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SERIES I No. 43

# OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

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## GOVERNMENT OF GOA

Department of Civil Supplies and Consumer Affairs

### Notification

DCS/S/Ker/PF/2019-20/296

In pursuance of clause 3 read with sub-clause (d)(i) of clause 2 of Kerosene Fixation of Ceiling Price Order (1993), the Government of Goa hereby directs that maximum wholesale & retail price for domestic purpose of Superior Kerosene Oil stands revised as under with effect from 16-01-2020. This notification supersedes earlier Notification No. DCS/S/KER/PF/2019-20/228 dated 29-11-2019.

Sr. No.	Taluka	Wholesale Price per kilo litre including GST & Green Cess	Wholesale Price per kilo litre including GST & Green Cess	Retail Price per litre including GST & Green Cess	Retail Price per litre including GST & Green Cess
		<i>Existing</i>	<i>Revised</i>	<i>Existing</i>	<i>Revised</i>
1	2	3	4	5	6
1.	Tiswadi	Rs. 35338.02	Rs. 36398.55	Rs. 39.00	Rs. 40.00
	Chorao	Rs. 35369.52	Rs. 36430.05	Rs. 39.00	Rs. 40.00
	Diwar	Rs. 35369.52	Rs. 36430.05	Rs. 39.00	Rs. 40.00
2.	Salcete	Rs. 34764.30	Rs. 35824.83	Rs. 38.50	Rs. 39.50
3.	Bardez	Rs. 35546.17	Rs. 36606.70	Rs. 39.25	Rs. 40.25
	Corjuvem	Rs. 35546.17	Rs. 36606.70	Rs. 39.25	Rs. 40.25
4.	Mormugao	Rs. 34576.42	Rs. 35636.95	Rs. 38.25	Rs. 39.25
5.	Ponda	Rs. 34867.96	Rs. 35928.48	Rs. 38.50	Rs. 39.50
6.	Quepem	Rs. 35017.12	Rs. 36077.64	Rs. 38.75	Rs. 39.75
7.	Bicholim	Rs. 35563.52	Rs. 36624.04	Rs. 39.25	Rs. 40.25
8.	Pernem	Rs. 35953.80	Rs. 37014.33	Rs. 39.50	Rs. 40.50
9.	Canacona	Rs. 35416.08	Rs. 36476.60	Rs. 39.00	Rs. 40.00
10.	Sanguem	Rs. 35207.92	Rs. 36268.45	Rs. 39.00	Rs. 40.00
11.	Satari	Rs. 35416.08	Rs. 36476.60	Rs. 39.00	Rs. 40.00
12.	Dharbandora	Rs. 35207.92	Rs. 36268.45	Rs. 39.00	Rs. 40.00

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

*Sagun R. Velip*, Director & ex officio Joint Secretary (Civil Supplies & Consumer Affairs).

Panaji, 17th January, 2020.



Department of Environment

5/20/87/STE/P-IV/1101

**Guidelines for constitution of State Pollution Control Board in terms of section 4 (1) and (2) of the Water (Prevention and Control of Pollution) Act, 1974.**

The Chairman, Member Secretary and such other representatives are required to be nominated by the State Government which will function independently and without any interference from the State Legislature. Time and again such Constitution of the Boards has come under the test of scrutiny of the various Courts of record and finally in order to streamline the creation of the Board the Hon'ble Supreme Court of India in Civil Appeal No. 1359/2017 vide order dated 22-09-2017 had directed all of the States to formulate guidelines for appointment of Chairman, Member Secretary and other Members.

For the purpose of better understanding the following are the set of criteria for the Constitution of the Board.

Section 4 (2) of the Water Act, 1974 reads as

“A State Board shall consist of the following members, namely:—

(a) Chairman, being a person having special knowledge or practical experience in respect of <sup>2</sup>(matters relating to environmental protection) or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government:

<sup>3</sup>(Provided that the chairman may be either whole-time or part-time as the State Government may think fit)

(b) <sup>4</sup>(Such number of officials, not exceeding five,) to be nominated by the State Government to represent that Government

(c) <sup>5</sup>(Such number of persons, not exceeding five) to be nominated by the State Government from amongst the members of the local authorities functioning within the State:

(d) <sup>6</sup>(Such number of non-officials, not exceeding three) to be nominated by the State Government to represent the interest of agriculture, fishery or industry or trade or any other interest which, in the opinion of the State Government, ought to be represented:

(e) two persons to represent the companies or corporation owned, controlled or managed by the State Government, to be nominated by the Government:

<sup>7</sup>(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the State Government.”

The Honble High Court of Bombay at Goa is hearing a PIL WP No. 33 of 2017 filed by Kashinath Shetye which has brought to the fore the need to nominate members from amongst the members of the local authorities functioning within the State who should be in sync with the main aim and object of the Act and its functioning thereof. For this purpose it is proposed that the following guidelines be adhered to whilst nominating the Members from the local authorities.

