

OFFICIAL GAZETTE



GOVERNMENT OF GOA

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Department of General Administration

Notification

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

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, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Business of the Government of Goa (Allocation) (Twentieth Amendment) Rules, 2005.

(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,—

(i) at serial number 39, for the heading "Department of Human Development", the heading "Department of Social Welfare" shall be substituted;

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

"(a) Social Welfare;

(b) Welfare of Scheduled Caste and Scheduled Tribes & Other Backward Classes;

(c) Special Component Plan;

(d) Protection of Civil Rights Act, 1955;

(e) Training for and research in social work including socio-economic surveys;

(f) Coordination of a social activities;

(g) Beggars and all matters connected with them including institutions set up for them;

(h) Maintenance and cases of displaced/unattached aged;

(i) Problems relating to the blind, the deaf and the dumb and the mentally retarded;

(j) All matters connected with the activities of the Central and State Social Welfare Boards;

(k) Goa State Backward Class Development Corporation;

(l) Goa State Commission for Backward Classes;

(m) Wakf Act, 1954".

(iii) after the heading 39; "Department of Social Welfare", the following shall be added namely:—

39A "Department of Women & Child Development".

"(a) Maintenance and Care of displaced/unattached women and children, and infirm;

(b) The Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956);

(c) The Dowry Prohibition Act, 1961 (Central Act 28 of 1961);

(d) Construction and maintenance of working women's Hostels;

(e) Implementation of schemes for young widows, divorced women and those women abandoned by their husbands;

(f) The Goa State Commission for Women Act, 1996 (Goa Act 10 of 1996);

(g) Intergrated Child Development Services and related matters;

(h) Implementation of Indira Mahila Yojana and Mahila Samridhi Yojana;

(i) Rashtriya Mahila Kosh;

(j) Scheme for widow's pension by State Government;

(k) The juvenile Justice Act, 1986 (Central Act 53 of 1986);

(l) The Orphanages and other Charitable Home (Supervision and Control) Act, 1960 (Central Act 10 of 1960);

(m) State Programme of Action for Children in Goa (SPAC);

(n) Special Nutrition Programme;

(o) The Goa Children's Act, 2003".

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

B. S. Kudalkar, Under Secretary (GA).

Panaji, 22nd February, 2005.

Department of Law and Judiciary

Legal Affairs Division

Notification

10/3/2003-LA (Part)/452

The Appropriation (Railways) No. 4 Act, 2004 (Central Act No. 27 of 2004), which has been Passed by the Parliament and assented to by the President of India on 21-12-2004 and published in the Gazette of India, Extraordinary, Part II, Section

1, dated 22-12-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 22nd February, 2005.

THE APPROPRIATION (RAILWAYS)

No. 4 ACT, 2004

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2004-05 for the purposes of Railways.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 4 Act, 2004.

2. *Issue of Rs. 2565,40,15,000 out of the Consolidated Fund of India for the financial year 2004-05.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two thousand five hundred and sixty-five crores, forty lakhs and fifteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2004-05, in respect of the services relating to Railways specified in column 2 of the Schedule.

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

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
	16 Assets—Acquisition, Con- struction and Replacement <i>Other Expenditure</i>			
	Capital	1537,00,00,000	...	1537,00,00,000
	Railway Funds	10,000	...	10,000
	Railway Safety Fund.....	5,000	...	5,000
	Special Railway Safety Fund	1028,40,00,000	...	1028,40,00,000
	TOTAL	2565,40,15,000	...	2565,40,15,000

Notification

10/3/2003-LA (Part)/453

The Special Tribunals (Supplementary Provisions) Repeal Act, 2004 (Central Act No. 28 of 2004), which has been Passed by the Parliament and assented to by the President of India on 24-12-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 27-12-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 22nd February, 2005.

THE SPECIAL TRIBUNALS (SUPPLEMENTARY PROVISIONS) REPEAL ACT, 2004

AN

ACT

to repeal the Special Tribunals (Supplementary provisions) Act, 1946.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Special Tribunals (Supplementary Provisions) Repeal Act, 2004.

