

The Goa State Commission for Backward Classes Act, 1993 and Rules, 1997

The Goa State Commission for Backward Classes Act, 1993

1. **The Goa State Commission for Backward Classes Act, 1993 (Goa Act 13 of 1993)** published in the Official Gazette, Series I No. 10 dated 3-6-1993.
2. **The Goa State Commission for Backward Classes (Amendment) Act, 1993 (Goa Act 13 of 1993)** published in the Official Gazette, Series I No. 48 dated 24-2-1994 and came into force at once.
3. **The Goa State Commission for Backward Classes Rules, 1997.**
4. **The Goa State Commission for Backward Classes (Amendment) Rules, 2010** published in the Official Gazette, Series I No. 7 dated 13-5-2010.

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GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

Notification

7-13-93/LA

The Goa State Commission for Backward Classes Act, 1993 (Goa Act 13 of 1993) which has been passed by the Legislative Assembly of Goa on 30-3-1993 and assented to by the Governor of Goa on 4-5-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 27th May, 1993.

The Goa State Commission for Backward Classes Act, 1993

(Goa Act No. 13 of 1993) [4-5-1993]

AN

ACT

to constitute a State Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto.

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

CHAPTER I

Preliminary

1. Short title and commencement.— (1) This Act may be called the Goa State Commission for Backward Classes Act, 1993.

(2) It shall come into force at once.

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

(a) “backward classes”, for the purpose of this Act, means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists;

(b) “Commission” means the State Commission for Backward Classes constituted under section 3;

(c) “Legislative Assembly” means the Legislative Assembly of the State of Goa;

(d) “lists” means lists prepared by the State Government from time to time for purposes of making provisions for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government are not adequately represented in the services under the State Government and any local or other authority within the State of Goa or under the control of the State Government;

(e) “Member” means a member of the Commission and includes the Chairperson;

(f) “Official Gazette” means the Official Gazette of the State Government;

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

(h) “State Government” means the Government of Goa.

CHAPTER II

Commission for Backward Classes

3. Constitution of the State Commission for Backward Classes.— (1) The State Government shall constitute a body to be known as the State Commission for Backward

Classes to exercise the powers conferred on, and to perform the functions assigned to it under this act.

(2) The Commission shall consist of the following Members nominated by the State Government:—

(a) a Chairperson, who is or has been a Judge of a High Court or District Judge or *¹[a person who is qualified to be appointed as a Judge of a High Court or as a District Judge];

(b) a social scientist;

(c) two persons, who have special knowledge in matters relating to backward classes; and

(d) a Member-Secretary, who is or has been an Officer of the State Government in the rank of a Secretary or above, to the Government.

4. Term of Office and conditions of service of Chairperson and Members.— (1) Every Member shall hold office for a term of three years from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the State Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The State Government shall remove a person from the office of Member if that person—

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(f) has, in the opinion of the State Government, so abused the position of Chairperson or Member so as to render that person's continuance in office detrimental to the interests of backward classes or the public interest:

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

¹ Substituted vide Amendment Act No. 1 of 1994.

5. Officers and other employees of the Commission.— (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the Officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. Salaries and allowances to be paid out of grants.— The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

7. Vacancies, etc., not to invalidate proceedings of the Commission.— No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

8. Procedure to be regulated by the Commission.— (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

CHAPTER III

Functions and Powers of the Commission

9. Functions of the Commission.— (1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the State Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding upon the State Government.

10. Powers of the Commission.— The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person from any part of the State of Goa and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing Commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

11. Periodic revision of lists by the State Government.— (1) The State Government may at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.

(2) The State Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

CHAPTER IV

Finance, Accounts and Audit

12. Grants by the State Government.— (1) The State Government shall, after due appropriation made by the Legislative Assembly by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purpose of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

13. Accounts and Audit.— (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

14. Annual Report.— The Commission shall prepare, in such form and at such time for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

15. Annual Report and Audit Report to be laid before the Legislative Assembly.— The State Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before the Legislative Assembly.

CHAPTER V

Miscellaneous

16. Chairperson, members and employees of the Commission to be public servants.— The Chairperson, members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

17. Power to make rules.— (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) salaries and allowances payable to and the other terms and conditions of service of the Chairperson and Members under sub-section (5) of section 4 and of officers and other employees under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13;

(c) the form in, and the time at which the annual report shall be prepared under section 14;

(d) any other matter which is required to be, or may be prescribed.

18. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for the purpose of removing the difficulty.

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

Secretariat Annexe,
Panaji.
Dated: 27-5-1993.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs).