Members	Qualification Experience
1	2
A Chairman	<p>(a) (i) Master's Degree in science relating to environment or Bachelor's Degree in engineering in a discipline relating to environment from a recognized university or institute; Doctor degree in environmental management and experience from a recognized University or Institution and excellent record of peer reviewed research publications.</p> <p>The age limit for appointment shall be not exceeding fifty six years as on the last date for the receipt of applications. This limit will apply for contract appointment and appointment by deputation also.</p> <p>(ii) Special knowledge and ten years practical experience relating to the environment protection including industrial pollution mitigation, water treatment or air pollution control devices and has rendered twenty years of service; and</p> <p>Or</p> <p>(b) Officer under the State Government/Public Sector Undertaking/University/Autonomous Body/Statutory Body;</p> <p>(iii) Holding analogous post on regular basis in the parent cadre or department;</p>

1	2
F Member Secretary	<p>(iv) Possessing three years of regular service in the grade rendered after appointment thereto on regular basis in the level-13 of Pay Band matrix or equivalent in the parent cadre or department; and Possessing experience specified in clause (a) above.</p> <p>(a) (i) Master's Degree in science relating to environment or Bachelor's Degree in engineering in a discipline relating to environment from a recognized university or institute; The age limit of appointment shall be not exceeding fifty six years as on the last date for the receipt of applications. This limit will apply for contract appointment/and appointment on deputation also.</p> <p>(ii) Twelve Years' experience in the Regular Group-'A' posts, not below the rank and pay scale of Level-10 of the pay Matrix in Government Department or Institution or Public Sector Undertaking or University or Government Research Institution or autonomous or Statutory body at the administrative or managerial level with practical experience in matters relating to scientific engineering or management aspects of pollution control: or</p> <p>(b) Officers of the State Government/Public Sector Undertaking/University/Autonomous Body/Statutory Body;</p> <p>(i) Holding analogous post on regular basis in the parent cadre or Department; Ph.D. in Science relating to environment or Bachelor Degree in Engineering having a subject of Environment from recognized Institute or University or equivalent.</p> <p>(ii) With two years of regular service in the grade rendered after appointment thereto on regular basis in the Pay Level - 12 of the pay matrix or officer with two years prior experience before joining Government service in the administrative &amp; management level with practical experience in matters relating to scientific, engineering or management aspects of pollution control. Possessing experience specified in clause (a) above.</p>
<p>b Government departments. 5 members</p> <p>6. Chief Engineer, Water Resources Department</p> <p>7. Chief Inspector of Factories and Boilers</p> <p>8. Director, Food and Drugs Administration</p> <p>9. Director, Industries Trade and Commerce</p> <p>10. Director, Health Services</p>	<p>No guidelines are required as Recruitment Rules (RRs) are followed for appointment in these posts.</p>
<p>c 5 Members representing local authorities in the state (Village Panchayat Member/Councillor/Zilla Panchayat Member)</p>	<p>Members of local authorities having HSSC in Science/ Diploma in Engineering/Bachelor of Science or Engineering</p>

1	2
d Three members to represent the interests' in agriculture, fishery industry or trade. Exporters Association.	4. Director of ICAR/Directorate of Fisheries/Directorate of Agriculture. 5. President Tourist & Travel Association of Goa (TTAG)/ President Goa State Industries Association/President, Goa Chamber of Commerce and Industries (GCCCI)/ President Confederation Indian Industries (CII). As suggested by Hon'ble Minister for Environment 6. President of Goa Mineral Ores Exporters Association
e two persons to represent companies or corporation managed by State Government.	} No guidelines required as the RRs for their appointment to the posts is well prescribed.
3. Managing Director Sewerage Infrastructure Development Corporation Goa Ltd.	
4. Managing Director Goa Waste Management Corporation	

This issue with approval of the Government vide U. O. No. 175 dated 08-01-2020.

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

*Johnson B. Fernandes*, Director & ex officio Joint Secretary (Env.).

Porvorim, 16th January, 2020.



Department of General Administration

Technology and Waste Management", shall be substituted.

**Notification**

23/1/87-GA&C(Vol. II)/4523

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

*Gouresh S. Kurtikar*, Joint Secretary (GA).

Porvorim, 20th January, 2020.



Department of Law & Judiciary

Legal Affairs Division



**Notification**

10/4/2019-LA-305

In exercise of the powers conferred by Article 166 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Goa, hereby makes the following rules so as to further amend the Business of the Government of Goa (Allocation) Rules, 1987, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Business of the Government of Goa (Allocation) (Thirtieth Amendment) Rules, 2019.

(2) They shall come into force at once.

2. *Amendment of Schedule.*— In the Schedule appended to the Business of the Government of Goa (Allocation) Rules, 1987, at serial number 38, for the heading "Department of Science and Technology", the heading "Department of Science and

The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Ordinance, 2019 (Ordinance No. 14 of 2019), which has been promulgated by the President in the Seventieth Year of the Republic of India and published in the Gazette of India, Extraordinary, Part II,

Section I, dated 18-09-2019, is hereby published for the general information of the public.

*D. S. Raut Dessai*, Joint Secretary (Law).

Porvorim, 17th October, 2019.

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The Prohibition of Electronic Cigarettes  
(Production, Manufacture, Import, Export,  
Transport, Sale, Distribution, Storage and  
Advertisement) Ordinance, 2019

No. 14 of 2019

Promulgated by the President in the  
Seventieth Year of the Republic of India.

An Ordinance to prohibit the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes in the interest of public health to protect the people from harm and for matters connected therewith or incidental thereto;

Whereas India is a signatory to the World Health Organisation Framework Convention on Tobacco Control adopted in Geneva, Switzerland on 21st day of May, 2003 which came into force on the 27th day of February, 2005;

And whereas the Conference of Parties established under article 23 of the said Convention took a decision on the 18th day of October, 2014 to invite the Parties to the Convention to consider prohibiting or regulating the electronic cigarettes or the Electronic Nicotine Delivery Systems and the Electronic non-Nicotine Delivery Systems, including as tobacco products, medicinal products, consumer products or other categories, as appropriate, taking into account a high level of protection for human health;

And whereas the Conference of Parties took a decision to urge the Parties to the Convention to consider banning or restricting advertising, promotion and sponsorship of the said Delivery Systems;

And whereas since these devices are injurious to health and proliferation of these products has negative impact on public health, it is expedient to prohibit the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes as enjoined by article 47 of the Constitution of India;

And whereas article 51 of the Constitution of India requires the State to endeavour to foster respect for international law and treaty obligations in the dealings of organised peoples with one another;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Ordinance, 2019.

