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The Goa Prisons and Correctional Services Bill, 2026

(Bill No. 54 of 2026)

A

BILL

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The Goa Prisons and Correctional Services Bill, 2026

(Bill No. 54 of 2026)

A

BILL

to provide for the safe custody, correction, reformation and rehabilitation of prisoners as law abiding citizens, and management of prisons and correctional services in the State of Goa and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Seventy-seventh Year of the Republic of India as follows:—

CHAPTER-I

Preliminary

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Prisons and Correctional Services Act, 2026.

(2) It shall extend 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 and different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

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

(1) “after-care service” means a service or activity aimed at the rehabilitation of the released prisoner for enabling him to lead life as a dutiful citizen;

(2) “civil prisoner” means any prisoner who is not committed to custody under a writ, warrant or order of any court or authority exercising criminal jurisdiction, or by the order of a court martial and who is not a detainee;

(3) “convict” means any prisoner under sentence of a court exercising criminal jurisdiction or court martial;

(4) “correctional service” means any service or program aimed at the reformation and rehabilitation of an inmate, and includes services related to the assessment, supervision, treatment, training, control, custody of an inmate;

(5) “Court” means and includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

(6) “detainee” means any person detained in prison on the orders of a competent authority under any law providing for preventive detention;

(7) “family” means spouse, children, siblings, parents, grand-parents, grandchildren and, in the context of transgender inmates, people related through socio-religious family system;

(8) “foreign prisoner” means any prisoner who is not a citizen of India;

(9) “furlough” means short leave granted to a convict, after undergoing a prescribed period of sentence, as an incentive for maintaining good conduct in prison;

(10) “Government” means the Government of the State of Goa;

(11) “habitual offender” means a person who during any continuous period of five years has been convicted and sentenced to imprisonment on more than two occasions on account of any one or more of the offences committed on different occasions and not constituting parts of same transaction, and such conviction not having been reversed in appeal or review:

Provided that in computing the continuous period of five years referred above, any period spent in jail either under sentence of imprisonment or under detention shall not be taken into account;

(12) “Head of the Inspectorate General of Prisons and Correctional Services” means an officer appointed by the Government to head the Inspectorate General of Prisons and Correctional Services;

(13) “high-risk prisoner” means a prisoner with high propensity towards violence, escape, self-harm, disorderly behaviour, likely to create unrest in the prison and a threat to public order and includes those engaged in organised crime or terrorist activities;

(14) “high security prison” means an independent self-sufficient prison complex with dynamic and strengthened security systems with provision of an independent Court complex, etc., to house convicted and undertrial inmates, who need to be kept in a high security custody area, such as persons involved in terrorist activities, gangsters, dangerous prisoners, hardened criminals, habitual offenders, prisoners with high propensity of escape, have the potential of rioting and negatively influencing other inmates, etc;

(15) “history ticket” means the ticket, either in physical or electronic form, exhibiting all relevant information in respect of a prisoner;

(16) “inmate” means any person lawfully confined in a prison and correctional institution;

(17) “institution” means a place where prisoners are lawfully confined.

(18) “inspectorate” means the Inspectorate General of Prisons and Correctional Services of the State.

(19) “institution for young offenders” means a prison for young prisoners established to ensure their care, welfare and rehabilitation, and to provide an environment of education and training conducive to their reformation;

(20) “medical officer in relation to prisons” means a qualified Government medical practitioner deputed as a medical officer of a prison;

(21) “medical subordinate staff” means a qualified Medical Assistant, such as Pharmacist, Nurse, Lab Technician, etc. deputed in a Prison;

(22) “officer-in-charge of the prison” means an officer appointed by the competent authority as in-charge of a prison, such as Superintendent, Deputy Superintendent, etc;

(23) “open correctional institution” means a place for confinement of eligible prisoners on such conditions, as may be prescribed for giving them more liberty outside a regular prison for facilitating their rehabilitation after release;

(24) “parole” means temporary release of a convict for a short period of time for attending to familial and social obligations;

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

(26) “prison” means any place used permanently or temporarily under general or special orders of the Government for the detention of prisoners and includes all lands and buildings appurtenant thereto, but does not include,—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(b) any place specially directed by the Government under Section 457 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023);

(c) any place which has been declared by the Government by a general or special order to be a subsidiary jail.

(27) “prison officer” means an officer belonging to the Inspectorate General of Prisons and Correctional Services and includes officers of any other security force or any other service deployed in the prison for assisting the prison administration for the safe custody of/providing correctional services to the prisoners;

(28) “prison staff” means an employee appointed by the Inspectorate General of Prisons and Correctional Services, other than a prison officer, who exercises powers or performs duties or functions related to the administration of this Act or as may be assigned by the Government;

(29) “prisoner” means a person committed to custody in a prison under the writ, warrant, order or sentence of a Court or a competent authority and includes convicted prisoner, civil prisoner, undertrial prisoner, prisoner remanded by a court to prison custody under the orders of a competent authority and a detainee;

(30) “prohibited article” means any item that presents a threat to the safety or security of the prisoners, prison staff, prison institution or any object, substance, or material forbidden by the Prisons and Correctional Institutions or the Government from being in a prisoner's possession, like cell phone, a communication device, drugs or anything that can be used as a weapon or to aid in escape, such as fire arms or any of its part, explosives, knives, wire, tools, chemicals, razor blades, alcohol, matches, lighters or any article, the introduction or removal of which into or out of a prison is prohibited by this Act or by the rules framed under this Act or by any other law, by any notification of the Government;

(31) “recidivist” means any prisoner who is convicted for a crime more than once;

(32) “remission” means a concession granted to an eligible convicted prisoner by the competent authority with the prospect of early release from prison by shortening of sentence;

(33) “undertrial prisoner” means a person who is not a convict and has been committed to judicial custody pending investigation by the police or trial by a court of competent jurisdiction;

(34) “wireless communication device” means a mobile phone, computer, tablet, laptop, palmtop or any other electronic device used for unauthorized communication using any cellular or satellite network or any other device notified by the competent authority;

(35) “young offender” means a prisoner who has attained the age of 18 years but has not attained the age of 21 years.

CHAPTER-II

Functions of Prisons and Correctional Institutions

3. *Functions of Prisons and Correctional Institutions.*— The functions of prisons shall be as follows:—

(i) to keep in safe custody, a prisoner committed to it under any writ, warrant or by the order of any court or any other competent authority;

(ii) to take suitable measures for the safety and security of prisoners;

(iii) to provide the prisoners with food, clothing, accommodation, other necessities and medical treatment;

(iv) to provide correctional treatment to the prisoners with the objective of rehabilitating them in the society as law abiding citizens;

(v) to maintain discipline in the prison in accordance with the provisions of this Act and the rules made thereunder.

CHAPTER-III

Prison Accommodation

4. *Accommodation for Prisoners.*— The Government shall provide sufficient number of prisons and correctional institutions in the State for accommodating the prisoners, which may be constructed and maintained in such manner so as to comply with the requirements of this Act.

5. *Prison architecture and institutional pattern.*— (1) The pattern of construction of a prison, ground space, air space, ventilation of cells, barracks, bathing places, kitchen, work-sheds, hospitals etc. shall conform to such standards and requirements as may be prescribed.

(2) The standards of security for each prison shall be such as may be prescribed.

(3) Prisons shall be designed in such a manner so as to facilitate segregation and separate lodging of various categories of prisoners and/or for attending to special needs of prisoners, such as women/transgender/persons with disabilities/persons suffering from contagious disease or mental illness or substance abuse/old and infirm prisoners, undertrial prisoners, convicted prisoners, high security prisoners, habitual/recidivist prisoners, young offenders, civil prisoners, detenues etc. as may be prescribed.

(4) The setup of prisons and correctional institutions may include accommodation and other facilities for the prison officers and other staff as per functional requirement.

(5) Wherever there is no provision of a stand-alone High Security Prison in the State, high risk offenders, hardened criminals and habitual offenders shall be segregated and lodged in separate barracks or cells of the jail, which shall have a provision of keeping them away from mingling with other prison inmates, young offenders, first time offenders, etc.

(6) Such separate accommodation as referred to in sub-section (5) shall have appropriate advanced architecture, design and institutional pattern, as may be prescribed, for keeping inmates in a safe and secure custody.

6. *Categories of Prisons and Correctional Institutions.*— (1) The Government may establish various categories of Prisons and Correctional Institutions, such as,—

- (a) Central Prisons;
- (b) District Prisons;
- (c) Sub Prisons;
- (d) Open Correctional Institutions;
- (e) High Security Prisons;
- (f) Exclusive Women Prisons;
- (g) Institution for Young Offenders.

(2) The Government may determine the number of prisons and correctional institutions of any category and the place at which these may be established.

(3) Each Central Prison/District Prison shall have provision for a separate Ward for High-Risk Prisoners/hardened criminals/recidivists/habitual offenders, where they may be lodged separately in cells without the scope of mingling with other inmates so as to protect other prisoners from their negative influence and radicalised thought process.

(4) Appropriate and advanced security infrastructure and procedures shall be in place for High-Risk Prisoner Ward in all Central/District Prisons. Such prisons shall also have appropriate provisions for an independent Court complex for holding court hearings/trials.

7. *Temporary accommodation for prisoners.*— Whenever it appears to the Government that,—

(i) the number of prisoners in a prison is greater than that can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to any other prison, or

(ii) due to the outbreak of any disease in any prison, or for any other reason, it is desirable to provide for temporary shelter and for the safe custody of prisoners.

Appropriate provision for temporary prisons may be made, in such manner as the Government may direct, for the shelter and safe custody of as many prisoners that cannot be conveniently or safely kept in a prison.

CHAPTER-IV

Organisational Set Up

8. *Inspectorate General of Prisons and Correctional Services.*— (1) There shall be an Inspectorate General of Prisons and Correctional Services in the State, which shall be responsible for implementing the prison policies laid down by the Government, and it shall plan, organise, direct, co-ordinate and control various prisons and correctional services and matters connected therewith and incidental thereto. The Inspectorate shall consist of such number of officers and staff as may be prescribed.

(2) The institutional set-up may be decided in accordance with the need and requirement of accommodating the prisoners, the inmate population, workload of prison officers and staff and the workforce may include such executive, ministerial, guarding staff, correctional officers and staff, medical personnel, etc., as may be prescribed.

9. *Head of Prisons and Correctional Services.*— (1) For the administration of Prisons and Correctional Services, the Government shall appoint the Head of Prisons and Correctional Services (of appropriate rank as the Government may deem fit), subject to the provisions of the Act and the rules made thereunder.

(2) The Head of Prisons and Correctional Services shall exercise powers and perform duties under this Act and other officers and staff of prisons shall work under the general supervision, control and direction of the Head of Prisons and Correctional Services.

(3) The Head of Prisons and Correctional Services shall exercise such administrative, financial and disciplinary powers as may be exercised by a Head of Department and such other powers specifically conferred upon him by the Government from time to time, as may be prescribed.

10. *Other officers of prisons.*— (1) The Government may appoint as many officers as may be necessary to assist the Head of the Inspectorate General of Prisons and Correctional Services for performing such duties as may be prescribed.

(2) For every Prison, there shall be an officer-in-charge, who may be a Superintendent, Additional Superintendent, Deputy Superintendent or any other officer of the Prisons and Correctional Services, as prescribed.

(3) The general administrative control and management of a prison unit shall vest with the officer-in-charge and other officers and staff shall exercise or perform such duties and functions under his direction, as may be prescribed.

11. *Recruitment and Training.*— (1) The qualifications, recruitment, appointment and training of the officers and staff of the Prisons shall be such as may be prescribed.

(2) Salaries and other benefits of officers and staff members shall be commensurate with the work performed in a modern prisons and correctional system as may be prescribed.

(3) Every member of the prison and officers and staff in the Prison shall be provided basic induction training and periodic in-service training to enable them to perform their duties efficiently and professionally.

