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SERIES I No. 21

OFFICIAL GAZETTE



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 20 dated 13-8-2015, namely Extraordinary dated 13-8-2015 from pages 809 to 814 regarding (a) Delegation of powers conferred upon the Commissioner to Assistant Commissioners of Commercial Taxes— Ord. No. CCT/15-1/2015-16/2147 from Department of Finance (Office of the Commissioner of Commercial Taxes); (b) Guidelines & directions to hospitals, police and other authorities in regard to victims of acid attack— Not. No. 27/6/2015-I/PHD/861 from Department of Public Health and (c) The Goa Municipalities (Election) (Amendment) Rules, 2015— Not. No. 20/39/2015-DMA/1477 from Department of Urban Development (Municipal Administration).

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GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Notification

1-34-2014-15/PLG/RCS/510

Read: Notification No. 1-31-2013/PLG/RCS
dated 27-2-2014.

Amendment to “Financial Assistance towards and for the purpose loan-cum-subsidy for construction of godown-cum-office building/ /purchase of outright built up premises and extention/repair and renovation of the own godown-cum-office building”.

Whereas, vide Notification No. 1-31-2013/PLG/RCS dated 27-2-2014 published in the Official Gazette, Series I No. 49 dated 6-3-2014, the Government of Goa framed the scheme & pattern of financial assistance at Sr. No. 3(ii) (a)(1) viz. “Financial Assistance towards and for the purpose loan-cum-subsidy for construction of godown-cum-office building/ purchase of outright built up premises and extention/repair and renovation of the own godown-cum-office building”.

And whereas the Government has decided to amend the said scheme & pattern of financial assistance at Sr. No. 3(ii)(a)(1) under column No. 2.

Now therefore, the Government of Goa hereby amends the said scheme & pattern of financial assistance at Sr. No. 3(ii)(a)(1) under column No. 2 under the head “type of societies” and add “Industrial Co-operative Societies/Producers Co-operative Societies” after Processing Co-opertative Societies.

This amended notification shall come into force with effect from the date of publication in the Official Gazette.

This has been issued with the concurrence of Finance (Expenditure) Department vide their U. O. No. 1400010146 dated 24-4-2015.

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

Narayan R. Sawant, Registrar & ex officio Joint Secretary (Co-operative Societies).

Panaji, 17th August, 2015.



Department of Fisheries

Directorate of Fisheries

Notification

DF/PLG/NSWF/Housing

Sub.: “Development of Model Fishermen Village” (Housing).

The Government of Goa is pleased to revise the following scheme.

1. *Short title and commencement.*— (a) This scheme may be called “Development of Model Fishermen Village” (Housing).

(b) It shall come into force from the year 2014-15.

2. *Introduction.*— This is a Centrally Sponsored Scheme on 50:50 basis. Under this scheme the eligible fishermen would be provided with basic civic amenities like housing, drinking water and a common place for recreation. As regards the allotment of houses, it is ensured that the beneficiary is an active fisherman. Preference will be given to the landless fishermen below poverty line. Fishermen owning land or katcha/pucca structure will also be considered for renovation of their houses. They will be eligible for financial assistance of Rs. 75,000/-.

3. *Objective.*— The main objective of the scheme is to provide financial assistance for construction of new house/renovation of katcha/pucca structure and to provide basic civil amenities to the fishermen.

4. *Eligibility.*— (1) The applicant should be fishermen by profession/birth.

(2) The applicant should be active fishermen identified by the State.

(3) The land on which house is to be constructed shall belong to the applicant or any inmate of his family or N.O.C. of the landlord in case the applicant does not own the land.

(4) The Government shall provide the land for construction of house to landless fishermen.

(5) Special preference will be given to the weaker section of the fishermen.

(6) The applicant should have a minimum plinth area of 35 sq. mts. for construction of a new house/renovate the katcha structure. The cost of construction should be limited to Rs. 75,000/-.

5. *Terms of sanction.*— (1) The applicant should arrange Bank finance/self finance for the renovation/repairs of the house.

(2) The Pattern of Assistance of the XIIth Five Year Plan is that the Grant-in-aid of Rs. 75,000/- will be credited in the name/Account of the applicant in two instalments. The first instalments of Rs. 37,500/- shall be released after issue of the permission letter.