(2) It shall come into force at once.

2. *Declaration as to expediency of control by Union.*— It is hereby declared that it is expedient in the public interest that the Union should take under its control the electronic cigarettes industry.

3. *Definitions.*— In this Ordinance, unless the context otherwise requires,—

(a) “advertisement” means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website or social media and includes through any notice, circular, label, wrapper, invoice or other document or device;

(b) “authorised officer” means—

(i) any police officer not below the rank of sub-inspector; or;

(ii) any other officer, not below the rank of sub-inspector, authorised by the Central Government or the State Government by notification;

(c) “distribution” includes distribution by way of samples, whether free or otherwise and the expression “distribute” shall be construed accordingly;

(d) “electronic cigarette” means an electronic device that heats a substance, with or without nicotine and flavours, to create an aerosol for inhalation and includes all forms of Electronic Nicotine Delivery Systems, Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940. 23 of 1940.

*Explanation.*— For the purposes of this clause, the expression “substance” includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(e) “export” with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(f) “import” with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(g) “manufacture” means a process for making or assembling electronic cigarettes and any part thereof, which includes any sub-process, incidental or ancillary to the manufacture of electronic cigarettes and any part thereof;

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

(i) “person” includes—

(i) any individual or group of individuals;

(ii) a firm (whether registered or not);

(iii) a Hindu Undivided Family;

(iv) a trust;

(v) a limited liability partnership;

(vi) a co-operative society;

(vii) any corporation or company or body of individuals; and

(viii) every artificial juridical person not falling within any of the preceding sub-clauses;

(j) “place” includes any house, room, enclosure, space, conveyance or the area in like nature;

(k) “production” with its grammatical variations and cognate expressions, includes the making or assembling of electronic cigarettes and any part thereof;

(l) “sale” with its grammatical variations and cognate expressions, means any transfer of property in goods (including online transfer) by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale.

4. *Prohibition on production, manufacturing, import, export, transport, sale, distribution, advertisement of electronic cigarettes.*— On and from the date of commencement of this Ordinance, no person shall, directly or indirectly,—

(i) produce or manufacture or import or export or transport or sell or distribute electronic cigarettes, whether as a complete product or any part thereof; and

(ii) advertise electronic cigarettes or take part in any advertisement that directly or indirectly promotes the use of electronic cigarettes.

5. *Prohibition on storage of electronic cigarettes.*— On and from the date of commencement of this Ordinance, no person, being the owner or occupier or having the control or use of any place shall, knowingly permit it to be used for storage of any stock of electronic cigarettes:

Provided that any existing stock of electronic cigarettes as on the date of the commencement of this Ordinance kept for sale, distribution, transport, export or advertisement shall be disposed of in the manner hereinafter specified—

(a) the owner or occupier of the place with respect to the existing stock of electronic cigarettes shall, suo moto, prepare a list of such stock of electronic cigarettes in his possession and without unnecessary delay submit the stock as specified in the list to the nearest office of the authorised officer; and

(b) the authorised officer to whom any stock of electronic cigarettes is forwarded under clause (a) shall, with all convenient despatch, take such measures as may be necessary for the disposal according to the law for the time being in force.

6. *Power to enter, search and seize without warrant.*— (1) An authorised officer, if he has reason to believe that any provision of this Ordinance has been, or is being contravened, may enter and search any place where-

(a) any trade or commerce in electronic cigarettes is carried on or electronic cigarettes are produced, supplied, distributed, stored or transported; or

(b) any advertisement of the electronic cigarettes has been or is being made.

(2) After completion of the search referred to in sub-section (1), the authorised officer shall seize any record or property found as a result of the search in the said place, which are intended to be used, or reasonably suspected to have been used, in connection with any matter referred to in sub-section (1) and if he thinks proper, take into custody and produce, along with the record or

property so seized, before the Court of Judicial Magistrate of the first class, any such person whom he has reason to believe to have committed any offence punishable under this Ordinance.

(3) Where it is not practicable to seize the record or property, the officer authorised under sub-section (1), may make an order in writing to attach such property, stocks or records maintained by the producer, manufacturer, importer, exporter, transporter, seller, distributor, advertiser or stockist about which a complaint has been made or credible information has been received or a reasonable suspicion exists of their having been connected with any offence in contravention of the provisions of this Ordinance and such order shall be binding on the person connected with the said offence.

(4) All searches, seizures and attachment under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

2 of 1974.

7. *Punishment for contravention of section 4.*— Whoever contravenes the provisions of section 4, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.

8. *Punishment for contravention of section 5.*— Whoever contravenes the provisions of section 5, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

9. *Jurisdiction and trial of offences.*— (1) Any person committing an offence under section 4 or section 5 shall be triable for such offence in any place in which he is liable to be tried under any law for the time being in force.



(2) All offences under this Ordinance shall be tried by the Court of Judicial Magistrate of the first class in accordance with the procedure provided for trials in the Code of Criminal Procedure, 1973. 2 of 1974.