CHAPTER-V

Duties of Prison Officers and Staff

12. *Functions and duties of officer-in-charge.*— (1) Subject to the provisions of the Act and the rules made thereunder or under orders and directions of the Head of Prisons and Correctional Services, the officer-in-charge of a prison shall manage the prison in all matters including admission of prisoners, security of the prison, correctional programs, allowing visitors inside the prison, expenditure, discipline, punishment and control and release of prisoners, with the aid and assistance of other subordinate officers and staff.

(2) The officer-in-charge shall be responsible for the proper upkeep of the prison and all equipments and machinery, etc. of the prison under his charge.

(3) The officer-in-charge shall be responsible for the safe custody of all documents/records, including records in electronic format, in his care, and for the money and other articles taken from prisoners, and perform such other duties and discharge such other functions as may be prescribed.

(4) Officer-in-charge of a prison shall exercise such disciplinary powers as assigned to him under the Act or as prescribed for regulation of prisoners, maintaining prison discipline and proper management of the prison, including high security wards.

13. *Medical Officer.*— There may be a medical officer for every prison. If the post of the medical officer is vacant, then the medical officer or the doctor in-charge of the Government Hospital or the resident medical officer of the District Civil Hospital shall act as the medical officer of the Sub-Jail or the District or Central Prison, as the case may be.

14. *Duties of other prison officers and staff.*— All other prison staff shall discharge their duties based on the functions and responsibilities assigned for various categories of prison officers and staff as prescribed.

15. *Exercise of powers of officer-in-charge and Medical Officer in their absence.*— All or any of the powers and duties of an officer-in-charge or a medical officer may, in his absence, shall be exercised and performed by such other officer(s), as the competent authority/Head of Inspectorate General of Prisons may direct, either by name or by official designation.

16. *Prison officers and staff not to have business dealings with prisoners and interest in prison contracts.*— No prison officer or staff shall have any business dealings with any prisoner or any relative or friend of a prisoner, directly or indirectly, nor shall he have any business dealings with any prison/jail institution or have any interest, direct or indirect, in any contract for supply of provisions or any other article to the prison nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any such provisions or articles. He shall be bound by the conduct rules of the service as applicable.

17. *Staff Welfare.*— The Head of Prisons and Correctional Services may establish a staff welfare wing to aid and advise the Government in the implementation of welfare measures for prison officers and staff.

CHAPTER-VI

Use of Technology in Prison Administration

18. *Use of Technology in prison administration.*— (1) The State shall ensure integration and embedding of appropriate technology for the effective management and superintendence of prisons and for the safety and security of prisons and the inmates, which may include biometrics, CCTV system, scanning and detection devices, Radio Frequency Identification (RFID), video conference facilities, etc. in every prison for prisoners to attend Court hearings/trials and to provide for seamless biometric access control system for movement of inmates.

(2) The State shall computerize the entire prison administration and integrate the database with the Interoperable Criminal Justice System. The State shall also develop suitable interfaces for seamless sharing of information and facilitate the Prison and Prisoner Management System.

(3) The State shall use advanced cellular jamming and cellular detection solutions in the jails to prohibit unauthorised use of cell phones by the inmates. Latest technological interventions shall be used to detect and prohibit use of cell phones and other electronic devices in prisons and its use by inmates.

(4) The State may use electronic monitoring technology on prisoners under temporary release/leave from prison, by making use of inmate tracking devices.

CHAPTER-VII

Admission, Transfer and Discharge of Prisoners

19. *Admission of prisoners.*— (1) The officer in-charge of a prison shall receive and detain a person duly committed to his custody, under this Act or otherwise, by any Court or any competent authority, according to the exigency of any writ, warrant or order by which such person has been committed to the prison until such person is discharged or removed in due course of law.

(2) The officer-in-charge of a prison shall, after the execution of such writ, warrant or order or after discharge of the person committed thereby, return the same to the court by which it was issued, with a duly signed certificate, showing how the same has been executed or why the person committed thereby has been discharged from custody before execution thereof.

(3) The Officer-in-charge of a prison shall give effect to any sentence or order or warrant for the detention of any person, passed or issued by any court or competent authority, under the provisions of any law for the time being in force.

(4) Where an officer-in-charge of a prison doubts the legality of a warrant or order sent to him for execution, he shall refer the matter to the concerned court for further advice as to the future disposal of the prisoner. The officer-in-charge shall detain the prisoner till an advice is received on the reference, treating as if the warrant or order was correct.

(5) No person shall be admitted into a prison for detention otherwise than under the production of a lawful warrant or under any order of commitment addressed to the officer-in-charge of a prison by a Court or any other competent authority.

20. *Transfer of a prisoner to another State.*— (1) Where any person from other State is confined in a prison in the State of Goa under a sentence of imprisonment or under sentence of death or in default of payment of a fine or in default of giving security for keeping peace or for maintaining good behaviour, the Government of Goa may, with the mutual consent of the Government of such State, by order, provide for the transfer of the prisoner from that prison to any prison in such State.

(2) The transfer of any undertrial prisoner from one State to another shall be done with the consent of the trial Court.

21. *Prisoners to be searched and examined on admission, exit and re-entry.*— (1) Whenever a prisoner is admitted into a prison, he shall be searched and all cash, jewellery, weapons and prohibited articles or any other article which a prisoner cannot retain with him shall be taken from him and retained in safe custody of the officer-in-charge of the prison or an officer authorized by him:

Provided that a woman prisoner or a transgender prisoner shall be searched in an appropriate manner as may be prescribed.

(2) Every inmate received in a prison shall undergo such physical and biometric identification measurements in accordance with the provisions of the Criminal Procedure (Identification) Act, 2022 (Act No. 11 of 2022) and any other law in force.

(3) Every such prisoner shall be examined, on the same day or not later than 24 hours, by the medical officer, who shall enter in a record, the health status of the prisoner, including any illness, present or past.

(4) Every prisoner who leaves a prison or re-enters a prison shall also undergo search and physical and biometric identification upon each such exit from or entry into Prison.

22. *Search of Prisoners.*— Any prisoner shall be liable to be searched at any time for detection of any prohibited article, etc.

23. *Articles of prisoners.*— All valuable articles of a prisoner, in respect whereof no order of a competent court has been made, and which, under the rules may, be brought into a prison by any prisoner or sent to the prison for the inmate's use, shall be placed in the custody of the officer authorized by the officer-in-charge in this behalf.

24. *Admission, transfer and repatriation of foreigner prisoners.*— The information of admission of a foreigner prisoner in a prison shall be sent forthwith to the Head of the Inspectorate General of Prisons and Correctional Services and forwarded to the Ministry of External Affairs, Government of India, or any other agency as may be specified by the Central Government.

CHAPTER-VIII

Classification of Prisoners

25. *Composition of Classification and Security Assessment Committee.*— A Committee may be constituted for classification and security assessment of prisoners, comprising officers of the Prisons and Correctional Services and other officers as may be prescribed.

26. *Grounds of classification and categories.*— (1) The Classification and Security Assessment Committee may classify the prisoners admitted into a prison according to their age, gender, length of sentence, safety and security requirements, physical and mental health needs, correctional needs, etc. as may be prescribed.

(2) The prisoners may be classified under the following broad categories:—

(a) Civil prisoners;

(b) Criminal prisoners;

- (c) Convicted prisoners;
- (d) Undertrial prisoners;
- (e) Detenues;
- (f) Habitual Offenders; and
- (g) Recidivists.

(3) The prisoners classified into different categories as above may be lodged in separate barracks/enclosures/cells with a view to protect other prisoners from negative influence and radicalised thought process of the hardened/habitual/high risk prisoners.

(4) The prisoners shall also be segregated gender-wise-male, female and transgender and lodged separately.

(5) The prisoners classified in sub-section (2) above shall be further classified under the following sub-categories and lodged separately:—

- (a) Drug addicts and alcoholic offenders;
- (b) First time offenders;
- (c) Foreign prisoners;
- (d) Old and infirm prisoners (65+ years);
- (e) Prisoners suffering from infectious/chronic diseases;
- (f) Prisoners suffering from mental illness;
- (g) Prisoners sentenced to death;
- (h) High risk prisoners;
- (i) Women prisoners with children;
- (j) Young Offenders.

(6) Dangerous and high-risk prisoners shall be accommodated in special cells or high security prisons.

(7) The officer-in-charge shall take special care and caution for ensuring safe and secure custody of high-risk prisoners, as may be specified by the Government in this behalf.

CHAPTER-IX

Protection of Society from Criminal Activities of High-Risk Prisoners, Habitual Offenders and Hardened Criminals

27. *Taking appropriate measures against criminal activities of prisoners.*— (1) It shall be the responsibility of the Inspectorate General of Prisons and Correctional Services and the Police Department of the State to take all appropriate measures for protecting the society from the criminal activities of high-risk prisoners, habitual offenders and hardened criminals.

(2) Based on the details of the crime committed by the inmate, available background record, history ticket, etc. inmates shall be suitably classified, assessed for their propensity and potential to negatively influence other inmates and be housed in separate barracks/cells, as may be appropriate.

(3) With a view to protect the society and the victims, high risk prisoners, hardened criminals and habitual offenders shall not be entitled for parole, furlough, or any kind of prison leave in the normal course.

28. *Special provisions for security, intelligence gathering, surveillance and rotation of prison staff on duty.*— (1) Prisons and Correctional Institutions shall ensure special watch and surveillance on such

inmates for preventing organised crime and continued criminal activities while imprisoned, including gang activity, intimidating witnesses, etc.

(2) For ensuring dynamic security, preventing escapes, instances of disorder and criminal activity in prisons, appropriate provision for intelligence gathering from prisoners, careful observation, monitoring of prisoners and analysis of the relevant information may be done by the Prisons and Correctional Services in co-ordination with the Intelligence Wing of the Police Department of the State.

(3) The State shall ensure strengthened and effective measures for periodic search and detection of contrabands, cell phones, etc. in the cells and barracks of high risk offenders and hardened criminals and deploy advanced jamming solutions in such areas, including conduct of frequent surprise checks.

(4) The prison and other security staff deployed in such sensitive barracks and cells shall be rotated at periodic intervals to prevent any nexus and complacency in security.

(5) The release of a high-risk/hardened/habitual offender convict on completion of sentence or an under-trial on bail or an inmate released temporarily on parole/ furlough, etc. shall be informed to the Superintendent of Police of the concerned district, who shall keep a watch on the activities of such prisoner.

(6) The district administration shall fully secure the movement of the prisoner, in course of movement to court for judicial proceeding, to the hospital for medical treatment or any other place, as per writ, warrant or order of the competent authority, as the case may be.

29. *Use of electronic tracking devices on prisoners.*— Prisoners may be granted prison leave on the condition of their willingness to wear electronic tracking devices for monitoring the movement and activities of such prisoners. Any violation by the prisoner shall attract cancellation of prison leave, in addition to disqualification from any prison leave being granted in future.

CHAPTER-X

Prison Regimen for Women Prisoners

30. *Separate accommodation for women prisoners.*— (1) The Government may establish such number of exclusive prisons for women prisoners as it may consider necessary, to accommodate women prisoners. In a prison housing women and men prisoners, women prisoners shall be kept in a separate building or a separate part of the same building, with a separate entrance, in such a manner that they do not come into contact with men prisoners. All basic facilities as provided in the prison for men may also be provided to women prisoners, along with such other facilities that meet their gender specific needs.

(2) A separate female ward in the prison hospital shall be created for women prisoners.

(3) In case of exclusive women prison and women enclosure/female ward, only women prison officials and staff shall be deputed. Male prison officials and security staff can be deployed for duties outside such prison or enclosure and can be called inside by the officer-in-charge or the officer on duty, only in case of any situation of emergency or prison offence.

(4) Women prisoners may be provided access to correctional programs and activities which take into account their gender specific needs.

31. *Pregnant Women Prisoners.*— When a woman prisoner is found to be pregnant at the time of admission or later, the medical officer shall report the fact to the officer-in-charge. Necessary arrangements shall be made for providing her such medical care and diet, as may be prescribed.