Department of Social Welfare**Notification**

13/6/93-SWD

In exercise of the powers conferred by sub-section (1) of section 17 of the Goa State Commission for Backward Classes Act, 1993 (Act 13 of 1993), the Government of Goa hereby makes the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Goa State Commission for Backward Classes Rules, 1997.

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

2. Definitions.— In these rules, unless the context otherwise requires—

(a) “Act” means the Goa State Commission for Backward Classes Act, 1993 (Act 13 of 1993);

(b) “Section” means a section of the Act.

(c) Words and phrases used but not defined herein shall have the same meaning as assigned to them under the Act.

3. Salaries and allowances and other terms and conditions of service of Chairperson and Members of the Commission.— (1) The Chairperson of the Commission, if appointed on whole time basis shall receive a consolidated salary of ²[Rs. 25000/-]per month and if appointed on honorary basis an honorarium of Rs. 200/- per day for the sittings. Other members, if sitting on whole time basis, shall receive a consolidated salary of Rs. 5000/- per month and if sitting on part time basis, an honorarium of ³[Rs. 500/-]per day for the sitting.

(2) The Chairperson appointed on whole time basis, shall be provided with a vehicle with a ceiling of ⁴[200] litres of petrol per month and if appointed on honorary basis, shall be paid Rs. 1000/- per month as conveyance allowance. Other members appointed on whole time or honorary basis, shall be entitled to TA/DA as admissible to Grade I Government Officers, for attending the Commission’s meetings.

(3) The Chairperson appointed on whole time basis, shall be provided with one telephone each at his office and his residence without STD and if appointed on honorary basis, shall be paid telephone allowance of Rs. 500/- per month. The members shall be paid telephone allowance of ⁵[Rs. 500/-] per month.

² Substituted by the Amendment Rules 2010

³ Substituted by the Amendment Rules 2010

⁴ Substituted by the Amendment Rules 2010

⁵ Substituted by the Amendment Rules 2010

(4) The Chairperson and the Members of the Commission shall be entitled for such travelling allowance and daily allowances on official tour as are admissible to Grade I Officers of the Government.

4. Salaries, allowances and other terms and conditions of service of the Member Security.— (1) The Member Secretary of the Commission shall be paid a ⁶[special pay of Rs. 2000/-] per month for discharging the duties of the Commission. The important administrative matters of the Commission shall be placed before the Member Secretary who may pass the general or specific orders on such matters. He shall be responsible for preparation of the agenda for each meeting of the Commission and shall exercise all administrative and financial powers in connection with day to day affairs of the Commission.

(2) The Member Secretary shall be the appointing and disciplinary authority for the employees of the Commission. Any appeal from any order of the Member Secretary shall lie to the Commission. The Member Secretary shall also be the controlling authority in respect of service matters of the employees of the Commission.

5. The appointment, salaries, allowances and terms and conditions of the staff of the Commission.— (1) The salaries and allowances of the staff appointed for the office of the Commission shall be on par with those of other Government employees of respective category. Similarly, the recruitment rules for the recruitment of staff for the Commission shall be the same as are applicable to different categories. The Commission may appoint, the staff of various categories from other Government Departments on deputation basis and they shall be Governed by the General Rules of deputation. The TA/DA shall be paid to the staff of the Commission for official tour on par with other Government employees of the same category.

(2) For recruitment, confirmation, promotion and all allied matters relating to the service of the staff, the composition of the DPC/DSC shall be as under:—

- | | |
|--|--------------|
| 1. Member Secretary | ... Chairman |
| 2. Director of Social Welfare | ... Member |
| 3. A Co-opted member to be nominated by the Member Secretary | ... Member |

6. Annual statement of accounts and annual report.— The Commission shall maintain the annual statement of account as per the statement appended to these Rules in Form 'A' The form in which the annual report is to be prepared shall be as per Form 'B' appended hereto. ⁷[The Form in which the balance sheet is to be prepared shall be as per Form 'C' appended hereto.] The Commission shall prepare its annual report which shall be submitted to the Government in the forms mentioned above in the month of April of succeeding year.

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

E. Silveira, Under Secretary (Social Welfare).

Panaji, 5th February, 1997.

⁶ Substituted by the amendment Rules 2010

⁷ Inserted vide Notification No. 13/6/93-SWD/1137 dated 24-06-2002 published in the Official Gazette, Series I No. 17 dated 26-07-2002.