10. *Power to dispose of stock seized.*— After completion of the proceedings before the Court and if it is proved that the stock seized by the authorised officer under the provisions of this Ordinance are stocks of electronic cigarettes, such stocks shall be disposed of in accordance with the provisions contained in Chapter XXXIV of the Code of Criminal Procedure, 1973. 2 of 1974.

11. *Offences by Companies.*— (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Ordinance, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purpose of this section-

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” means a whole-time director in the company and in relation to a firm, means a partner in the firm.

12. *Cognizance of offences.*— No court shall take cognizance of an offence punishable under this Ordinance, except upon a complaint in writing made by an authorised officer under this Ordinance.

13. *Offences to be cognizable.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under section 4 2 of 1974. shall be cognizable.

14. *Ordinance to have overriding effect.*— Save as otherwise expressly provided in this Ordinance, the provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

15. *Application of other laws not barred.*— The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of any other law for the time being in force prohibiting production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes.

16. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Ordinance.

17. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by an order published in the Official Gazette, make such provision not inconsistent with the provision of this Ordinance, as may appear to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

RAM NATH KOVIND  
President

Dr. G. NARAYANA RAJU,  
Secretary to the Government of India.

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**Notification**

10/4/2019-LA-306

The Taxation Laws (Amendment) Ordinance, 2019 (Ordinance No. 15 of 2019), which has been promulgated by the President in the Seventieth Year of the Republic of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 20-09-2019, is hereby published for the general information of the public.

*D. S. Raut Dessai*, Joint Secretary (Law).  
Porvorim, 17th October, 2019.

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**THE TAXATION LAWS (AMENDMENT)  
ORDINANCE, 2019**

No. 15 of 2019

Promulgated by the President in the Seventieth Year of the Republic of India.

An Ordinance further to amend the Income-tax Act, 1961 and the Finance (No. 2) Act, 2019.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

**CHAPTER I**

**Preliminary**

1. *Short title and commencement.*— (1) This Ordinance may be called the Taxation Laws (Amendment) Ordinance, 2019.

(2) Save as otherwise provided, this Ordinance shall come into force at once.

**CHAPTER II**

**Amendments in the Income-Tax Act, 1961**

2. *Amendment of section 92BA.*— In section 92BA of the Income-tax Act, 1961 (hereafter in this Chapter 43 of 1961. referred to as the Income-tax Act), after clause (v), the following clause shall be inserted with effect from the 1st day of April, 2020, namely:—

“(va) any business transacted between the persons referred to in sub-section (4) of section 115BAB;”.

3. *Amendment of section 115BA.*— In section 115BA of the Income-tax Act with effect from the 1st day of April, 2020,—

(a) for the marginal heading “Tax on income of certain domestic companies”, the marginal heading “Tax on income of certain domestic manufacturing companies” shall be substituted;

(b) in sub-section (1), for the words “subject to the other provisions of this Chapter”, the words, figures and letters “subject to the other provisions of this Chapter, other than those mentioned under section 115BAA and section 115BAB” shall be substituted;

(c) in sub-section (4), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that where the person exercises option under section 115BAB, the option under this section may be withdrawn.”.

4. *Insertion of new sections 115BAA and 115BAB.*— After section 115BA of the Income-tax Act, the following sections shall be inserted with effect from the 1st day of April, 2020, namely:—

“115BAA. *Tax on income of certain domestic companies.*— (1) Notwithstanding anything contained in this Act but subject to the provisions of this Chapter, other than

those mentioned under section 115BA and section 115BAB, the income-tax payable in respect of the total income of a person, being a domestic company, for any previous year relevant to the assessment year beginning on or after the 1st day of April, 2020, shall, at the option of such person, be computed at the rate of twenty-two per cent., if the conditions contained in sub-section (2) are satisfied.

(2) For the purposes of sub-section (1), the following conditions shall apply subject to the condition that the total income of the company has been computed,—

(i) without any deduction under the provisions of section 10AA or clause (iia) of sub-section (1) of section 32 or section 32AD or section 33AB or section 33ABA or sub-clause (ii) or sub-clause (iia) or sub-clause (iii) of sub-section (1) or sub-section (2AA) or sub-section (2AB) of section 35 or section 35AD or section 35CCC or section 35CCD or under any provisions of Chapter VI-A under the heading “C.— Deductions in respect of certain incomes” other than the provisions of section 80JJAA;

(ii) without set off of any loss carried forward from any earlier assessment year if such loss is attributable to any of the deductions referred to in sub-clause (i); and

(iii) by claiming the depreciation, if any, under section 32, other than clause (iia) of sub-section (1) of the said section, determined in such manner as may be prescribed.

(3) The loss referred to in sub-clause (ii) of sub-section (2) shall be deemed to have been already given full effect to and no further deduction for such loss shall be allowed for any subsequent year.

(4) Nothing contained in this section shall apply unless the option is exercised by the person in the prescribed manner on or before the due date specified under

sub-section (1) of section 139 for furnishing the returns of income for any previous year relevant to the assessment year commencing on or after 1st day of April, 2020 and such option once exercised shall apply to subsequent assessment years:

Provided that once the option has been exercised for any previous year, it cannot be subsequently withdrawn for the same or any other previous year.

115BAB. *Tax on income of certain new domestic manufacturing companies.*— (1) Notwithstanding anything contained in this Act but subject to the provisions of this Chapter, other than those mentioned under section 115BA and section 115BAA, the income-tax payable in respect of the total income of a person, being a domestic company, for any previous year relevant to the assessment year beginning on or after the 1st day of April, 2020, shall, at the option of such person, be computed at the rate of fifteen per cent., if the conditions contained in sub-section (2) are satisfied.