32. *Women prisoners with children.*— (1) Woman prisoner may keep her child inside the prison until the child attains the age of six years.

(2) A child living with his mother in prison may be provided with such healthcare and such other facilities, as may be prescribed.

33. *Inquiry into complaints of sexual harassment.*— Any complaint or information of sexual harassment of a woman prisoner shall be acted upon without delay as per the provisions of law.

CHAPTER-XI

Transgender Prisoners

34. *Prison Regimen for Transgender prisoners.*— (1) Separate enclosures/wards for transgender prisoners, both transmen and transwomen, may be provided.

(2) Transgender prisoners may be provided access to any specific health-care or psycho-social needs.

(3) Transgender prisoner may be provided access to correctional programs and activities.

CHAPTER-XII

Custody and Security of Prisoners

35. *Safe custody and security of prisoners.*— (1) The officer-in-charge of the prison shall be responsible to undertake effective measures for ensuring safe custody and security of prisoners. These measures may not be limited to but may include secure walls, building gates, good lighting system, central point monitoring of prisoners, watch towers, power fencing, control of prohibited articles, system for gathering intelligence information, closed circuit televisions and other advanced gadgets and devices for guarding purposes and preventing access to prohibited articles in prisons, etc.

(2) The Head of Prisons and Correctional Services shall be empowered to transfer a prisoner to any other prison in the State in such manner as may be prescribed.

(3) On the request of the officer-in-charge, the local police authorities shall provide necessary assistance to the prison authorities, for escorting a prisoner to a court or for visit to hospital or for custody parole, etc. and for ensuring the safe custody of any prisoner who poses a special risk, including escape from prison, rioting, arson or resorting to any violent means affecting the law and order and discipline in the prison.

(4) The manner of use of restraint and force on prisoners may be regulated in such manner as prescribed.

36. *Visit to Prisoners.*— (1) Prisoners may communicate with their Visitors, namely family members, relatives and friends through physical or virtual mode under proper supervision of prison authorities. Visitors to inmates shall be verified/authenticated through biometric verification/identification.

(2) The name, address, photograph and biometric identification of each visitor to the inmate shall be entered into record in such manner as prescribed.

(3) Foreigner prisoners may communicate with their family members and consular representatives in such manner as prescribed.

(4) Prisoners may communicate with their legal counsel in such manner as prescribed.

37. *Search of visitors and prison officers and staff.*— (1) All visitors to prisoners shall be searched in such manner as prescribed.

(2) In case any visitor refuses to get himself searched, he shall be denied admission to the prison and such decision shall be entered into record.

(3) Appropriate provisions for search of visitors who are women, transgender or persons with disabilities may be made in such manner as prescribed.

(4) All prison officers and staff shall be searched upon each entry to the prison and each exit from the prison.

CHAPTER-XIII

Discipline in Prisons

38. *Discipline in Prisons.*— (1) The officer-in-charge shall have the necessary authority and he shall be responsible for maintaining discipline in the prison and amongst the prisoners, prison officers and staff, in accordance with the provisions of this Act and rules made thereunder.

(2) The manner of enforcing discipline in the prisons shall be such as may be prescribed.

(3) It shall be the duty of every prisoner to obey the orders and instructions of a prison officer and to abide by the provisions of this Act and to comply with such other directions as may be prescribed.

39. *Prison Offences.*— The following acts shall constitute prison offences, when committed by a prisoner, namely:—

(i) willful disobedience of any rule or regulation of the prison, provisions of this Act or rules made thereunder;

(ii) any assault or use of force on anyone;

(iii) deliberate and persistent use of insulting or threatening language;

(iv) immoral or indecent or disorderly behaviour;

(v) willfully disabling himself from labour;

(vi) continuously refusing to work if the prisoner has been punished with rigorous imprisonment;

(vii) willful idleness or negligence at work by any convict prisoner sentenced to rigorous imprisonment;

(viii) willful mismanagement of work by any convict prisoner sentenced to rigorous imprisonment;

(ix) willful damage to prison property;

(x) tampering with or defacing history tickets, records or documents, maintained in physical or electronic form;

(xi) receiving, possessing or transferring any prohibited article;

(xii) willfully making a false accusation against any prison official;

(xiii) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any attempt to escape or preparation to escape or attack on any prisoner or any other person or prison official;

(xiv) escape or attempt to escape, conspiring to escape, or to assist in escaping;

(xv) unauthorized use or possession of wireless communication devices and/or their ancillary components;

(xvi) trespassing in or loitering about in the prison premises where entry may not be allowed;

(xvii) unauthorized communication with any person outside prison;

(xviii) pretending to be a prison official or employee of the Inspectorate;

(xix) smuggling or attempting to smuggle or to have in possession any prohibited article in the prison;

(xx) intimidating fellow prisoner(s) into making false representation against the prison officials;

(xxi) participating in or inciting mass hunger strike or any other act of defiance or indiscipline;

(xxii) sexual harassment or sodomy;

(xxiii) participating in, or organizing anti-social activities like gambling;

(xxiv) aiding or abetting the commission of any of the aforesaid offences.

40. *Punishment for Prison Offences.*— The officer-in-charge, after conducting such inquiry as prescribed, may impose any of the following punishments with respect to the prison offences indicated in Section 39 above, except in such cases which constitute an offence under the Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023) or any other special or/and local law:—

- (i) A formal warning, which means a warning personally addressed to a prisoner by the officer-in-charge and recorded in the punishment book and in the prisoner's history ticket;
- (ii) Stoppage of recreational facilities, including canteen facility, up to a period of one month;
- (iii) Forfeiture of remission earned for a period upto three months;
- (iv) Stopping visits of all visitors for a period of not more than one month except the visit of an advocate;
- (v) Separate confinement for a period not exceeding one month.

41. *Punishment for possessing or using mobile phones and other contraband.*— (1) No prison inmate shall possess or use mobile phone and other electronic communication device in prison. Whoever, being a prisoner or a visitor or a prison official, in contravention of any provisions of this Act or rules made thereunder, is found possessing or using such devices or introduces or removes or attempts by any means whatsoever, to introduce or remove into or from any prison or supplies or attempts to supply to any prisoner, any prohibited article, and every officer or staff of a prison who, contrary to any such rule, knowingly allows any such article to be introduced into or removed from any prison, to be possessed by any prisoner or to be supplied to any prisoner and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction by a Judicial Magistrate First Class be punished with imprisonment for a term which may extend to three years, or with fine which may extend to twenty-five thousand rupees, or with both.

(2) Whoever, being a prisoner or a visitor, or a prison official, is found in possession of, or operating or using, an electronic device or a wireless communication device or any of its ancillaries or components, or if any such person is found to be assisting or abetting or instigating in the supply thereof, or if any such person is found to be manipulating, damaging or destroying any equipment in the prison, electronic or otherwise, shall, on conviction by a Judicial Magistrate First Class be punished with imprisonment for a term which shall not be less than two years but which may extend to three years, or with fine which may extend to twenty-five thousand rupees, or with both.

(3) The prisoner shall undergo the sentence awarded under sub-section (1) or sub-section (2) above on completion of any sentence which he is already undergoing.

(4) The offences mentioned in sub-sections (1) and (2) above, shall be cognizable and non-bailable.

42. *Procedure on repeated committal of a prison offence.*— If any person in the prison premises is guilty of an offence against prison discipline, which by reason of his having frequently committed such offence or otherwise, in the opinion of the officer-in-charge, is not adequately punishable by the infliction of any punishment which he has the power to inflict under this Act, the officer-in-charge shall forward the case of such prisoner to the competent court having jurisdiction, together with a statement of the circumstances, and such court shall thereupon try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment for a term which may extend to three years. Such punishment shall be in addition to any other punishment which such prisoner may be already undergoing.

43. *Display of prison offences and penalties.*— The officer-in-charge may cause to be affixed, at a conspicuous place inside the prison, a notice in English and in the vernacular language, setting forth the acts prohibited under this Act and the penalties incurred by their commission, for the information of the prisoners and prison staff.

CHAPTER-XIV

Healthcare Facilities

44. *Prisoners' Health Care.*— All prisoners shall have access to such gender- responsive health care facilities as may be prescribed.

45. *Mental health.*— (1) The Government may, by a general or special order, direct the transfer of any prisoner with mental illness from the place of detention to any mental health establishment in the State with prior permission of the Board referred in sub-section (4) of Section 103 of the Mental Healthcare Act, 2017 (Central Act 10 of 2017).

(2) The method, modalities and procedure by which transfer of a prisoner under this section is to be effected shall be such as may be prescribed.

CHAPTER-XV

Welfare Programs for Prisoners

46. *Vocational Training, Skill Development, Education and Recreation facilities.*— (1) The prisoners may be provided appropriate opportunity for enhancing their educational qualification, including making provision for library facilities in a prison.

(2) Vocational training and skill development programs may be provided to prisoners as part of prison correctional programs. These programs may be diverse in nature to facilitate rehabilitation of the prisoners.

(3) The officer-in-charge may organize such spiritual, cultural, and recreational programs, etc. for the prisoners, as may be prescribed.

(4) The Government may frame a scheme which may be called the Prisoners Welfare Fund for the welfare of the prisoners in the State.

47. *Establishment of Canteens and Sales Outlets.*— Canteens and Sales Outlets may be established in a prison for the sale of products, including jail products to the prisoners, prison staff and the public.

CHAPTER-XVI

Sentence Planning

48. *Individual Sentence Planning.*— (1) A sentence plan setting out the program of treatment shall be prepared by the officer-in-charge, which will help in the prisoner's rehabilitation and social reintegration.

(2) The individual sentence plans shall be updated and recorded in the prisoner files on periodic basis.

49. *Work programme and wages.*— (1) Every prisoner, including undertrial prisoner or civil prisoner or prisoner sentenced to simple imprisonment, while in custody, may be provided the opportunity of work, if available, and be paid commensurate wages.

(2) The record of wages earned and spent by any inmate, particulars of deferred wages and matters incidental thereto shall be maintained by the officer-in-charge.

(3) The prisoners shall be paid wages for the employment provided to them at such rate as may be prescribed from time to time. The fifty per cent of the total amount of such paid wages shall be kept and deposited in a separate common fund which shall be exclusively used for the payment of compensation to such deserving victim or his/her family in relation to the offence committed of which entailed the sentence of imprisonment to the prisoner. The account of fund shall be maintained by the Superintendent of Jail in such form and in such manner as may be prescribed. The rate of compensation to be paid to the victims or his/her family shall be fixed by a committee consisting of such persons as may be prescribed.

CHAPTER-XVII

Open and Semi Open Correctional Institutions

50. *Open and semi open Correctional Institutions.*— (1) The Government may establish and maintain as many open and semi-open correctional institutions for prisoners, as may be required.

(2) The Government may allow such facilities or concessions in such open or semi-open correctional institution which may assist the prisoner in his rehabilitation into the society, as may be prescribed.

(3) The rules for management of open or semi-open institutions, including the procedure and eligibility of prisoners who can be transferred to such correctional institutions, dealing with prisoners who violate any condition of transfer to an open or semi open correctional institution, etc. shall be such as may be prescribed.

CHAPTER-XVIII

Prison Leave, Remission and Pre-Mature Release

51. *Parole and Furlough.*— (1) Prison leave may be granted to eligible convicted prisoners as an incentive for good behaviour and responsiveness to correctional treatment with the objective of their rehabilitation, as may be prescribed.

(2) There may be the following types of prison leave, namely:—

(a) Regular Parole.

(b) Emergency Parole.

(c) Furlough.

(3) Regular Parole may be granted to eligible convicts by the competent authority under such conditions and for such purposes as may be prescribed. The period spent on regular parole may not exceed thirty days at a time and may not be granted more than two times in a year, as may be prescribed. The period spent on regular parole shall not be counted as part of sentence.

(4) Emergency Parole may be granted by the competent authority to eligible convicts in a rare or emergent situations under police protection for a period extending upto 48 hours as may be prescribed. The period spent under this parole shall be counted towards part of sentence.