FORM - A

Appendix - A

Accounts of the Goa State Commission for Backward Classes

(See Rule 6)

Receipts and Payment Account of the Goa State Commission for Backward Classes for
the Year ending 31st March

(Rupees)			
Receipt	Amount (Year)	Payment	Amount (Year)
Opening Balance		A. Plan Expenditure	
(i) Cash in hand		I. Recurring	
(ii) Cash in Bank		(a) Establishment Charges	
Grant-in-aid from the Government		1. Salaries (Chairperson & Members of the Commission including Honorarium & Allowances to co-opted Members)	
(i) Plan		2. Salaries (Officers & Establishment)	
Recurring		3. Wages	
Non-Recurring		4. Payment for professional and special services	
(ii) Non-plan		5. Travel Expenses	
Recurring			
Non-Recurring			
A. Plan			
(i) Recurring Investments			
(i) Face value of investments encashed		15. Other Charges	
(ii) Interest on investments		16. Litigation	
(iii) Interest on Bank Account and short terms Deposits		(C) Provident Fund/Other Contributions	
(3) Recovery of Contingent Advance		1. Pensions & Gratuities (including commutation of pension and LSPC)	
(i) Advance to CPWD		2. Contribution CPF	
(ii) Advances to DGS & D		3. Deposit Linked Insurance Scheme	
(iii) Advances to Suppliers		4. Interest on CPF	
(iv) Other Advances		5. CPF Advance/Withdrawal/Final Payment	
(4) Other Deposits		6. Investment of CPF Balances	
(i) Security Deposit		7. Interest on GPF	
(ii) Earnest Money Deposit		8. GPF Advance/Withdrawal/Final Payment	
(C) Remittance Receipts		9. Investment of GPF Balances	
(i) GPF/CPF etc. recoveries from deputationists		10. Investment of Balances of Group Insurance	
(ii) Licence Fee		11. Payment to GIC for Insurance	
(iii) Income Tax			
(iv) Central Govt. Health Scheme			
(v) Postal Life Insurance			
(vi) Central Govt. Employee's Group Insurance Scheme			
(ii) Non-Recurring			
(B) Non-Plan			
(i) Recurring			
(ii) Non-Recurring			

<ul style="list-style-type: none"> (a) Revenue Receipts Other Receipts (i) Miscellaneous Receipts (ii) Fees if any, charged by the Commission (iii) Sale of Publications (b) Debt/Deposit Receipts Provident Fund/Other Contributions (1) General Provident Fund <ul style="list-style-type: none"> (a) Subscription (b) Recovery of Advance (c) Interest (2) Contributory Provident Fund <ul style="list-style-type: none"> (a) Subscription (b) Recovery of Advance (c) Contribution (d) Interest (3) Group Insurance Scheme <ul style="list-style-type: none"> (a) Insurance Fund (b) Saving Fund Recovery of Advances <ul style="list-style-type: none"> (i) House Building Advance (ii) Motor Car Advance (iii) Other Motor Conveyance Advance (iv) Other Advances 	<ul style="list-style-type: none"> cover (D) Assistance to other Organisations <ul style="list-style-type: none"> 1. Special Studies 2. Promotional and Educational Research (b) Other Establishment Charges <ul style="list-style-type: none"> 1. Office Expenses 2. Rent, Rates and Taxes 3. Publications 4. Advertisement & Publicity 5. Hospitality Expenses 6. Minor Works 7. Furniture and Fixtures 8. Machinery & Equipment 9. Motor Vehicles 10. Maintenance of Vehicles 11. Petrol, Oil and Lubricants 12. Conference & Seminars 13. Telephone Charges (e) Investments <ul style="list-style-type: none"> 1. Investments (f) Contingent Advances <ul style="list-style-type: none"> 1. Advance to CPWD 2. Advance to DGS & D 3. Advances to Suppliers 4. Other Advances (g) Advances to Staff <ul style="list-style-type: none"> 1. House Building Advance 2. Motor Car Advance 3. Other Motor Conveyance Advance 4. Other Advance (h) Other Adjustments (Remittances) <ul style="list-style-type: none"> 1. GPF etc. recoveries of deputationists 2. Licence Fee 3. Income Tax 4. Central Govt. Health Scheme 5. Postal Life Insurance 6. CGEGIS/CGEIS A. II. Non-Recurring (a) Other Establishment Charges <ul style="list-style-type: none"> 1. Major Works 2. Furniture & Fixture 3. Machinery & Equipment 4. Motor Vehicles 5. Publications (b) Deposits <ul style="list-style-type: none"> 1. Security Deposits 2. Earnest Money Deposits B. Non-plan Expenditure 	
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		1. Recurring 2. Non-Recurring C. Closing Cash Balance 1. Cash in Hand 2. Cash in Bank	
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FORM - B
Appendix - B**Goa State Commission for Backward Classes Income and Expenditure Accounts for the Year ended
31st March.**