(2) For the purposes of sub-section (1), the following conditions shall apply, namely:—

(a) the company has been set-up and registered on or after the 1st day of October, 2019, and has commenced manufacturing on or before the 31st day of March, 2023, and,—

(i) is not formed by splitting up, or the reconstruction, of a business already in existence:

Provided that this condition shall not apply in respect of an undertaking which is formed as a result of the re-establishment, reconstruction or revival by the person of the business of any such undertaking as is referred to in section 33B, in the circumstances and within the period specified in the said section;

(ii) does not use any machinery or plant previously used for any purpose.

*Explanation 1.*— For the purposes of sub-clause (ii), any machinery or plant which was used outside India by any other person shall not be regarded as machinery or plant previously used for any purpose, if the following conditions are fulfilled, namely:—

(A) such machinery or plant was not, at any time previous to the date of the installation by the person, used in India;

(B) such machinery or plant is imported into India from any country outside India; and

(C) no deduction on account of depreciation in respect of such machinery or plant has been allowed or is allowable under the provisions of this Act in computing the total income of any person for any period prior to the date of the installation of machinery or plant by the person.

*Explanation 2.*— Where in the case of a person, any machinery or plant or any part thereof previously used for any purpose is put to use by the company and the total value of such machinery or plant or part thereof does not exceed twenty per cent. of the total value of the machinery or plant used by the company, then, for the purposes of sub-clause (ii) of this clause, the condition specified therein shall be deemed to have been complied with;

(iii) does not use any building previously used as a hotel or a convention centre, as the case may be.

*Explanation.*— For the purposes of this sub-clause, the expressions “convention centre” and “hotel” shall have the meanings respectively assigned to them in clause (a) and clause (b) of sub-section (6) of section 80-ID;

(b) the company is not engaged in any business other than the business of manufacture or production of any article or thing and research in relation to, or

distribution of, such article or thing manufactured or produced by it; and

(c) the total income of the company has been computed,—

(i) without any deduction under the provisions of section 10AA or clause (iia) of sub-section (1) of section 32 or section 32AD or section 33AB or section 33ABA or sub-clause (ii) or sub-clause (iia) or sub-clause (iii) of sub-section (1) or sub-section (2AA) or sub-section (2AB) of section 35 or section 35AD or section 35CCC or section 35CCD or under any provisions of Chapter VI-A under the heading “C.— Deductions in respect of certain incomes” other than the provisions of section 80JJAA;

(ii) without set off of any loss carried forward from any earlier assessment year if such loss is attributable to any of the deductions referred to in sub-clause (i); and

(iii) by claiming the depreciation under section 32, other than clause (iia) of sub-section (1) of the said section, determined in such manner as may be prescribed.

(3) The loss referred to in sub-clause (ii) of clause (c) of sub-section (2) shall be deemed to have been already given full effect to and no further deduction for such loss shall be allowed for any subsequent year.

(4) Where it appears to the Assessing Officer that, owing to the close connection between the company and any other person, or for any other reason, the course of business between them is so arranged that the business transacted between them produces to the company more than the ordinary profits which might be expected to arise, the Assessing Officer shall, in computing the profits and gains of such company for the purposes of this section, take the amount of profits as may be

reasonably deemed to have been derived therefrom:

Provided that in case the aforesaid arrangement involves a specified domestic transaction referred to in section 92BA, the amount of profits from such transaction shall be determined having regard to arm's length price as defined in clause (ii) of section 92F.

(5) Nothing contained in this section shall apply unless the option is exercised by the person in the prescribed manner on or before the due date specified under sub-section (1) of section 139 for furnishing the first of the returns of income for any previous year relevant to the assessment year commencing on or after 1st day of April, 2020 and such option once exercised shall apply to subsequent assessment years:

Provided that once the option has been exercised for any previous year, it cannot be subsequently withdrawn for the same or any other previous year.

5. *Amendment of section 115JB.*— In section 115B of the Income-tax Act, with effect from the 1st day of April, 2020,—

(a) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that for the previous year relevant to the assessment year commencing on or after the 1st day of April, 2020, the provisions of this sub-section shall have effect as if for the words “eighteen and one-half per cent.”, occurring at both the places, the words “fifteen per cent.” had been substituted.”;

(b) for sub-section (5A), the following sub-section shall be substituted, namely:—

“(5A) The provisions of this section shall not apply to,—

(i) any income accruing or arising to a company from life insurance business referred to in section 115B;

(ii) a person who has exercised the option referred to under section 115BAA or section 115BAB.”.

6. *Amendment of section 115QA.*— In section 115QA of the Income-tax Act, in sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 5th day of July, 2019, namely:—

“Provided that the provisions of this sub-section shall not apply to such buy-back of shares (being the shares listed on a recognised stock exchange), in respect of which public announcement has been made before 5th day of July, 2019 in accordance with the provisions of the Securities and Exchange Board of India (Buy-back of Securities) Regulations, 2018 made under the Securities and Exchange Board of India Act, 1992 as amended from time to time of 1992.