(5) Furlough may be granted to eligible convicts by the competent authority as an incentive for maintaining good conduct and discipline in the prison as may be prescribed. The period spent on furlough shall be counted as part of sentence served by the prisoner.

(6) For prisoners governed by any of the laws relating to the Armed Forces of the Union, the grant of leave shall be subject to the provisions of those laws.

(7) For public safety and preventing parole jumping, prisoners may be granted prison leave on the condition of their willingness to wear electronic tracking devices for monitoring the movement and activity of such prisoners. Any violation by the prisoner shall attract cancellation of prison leave, in addition to disqualification from any prison leave being granted in future.

(8) If a prisoner on parole or furlough fails to surrender on the due date, upon intimation by the officer-in-charge of the Prison, the police shall arrest the prisoner under the provisions of Section 262 of the Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023) and take action as per the provisions of law.

52. *Remission to prisoners.*— (1) Subject to the overall good behaviour and conduct of a convicted prisoner while serving the sentence, remission may be granted by the competent authority.

(2) The period and criteria of granting remission shall be such as may be prescribed.

53. *Pre-mature release.*— Pre-mature release may be allowed to a prisoner by the competent authority with the objective of his rehabilitation and reintegration into the society. The Government may constitute a Sentence Review Board for considering and recommending cases for premature release of a convicted prisoner in appropriate cases under the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 43 of 2023).

CHAPTER-XIX

Inspection of Prisons

54. *Inspection of Prisons.*— (1) There shall be a two-fold system for inspections of prisons:—

(a) Inspection conducted by senior prison officers— The Head of Prisons and Correctional Services may have a prison inspected by an officer of appropriate rank at such periodic intervals as may be prescribed:

(b) Inspections conducted by the Board of Visitors-Board of Visitors shall be headed by the Sessions Judge or any Additional Sessions Judge as authorized by the Sessions Judge, and may comprise of such other official and non-official members for carrying out such functions as may be prescribed.

(2) Every inspection shall be followed by a written report to the officer-in-charge of the Prison and to the Head of the Inspectorate General of Prisons and Correctional Services.

CHAPTER-XX

After-Care and Rehabilitation Services

55. *After-Care and Rehabilitation Services.*— The Government may endeavour to provide after-care services to all needy prisoners released from a prison with a view to ensuring their rehabilitation and reintegration into the society.

CHAPTER-XXI

Miscellaneous

56. *Prohibition of caste-based discrimination in Prisons and Correctional Institutions.*— (1) It shall be strictly ensured that there is no discrimination/classification/segregation of prisoners on the basis of their caste.

(2) It shall be strictly ensured that there is no discrimination of prisoners in allotment of any duty/work in prisons on the basis of their caste.

(3) The provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Act No. 25 of 2013), shall have a binding effect even in Prisons and Correctional Institutions. Manual scavenging or hazardous cleaning of a sewer or a septic tank inside a prison shall not be permitted.

57. *Rights and Facilities for Prisoners with disabilities.*— (1) Non-discrimination: No prisoner shall be discriminated on ground of disability. All prisoners with disabilities shall be entitled to equality, dignity, and respect for their integrity on an equal basis with others.

(2) Accessibility: All prison infrastructure, including cells, toilets, medical units, educational and vocational training centres and grievance redressal systems shall be made accessible in accordance with the standards specified under the 'Accessibility Standards and Guidelines' notified by Ministry of Home Affairs, New Delhi'.

(3) Healthcare and Rehabilitation: Persons with disabilities shall be provided with appropriate healthcare, including psychiatric and psychological services, as well as access to rehabilitation programs and therapies.

(4) Screening and Identification: All incoming prisoners shall be screened for disabilities at the time of admission. Relevant prison records must reflect their specific needs to ensure suitable accommodations and assistance.

(5) Staff Training: Prison staff shall be given regular training to sensitize them to the rights, needs and appropriate handling of prisoners with disabilities.

58. *Legal Aid.*— The Government shall provide the facility of free legal aid to the prisoners in accordance with the provisions of the Legal Services Authorities Act, 1987 (Act 39 of 1987) and the Standard Operating Procedure prescribed by National Legal Services Authority/State Legal Services Authority/District Legal Services Authority.

59. *Constitution of Under Trial Review Committee for every district.*— (1) There shall be an Under Trial Review Committee for every district, headed by the District and Sessions Judge, and comprising of such other members and for carrying out such functions, as may be prescribed.

(2) The Committee shall meet periodically and review the cases of eligible prisoners in all prisons of the district, and make appropriate recommendations.

60. *Report on the death of a prisoner.*— On the death of any prisoner, the Medical Officer shall forthwith record all such relevant details and particulars of the case, as may be prescribed and send the report to the officer-in-charge of the prison and the Head of Prisons and Correctional Services.

61. *Grievance Redressal Mechanism.*— There shall be such mechanism for redressal of the grievances of the prisoners and prison staff, as may be prescribed.

62. *Utilisation of services of prisoners.*— The officer-in-charge may utilize the services of prisoners in accordance with the rules for the day-to-day administration and management of the prisons.

63. *Prohibition of strike and agitation.*— No prisoner, visitor or any person employed in the prison, shall have any right to strike or start or continue any agitation inside the prison for achieving any request or demand.

64. *Emergency.*— The officer-in-charge shall, as may be prescribed under the rules, take all appropriate measures, including the procurement of necessary equipments and preparation of a contingency plan, for preventing and controlling any emergency situation in the prisons, including ensuring availability of Quick Reaction Team, etc. and any other provision in conformity with the Disaster Management Act, 2005 (Act 53 of 2005) or any other relevant Act and orders or instructions issued by any competent authority.

65. *Extramural Custody, control and employment of prisoners.*— A prisoner, when being taken to or from any prison, in which he may be lawfully confined, or to a court for production or to a hospital for medical treatment, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, or any other officer deployed for such duty, shall be deemed to be in prison and shall be subject to all directions and discipline, as if he were actually in prison.

66. *Prison Development Board.*— (1) The State may set up a Prison Development Board with the objective of modernizing prison infrastructure and facilities for better prison management, correctional and reformatory activities for prisoners and welfare of the prison staff.

(2) The composition of such Board, its responsibilities, and manner of governance etc., shall be such as may be prescribed.

67. *Delegation of Powers.*— Any of the powers conferred by this Act may be exercised and performed by such officers as the Government may designate in this regard.

68. *Accounts and Audit.*— The accounts of every prison shall be maintained and audited in such manner as may be prescribed.

69. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceeding shall lie against the Government or any functionary of the Government in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

70. *Powers of the Government to make rules.*— The Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

71. *Repeal and Saving.*— (1) The Prisons Act, 1894 (9 of 1894), the Prisoners Act, 1900 (3 of 1900) and the Transfer of Prisoners Act, 1950 (29 of 1950), in their application to the State of Goa, are hereby repealed:

(2) Notwithstanding such repeal,—

(a) anything done or any action taken or purported to have been done or taken (including any rule, notification, inspection, order or declaration made or any document or instrument executed or any direction given or any proceedings taken or any penalty or fine imposed) under the repealed Act shall, in

so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act; and

(b) all the rules, regulations, orders, directions, notifications relating to prisons in force immediately before the commencement of this Act shall, except where and so far, as they are inconsistent with or repugnant to the provisions of this Act, continue to be in force until altered, amended or repealed by rules made under this Act.

72. Power to remove difficulties.— (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiration of a period of two years from the date of 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 Legislative Assembly of Goa.

STATEMENT OF OBJECTS AND REASONS

The State of Goa attained the status of Union territory soon after Liberation from Portuguese Rules in terms of the Constitution (Twelfth Amendment) Act, 1961. Later on, the President of India promulgated an Ordinance to provide for administration of Union territories of Goa, Daman Diu and continuance of Portuguese Laws as in force immediately prior to their liberation. The said ordinance was replaced by Parliamentary enactment namely-the Goa, Daman Diu Administration Act, 1962. Evidently, all the Portuguese Laws including Portuguese legislation governing prisons in the Union territory were continued till they were replaced by the appropriate corresponding Legislation. The Goa, Daman Diu Removal of Difficulties Order, 1962 was issued for equating certain authorities of erstwhile regime to certain new authorities under new set up in order to carry out functions under erstwhile Portuguese Laws during the transition period. On 6th February, 1962, the Prisons Act, 1894 (Act No. IX of 1894) was brought into force. Similarly on 2nd February, 1964, the Transfer of Prisoners Act, 1950 (Act No. 29 of 1950), the Identification of Prisoners Act, 1920 (Act No. 33 of 1920), the Prisoners Act, 1900 (Act No. 3 of 1900) and the Prisoners Attendance in Courts Act, 1955 (Act No. 32 of 1955) were brought into force. Based on the said Acts, various set of Rules were compiled and made applicable to govern the jails of Goa, Daman and Diu.

The Prisons Act, 1894 (Act No. IX of 1894) is a pre-independence era Act which mainly focuses on keeping criminals in custody and enforcement of discipline and order in prisons, and there is no provision for reform and rehabilitation of prisoners in the existing Act. In the last few decades, a new perspective has evolved globally about prisons and prison inmates where prisons today are not looked at as places of retributive deterrence but are considered as reformatory and correctional institutions where the prisoners are transformed and rehabilitated back into society as law-abiding citizens.

As per the provisions of the Constitution of India, ‘prisons’/‘persons detained therein’ is a ‘State’ subject. The responsibility of prison management and prisoners administration solely vests with state governments who alone are competent to make appropriate legislative provisions in this regard. However, given the critical role that efficient prison management plays in the criminal justice system, the Government of India attaches a high degree of importance to supporting the States and Union Territories in this regard.

Over the past few years, the Ministry of Home Affairs noted that there are several lacunae in the existing Prisons Act, so much so that some provisions in the said Acts have become obsolete and not enforceable by law. Taking note of the conspicuous omission of the correctional focus in the existing Act, a need was felt to revise and upgrade the Acts in tune with modern-day needs and requirements of prison management. The Ministry of Home Affairs has undertaken several prison reforms. It released the Prison Manual, 2003 and subsequently, Model Prison Manual, 2016 which provides a framework for management of prisons and inmates. As of March, 2023, 18 States/UTs have adopted the 2016, Manual.

Using the Ministry's Jail Manuals as a term of reference, the Government of Goa formulated its own Jail Manuals and adopted the same in the year 2006 and 2021, respectively, for Superintendent and Management of Prisons in the State of Goa, and subsequently, the Goa Prisons Rules, 2006 and Goa Prisons Rules, 2021 were formulated thereafter.

The Ministry of Home Affairs noted that the 1894 Act focuses mainly on keeping criminals in custody and enforcement of discipline and order in prisons. It does not provide for the reform and rehabilitation of prisoners. In May 2023, the Ministry has finalized the Model Prisons Act, 2023 which would replace the Prisons Act, 1894. The 2023 Model Act provides for setting up of and management of prisons. It also provides for welfare programs for prisoners such as vocational training and after-care and rehabilitation services.

In tune with contemporary modern-day needs and correctional ideology, the Ministry of Home Affairs assigned the task of revision of the Prisons Act, 1894 to the Bureau of Police Research and Development. With the objective of holistically providing guidance and addressing the gaps in the existing Prisons Act, the Ministry of Home Affairs has finalized a comprehensive and progressive 'Model Prisons Act, 2023'. Along with 'The Prisons Act, of 1894', 'The Prisoners Act, of 1900' and 'The Transfer of Prisoners Act, of 1950' has also been reviewed by the Ministry and relevant provisions of these Acts have been assimilated in the Model Prisons Act, of 2023. In May, 2023, the Ministry circulated Model Prisons Act, 2023 among all the States/Union Territories requesting therein to benefit from this Act by adopting it in their jurisdictions, with such modifications which they may consider necessary and repeal the existing three Acts.

Having convinced with the salient features of the new Model Prisons Act, 2023, the State Government considered it necessary to make a comprehensive legislation in the matter using the Ministry's Model Prisons and Correctional Act, 2023 as a term of reference by carrying out State specific modifications.