Expenditure	Amount (Year)	Income	Amount (Year)
Plan		Plan	
Recurring		A. Grant-in-aid from Government	
Establishment Charges		Less: Amount of Grant-in-aid capitalised	
(1) Salaries (Chairperson and Members of the Commission including Honorarium and Allowances to Co-opted Members)		B. Receipt on account of Interest	
(2) Salaries (Officers and Establishment)		(i) Interest on Investment	
(3) Wages		(ii) Interest on Bank Account and short term deposits	
(4) Payment for Professional and Special Services		C. Other Receipts	
(5) Travel Expenses		(i) Miscellaneous receipts	
(c) Provident Fund & Other Contributions		(ii) Fees, if any, charged by the Commission	
1. Pensions and gratuities (including Commuted value of Pension & LSPC)		(iii) Sale of Publications	
2. Contribution to CPF			
3. Deposit Linked Insurance Scheme			
4. Interest on CPF			
5. Interest on GPF			
6. Group Insurance Scheme			
(a) Insurance Fund			
(b) Saving Fund			
(d) Assistance to other organisations			
1. Special Studies			
2. Promotional and Educational Research			
II. Non-plan			
Recurring			
Excess of Income over expenditure			
(b) Other Establishment Charges		Non-plan	
(1) Office Expenses		Excess of Expenditure over	
(2) Rent, Rates and Taxes		Income	
(3) Advertisement & Publicity			
(4) Hospitality Expenses			
(5) Publications			
(6) Minor Works			
(7) Furniture & Fixtures			
(8) Machinery & Equipment			

(9) Motor Vehicles			
(10) Maintenance of Vehicles			
(11) Petrol, Oil & Lubricants			
(12) Conference & Seminars			
(13) Telephone Charges			
(14) Other Charges			
(15) Litigation			

(Published in the Official Gazette, Series I No. 47 dated 20-2-1997-Extraordinary-2)

⁸Form - C

Goa State Commission for Backward Classes
Behind Old G.M.C. Campus,
Opp. R.M.O.S. Hostel, Panaji-Goa
Balance Sheet as at 31st March

Appendix - C

Liabilities	Amount (Year)	Assets	Amount (Year)
Corpus Fund		Fixed Assets	
		Motor Vehicle	
Revenue Fund		Machinery & Equipment	
		Furniture	
		Current Assets	
		Telephone deposit	
		Cash at bank	
		Cash in hand	
TOTAL:		TOTAL:	

⁸ Inserted vide Notification No. 13/6/93-SWD/1137 dated 24-06-2002 published in the Official Gazette, Series I No. 17 dated 26-07-2002.

Local Administration and Welfare Department

Sub: Backward Classes—Declaration of

Order

DF-1-SCT-64-LAWD-1

The Government of Goa, Daman and Diu, after taking into account the Educational and Social conditions of people belonging to various communities in Goa, Daman and Diu, declares the following Communities as socially and educationally backward for the purpose of Art. 15(4) and backward for the purpose of Art. 16(4) of the Constitution:

1. Kunbis
2. Gawdas
3. Dhangars
4. Velips

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 29th July, 1980.

[Published in the Official Gazette, Series I No. 17 (Extraordinary) dated 29-7-1980]

Order

DF-1-SCT-64-LAWD

Whereas the Government of Goa, Daman and Diu is of the opinion that the Backward Classes as notified under Order No. DF-1-SCT-64-LAWD-I, dated 29th July, 1980 are not adequately represented in the Government service.

Now, therefore, the Government of Goa, Daman and Diu hereby directs that 2% of the total number of vacancies in the Government service shall be reserved for filling up by candidates belonging to Backward Classes declared under Order No. DF-1-SCT-64-LAWD-I, dated 29-7-1980.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 29th July, 1980.

[Published in the Official Gazette, Series I No. 17 (Extraordinary) dated 29-7-1980]

Sub: Backward Classes–Reservation of vacancies

Order

DF-1-SCT-64-LAWD

Read Government Order No. DF-1-SCT-64-LAWD dated 29-7-1980.

The above Government Order published in Extraordinary Official Gazette No. 17, Series I dated 29-7-1980 shall take effect from the date of receipt of concurrence from the Government of India.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 8th September, 1980.