### CHAPTER III

#### Amendments in the Finance (No. 2) Act, 2019

7. *Amendment of Act No. 23 of 2019.*— In section 2 of the Finance (No. 2) Act, 2019 [hereafter in this Chapter referred to as the Finance (No. 2) Act], in sub-section (9), with effect from the 1st day of April, 2019,—

(a) in third proviso,—

(i) in clause (a) for the words “the Income-tax Act”, the words, figures and letters “the Income-tax Act, not having any income under section 115AD of the Income-tax Act” shall be inserted and shall be deemed to have been inserted;

(ii) after clause (a), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

‘(aa) in the case of every association of persons or body of individuals, whether incorporated or not, having

income under section 115AD of the Income-tax Act,—

(i) at the rate of ten per cent. of such “advance tax”, where the total income exceeds fifty lakh rupees, but does not exceed one crore rupees;

(ii) at the rate of fifteen per cent. of such “advance tax”, where the total income exceeds one crore rupees but does not exceed two crore rupees;

(iii) at the rate of twenty five per cent. of such “advance tax”, where the total income [excluding the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds two crore rupees but does not exceed five crore rupees;

(iv) at the rate of thirty-seven per cent. of such “advance tax”, where the total income [excluding the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds five crore rupees;

(v) at the rate of fifteen per cent. of such “advance tax”, where the total income [including the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds two crore rupees but is not covered in sub-clauses (iii) and (iv):

Provided that in case where the total income includes any income chargeable under clause (b) of sub-section (1) of section 115AD of the Income-tax Act, the rate of surcharge on the advance tax computed on that part of income shall not exceed fifteen per cent.;

(b) in the fourth proviso, for the words, brackets and letter “in (a) above”, the words, brackets and letters “in (a) and (aa) above” shall be substituted;

(c) after the eighth proviso, the following proviso shall be inserted, namely:—

“Provided also that in respect of any income chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act, the tax computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of ten per cent. of such “advance tax”.

8. *Amendment of Part II of First Schedule.*— In the First Schedule of the Finance (No. 2) Act, with effect from the 1st day of April, 2019,—

(A) in PART II, under the sub-heading “Surcharge on income-tax”, in paragraph (i), in clause (a),—

(i) in sub-clauses I and II, after the words “aggregate of such incomes”, the brackets, figures and letters “(including the income under the provisions of section 111A and section 112A of the Income-tax Act)” shall be inserted and shall be deemed to have been inserted;

(ii) in sub-clauses III and IV, after the words “aggregate of such incomes” the brackets, figures and letters “(excluding the income under the provisions of section 111A and section 112A of the Income-tax Act)” shall be inserted and shall be deemed to have been inserted.

(iii) after sub-clause IV, the following sub-clause shall be inserted and shall be deemed to have been inserted, namely:—

“V. at the rate of fifteen per cent. of such tax, where the income or aggregate of such incomes (including the income under the provisions of section 111A and section 112A of the Income-tax Act) paid or likely to be paid and subject to the deduction exceeds two crore rupees, but is not covered under sub-clauses III and IV):

Provided that in case where the total income includes any income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of income-tax deducted in respect of that part of income shall not exceed fifteen per cent.;

(B) in PART III, in Paragraph A, under the sub-heading “Surcharge on income-tax”, after the opening portion,—

(i) in clauses (a) and (b), after the words “having a total income”, the brackets, words, figures and letters “(including the income under the provisions of section 111A and section 112A)” shall be inserted;

(ii) in clauses (c) and (d), after the words “having a total income”, the brackets, words, figures and letters “(excluding the income under the provisions of section 111A and section 112A)” shall be inserted;

(iii) after clause (d) and before the proviso, the following clause shall be inserted, namely:—

“(e) having a total income (including the income under the provisions of section 111A and section 112A) exceeding two crore rupees, but is not covered under clauses (c) and (d), shall be applicable at the rate of fifteen per cent. of such income-tax:

Provided that in case where the total income includes any income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of income-tax computed on that part of income shall not exceed fifteen per cent.;

RAM NATH KOVIND  
President

Dr. G. NARAYANA RAJU,  
Secretary to the Government of India.

## Notification

10/4/2019-LA-349

The Unlawful Activities (Prevention) Amendment Act, 2019 (Central Act No. 28 of 2019), which has been passed by Parliament and assented to by the President on 08-08-2019 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 08-08-2019, is hereby published for the general information of the public.

*D. S. Raut Dessai*, Joint Secretary (Law).

Porvorim, 31st December, 2019.

## The Unlawful Activities (Prevention) Amendment Act, 2019

AN

ACT

*further to amend the Unlawful Activities (Prevention) Act, 1967.*

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Unlawful Activities (Prevention) Amendment Act, 2019.

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

2. *Amendment of section 2.*— In the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the principal Act), in section 2, in sub-section (1),—

(i) in clause (d), for the word and figures “section 21”, the word and figures “section 22” shall be substituted;

(ii) in clause (ha), for the words “the Schedule”, the words “a Schedule” shall be substituted;

(iii) in clause (m), for the word “Schedule”, the words “First Schedule” shall be substituted.

3. *Amendment of section 25.*— In section 25 of the principal Act, in sub-section (1), for the words “in which such property is situated, make an order”, the words “in which such property is situated, or where the investigation is conducted by an officer of the National Investigation Agency, with the prior approval of the Director General of National Investigation Agency, make an order” shall be substituted.

4. *Amendment of heading of Chapter VI.*— In Chapter VI of the principal Act, for the Chapter heading, the following Chapter heading shall be substituted, namely:—

“TERRORIST ORGANISATIONS AND INDIVIDUALS”.