The proposed legislation apart from consolidating the law relating to prisons and prisoners under a single umbrella, provides for reformatory provisions, entitlement of basic human rights to prisoners, constitution of Board of Skill Development programmes and Vocational Training for prisoners, appointment of a State Advisory Board for prisons for advising the State Government on matters relating to the management of prisons.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Financial implication involved in this Bill cannot be quantified at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (3) of the Bill empowers the Government to issue the notification for appointing a date for bringing the Act into force and for appointing different dates for bringing different provisions of the Act into force.

Clause 2 (30) of the Bill empowers the Government to frame rules for prescribing an article which cannot be introduced or removed into or out of prison;

Clause 3 (v) of the Bill empowers the Government to frame rules regarding maintenance of discipline in the prison;

Clause 5 of the Bill empowers the Government to make rules regarding the architecture of prison and institutional pattern.

Clause 8 (1) and (2) of the Bill empowers the Government to make rules for appointment of such number of officers and staff and the institutional set-up.

Clause 9 (1) of the Bill empowers the Government to prescribe by rules, the appointment of Head of Prisons and Correctional Services;

Clause 9 (3) of the Bill empowers the Government to prescribe by rules for delegation of administrative, financial and disciplinary powers to the Head of the Department;

Clause 10 (1) of the Bill empowers the Government to frame rules to appoint officers to assist the Head of the Prison Department;

Clause 10 (2) of the Bill empowers the Government to frame rules to appoint Officer-in-charge or any other officers of the Prisons and Correctional Services;

Clause 10 (3) of the Bill empowers the Government to frame rules to specify the duties of the officer-in-charge of the prison and other officers and staff of prison for general administrative control and management of prison unit;

Clause 11(1) of the Bill empowers the Government to frame rules to specify the manner of recruitment and training of the officers and staff of the prison;

Clause 11(2) of the bill empowers the government to specify salaries and other benefits of officers and staff members in modern prisons and correctional system.

Clause 12 (3) of the Bill empowers the Government to frame rules to specify the functions and duties to be performed by the officer-in-charge of the prison;

Clause 14 of the Bill empowers the Government to make rules for specifying the functions and duties to be performed by various other categories of prison officers and staff;

Clause 20(1) of the bill empowers the Government to issue order for the transfer of the prisoner from one prison to any prison in the other State;

Clause 21(1) of the bill empowers the Government to make rules to specify the manner to search woman prisoner or a transgender prisoner;

Clause 25 of the Bill empowers the Government to make rules to specify composition of Classification and Security Assessment committee and its functions;

Clause 26 (1) of the Bill empowers the Government to frame rules to specify the grounds of classification and categories of the prisoners to be followed by the Classification and Security Assessment Committee;

Clause 26 (7) of the Bill empowers the Government to specify the manner by which care and caution to be taken for ensuring safe and secure custody of high-risk prisoners.

Clause 30 (1) of the Bill empowers the Government to establish prisons for women prisoners;

Clause 31 of the Bill empowers the Government to frame rules for specifying the manner of arrangements/facilities for pregnant women prisoners;

Clause 32 (2) of the Bill empowers the Government to frame rules for specifying manner providing with healthcare and such other facilities for women prisoners living with children in the prison;

Clause 35 (2) of the Bill empowers the Government to frame rules to authorize the Head of Prison and Correctional Services for transfer of a prisoner to any other prison in the State;

Clause 35 (4) of the Bill empowers the Government to make rules to specify the manner of use of restraint and force on prisoners;

Clause 36 of the Bill empowers the Government to make rules regarding procedure for the prisoners to communicate with their visitors;

Clause 37 of the Bill empowers the Government to frame rules to search visitors, prison officers and staff while entering the prison;

Clause 38 of the Bill empowers the Government to make rules to specify the manner of enforcing discipline in prisons;

Clause 40 of the Bill empowers the Government to make rules to provide powers to the office incharge of prison to conduct an inquiry;

Clause 44 of the Bill empowers the Government to make by rules, health care facilities to the prisoners;

Clause 45 of the Bill empowers the Government to make rules to lay down methods, modalities and procedure by which transfer of any prisoner with mental illness from the place of detention to any mental health establishment in the State is to be effected;

Clause 46 of the Bill empowers the Government to frame rules for providing appropriate opportunities to prisoners of vocational training, skill development, education and recreation facilities and bill also empowers the Government to frame scheme for Prisoners Welfare Fund for the welfare of prisoners in the State;

Clause 47 of the Bill empowers the Government to frame rules for establishment of canteens and sales outlets in prison for the sale of products, including jail products to the prisoners, prison staff and the public;

Clause 49 of the Bill empowers the Government to frame rules for work programme and wages to be paid to prisoners for the employment provided to them at such rate as may be prescribed from time to time and the manner in which the wages to be deposited in common victim compensation fund;

Clause 50 of the Bill empowers the Government to lay down rules for establishment and management of open and semi-open correctional institutions;

Clause 51 of the Bill empowers the Government to make rules for parole and furlough;

Clause 52 (2) of the Bill empowers the Government to make rules for remission to prisoners;

Clause 53 of the Bill empowers the Government to make rules for premature release of prisoners;

Clause 54 of the Bill empowers the Government to make rules for inspection of prisons by the senior prison officers and Board of Visitors;

Clause 57 of the Bill empowers the Government to make rules to provide legal aid facility to the prisoners in accordance with the provisions of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) and the SoPs prescribed by NALSA/SLSA/DLSA etc.;

Clause 58 (1) of the Bill empowers the Government to make rules for constitution of the Under Trial Review Committee and the manner in which it shall function;

Clause 60 of the Bill empowers the Government to make rules for appropriate mechanism for redressal of grievances of the prisoners and prison staff;

Clause 61 of the Bill empowers the Government to make rules for utilisation of services of prisoners for the day-to-day administration and management of the prisons;

Clause 63 of the Bill empowers the Government to make rules for taking appropriate measures, procurement of equipments etc., and preparation of contingency plan, for preventing and controlling any emergency situation in the prison;

Clause 65 (2) of the Bill empowers the Government to frame rules for constitution of the Prison Development Board and the manner in which it shall function;

Clause 67 of the Bill empowers the Government to make rules for maintaining and auditing accounts of prison;

Clause 68 of the Bill empowers the Government to frame rules for protecting action taken in good faith;

Clause 69 of the Bill empowers the Government to frame rules in consistent with this Act;

Clause 72 of the bill empowers the Government to issue order for removing difficulty if any arises in giving effect to the Act.

These delegations are of normal character.

Porvorim-Goa.
28/08/2026.

PRAMOD SAWANT
Chief Minister.

Assembly Hall,
Porvorim, Goa.
28/08/2026.

SMT. NAMRATA ULMAN
Secretary to the
Legislative Assembly of Goa.

LA/LEGN/2026/1630

The following bill which was introduced in the Legislative Assembly of the State of Goa on 31st August, 2026 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 Indian Stamp (Goa Amendment) Bill, 2026

(Bill No. 52 of 2026)

A

BILL

further to amend the Indian Stamp Act, 1899 (Act 2 of 1899), as in force in the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Seventy-seventh Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Indian Stamp (Goa Amendment) Act, 2026.

(2) It shall come into force at once except Clause (ii) of Section 3 which shall be deemed to have come into force on the 30th day of March, 2026.

2. *Amendment of Section 4.*— In the Indian Stamp Act, 1899 (Act 2 of 1899), as in force in the State of Goa (hereinafter referred to as the “principal Act”), in Section 4,—

(i) in sub-section (1),—

(a) for the expression “sale, mortgage or settlement”, the expression “development agreement, sale, lease, mortgage or settlement” shall be substituted;

(b) for the expression “conveyance, mortgage or settlement”, the expression “conveyance, development agreement, lease, mortgage or settlement” shall be substituted;

(c) for the words “one rupee”, the words “one thousand rupees” shall be substituted;

(ii) in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that if the parties fail to determine the principal instrument between themselves, then the officer before whom the instrument is produced for the purpose of registration may, for the purposes of this section, determine the principal instrument.”.

3. *Amendment of Schedule I-A.*— In Schedule I-A of the principal Act,—

(i) in article 5,—

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

“(b-a) (i) if relating to giving authority or power to a promoter or a developer, by whatever name called, for construction on, development of or, sale or transfer (in any manner whatsoever) of, any immovable property.

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 22, on the market value of the property:

Provided that, if the proper stamp duty is paid under clause (g) of article 48 on a power of attorney executed between the same parties in respect of the same property then, the stamp duty under this article shall be one thousand rupees.

(ii) if relating to the purchase of one or more units in any scheme or project by a person from a developer:

Same duty as is leviable on conveyance under clause (a) or (b), as the case may be, of article 22, on the market value of the unit.”;

Provided that, on conveyance of property by the person, under an agreement under this sub-clause, to the subsequent purchaser, the duty chargeable for each unit under this sub-clause shall be adjusted against the duty chargeable under article 22 (conveyance) after keeping the balance of one thousand rupees. If on adjustment, no duty is required to be paid, then the minimum duty for the conveyance shall be rupees one thousand.

Explanation.— For the purposes of this sub-clause, the unit shall include a flat, apartment, tenement, block or any other unit by whatever name called, as approved by the Competent Authority in the building plan.

(b) for clause (c), the following clause shall be substituted, namely:—

“(c) if relating to any other agreement for the sale of an immovable property.

The same duty as is leviable on conveyance under clause (a) or (b), as the case may be, of article 22, on the market value of the property.”;

(ii) in article 22,—

(a) after clause (b), the following clause shall be inserted, namely:-

“(c) CONVEYANCE, so far as it relates to reconstruction or amalgamation or merger/de-merger of companies by an order of the High Court under Section 394 of the Companies Act, 1956 (Central Act 1 of 1956) or reconstruction or amalgamation

5 per cent subject to a maximum of Rs. 10.00 crore, on an amount of the market value of the property or on the amount of such consideration as set forth in the instrument or order.

or merger/de-merger of companies under Sections 232 and 233 of the Companies Act, 2013 (Central Act 18 of 2013) by the Tribunal.

”

(iii) for article 48, the following article shall be substituted, namely:—

“ 48. POWER OF ATTORNEY not being a Proxy,—	
(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents	One thousand rupees.
(b) when required in suit or proceedings under the Presidency Small Cause Courts Act, 1882 (XV of 1882)	One thousand rupees.
(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a)	One thousand rupees.
(d) when authorising one person to act in more than one transaction or generally	One thousand rupees.
(e) when authorising more than one person to act in single transaction or more than one transaction jointly or severally or generally	One thousand rupees.
(f) when authorizing to sell or transfer immoveable property,—	
(i) if given to the father, mother, brother, sister, wife, husband, daughter, son, grandson, grand-daughter, father-in-law, mother-in-law, brother-in-law or sister-in-law and	One thousand rupees.
(ii) in any other case.	The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 22, on the market value of the property
(g) when given to a promoter or developer by whatever name called, for construction on, development of, or sale or transfer (in any manner whatsoever) of, any immoveable property.	The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 22, on the market value of the property: Provided that, if proper stamp duty is paid under clause (b-a) of article 5 on an agreement, or memorandum of an agreement executed between the same parties and in respect of the same property,

	the duty chargeable under this clause shall be rupees one thousand.
(h) in any other case. <i>Explanation I.</i>— For the purpose of this article more persons than one when belonging to the same firm shall be deemed to be one person. <i>Explanation II.</i>— The term ‘registration’ includes every operation incidental to registration under the Registration Act, 1908 (XVI of 1908), as in force in the State of Goa. <i>Explanation III.</i>— Where under clause (f), duty has been paid on the power of attorney, and the conveyance relating to that property is executed in pursuance of power of attorney between the executant of the power of attorney and the person in whose favour it is executed, the duty on conveyance shall be the duty calculated on the market value of the property reduced by duty paid on the power of attorney	One thousand rupees for each person authorized.

”.