[Published in the Official Gazette, Series I No. 25 dated 18-9-1980]

Local Administration and Welfare Department

Sub: Backward Classes— Reservation of vacancies

Order

DF-1-SCT-64-LAWD

Read Government Order No. DF-1-SCT-64-LAWD dated 29-7-1980.

The Government Order No. DF-1-SCT-64-LAWD dated 8-9-1980 published in the Official Gazette, Series I No. 25 dated 18-9-1980 is hereby cancelled and order of even number dated 29-7-1980 shall come into force with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (Law).

Panaji, 20th July, 1984.

[Published in the Official Gazette (Extraordinary), Series I No. 16 dated 21-7-1984]

Power, Supply and Welfare Department

Order

13-3-84/LAWD/OBC

The Government of Goa after taking into account the educational and social conditions of people belonging to various communities in Goa, declares the following three communities as socially and educationally backward for the purpose of Art. 15(4) and backward for the purpose of Art. 16(4) of the Constitution:

1. Gaudas
2. Velips
3. Dhangars

The Government of Goa hereby directs that 2% of the total number of vacancies in the Government shall be reserved for filling up by the above mentioned communities.

This supersedes Government Order No. DF-1-SCS-64-LAWD-I dated 29-7-1980.

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

P. W. Rane Sardessai, Under Secretary to the Government of Goa, Social Welfare.

Panaji, 12th June, 1987.

(Published in the Official Gazette, Series I No. 12 dated 18-6-1987 Extraordinary)

Power, Supply and Welfare Department

Order

13-3-84/LAWD/OBC

The Government of Goa hereby amends the Government Order No. 13-3-84/LAWD/OBC dated 12-6-87 published in the Official Gazette, Series I No. 12, dated 18-6-1987 (hereinafter referred to as the 'principal Order'), as follows:—

In the principal Order, after item 3, the following item shall be inserted, namely:—

“4. Kunbis”

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

P. W. Rane Sardessai, Under Secretary to the Government of Goa, Social Welfare.

Panaji, 9th July, 1987.

(Published in the Official Gazette, Series I No. 17 dated 23-7-1987)

Notification

13-1-97-SWD

Read: 1. Government order No. 13-3-84-LAWD/OBC dated 12-6-1987 and 9-7-1987.

2. Government of India, Ministry of Welfare Resolution No. 12011/44/96-BCC dated 6-12-1996 published in the Gazette of India No. 210 dated 11-12-1996.

The Government of Goa, after taking into account the Resolution cited above issued by the Government of India, Ministry of Welfare on the recommendations of the National Commission for Backward Classes, have decided to notify inclusion of the below mentioned Communities in the State list of O. B. Cs with immediate effect.

1. Dhobi, Rajak, Madval (including Christian Dhobies).
2. Nhavi, Nai, Nabhik, Napit, Mahalo.
3. Koli, Kharvi (including Christian Kharvi).
4. Nathjogi.
5. Gosavi.

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

E. Silveira, Under Secretary (Social Welfare).

Panaji, 3rd March, 1997.

(Published in the Official Gazette, Series I No. 51 dated 25-3-1997-Extraordinary-2)

Department of Social Welfare

Directorate of Social Welfare

Notification

13-1-97/SWD/1016

- Read: (1) Government Order No. 13-3-84-LAWD/OBC dated 12-6-1987 and 9-7-1987.
(2) Notification No. 13/1/97-SWD dated 3-3-1997.
(3) Notification No. 13/1/97-SWD dated 13-5-1997.
(4) Notification No. 13/1/97-SWD dated 12-12-1997.
(5) Notification No. 13/1/97-SWD/2122 dated 23-9-1998.
(6) Notification No. 13/25/92-SWD-Part dated 4-10-1995.

The Government of Goa, after taking into account the Resolution dated 27-10-1999 and 6-12-1999 of the Ministry of Social Justice and Empowerment, Government of India, published in the Gazette of India/Extraordinary, Part-I section 1 dated 27-10-1999 and 6-12-1999, respectively and further, on the recommendations of the Goa State Other Backward Classes Commission hereby notifies inclusion of below mentioned communities in the State list of OBC.

- (1) Kumbhar including Christian Kumbhar.
- (2) Teli.
- (3) Shimpi.
- (4) Christian Mahar.
- (5) Kalaikar/Blacksmith/Tinsmith.
- (6) Pagui/Gabit.
- (7) Christian Barber.
- (8) Satarkar.
- (9) Bhandari Naik.