2. The Special Tribunals (Supplementary Provisions) Act, 1946 is hereby repealed.

Notification

10/3/2003-LA (Part)/451

The Prevention of Terrorism (Repeal) Act, 2004 (Central Act No. 26 of 2004), which has been Passed by the Parliament and assented to by the President of India on 21-12-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 22-12-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 22nd February, 2005.

THE PREVENTION OF TERRORISM (REPEAL) ACT, 2004

AN

ACT

to repeal the Prevention of Terrorism Act, 2002.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Prevention of Terrorism (Repeal) Act, 2004.

(2) It shall be deemed to have come into on the 21st day of September, 2004.

2. *Repeal of Act 15 of 2002 and saving.*— (1) The Prevention of Terrorism Act, 2002 (hereinafter referred to as the principal Act) is hereby repealed.

(2) The repeal of the principal Act shall not affect—

(a) the previous operation of, or anything duly done or suffered under the principal Act, or

(b) any right, privilege or obligation or liability acquired, accrued or incurred under the principal Act, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under the principal Act, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and, any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the principal Act had not been repealed:

Provided that notwithstanding anything contained in this sub-section or in any other law for the time being in force, no court shall take cognizance of an offence under the principal Act after the expiry of the period of one year from the commencement of this Act.

(3) Notwithstanding the repeal of section 60 of the principal Act, the review Committee constituted by the Central Government under sub-section (1) of that section, whether or not an application under sub-section (4) of that section has been made, shall review all cases registered under the principal Act as to whether there is a *prima facie* case for proceeding against

the accused thereunder and such review shall be completed within a period of one year from the commencement of this Act and where the Review Committee is of the opinion that there is no *prima facie* case for proceeding against the accused, then,—

(a) in cases in which cognizance has been taken by the Court, the cases shall be deemed to have been withdrawn; and

(b) in cases in which investigations are pending, the investigations shall be closed forthwith,

with effect from the date of issuance of the direction by such Review Committee in this regard.

(4) The Review Committee constituted by the Central Government under sub-section (1) of section 60 of the principal Act shall, while reviewing cases, have powers of a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

(a) discovery and production of any document;

(b) requisitioning any public record or copy thereof from any court or office.

(5) The Central Government may constitute more Review Committees, as it may consider necessary, for completing the review within the period specified in sub-section (3).

3. *Repeal and saving.*— (1) The Ord. 1 of Prevention of Terrorism (Repeal) 2004 Ordinance, 2004 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Notification

10/3/2003-LA (Part)/450

The Customs and Central Excise Laws (Repeal) Act, 2004 (Central Act No. 25 of 2004), which has been Passed by the Parliament and assented to by the President of India on 21-12-2004 and published in the Gazette of India, Extraordinary, Part II,

Section 1, dated 22-12-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 22nd February, 2005.

THE CUSTOMS AND CENTRAL EXCISE LAWS (REPEAL) ACT, 2004

AN

ACT

to repeal certain Customs and Central Excise enactments.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Customs and Central Excise Laws (Repeal) Act, 2004.

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

3. *Savings.*— (1) The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceedings in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(2) Sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal of the Acts specified in the Schedule.

THE SCHEDULE

(See section 2)

Year	Number	Short title
(1)	(2)	(3)
1958	27	The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.
1959	58	The Sugar (Special Excise Duty) Act, 1959.
1986	45	The Central Duties of Excise (Retrospective Exemption) Act, 1986.
1986	62	The Customs and Excise Revenues Appellate tribunal Act, 1986.
1988	29	The Customs and Central Excises Laws (Amendment) Act, 1988.

Notification

10/3/2003-LA (Part)/449

The Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004 (Central Act No. 24 of 2004), which has been Passed by the Parliament and assented to by the President of India on 20-12-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 21-12-2004, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 22nd February, 2005.

THE BANKING REGULATION (AMENDMENT) AND MISCELLANEOUS PROVISIONS ACT, 2004

AN

ACT

further to amend the Banking Regulation Act, 1949 and the Deposit Insurance and Credit Guarantee Corporation Act, 1961.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004.