(3) The applicant shall produce the work completion certificate of renovation/repairs of his house and funds utilization certificate from the Village Panchayat/Municipality after the completion of the work to claim the second instalment of Rs. 37,500/- of Grant-in-aid.

(4) The applicant should not have availed any other subsidy from State/Central Government scheme for renovation/repair of the house.

(5) The Grant-in-aid will be reimbursed/released subject to the continuation of the scheme and availability of funds in the XIIth Five Year Plan.

6. *Quantum of Grant-in-aid.*— The applicant fulfilling all the norms is eligible for an amount of Rs. 75,000/- for construction of a new house/renovate the katcha/pucca structure.

7. *Application.*— The applicant shall apply to the Directorate of Fisheries, Panaji, through the Block Development Officer/Fisheries Officer of respective Taluka in the prescribed application form along with all the documents for the purpose of availing the benefits. The application form shall be available in respective Block Development Office (BDO), Village Panchayats and Head Office, Panaji.

8. *Budget.*— The required Budget provision shall be provided by Directorate of Fisheries under the Budget Head: 2405—Fisheries; 00—; 800 — Other Expenditure; 08 — National Welfare Fund for Development of Fishermen Village Housing (Plan) (A); 31 – Grant-in-aid under Demand No. 66.

This has been issued with the approval of the Government under No. 1877/F dated 16-07-2015 and concurrence of the Finance (Exp.) Department under U. O. No. 2019/F dated 16-07-2015.

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

Dr. Smt. *Shamila Monteiro*, Director & ex officio Joint Secretary (Fisheries).

Panaji, 7th August, 2015.

Notification

DF/PLG/NSWF/SCR/2014-15

Sub.: "Saving-cum-Relief".

The Government of Goa is pleased to revise the following scheme.

1. *Short title and commencement.*— (a) This scheme may be called "Saving-cum-Relief".

(b) It shall come into force from the year 2014-15.

2. *Introduction.*— This is a Centrally Sponsored Scheme implemented in the State as per the pattern of Government of India. This component will be implemented uniformly for both marine and inland fishermen. Relief is to be given to the fishermen uniformly for 3 months of fishing ban period while seeking saving from them for 9 months. The fishermen contribution will be Rs. 900/- under the existing scheme which would be collected over a period of 9 months. Contribution of Rs. 1800/- will be made by the Centre and the States in 50:50 basis. Thus the total contribution of Rs. 2700/- will be distributed to the fishermen in 3 equal monthly instalments of Rs. 900/- each. The interest accrued on the saving of the fishermen will also be distributed with the 3rd instalment.

3. *Objectives.*— The main objective of the scheme is to provide relief to the fishermen during the lean fishing season.

4. *Eligibility conditions.*— (1) The applicant shall be fishermen by profession/birth.

(2) The beneficiary/applicant shall be actively engaged in fishing or fishermen related activities such as fish vendor working on fishing vessel, fish marketing/processing etc.

(3) The beneficiary/applicant below 60 years shall be eligible for the scheme.

5. *Terms of Sanction.*— (1) If a fisherman defaults in paying his contribution during the

non-lean months, the Government (both State and Central) matching grant will be limited to the number of months for which he has actually subscribed and will be refunded to the fishermen in equal instalments during the lean months. The applicant should contribute the amount during the non-lean months regularly i.e. for the period from September to May of every year through their Co-operative Societies/Associations/Self Help Group (SHG)/Group.

2. However, a default by any beneficiary in payment of monthly contribution, not exceeding beyond one month and twice during the fishing season, may be waived provided the amount is paid by the beneficiary with a default fee which is equal to the interest that would have otherwise accrued, had the contribution been paid on the due date(s). The Fisheries Co-operative Societies/Self Help Group/Group should deposit the monthly contribution of their members in the Bank Account of the Directorate of Fisheries.

3. The amount shall be distributed to the Co-operative Societies/Associations/Self Help Groups/Groups through ECS mode of payment.

6. *Quantum of Grant-in-aid.*— The fishermen will contribute Rs. 900/- under the existing scheme which would be collected over a period of 9 months. Thus the total contribution of Rs. 2700/- will be distributed to the fishermen in 3 equal monthly instalments of Rs. 900/- each. The interest accrued on the saving of the fishermen will also be distributed with the 3rd instalment.

7. *Application.*— The applicant shall apply to the Directorate of Fisheries, Panaji, through the BDO of respective Taluka in the prescribed application form along with all the documents for availing the benefits. The application form shall be available in respective Block Development Office (BDO), Village Panchayats and Head Office, Panaji.