5. *Amendment of section 35.* — In section 35 of the principal Act,—

(i) in sub-section (1),—

(A) in clause (a), after the words “First Schedule”, the words “or the name of an individual in the Fourth Schedule” shall be inserted;

(B) in clause (b), after the words “United Nations”, the words “or the name of an individual in the Fourth Schedule” shall be inserted;

(C) in clause (c), after the words “First Schedule”, the words “or the name of an individual from the Fourth Schedule” shall be inserted;

(D) in clause (d), after the words “First Schedule”, the words “or the Fourth Schedule” shall be inserted;

(ii) in sub-section (2), for the words “an organisation only if it believes that it is”, the words “an organisation or an individual only if it believes that such organisation or individual is” shall be substituted;

(iii) in sub-section (3), for the words “an organisation shall be deemed to be involved in terrorism if it”, the words “an organisation or an individual shall be

deemed to be involved in terrorism if such organisation or individual” shall be substituted.

6. *Amendment of section 35.*— In section 36 of the principal Act,—

(i) in the marginal heading, for the words “a terrorist organisation”, the words “terrorist organisation or individual” shall be substituted;

(ii) in sub-section (1), for the words “an organisation from the Schedule”, the words “an organisation from the First Schedule, or as the case may be, the name of an individual from the Fourth Schedule” shall be substituted;

(iii) in sub-section (2),—

(A) in clause (b), for the words “Schedule as a terrorist organisation”, the words “First Schedule as a terrorist organisation, or” shall be substituted;

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

“(c) any person affected by inclusion of his name in the Fourth Schedule as a terrorist.”;

(iv) in sub-section (5), for the words “an organisation from the Schedule”, the words “an organisation from the First Schedule or the name of an individual from the Fourth Schedule” shall be substituted;

(v) in sub-section (6), after the words “an organisation”, the words “or an individual” shall be inserted;

(vi) in sub-section (7), for the word “Schedule”, the words “First Schedule or the name of an individual from the Fourth Schedule” shall be substituted.

7. *Amendment of section 35.*— In section 38 of the principal Act, in sub-section (1), in the proviso, in clause (b), for the word “Schedule”, the words “First Schedule” shall be substituted.



8. *Amendment of section 43.*— In section 43 of the principal Act,—

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

“(ba) in the case of National Investigation Agency, below the rank of Inspector;”;

(ii) in clause (c), after the words, brackets and letter “or clause (b)”, the words, brackets and letters “or clause (ba)” shall be inserted.

9. *Amendment of section 45.*— In section 45 of the principal Act, in sub-section (1), in clause (ii), for the word “where”, the word “if” shall be substituted.

10. *Amendment of First Schedule.*— In the First Schedule to the principal Act, for the brackets, words, figures and letter “[See sections 2(1)(m) and 35]”, the brackets, words, figures and letter “[See sections 2(1)(m), 35, 36 and 38 (1)]” shall be substituted.

11. *Amendment of Second Schedule.*— In the Second Schedule to the principal Act,—

(a) in item (v), the words “as amended from time to time” shall be inserted at the end;

(b) after item (ix), the following item shall be inserted, namely:—

“(x) International Convention for Suppression of Acts of Nuclear Terrorism (2005).”.

12. *Amendment of Fourth Schedule.*— After the Third Schedule to the principal Act, the following Schedule shall be added, namely:—

“THE FOURTH SCHEDULE  
[See sections 35(1) and 36]

Sl. No.	Name of Individuals
	”.

## Department of Non Conventional Sources of Energy

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### Notification

1/6/GEDA/SWHS/2019-20/22

Ref:- Notification No. 82-10-2014/STE-DIR/  
/1305 dt. 24-12-2015.

Read as:-

### AMENDMENT OF “SOLAR WATER HEATING SYSTEMS SCHEME” IN THE STATE OF GOA

1. *Short title and commencement.*— (i) This scheme may be called as “Scheme for subsidy grant for installation of Solar Water Heating Systems (SWHS)”.

(ii) It shall come into force from the date of its approval by the Government.

(iii) The scheme shall be implemented through Goa Energy Development Agency (GEDA).

2. *Objectives of the scheme.*— This scheme is formulated with the objective of

(i) Conserving the use of electricity, fuel wood, kerosene etc.

(ii) To create awareness and demonstrate effective use of SWHS to meet practical needs of citizens.

3. *Eligibility and scope of the scheme.*— (i) Financial subsidy under this scheme shall be provided for the Installation of maximum capacity of 250 liters per day (LPD) of SWHS systems for domestic use. The limit would be 500 LPD in case of residential housing society and registered institutions.

(ii) It shall be extended for use of domestic households, a residential housing society and by institutions.

(iii) In case of domestic household, the subsidy shall be limited families earning up to Rs. 6.00 lakh per annum for the higher capacity installation of 200 to 250 LPD for ETC & FPC based systems.

In case of residential housing society the income limit would apply to respective families.

(iv) Only beneficiaries with permanent resident in Goa would be considered for the scheme.

(v) The house/terrace needs to be owned by the applicant beneficiary.

4. *Modalities of the scheme.*— (i) The beneficiaries shall have to initially bear the full cost of purchase and installation of the SWHS systems and subsequently apply to GEDA for release of subsidy.

(ii) For availing of benefits by domestic households Aaddhar Card/Election ID/House Tax receipt and registration certificate for Housing Society and for institutions would be used as identity proof.

(iii) The subsidy shall be released, in a single installment, through RTGS into the bank account of the applicant.

(iv) GEDA would undertake field inspections to verify the successful commissioning and installation of SWHS.

(v) For extending the subsidy benefits, initially applications will be invited through a public notice and a cut-off date will be indicated. Preference will be given to those applicants with lower annual income. In case enough applications are received in response to the public notice, rest of the beneficiaries, based on individual applications that may later trickle in, would be extended on first come first serve basis.