(2) Save as otherwise provided in this Act, the provisions of this Act shall be deemed to have come into force on the 24th day of September, 2004.

CHAPTER II

Amendments to the Banking Regulation Act, 1949

2. *Amendment of section 56 of Act 10 of 1949.*— In Part V of the Banking Regulation Act, 1949 (hereafter in this Chapter referred to as the principal Act), in the provisions of the principal Act as applied to, or in relation to, co-operative societies, by section 56,—

(1) in section 5 of the principal Act, as amended by sub-clause (i) of clause (c) of the said section 56,—

(A) after clause (ccii), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of March, 1966, namely:—

'(cciiia) "co-operative society" means a society registered or deemed to have been registered under any Central Act for the time being in force relating to the multi-State co-operative societies, or any other Central or State law relating to co-operative societies for the time being in force;'

(B) after clause (cciii), the following clauses shall be inserted and shall be deemed to have been inserted with effect from the 1st day of March, 1966, namely:—

'(cciiia) "multi-State co-operative bank" means a multi-State co-operative society which is a primary co-operative bank;

'(cciiib) "multi-State co-operative society" means a multi-State co-operative society registered as such under any Central Act for the time being in force relating to the multi-State co-operative societies but does not include a national co-operative society and a federal co-operative;'

(C) in clause (ccvii), the words "co-operative society" shall be omitted and shall be deemed to have been omitted with effect from the 1st day of March, 1966;

(II) after section 22 of the principal Act, as amended by clause (o) of the said section 56, the following section shall be inserted, namely:—

"22A. *Validation of licences granted by Reserve Bank to multi-State co-operative societies.*— Notwithstanding anything contained in any law or judgment delivered or decree or order of any court made,—

(a) no licence, granted to a multi-State co-operative society by the Reserve Bank under section 22, which was subsisting on the date of commencement of the Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004, shall be invalid or be deemed ever to have been invalid merely by the reason of such judgment, decree or order;

(b) every licence, granted to a multi-State co-operative society by the Reserve Bank under section 22, which was subsisting on the date of commencement of the Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004, shall be valid and be deemed always to have been validly granted in accordance with law;

(c) a multi-State co-operative society whose application for grant of licence for carrying on banking business was pending with the Reserve Bank on the date of commencement of the Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004, shall be eligible to carry on banking business until it is granted a licence in pursuance of section 22 or is, by a notice in writing notified by the Reserve Bank that the licence cannot be granted to it;";

(III) for clause (zaa) of the said section 56, the following clauses shall be substituted, namely:—

'(zaa) after section 36AA of the principal Act, the following sections shall be inserted, namely:—

"36AAA. *Supersession of Board of directors of a multi-State co-operative bank.*— (1) Where the Reserve Bank is satisfied that in the public interest or for preventing the affairs of a multi-State Co-operative bank being

conducted in a manner detrimental to the interest of the depositors or of the multi-State co-operative bank or for securing the proper management of the multi-State co-operative bank, it is necessary so to do, the Reserve Bank may, for reasons to be recorded in writing, by order, supersede the Board of directors of such multi-State co-operative bank for a period not exceeding five years as may be specified in the order, which may be extended from time to time, so, however, that total period shall not exceed five years.

(2) The Reserve Bank may, on supersession of the Board of directors of the multi-State co-operative bank under sub-section (1) appoint an Administrator for such period as it may determine.

(3) The Reserve Bank may issue such directions to the Administrator as it may deem appropriate and the Administrator shall be bound to follow such directions.

(4) Upon making the order of supersession of the Board of directors of a multi-State co-operative bank,—

(a) the chairman, managing director and other directors as from the date of supersession of the Board shall vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of the Multi-State Co-operative Societies Act, 2002 or this Act, 39 of 2002, or any other law for the time being in force, be exercised and discharged by or on behalf of the Board of directors of such a multi-State co-operative bank or by a resolution passed in general meeting of such co-operative bank, shall, until the Board of directors of such co-operative bank is reconstituted, be exercised and discharged by the Administrator appointed by the Reserve Bank under sub-section (2):

Provided that the power exercised by the Administrator shall be valid notwithstanding that such power is exercisable by a resolution passed in the general meeting of such multi-State co-operative bank.