The Government is also pleased to notify that the existing reservation percentage for OBC Communities notified vide Government Orders and Notifications cited above, for direct recruitment, for service under State Government and State Undertakings, shall be increased from 15% to 27% with immediate effect. The roster points for OBC in 100 point roster will be 5, 8, 11, 15, 17, 21, 25, 29, 35, 39, 43, 47, 53, 55, 57, 61, 65, 69, 71, 73, 77, 79, 83, 87, 91, 95, 99 (27 points).

This reservation will, however, not be available to persons falling within the 'creamy layer', the criteria for which, is as specified by the Government Notification No. 13/25/92-SWD-PART dated 4-10-1995.

This Notification shall come into force with immediate effect.

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

S. V. Shirodkar, Director of Social Welfare & ex officio Joint Secretary.

Panaji, 30th June, 2000.

Department of Social Welfare

Notification

13-1-97/SWD

- Read: 1. Government Order No. 13-3-84-LAWD/OBC dated 12-6-1987 and 9-7-1987.
2. Government Notification No. 13/1/97-SWD dated 3-3-1997.

The Government of Goa after taking into account the educational and social backwardness of Bhandari Community, is pleased to notify inclusion of Bhandari community in the State list of O.B.Cs with immediate effect.

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

E. Silveira, Under Secretary to the Government of Goa, Social Welfare.

Panaji, 12th December, 1997.

(Published in the Official Gazette, Series I No. 37 dated 15-12-1997-Extraordinary-2)

Department of Social Welfare

Notification

13/1/97/SWD/2122

Whereas vide Notification No. 13/1/97-SWD dated 12-12-1997, published in the Official Gazette, Series I No. 37 dated 15th December, 1997 (thereinafter called the "said Notification"), the Government had notified inclusion of Bhandari Community in the State list of O.B.C.;

And whereas the said Notification was challenged before the High Court of Bombay at Panaji in Writ Petition No. 288/1998.

And whereas the Hon'ble High Court vide Oral Order dated 24-8-1998 in said Writ Petition No. 288/1998, stayed the said Notification.

And whereas the High Court has also made it clear that whatever has already been done under the said Notification shall not be disturbed and the stay shall take effect from 24-8-1998.

Now, therefore, the Government hereby directs that the said Notification shall be held in abeyance with effect from 24-8-1998 until further orders.

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

S. V. Shirodkar, ex officio Joint Secretary & Director of Social Welfare.

Panaji, 23rd September, 1998.

(Published in the Official Gazette, Series I No. 26, dated 25-9-1998-Extraordinary-3)

Social Welfare Department

Notification

13-2-84/SWD/I

Whereas the Government of Goa vide Orders No. 13-3-84/LAWD/OBC dated 12-6-87 and 9-7-1987 has notified four communities viz. Kunbi, Gawda, Dhangar and Velip as Other Backward Classes under articles 15(4) and 16(4) of the Constitution of India;

And whereas the Government of Goa have decided that 5% of the total number of seats to be filled in the Government professional institutions and 2% of the total number of vacancies in Government service shall be reserved for being filled up by the candidates belonging to the above other backward classes.

Now therefore, the Government of Goa hereby fixes the points Nos. 7 and 57 in the 100 Point Roster for filling up the posts reserved for the other backward classes.

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

P. W. Rane Sardessai, Under Secretary to the Government of Goa, Social Welfare.

Panaji, 8th February, 1998.

(Published in the Official Gazette, Series I No. 51 dated 17-3-1988)

Department of Social Welfare

Notification

13/1/96-SWD

Government is pleased to relax the upper age limit prescribed for direct recruitment by 3 years in respect of candidates belonging to Other Backward Classes to fill up the vacancies reserved for them. Government is also pleased to provide relaxation of Standard in written examination and interview to fill up the quota reserved for Other Backward Classes.

This will come into effect immediately and will be applicable to all Government Departments, State owned undertakings and Organisations/Institutions wherever reservation is applicable.

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

E. Silveira, Under Secretary (Social Welfare).

Panaji, 27th December, 1996.

(Published in the Official Gazette, Series I No. 40 dated 2-1-1997)

Department of Social Welfare

Notification

13/8/91/SWD/Part/2008

Government of Goa, after considering the inclusion of various Communities in the State list of Other Backward Classes, is pleased to prescribe the following guidelines as regards the issue of O.B.C. certificate:

CLAIMS THROUGH MARRIAGES:

The guiding principle is a that no person who was not Other Backward Class by birth will be deemed to be a member of Other Backward Class merely because he or she married a person belonging to Other Backward Class.