4. *Repeal and saving.*— (1) The Indian Stamp (Goa Amendment) Ordinance, 2026 (Ordinance No. 1 of 2026) 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 amend the provisions of the Indian Stamp Act, 1899 (Act 2 of 1899), as in force in the State of Goa (hereinafter referred to as the “said Act”) so as to rationalise the levy of stamp duty, remove ambiguity in the treatment of instruments executed as part of a single transaction, avoiding multiple incidences of stamp duty on the same transaction, and facilitating ease of doing business while safeguarding the revenue of the State.

Clause 3 of the Bill further seeks to amend article 5 of Schedule I-A of the said Act to provide that where an agreement confers authority upon a promoter or developer for the construction, development, sale or transfer of immovable property, such agreement shall be chargeable with stamp duty as a conveyance. However, where a Power of Attorney in respect of the same property is executed between the same parties solely for the implementation of the same transaction and is chargeable under article 48, the agreement shall instead be chargeable with a fixed stamp duty of ₹1,000/-. This amendment seeks to ensure that stamp duty equivalent to a conveyance is levied only once in respect of the transaction.

The Bill also seeks to amend article 22 of Schedule I-A to rationalise the stamp duty payable on conveyances arising out of corporate restructuring through Schemes of Arrangement, including amalgamations, mergers, demergers and reconstructions approved by the High Court or the National Company Law Tribunal. The proposed amendment seeks to reduce the stamp duty payable on such

transactions, including amalgamations of subsidiary companies with their parent companies, thereby providing fiscal relief to companies undertaking genuine corporate restructuring and promoting a more business-friendly regulatory environment.

The Bill also seeks to amend article 48 of Schedule I-A so that where a Power of Attorney relating to immovable property is executed in favour of a promoter or developer authorising construction, development, sale or transfer of such property, it shall ordinarily be chargeable with stamp duty as a conveyance. However, where stamp duty equivalent to a conveyance has already been paid on an agreement executed under Article 5 between the same parties in respect of the same transaction, any Power of Attorney executed in furtherance thereof shall be chargeable only with a fixed stamp duty of ₹1,000/-. This amendment is intended to avoid duplication of stamp duty while ensuring that the principal transaction remains adequately stamped.

The Bill also seeks to repeal the Indian Stamp (Goa Amendment) Ordinance, 2026 (Ordinance No. 1 of 2026) promulgated by the Hon'ble Governor of Goa on 30/03/2026.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The proposed rationalization of stamp duty is likely to have an impact on the revenue of the State. However, it cannot be quantified at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is envisaged in this Bill.

Porvorim-Goa.
31/08/2026.

ATANASIO MONSERRATE
Minister for Revenue.

Assembly Hall,
Porvorim, Goa.
31/08/2026.

NAMRATA ULMAN
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, Shri Pusapati Ashok Gajapathi Raju, Governor of Goa, hereby recommend the introduction and consideration of the Indian Stamp (Goa Amendment) Bill, 2026, by the Legislative Assembly of Goa.

LOK BHAVAN,
Dona Paula, Goa.
Date: August, 2026.

Pusapati Ashok Gajapathi Raju
Honourable Governor of Goa.

ANNEXURE

Extract of Section 4 of the Indian Stamp Act, 1899 (2 of 1899), as in force in the State of Goa

4. *Several instruments used in single transaction of sale, mortgage or settlement.*— (1) Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule 1 or in Schedule I-A, as the case may be, for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one rupee instead of the duty (if any) prescribed for it in Schedule 1 or in Schedule I-A, as the case may be.

(2) The parties may determine for themselves which of the instrument so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument:

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

Extract of Article 5 in Schedule I-A of the Indian Stamp Act, 1899 (2 of 1899), as in force in the State of Goa

Sr. No.	Article	Clause	Existing Provision
1	5.	AGREEMENT OR MEMORANDUM OF AN AGREEMENT —	
		(a) if relating to the sale of a bill of exchange.	One hundred rupees.
		(b) if relating to the sale of the purchase or sale of Government security or share in an incorporated company or other body corporate.	Twenty paise for every rupees ten or part thereof of value of the security or share.
		(c) if relating to an agreement for the sale of an immovable property.	2.9 percent of the market value of the immovable property, subject to a minimum duty of rupees one hundred and rounded up to the nearest hundred in its multiples thereof.
		(d) if not otherwise provided for ...	One thousand rupees.
Exemptions			
Agreement or memorandum of agreement-			
(a) for or relating to the sale of goods or merchandise exclusively not being a NOTE or MEMORANDUM chargeable under No. 42;			
(b) made in the form of tenders to the Central Government for or relating to any loan;			
AGREEMENT TO LEASE. <i>See</i> LEASE (No. 34)			

Extract of Article 22 in Schedule I-A of the Indian Stamp Act, 1899 (2 of 1899), as in force in the State of Goa

Sr. No.	Article	Clause	Existing Provision
1	22	(a) CONVEYANCE, other than a conveyance specified in clause (b), not being a transfer charged or exempted under Article No. 62.	--
		when the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50/-	Three rupees.
		where it exceeds Rs. 50/- but does not exceed Rs. 100/-	Five rupees.
		where it exceeds Rs. 100/- but does not exceed Rs. 200/-	Ten rupees.
		where it exceeds Rs. 200/- but does not exceed Rs. 300/-	Fifteen rupees.
		where it exceeds Rs. 300/- but does not exceed Rs. 400/-	Twenty rupees.
		where it exceeds Rs. 400/- but does not exceed Rs. 500/-	Twenty five rupees.

		where it exceeds Rs. 500/- but does not exceed Rs. 600/-	Thirty rupees.
		where it exceeds Rs. 600/- but does not exceed Rs. 700/-	Thirty five rupees.
		where it exceeds Rs. 700/- but does not exceed Rs. 800/-	Forty rupees.
		where it exceeds Rs. 800/- but does not exceed Rs. 900/-	Forty five rupees.
		where it exceeds Rs. 900/- but does not exceed Rs. 1,000/-	Fifty rupees.
		and for every Rs. 500/- or part thereof in excess of Rs. 1,000/-.	Thirty five rupees.

<i>Exemptions</i>			--
Assignment of copyright by entry made under the copyright Act, 1957.			
		(b) CONVEYANCE (Not being a transfer charged or exempted under Article No. 62) so far as it relate to immovable property.	--
		Where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 200/-	Fifteen rupees.
		Where it exceeds Rs. 200/- but does not exceed Rs. 300/-	Twenty rupees.
		Where it exceeds Rs. 300/- but does not exceed Rs. 400/-	Thirty rupees.
		Where it exceeds Rs. 400/- but does not exceed Rs. 500/-	Forty rupees.
		Where it exceeds Rs. 500/- but does not exceed Rs. 600/-	Forty five rupees.
		Where it exceeds Rs. 600/- but does not exceed Rs. 700/-	Fifty rupees.
		Where it exceeds Rs. 700/- but does not exceed Rs. 800/-	Sixty rupees.
		Where it exceeds Rs. 800/- but does not exceed Rs. 900/-	Sixty five rupees.
		Where it exceeds Rs. 900/- but does not exceed Rs. 1,000/-	Seventy five rupees.
		and for every Rs. 500/- or part thereof in excess of Rs. 1,000/-	Forty rupees.

**Extract of Article 48 in Schedule I-A of the Indian Stamp Act, 1899 (2 of 1899),
as in force in the State of Goa**

Sr. No.	Article	Clause	Existing Provision
1	48.	POWER OF ATTORNEY not being a Proxy:—	
		(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents	One hundred rupees.
		(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882 (15 of 1882)	One hundred rupees.
		(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a)	One hundred rupees.
		(d) when authorising one person to act in more than one transaction or generally	One hundred rupees.
		(e) when authorising more than one person to act in single transaction or more than one transaction jointly or severally or generally	One hundred rupees.

		(f) when authorizing to sell or transfer immovable property,-	
		(i) if given to the father, mother, brother, sister, wife, husband, daughter, son, grandson, grand-daughter or such other close relative; and	Five hundred rupees.
		(ii) in any other case	The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of Article 22, on the market value of the property.
		(g) when given to a promoter or developer by whatever name called, for construction on, development of, or sale or transfer (in any manner whatsoever) of, any immovable property	The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of Article 22, on the market value of the property.
		(h) in any other case	One hundred rupees for each person authorised.
<i>Explanation I.</i>— For the purpose of this Article more persons than one when belonging to the same firm shall be deemed to be one person. <i>Explanation II.</i>— The term ‘registration’ includes every operation incidental to registration under the Registration Act, 1908 (16 of 1908). <i>Explanation III.</i>— Where under clause (f), duty has been paid on the power of attorney, and a conveyance relating to that property is executed in pursuance of power of attorney between the executant of the power of attorney and the person in whose favour it is executed, the duty on conveyance shall be the duty calculated on the market value of the property reduced by duty paid on the power of attorney.			

LA/LEGN/2026/1631

The following bill which was introduced in the Legislative Assembly of the State of Goa on 31st August, 2026 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 Goods and Services Tax (Amendment) Bill, 2026

(Bill No. 48 of 2026)

A

BILL

further to amend the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017).

BE it enacted by the Legislative Assembly of Goa in the Seventy-seventh Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Goods and Services Tax (Amendment) Act, 2026.

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

2. *Amendment of Section 15.*— In the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017) (hereinafter referred to as the “principal Act”), in Section 15, in sub-section (3), for clause (b), the following clause shall be substituted, namely:—

“(b) after the supply has been effected, if for such discount, a credit note has been issued by the supplier and input tax credit as is attributable to such discount has been reversed by the recipient of the supply, in accordance with the provisions of Section 34.”.

3. *Amendment of Section 34.*— In Section 34 of the principal Act, in sub-section (1), after the words “both supplied are found to be deficient”, the expression “or where a discount referred to in clause (b) of sub-section (3) of Section 15 is given” shall be inserted.

4. *Amendment of Section 54.*— In Section 54 of the principal Act,—

(i) in sub-section (6), after the words “supply of goods or services or both”, the expression “or of unutilised input tax credit allowed under clause (ii) of the first proviso to sub-section (3)” shall be inserted;

(ii) in sub-section (14), after the expression “sub-section (5) or sub-section (6)”, the expression “, other than cases where refund of tax is claimed on account of goods exported out of India with payment of tax,” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Goods and Services Tax Council at its 56th meeting held on 03/09/2025 have made several recommendations for implementing the GST and for promoting ease of doing business. The Bill seeks to amend the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017) (hereinafter referred to as the “said Act”) so as to give effect to the recommendations of the GST Council. The Bill seeks to amend sub-section (3) of Section 15 of the said Act to do away with requirement of linking the post-sale discount with an agreement specifically linked to relevant invoices and to refer to issuance of credit note under Section 34 where the input tax credit is reversed by the recipient.

The Bill further seeks to amend Section 34 of the said Act so as to include the reference of discount referred under clause (b) of sub-section (3) of Section 15 in the said section for issuing credit notes for post-supply discounts.

The Bill also seeks to amend sub-section (6) of Section 54 of the said Act to extend the provisions of provisional refund to refunds arising out of inverted duty structure. Further, it seeks to amend sub-section (14) of said section to provide for removing the threshold limit for refund claim in case of goods exported out of India with payment of tax.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The proposed Goa Goods and Services Tax (Amendment) Bill, 2026 does not involve any recurring or non-recurring expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is envisaged in this Bill.

Assembly Hall,
Porvorim-Goa.
26/08/2026.

SHRI PRAMOD SAWANT
Hon. Chief Minister/Finance Minister.

Assembly Hall,
Porvorim, Goa.
26/08/2026.

SMT. NAMRATA ULMAN
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, Shri Pusapati Ashok Gajapathi Raju, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Goods and Services Tax (Amendment) Bill, 2026 by the Legislative Assembly of Goa.

LOK BHAVAN,
Date: 21/08/2026.

Pusapati Ashok Gajapathi Raju,
Honourable Governor of Goa.

