferring the "Bakshi Bahaddar Jivabadada Kerkar Award" as a outstanding Sportsperson for the year

Dated:-

(Recommending Authority)

Place:-

Signature of President/Secretary of the State Sports Associations.

Seal

Corrigendum

In the Official Gazette, Extraordinary No. 2, Series I No. 17 dated 1-8-2017 under Department of Finance (Revenue & Control Division), Notification No. 1-49-2017-18/DSSL/Part/2792, on page 1123 at Sr. No. 21 the Lottery names to be read it as follows:—

Sr. No.	Draw Day	Lottery name printed in Gazette	Lottery name to be read it as
21.	Monday	Ankita Weekly	Ankita Weekly Lottery
	Tuesday	Polo Weekly	Polo Weekly Lottery
	Wednesday	Verna Weekly	Verna Weekly Lottery
	Thursday	Thakur Weekly	Thakur Weekly Lottery
	Friday	Yasir Weekly	Yasir Weekly Lottery

Remaining contents of the Notification will remain unchanged.

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