Similarly a person who is a member of Other Backward Class would continue to be a member of that Other Backward Class even after his or her marriage with a person who does not belong to a Other Backward Class.

S. V. Shirodkar, ex officio Joint Secretary (S.W).

Panaji, 3rd September, 1998.

(Published in the Official Gazette, Series I No. 28 dated 8-10-1998)

Department of Social Welfare

Notification

No. 13/25/92-SWD/Part

Read: 1. Government Order No. 13/3/84-LAWD/OBC dated 12-6-87 and 9-7-1987.

2. Notification No. 13/2/84-SWD-I dated 8-2-1988.

Pursuant to Supreme Court judgement in the Indira Sawney and others Vs Union of India and others case [Writ Petition (Civil) No. 930 of 1990] the Government of Goa is pleased to adopt the same criteria evolved by the Government of India vide Office Memorandum No. 36012/22/93-Estt. (SCT) dated 8-9-1993 of the Ministry of Personnel Public Grievances & Pension (Department of Personnel & Training), New Delhi for exclusion of socially advanced persons/Sections ('Creamy Layer') from Other Backward Classes, as per the Schedule appended hereto.

The said criteria will be initially applicable to the four Communities notified vide Government order cited at Sr. No. 1 above. The percentage of reservation shall continue to remain the same as notified vide notification cited at Sr. No. 2 above until further orders.

The said criteria shall be applicable for reservation to vacancies in civil posts and services in all Government Departments, Public Sector Undertakings, Autonomous Bodies, Universities in Goa State.

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

E. Silveira, Under Secretary (Social Welfare).

Panaji, 4th October, 1995.

SCHEDULE

Sr. No.	Description of category	To whom rule of exclusion will apply
1	2	3
I.	CONSTITUTIONAL POSTS	Son(s) and daughter(s) of (a) President of India; (b) Vice-President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner Comptroller & Auditor General of India; (e) persons holding Constitutional positions of like nature.
II.	SERVICE CATEGORY A. Group A/Class I Officers of the All India Central and State Services (Direct Recruits)	Son(s) and daughter(s) of (a) parents, both of whom are Class I Officer; (b) parents, either of whom is a Class I Officers; (c) parents, both of whom are Class I Officers, but one of them dies or suffers permanent incapacitation; (d) parents, either of whom is a Class I Officer and such parent dies or suffers permanent incapacitation, and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc., for a period of not less than 5 years; (e) parents, both of whom are Class I Officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years: Provided that the rule of exclusion shall not apply in the following cases: (a) Sons and daughters of parents either of whom or both of whom are Class-I Officers and such parent(s)

<p>B. Group B/Class II Officers of the Central and State Services (Direct Recruitment)</p>	<p>dies/die or suffer permanent incapacitation.</p> <p>(b) A lady belonging to OBC Category has got married to a Class-I Officer, and may herself like to apply for a job.</p> <p>Son(s) and daughter(s) of</p> <p>(a) parents, both of whom are Class II Officers.</p> <p>(b) parents of whom only the husband is a Class II Officer and he gets into Class I at the age of 40 or earlier.</p> <p>(c) parents, both of whom are Class II Officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation.</p> <p>(d) parents of whom the husband is a Class I Officer (direct recruit or preferty promoted) and the wife is a Class II Officer and the wife dies; or suffers permanent incapacitation and</p> <p>(e) parents, of whom the wife is a Class I Officer (Direct Recruit or preferty promoted) and the husband is a Class II Officer and the husband dies or suffers permanent incapacitation:</p> <p>Provided that the rule of exclusion shall not apply in the following cases :</p> <p>Sons and daughters of</p> <p>(a) Parents both of whom are Class II Officers and one of them dies or suffers permanent incapacitation.</p> <p>(b) Parents, both of whom are Class II Officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.</p>
<p>C. Employees in Public Sector Undertaking etc</p>	<p>The criteria enumerated in A & B above in this Category will apply mutatis mutandi to Officers holding equivalent or comparable posts in PSUs, Banks Insurance Organisations, Universities, etc. and also to equivalent or Comperable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the Officers in these Institutions.</p>
<p>III. ARMED FORCES INCLUDING PARA-MILITARY FORCES</p>	<p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the</p>