ANNEXURE**Extract from the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017)****Section 15. Value of Taxable Supply.—**

(1) The value of a supply of goods or services or both shall be the transaction value, which is the price actually paid or payable for the said supply of goods or services or both where the supplier and the recipient of the supply are not related and the price is the sole consideration for the supply.

(2) The value of supply shall include—

(a) any taxes, duties, cesses, fees and charges levied under any law for the time being in force other than this Act, the State Goods and Services Tax Act, the Union Territory Goods and Services Tax Act and the Goods and Services Tax (Compensation to States) Act, if charged separately by the supplier;

(b) any amount that the supplier is liable to pay in relation to such supply but which has been incurred by the recipient of the supply and not included in the price actually paid or payable for the goods or services or both;

(c) incidental expenses, including commission and packing, charged by the supplier to the recipient of a supply and any amount charged for anything done by the supplier in respect of the supply of goods or services or both at the time of, or before delivery of goods or supply of services;

(d) interest or late fee or penalty for delayed payment of any consideration for any supply; and

(e) subsidies directly linked to the price excluding subsidies provided by the Central Government and State Governments.

Explanation.— For the purposes of this sub-section, the amount of subsidy shall be included in the value of supply of the supplier who receives the subsidy.

(3) The value of the supply shall not include any discount which is given-

(a) before or at the time of the supply if such discount has been duly recorded in the invoice issued in respect of such supply; and

(b) after the supply has been effected, if—

(i) such discount is established in terms of an agreement entered into at or before the time of such supply and specifically linked to relevant invoices; and

(ii) input tax credit as is attributable to the discount on the basis of document issued by the supplier has been reversed by the recipient of the supply.

(4) where the value of the supply of goods or services or both cannot be determined under sub-section (1), the same shall be determined in such manner as may be prescribed.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (4), the value of such supplies as may be notified by the Government on the recommendations of the Council shall be determined in such manner as may be prescribed.

Explanation.— For the purposes of this Act,—

(a) persons shall be deemed to be “related persons” if—

- (i) such persons are officers or directors of one another’s businesses;
- (ii) such persons are legally recognised partners in business;
- (iii) such persons are employer and employee;
- (iv) any person directly or indirectly owns, controls or holds twenty-five per cent. or more of the outstanding voting stock or shares of both of them;
- (v) one of them directly or indirectly controls the other;
- (vi) both of them are directly or indirectly controlled by a third person;
- (vii) together they directly or indirectly control a third person; or
- (viii) they are members of the same family;

(b) the term "person" also includes legal persons;

(c) persons who are associated in the business of one another in that one is the sole agent or sole distributor or sole concessionaire, howsoever described, of the other, shall be deemed to be related.

Section 34. Credit and debit notes.—

(1) Where one or more tax invoices have been issued for supply of any goods or services or both and the taxable value or tax charged in that tax invoice is found to exceed the taxable value or tax payable in respect of such supply, or where the goods supplied are returned by the recipient, or where goods or services or both supplied are found to be deficient, the registered person, who has supplied such goods or services or both, may issue to the recipient one or more credit notes for supplies made in a financial year containing such particulars as may be prescribed.

(2) Any registered person who issues a credit note in relation to a supply of goods or services or both shall declare the details of such credit note in the return for the month during which such credit note has been issued but not later than the thirtieth day of November following the end of the financial year in which such supply was made, or the date of furnishing of the relevant annual return, whichever is earlier, and the tax liability shall be adjusted in such manner as may be prescribed:

Provided that no reduction in output tax liability of the supplier shall be permitted, if the—

- (i) input tax credit as is attributable to such a credit note, if availed, has not been reversed by the recipient, where such recipient is a registered person; or
- (ii) incidence of tax on such supply has been passed on to any other person, in other cases.

(3) Where one or more tax invoices have been issued for supply of any goods or services or both and the taxable value or tax charged in that tax invoice is found to be less than the taxable value or tax payable in respect of such supply, the registered person, who has supplied such goods or services or both, shall issue to the recipient one or more debit notes for supplies made in a financial year containing such particulars as may be prescribed.

(4) Any registered person who issues a debit note in relation to a supply of goods or services or both shall declare the details of such debit note in the return for the month during which such debit note has been issued and the tax liability shall be adjusted in such manner as may be prescribed.

Explanation.— For the purposes of this Act, the expression “debit note” shall include a supplementary invoice.

Section 54. Refund of tax.—

(1) Any person claiming refund of any tax and interest, if any, paid on such tax or any other amount paid by him, may make an application before the expiry of two years from the relevant date in such form and manner as may be prescribed:

Provided that a registered person, claiming refund of any balance in the electronic cash ledger in accordance with the provisions of sub-section (6) of Section 49, may claim such refund in such form and manner as may be prescribed.

(2) A specialised agency of the United Nations Organisation or any Multilateral Financial Institution and Organisation notified under the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947), Consulate or Embassy of foreign countries or any other person or class of persons, as notified under section 55, entitled to a refund of tax paid by it on inward supplies of goods or services or both, may make an application for such refund, in such form and manner as may be prescribed, before the expiry of two years from the last day of the quarter in which such supply was received.

(3) Subject to the provisions of sub-section (10), a registered person may claim refund of any unutilised input tax credit at the end of any tax period:

Provided that no refund of unutilised input tax credit shall be allowed in cases other than—

(i) zero rated supplies made without payment of tax;

(ii) where the credit has accumulated on account of rate of tax on inputs being higher than the rate of tax on output supplies (other than nil rated or fully exempt supplies), except supplies of goods or services or both as may be notified by the Government on the recommendations of the Council:

Provided also that no refund of input tax credit shall be allowed, if the supplier of goods or services or both avails of drawback in respect of state tax or claims refund of the integrated tax paid on such supplies.

(4) The application shall be accompanied by—

(a) such documentary evidence as may be prescribed to establish that a refund is due to the applicant; and

(b) such documentary or other evidence (including the documents referred to in Section 33) as the applicant may furnish to establish that the amount of tax and interest, if any, paid on such tax or any other amount paid in relation to which such refund is claimed was collected from, or paid by, him and the incidence of such tax and interest had not been passed on to any other person:

Provided that where the amount claimed as refund is less than two lakh rupees, it shall not be necessary for the applicant to furnish any documentary and other evidences but he may file a declaration, based on the documentary or other evidences available with him, certifying that the incidence of such tax and interest had not been passed on to any other person.

(5) If, on receipt of any such application, the proper officer is satisfied that the whole or part of the amount claimed as refund is refundable, he may make an order accordingly and the amount so determined shall be credited to the Fund referred to in Section 57.

(6) Notwithstanding anything contained in sub-section (5), the proper officer may, in the case of any claim for refund on account of zero-rated supply of goods or services or both made by registered persons, other than such category of registered persons as may be notified by the Government on the recommendations of the Council, refund on a provisional basis, ninety per cent. of the total amount so claimed, in such manner and subject to such conditions, limitations and safeguards as may be prescribed and thereafter make an order under sub-section (5) for final settlement of the refund claim after due verification of documents furnished by the applicant.

(7) The proper officer shall issue the order under sub-section (5) within sixty days from the date of receipt of application complete in all respects.

(8) Notwithstanding anything contained in sub-section (5), the refundable amount shall, instead of being credited to the Fund, be paid to the applicant, if such amount is relatable to—

(a) refund of tax paid on export of goods or services or both or on inputs or input services used in making such exports;

(b) refund of unutilised input tax credit under sub-section (3);

(c) refund of tax paid on a supply which is not provided, either wholly or partially, and for which invoice has not been issued, or where a refund voucher has been issued;

(d) refund of tax in pursuance of Section 77;

(e) the tax and interest, if any, or any other amount paid by the applicant, if he had not passed on the incidence of such tax and interest to any other person; or

(f) the tax or interest borne by such other class of applicants as the Government may, on the recommendations of the Council, by notification, specify.

(8A) The Government may disburse the refund of the State tax in such manner as may be prescribed.

(9) Notwithstanding anything to the contrary contained in any judgment, decree, order or direction of the Appellate Tribunal or any court or in any other provisions of this Act or the rules made thereunder or in any other law for the time being in force, no refund shall be made except in accordance with the provisions of sub-section (8).

(10) Where any refund is due to a registered person who has defaulted in furnishing any return or who is required to pay any tax, interest or penalty, which has not been stayed by any court, Tribunal or Appellate Authority by the specified date, the proper officer may—

(a) withhold payment of refund due until the said person has furnished the return or paid the tax, interest or penalty, as the case may be;

(b) deduct from the refund due, any tax, interest, penalty, fee or any other amount which the taxable person is liable to pay but which remains unpaid under this Act or under the existing law.

Explanation.— For the purposes of this sub-section, the expression “specified date” shall mean the last date for filing an appeal under this Act.

(11) Where an order giving rise to a refund is the subject matter of an appeal or further proceedings or where any other proceedings under this Act is pending and the Commissioner is of the opinion that grant of such refund is likely to adversely affect the revenue in the said appeal or other proceedings on account of malfeasance or fraud committed, he may, after giving the taxable person an opportunity of being heard, withhold the refund till such time as he may determine.

(12) Where a refund is withheld under sub-section (11), the taxable person shall, notwithstanding anything contained in Section 56, be entitled to interest at such rate not exceeding six per cent. as may be notified on the recommendations of the Council, if as a result of the appeal or further proceedings he becomes entitled to refund.

(13) Notwithstanding anything to the contrary contained in this section, the amount of advance tax deposited by a casual taxable person or a non-resident taxable person under sub-section (2) of Section 27, shall not be refunded unless such person has, in respect of the entire period for which the certificate of registration granted to him had remained in force, furnished all the returns required under Section 39.

(14) Notwithstanding anything contained in this section, no refund under sub-section (5) or sub-section (6) shall be paid to an applicant, if the amount is less than one thousand rupees.

(15) Notwithstanding anything contained in this section, no refund of unutilised input tax credit on account of zero rated supply of goods or of integrated tax paid on account of zero rated supply of goods shall be allowed where such zero rated supply of goods is subjected to export duty.

Explanation.— For the purposes of this section,—

(1) “refund” includes refund of tax paid on zero-rated supplies of goods or services or both or on inputs or input services used in making such zero-rated supplies, or refund of tax on the supply of goods regarded as deemed exports, or refund of unutilised input tax credit as provided under sub-section (3).

(2) “relevant date” means—

(a) in the case of goods exported out of India where a refund of tax paid is available in respect of goods themselves or, as the case may be, the inputs or input services used in such goods,—

- (i) if the goods are exported by sea or air, the date on which the ship or the aircraft in which such goods are loaded, leaves India; or
- (ii) if the goods are exported by land, the date on which such goods pass the frontier; or
- (iii) if the goods are exported by post, the date of despatch of goods by the Post Office concerned to a place outside India;
- (b) in the case of supply of goods regarded as deemed exports where a refund of tax paid is available in respect of the goods, the date on which the return relating to such deemed exports is furnished;
- (ba) in case of zero-rated supply of goods or services or both to a Special Economic Zone developer or a Special Economic Zone unit where a refund of tax paid is available in respect of such supplies themselves, or as the case may be, the inputs or input services used in such supplies, the due date for furnishing of return under Section 39 in respect of such supplies;
- (c) in the case of services exported out of India where a refund of tax paid is available in respect of services themselves or, as the case may be, the inputs or input services used in such services, the date of—
 - (i) receipt of payment in convertible foreign exchange or in Indian rupees wherever permitted by the Reserve Bank of India, where the supply of services had been completed prior to the receipt of such payment; or
 - (ii) issue of invoice, where payment for the services had been received in advance prior to the date of issue of the invoice;
- (d) in case where the tax becomes refundable as a consequence of judgment, decree, order or direction of the Appellate Authority, Appellate Tribunal or any court, the date of communication of such judgment, decree, order or direction;
- (e) in the case of refund of unutilised input tax credit under clause (ii) of the first proviso to sub-section (3), the due date for furnishing of return under Section 39 for the period in which such claim for refund arises;
- (f) in the case where tax is paid provisionally under this Act or the rules made thereunder, the date of adjustment of tax after the final assessment thereof;
- (g) in the case of a person, other than the supplier, the date of receipt of goods or services or both by such person; and
- (h) in any other case, the date of payment of tax.