5. *Quantum of financial subsidy under the Scheme.*— (i) The financial assistance will be provided in form of subsidy, subject to the limit of Rs. 3000/- for installation from 100 to 150 LPD for ETC & FPC based system for domestic use open to all categories without income certificate and Rs. 6000/- for the installation of 200 to 250 LPD capacity for ETC & FPC based system for domestic use subject to production of income certificate falls below Rs. 6.00 lakhs or creamy layer.

(ii) In case of registered residential Co-operative housing society installing common/shared SWHS system and for registered institution the limit would be Rs. 8000/- for 400 to 500 LPD capacity.

(iii) The payment will be made to the Bank Account of the registered Society/Institution.

(iv) The financial assistance will be given to the SWHS System purchase from the authorized manufacturers/local registered dealers of GEDA.

(v) The total amount of financial subsidy per annum will be restricted to Rs. 50.00 lakhs.

6. *Pattern of Assistance under the scheme.*— (i) The subsidy shall be provided from out of grants extended to GEDA by the Government of Goa.

(ii) After utilizing the sanctioned amount either partially or fully a Utilization Certificate would be furnished annually by GEDA to the Government as required.

(iii) The Government reserves the right to keep in abeyance, stop future subsidy and modify the financial quantum, as also the conditions of the scheme, at any point of time, to limit expenditure to the budgetary provisions made for the purpose. No claim or appeal or challenge shall lie with any authority or Court, in respect of this decision of the Government.

(iv) In case of a fraudulent claim of subsidy benefits by an applicant, GEDA would proceed to recover the subsidy amount from the beneficiary. GEDA could also initiate appropriate criminal proceedings against the defaulting applicants.

7. *Relaxation of the provisions of the schemes.*— The Government shall be empowered to relax or amend, in any manner, any or all of the clauses or conditions of this scheme.

8. *Interpretation of the provisions of this schemes.*— (i) If any question arises regarding interpretation of any clause, word, expression

of the scheme, the decision about the interpretation shall lie with the Government.

(ii) The decision of the Government shall be final and binding on all concerned.

9. *Redressal of grievances and disputes.*—

(i) The grievances or disputes if any, arising out of implementation of this scheme, shall be referred to the Secretary, NCES to Government for adjudication. The decision of the Secretary, NCES thereon shall be final and binding on all concerned.

(ii) No grievance or dispute regarding the decision of the Government or Secretary, NCES, as above, shall lie with any authority or tribunal or court.

10. This scheme has been issued with the administrative approval of the Government U.O. No. 62 dated 12-09-2019 and concurrence of the Finance (Exp.) Department vide its U.O. No. 3156/F dated 29-10-19.

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

*Puneet Kumar Goel*, IAS, Principal Secretary (NCSE).

Panaji, 15th January, 2020.



Department of Urban Development

Directorate of Municipal Administration



**Notification**

10/602/2013-DMA/3393

Read:- Government Notification Nos.

- (1) 10/602/2013/DMA/338, dated 6th May, 2013, published in Official Gazette, Series I No. 7, dated 16th May, 2013.
- (2) 10/602/2013-DMA/1264, dated 24th July, 2015, published in Official Gazette, Series I No. 18, dated 30th July, 2015.
- (3) 10/602/2013-DMA/1222, dated 26th July, 2017, published in Official Gazette, Series I No. 16,

Extraordinary No. 4, dated 26th July, 2017.

The validity of the scheme "Fair Recreational Activity and non Competitive Involvement in Sports, Urban Connect Scheme 2013" which in terms of clause 13 of the said scheme was extended for a period of 2 years vide Notification cited in reference (3) above, has been further extended for a period from 13-05-2019 to 31-03-2022, subject to condition that the Department of Urban Development may consider only the following Projects which are pending for Expenditure Sanction:—

1. Development of playground of Saraswat Vidyalaya, Khorlim, Mhapsa, Goa under FRANCIS Urban Connect Scheme, 2013.

2. Development of open spaces for Don Bosco High School at Panaji under FRANCIS Urban Connect Scheme, 2013.

3. Proposed Development of open space in Sy. No. 19/1 as Safe Play Area at Valpoi, Sattari under FRANCIS Urban Connect Scheme, 2013.

No new Projects will be taken up under the FRANCIS Urban Connect Scheme, 2013.

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

*Dr. Tariq Thomas*, IAS, Director & ex officio Joint Secretary (MA/UD).

Panaji, 17th January, 2020.



Department of Water Resources

Office of the Chief Engineer

**Order**

13-3-82/CE-WR/Adm.II/956

1. Sanction of the Government is accorded for creation of new statistical post of Goa Common Statistical Cadre of Directorate of Planning, Statistics & Evaluation in the Water Resources Department, Goa for the following posts as per the details shown below:—

Sr. No.	Designation of the post	Pay Scale	No. of posts created
1	2	3	4
Non Ministerial (Non-Lapsable) Posts			
1.	Investigator	5200-20200 Level 4	01 post
<b>Total</b>			<b>01 post</b>

2. The expenditure on the creation of above posts would be met from the Budget Head mentioned against the posts:

**Budget Head:**

- 2701—Major & Medium Irrigation (Non Plan);
- 04—Medium Irrigation (Non Commercial);
- 001—Direction & Admn.;
- 01—Direction (Non Plan);
- 01—Salaries.

3. Approval of the High Level Empowered Committee (HLEC) is conveyed to Directorate of Planning, Statistics & Evaluation vide letter No. 9/57/IDCO/2019-ARD/244, dated 17-07-2019 issued by the Department of Administrative Reforms, Secretariat.

*S. D. Patil*, Chief Engineer (WR).

Porvorim, 20th January, 2020.

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