(5) (a) The Reserve Bank may constitute a committee of three or more persons who have experience in law, finance, banking, administra-

tion or accountancy to assist the Administrator in discharge of his duties.

(b) The committee shall meet at such times and places and observe such rules of procedure as may be specified by the Reserve Bank.

(6) The salary and allowances to the Administrator and the members of the committee constituted by the Reserve Bank shall be such as may be specified by the Reserve Bank and be payable by the concerned multi-State co-operative bank.

(7) On and before expiration of period of supersession of the Board of directors as specified in the order issued under sub-section (1), the Administrator of the multi-State co-operative bank shall call the general meeting of the society to elect new directors.

(8) Notwithstanding anything contained in any other law or in any contract, or bye-laws of a multi-State co-operative bank, no person shall be entitled to claim any compensation for the loss or termination of his office.

(9) The Administrator appointed under sub-section (2) shall vacate office immediately after the Board of directors of the multi-State co-operative society has been constituted.

36AAB. Order of winding up of multi-State co-operative bank to be final in certain cases.— Where a multi-State co-operative bank, being an eligible co-operative bank, has been registered under section 13A of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, as an insured ^{47 of 1961.} bank, and subsequently—

(a) in pursuance of a scheme prepared with the previous approval of the Reserve Bank under section 18 of the Multi-State Co-operative Societies Act, 2002, an order ^{39 of 2002.} sanctioning a scheme of compromise and arrangement or reorganisation or reconstruction has been made; or

(b) on requisition by the Reserve Bank, an order for winding up of the multi-State co-operative bank has been made under section 87 of the Multi-State Co-operative Societies Act, 2002; or ^{39 of 2002.}

(c) an order for the supersession of the Board and the appointment of an Administrator therefor has been made under section 36AAA,

such order for sanctioning the scheme of compromise and arrangement or reorganisation or reconstruction under clause (a) or the winding up of the multi-State co-operative bank under clause (b) or an order for the supersession of the Board and the appointment of an Administrator under clause (c) shall not be liable to be called in question in any manner.

36AAC. Reimbursement to Deposit Insurance Corporation by liquidator or transferee bank.—Where a multi-State co-operative bank, being an insured bank within the meaning of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, is wound up and ^{47 of 1961.} the Deposit Insurance Corporation has become liable to the depositors' of the insured bank under sub-section (1) or sub-section (2) of section 16 of that Act, the Deposit Insurance Corporation shall be reimbursed by the liquidator or such other person in the circumstances, to the extent and in the manner provided in section 21 of that Act.;

(zab) in section 36AD, sub-section (3) shall be omitted;'

(IV) in clause (zb) of the said section 56, for the word, figures and letter "Part IIA", the words, figures and letters "Part IIA except sections 36AAA, 36AAB and 36AAC" shall be substituted.

CHAPTER III

Amendments to the Deposit Insurance and Credit Guarantee Corporation Act, 1961

3. Amendment of section 2 of Act 47 of 1961.— In the Deposit Insurance and Credit Guarantee Corporation Act, 1961, in section 2,—

(a) in clause (q), the words "co-operative society" shall be omitted and shall be deemed to have been omitted with effect from the 1st day of March, 1966;

(b) in clause (r), for the words "primary co-operative bank", the words "co-operative society", "primary co-operative bank" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of March, 1966.

CHAPTER IV

Repeal and Saving

4. *Repeal and saving.*— (1) The Banking Regulation (Amendment) and Miscellaneous Provisions Ordinance, 2004 is hereby repealed.

Ord.3 of
2004.

(2) Notwithstanding such repeal, anything done or any action taken under

the Banking Regulation Act, 1949 and the 10 of 1949; Deposit Insurance and Credit Guarantee Corporation Act, 1961, as amended by 47 of 1961, the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act.