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LA/LEGN/2026/1632

The following bill which was introduced in the Legislative Assembly of the State of Goa on 31st August, 2026 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 Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) (Amendment) Bill, 2026

(Bill No. 45 of 2026)

A

BILL

further to amend the Goa Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2013 (Goa Act 24 of 2013).

BE it enacted by the Legislative Assembly of Goa in the Seventy-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) (Amendment) Act, 2026.

(2) It shall come into force at once.

2. *Amendment of Section 6.*— In Section 6 of the Goa Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2013 (Goa Act 24 of 2013), in sub-section (3), for the word “convicted”, the word “accused” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend Section 6 of the Goa Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2013 (Goa Act 24 of 2013) so as to correct the apparent error that has cropped up in sub-section (3) of Section 6 of the said Act by replacing the word “convicted” with the word “accused” therein.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No Financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is envisaged in this Bill.

Porvorim-Goa.
25/08/2026.

VISHWAJIT RANE
Minister for Health.

Assembly Hall,
Porvorim, Goa.
25/08/2026.

NAMRATA ULMAN
Secretary to the
Legislative Assembly of Goa.

ANNEXURE

A Tabular format showing existing provision and proposed amendment in The Goa Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) (Amendment) Bill, 2026

Sr. No.	Existing Provision	Amendment Proposed in the Bill	Justification/Reason for amendment
1	6 (3) – Any person who is convicted under Section 4 of this Act shall deposit such sum of money as specified below, with the Court of the Judicial Magistrate First Class. This sum shall remain with the Court until disposal of the case	in sub-section (3), for the word “convicted”, the word “accused” shall be substituted.	The Government of Goa had earlier enacted the <i>Goa Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2013</i>. However, during the drafting of the Act, the term “convicted” was inadvertently used in place of “accused.” The use of the word “convicted” creates a legal inconsistency, as a person can only be termed “convicted” after a court of law has established guilt through due process. In the context of

			initiating legal proceedings and providing protection to medicare service personnel and institutions, the appropriate term should be “accused,” referring to a person alleged to have committed the offence prior to conviction. Therefore, the amendment is proposed to replace the term “convicted” with “accused” in order to correct the drafting error and ensure clarity, legal accuracy, and proper implementation of the Act.
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LA/LEGN/2026/1641

The following bill which was introduced in the Legislative Assembly of the State of Goa on 31st August, 2026 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 Children’s (Amendment) Bill, 2026

(Bill No. 43 of 2026)

A

BILL

further to amend the Goa Children’s Act, 2003 (Goa Act No. 18 of 2003).

BE it enacted by the Legislative Assembly of Goa in the Seventy-seventh Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Children’s (Amendment) Act, 2026.

(2) It shall come into force at once.

2. *Amendment of Section 2.*— In the Goa Children’s Act, 2003 (Goa Act 18 of 2003) (hereinafter referred to as the “principal Act”), in Section 2, in clause (1), in sub-clause (xv), the figure and word, “leprosy” shall be omitted.

3. *Amendment of Section 5.*— In the principal Act, in Section 5, in sub-section (11), the word and figure, “leprosy” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend Section 2 and 5 of the Goa Children’s Act (Goa Act No. 18 of 2003) by omitting the word “leprosy” so as to remove discrimination against persons affected by leprosy in view of the Order of the Hon’ble Supreme Court in Writ Petition (s) (Civil) No. (s) 83/2010 dated 07/05/2025.

FINANCIAL MEMORANDUM

No Financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is envisaged in this Bill.

Porvorim-Goa.
21/08/2026.

VISHWAJIT PRATAPSINGH RANE
Hon. Minister for Women
and Child Development.

Assembly Hall,
Porvorim, Goa.
21/08/2026.

SMT. NAMRATA ULMAN
Secretary to the
Legislative Assembly of Goa.

**(Annexure to The Goa Children's (Amendment) Bill, 2026
(Bill No. 43 of 2026)**

The Goa Children Act, 2003 (Act 18 of 2003)

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

(a) “Special officers” means officers that are appointed as such under the provisions of this Act;

(b) “A care giver” is a person who is responsible for looking after the well being of the child. This person may be a staff member of any residential facility for children, an employee of an educational institution, a nursery, crèche, a clinic, a hospital, a sports club, a recreational facility or an employee of any facility which provides services to children;

(c) “A place of care” of children are all the places mentioned in clause (b) and any other place which is a place for the care and custody of children;

(d) “Child” means any person who has not completed eighteen years of age unless any other law in force specifies otherwise or unless otherwise indicated in specific provisions in this Act;

Provided that in so far as a victim in an offence of rape is concerned, “child” shall mean any person who has not completed sixteen years of age;

(e) “Child in case of child labour”, shall be a person who has not completed his fourteenth year of age;

(f) “Children's Home” means an institution, whether called an orphanage, home or by any other name and where one or more children reside, either fully or partly and shall include all crèches, boarding schools, orphanages, protective homes and hostels which provide for care or custody or education or rehabilitation of a child”;

(g) “Chief Secretary” means the Chief Secretary to the Government of Goa;

(h) “Children's Court” means the Court constituted under Section 27;

(i) “Competent authority” means the Secretary to the Government in charge of the Department of Women and Child Development;

(j) “Child labour” means all forms of labour involving children below the age of fourteen;

(jj) “commercial sexual exploitation of children” means all forms of sexual exploitation of a child including visual depiction of a child engaged in explicit sexual conduct, real or stimulated, or the lewd exhibition of the genitals intended for sexual gratification of the user, done with a commercial purpose, whether for money or kind. It includes implying, allowing, using, inducing or coercing any child to

engage in sexual conduct, it also includes the use of the child in assisting with other persons to engage in explicit sex;

(k) “Certificate” means the certificate of registration granted under Section 6;

(l) “Child in need” means all children including those whose rights are being violated or who need special attention and/or protection and shall include, for the purposes of this Act:—

(i) Child in need of care and protection and juvenile in conflict with law as defined in the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000).

(ii) Child labour;

(iii) Street Children;

(iv) A child who has been dedicated;

(v) Omitted by Goa Children’s (Amendment) Act, 2005 [Act No. 20 of 2005].

(vi) Omitted by Goa Children’s (Amendment) Act, 2005 [Act No. 20 of 2005].

(vii) A child in a Home, registered or otherwise;

(viii) A child in foster-care;

(ix) Child in situation of abuse;

(x) A differently abled child;

(xi) Children of prisoners;

(xii) Children of commercial sex workers;

(xiii) A child who is vulnerable;

(xiv) A child whose parents are separated or divorced;

(xv) A child who has an illness or disease or ailment which has a social stigma attached to it e.g. HIV, Leprosy.

(ll) “child in difficult circumstances” means a child in need which is exposed to or is likely to be exposed to child abuse or sexual offences or child trafficking or commercial sexual exploitation or violation of his or her rights;

(m) “Child abuse” refers to the maltreatment, whether habitual or not, of the child which includes any of the following:—

(i) psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

(ii) any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;

(iii) unreasonable deprivation of his basic needs for survival such as food and shelter; or failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death;

(n) “Dedication” means the performance of any act or ceremony by whatever name called, by which a girl child is dedicated to the service of any deity, idol, object of worship, temple, other religious institutions or places of worship;

(o) “Director” means the Director of the Directorate of Women and Child Development;

(p) “Fund” means the State Children’s Fund constituted under Section 14;

(pp) “Government or State Government” means the Government of Goa;

(q) “guardian” in relation to a child means his natural guardian or any other person who is legally authorised for the purpose of having the actual charge or control over the child;

(r) “High risk” areas means those areas in which children are vulnerable to exploitation as notified by the Government in the Official Gazette;

(s) “Offence” means an act or omission made punishable under any law for the time being in force;

(t) “medical authority” means such authority as notified by the Government by order or notification published in the Official Gazette and whose certificate on the age of a child shall be conclusive evidence as to the age of the child to whom it relates.

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

(uu) “principle of best interest of child” means the principle which seeks to ensure the physical, emotional, intellectual, social and moral development of the child, and to provide him safe environment from all kinds of child abuse;”

(uv) “rape” means rape as defined in Section 375 of the Indian Penal Code, 1860 (Act V of 1860);]

(v) “registered children’s home” means a children's home which has been registered under this Act;

(w) “Secretary” means the Secretary to the Government in charge of the Department of Women and Child Development;

(x) “Sexual Offence” covers all forms of sexual abuse which constitute offences under this Act;

(y) “Sexual offences” for the purposes of awarding appropriate punitive action means and includes,—

(i) “Grave Sexual Assault” which covers different types of intercourse; vaginal or oral or anal, use of objects with children, forcing minors to have sex with each other, deliberately causing injury to the sexual organs of children, making children pose for pornographic photos or films, and also includes rape;

(ii) Sexual Assault which covers sexual touching with the use of any body part or object, voyeurism, exhibitionism, showing pornographic pictures or films to minors, making children watch others engaged in sexual activity, issuing of threats to sexually abuse a minor, verbally abusing a minor using vulgar and obscene language;

(iii) Incest which is the commission of a sexual offence by an adult on a child who is a relative or is related by ties of adoption.

(z) “child trafficking” means the procurement, recruitment, transportation, transfer, harbouring or receipt of children legally or illegally, within or across borders, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise.

(za) “Differently Abled Children” includes children with disabilities, learning difficulties and associated disorders like Autism.

(zb) The words “complaint”, “bailable offence”, “non-bailable offence”, “cognizable offence”, “charge-sheet”, “police report”, “warrant”, “search warrant”, “remand”, “trial”, “Judicial Magistrate”, “District Magistrate”, “offence”, “compounding”, “officer in charge of Police Station” and “Cognizance” shall have the same meaning as assigned to them under the Code of Criminal Procedure, 1973 (Act 2 of 1974).

**(Annexure to The Goa Children's (Amendment) Bill, 2026
(Bill No. 43 of 2026)**

The Goa Children Act, 2003 (Act 18 of 2003)

5. Health & Nutrition.

(1) Mandatory immunisation with MMR vaccine in children, Rubella vaccine in adolescent in girls and Hepatitis B vaccine in infancy should be introduced in a phased manner as part of the on going free Immunisation programme of the State.

(2) The State shall endeavour to make possible Maternity leave of 6 months in all sectors of employment including for adoptive mothers and single parents.

(3) Creches and day care centers for infants and children of working mothers in all sectors of employment may be set up at the work site or close to the same, in cities and villages, to the maximum extent of available resources.

(4) The State should ensure the creation and maintenance of comprehensive Health cards inclusive of growth and developmental, immunisation and other records for all infants and children including those in crèches, homes and schools, and migrant children.

(5) The State shall seek to provide for palliative and terminal care for infants and children with life threatening and terminal illnesses like cancer and HIV/AIDS.

(6) That State shall take effective steps so that parents do not transmit the HIV virus to their child.

(7) It shall be the duty of all individuals, organizations, institutions etc., to keep their immediate environment clean and free of garbage, faeces, and other items harmful to children. Non-observance of the provisions of this sub-section will carry a penalty which may range from Rs. 100/- to Rs. 1000/-.

(8) The State shall strive to reach higher standards for children by protecting them from malaria and from all avoidable illness and diseases.

(9) Special provisions shall be made for the treatment, education and integration of all children with leprosy.

(10) Special attention shall be given to issues of substance [psycho-social well being] drug and alcohol abuse in children.

(11) No medical institution or clinic or hospital or nursing home shall reject admission or treatment of a child or pregnant mother who has any illness or disease or ailment which has a social stigma attached with it, such as Leprosy, AIDS, etc.

(12) Any contravention or non-adherence of the provisions of this section, except for sub-section (7), shall be dealt with by the Competent Authority only and shall be punishable with a fine which may extend to Rs. 50,000/-.