<p>(Persons holding civil posts are not included)</p> <p>IV. PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY</p> <p>(I) Persons engaged in profession as a doctor, lawyer, Chartered Accountant, Income-Tax consultant, financial or management consultant dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright sports person, sports professional, media professional or any other vocations of like status.</p> <p>(II) Persons engaged in trade, business and industry.</p> <p>V. PROPERTY OWNERS</p> <p>(A) Agricultural holdings</p>	<p>Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces:</p> <p>Provided that:—</p> <p>(i) if the wife of an Armed Forces Officer is herself in the Armed Forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;</p> <p>(ii) the service ranks below Colonel of husband and wife shall not be clubbed together;</p> <p>(iii) if the wife of an Officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.</p> <p>Criteria specified against Category VI will apply:—</p> <p>Criteria specified against Category VI will apply:</p> <p>Explanation:</p> <p>(i) Where the husband is in some profession and the wife is in a Class II of lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</p> <p>(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, than the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.</p> <p>Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns</p> <p>(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or</p> <p>(b) both irrigated and unirrigated land, as follows:</p> <p>The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been</p>
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<p>B. Plantations (i) Coffee, tea, rubber etc. (ii) Mango, citrus, apple plantations etc.</p> <p>C. Vacant land and/or building in urban areas or urban agglomerations</p> <p>VI. INCOME/WEALTH TEST</p>	<p>brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, then the rule or exclusion will apply and disentitlement will occur).</p> <p>(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p> <p>Criteria of income/wealth specified in Category VI below will apply.</p> <p>Deemed as agricultural holding and hence criteria at A, above under this Category will apply.</p> <p>Criteria specified in Category VI below will apply.</p> <p>Explanation: Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.</p> <p>Son(s) and daughter(s)</p> <p>(a) Persons having gross annual income of Rs. 1 lakh above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.</p> <p>(b) Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income-wealth criteria mentioned in (a) above.</p> <p>Explanation :</p> <p>(i) Income from salaries or agricultural land shall not be clubbed;</p> <p>(ii) The income criteria in-terms of rupee will be modified taking into account the change in its value every three years. If the situation, however so demands, the interrunnum may be less.</p> <p>Explanation : Wherever the expression “permanent incapacitation” occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.</p>
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Department of Social Welfare

Directorate of Social Welfare

Notification

No. 13/13/2003-SWD/7430

- Read : 1. Order No. 13-3-84-LAWD/OBC dated 12-06-1987.
2. Addendum No. 13/1/97-SWD/(Vol.III) dated 06-12-2001
3. Order No. 13-3-84-LAWD/OBC dated 09-07-1987.
4. Notification No. 13/1/97-SWD dated 03-03-1997
5. Notification No. 13/1/97-SWD/1016 dated 30-06-2000.
6. Corrigendum No. 13/14/90-SWD/(Vol.III) dated 22-04-2003.

The Government of Goa, after taking into account the education and Social conditions of the people belonging to various Communities in Goa and further on the recommendation of the Goa State Commission backward Classes, hereby notifies the following two communities as socially and educationally backward for the purpose of Article 15(4) and backward for the purpose of Article 16(4) of the Constitution and include in the State List of OBC Community:—

- i. Thakar
- ii. Vishwakarma/Chari/Mesta

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

N. D. Agrawal, Ex officio Joint Secretary & Director of Social Welfare.

Panaji, 29th December, 2006.

(Published in the Official Gazette, Series II No. 42 dated 18-01-2007)

Department of Social Welfare

Directorate of Social Welfare

Notification

No. 13/13/2003-SWD/7430

- Read : 1. Order No. 13-3-84-LAWD/OBC dated 12-06-1987.
2. Addendum No. 13/1/97-SWD/(Vol.III) dated 06-12-2001
3. Order No. 13-3-84-LAWD/OBC dated 09-07-1987.
4. Notification No. 13/1/97-SWD dated 03-03-1997
5. Notification No. 13/1/97-SWD/1016 dated 30-06-2000.
6. Corrigendum No. 13/14/90-SWD/(Vol.III) dated 22-04-2003.
7. Notification No. 13/13/2003-SWD/7430 dated 29-12-2006.

The Government of Goa, after taking into account the education and Social conditions of the people belonging to various Communities in Goa and further on the

recommendation of the Goa State Commission backward Classes, hereby notifies the following two communities as socially and educationally backward for the purpose of Article 15(4) and backward for the purpose of Article 16(4) of the Constitution and include in the State List of OBC Community:—

- i. Christian Renders;
- ii. Kamarpant.

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

N. B. Narvekar, Ex officio Joint Secretary & Director of Social Welfare.

Panaji, 22nd June, 2009.

(Published in the Official Gazette, Series I No. 13 dated 25-06-2009)