8. *Budget.*— The required Budget provision shall be provided by Directorate of Fisheries

under the Budget Head: 2405 — Fisheries; 00—; 800 — Other Expenditure; 07 — National Welfare Fund for Fishermen (Plan); 31—Grant-in-aid under Demand No. 66.

This has been issued with the approval of the Government under No. 1877/F dated 16-07-2015 and concurrence of the Finance (Exp.) Department under U. O. No. 2019/F dated 16-07-2015.

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

Dr. Smt. *Shamila Monteiro*, Director & ex officio Joint Secretary (Fisheries).

Panaji, 7th August, 2015.

Notification

DF/PLG/NSWF/GAI/2014-15

Sub.: "Group Accident Insurance for Active fishermen".

The Government of Goa is pleased to revise the following Scheme.

1. *Short title and commencement.*— (a) This scheme may be called "Group Accident Insurance for Active fishermen".

(b) It shall come into force from the year 2014-15.

2. *Introduction.*— This is a Centrally Sponsored Scheme implemented in the State on 50:50 basis. The scheme is being implemented for active fishermen by providing insurance cover to the fishermen who are prone to accidents at sea due to rough weather and other natural calamities. The annual premium payable is Rs. 20.27/- per beneficiary. The compensation available under the scheme are as follows:—

(i) On death due to accident at sea Rs. 2,00,000/-.

(ii) Permanent/Total disability due to accident at sea Rs. 2,00,000/-.

(iii) Partial permanent disability due to accident at sea Rs. 1,00,000/- and a cover of Rs. 10,000/- towards hospitalization expenses in the event of accident.

3. *Objective.*— The main objective of the scheme is to provide insurance cover for active fishermen who are prone to accidents at sea due to rough weather and other natural calamities. This scheme shall be implemented as per the existing pattern approved by the Government of India.

4. *Eligibility conditions.*— (1) The applicant shall be fishermen by profession/birth.

(2) The applicant should be above 18 years and below 70 years of age.

(3) The applicant should be working on the fishing vessel registered by the Fisheries Department.

5. *Quantum of compensation.*— (i) On death due to accident at sea Rs. 2,00,000/-.

(ii) Permanent/Total disability due to accident at sea Rs. 2,00,000/-.

(iii) Partial permanent disability due to accident at sea Rs. 1,00,000/- and a cover of Rs. 10,000/- towards hospitalization expenses in the event of accident.

6. *Application.*— The applicant shall apply to the Directorate of Fisheries, Panaji, through the BDO of respective taluka in the prescribed application form along with all the documents for availing the benefits. The application form shall be available in the respective Block Development Office (BDO), Village Panchayats and Head Office, Panaji.

7. *Budget.*— The required Budget provision shall be provided by Directorate of Fisheries under the Budget Head: 2405—Fisheries; 00—; 800 — Other Expenditure; 06 — National Welfare for Fisherman (Plan); 32 — Contribution under Demand No. 66.

This has been issued with the approval of the Government under No. 1877/F dated 16-07-2015 and concurrence of the Finance (Exp.) Department under U.O. No. 2019/F dated 16-07-2015.

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

Dr. Smt. *Shamila Monteiro*, Director & ex officio Joint Secretary (Fisheries).

Panaji, 7th August, 2015.



Goa Legislature Secretariat

LA/LEGN/2015/1243

The following bill which was introduced in the Legislative Assembly of the State of Goa on 12th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Mundkars (Protection from Eviction) (Amendment) Bill, 2015

(Bill No. 15 of 2015)

A

BILL

further to amend the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Mundkars (Protection from Eviction) (Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Omission of section 37A.*— Section 37A of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976) shall be omitted.

Statement of Objects and Reasons

The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), was last amended vide the Goa Mundkars (Protection from Eviction) (Amendment) Act, 2014 (Goa Act 14 of 2014) and a new section 37A was inserted therein providing for a period of 3 years from the date of commencement of the said Act, 2014, during which, the Mamlatdar shall entertain and application under section 8A and/or section 16 of the said Act, 1975 and not thereafter.

Confusion was created in the minds of certain sections of people with regards to said amendment and the Government decided to do away with the said amendment. The Bill, therefore, seeks to omit section 37A of the said Act, 1975.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa.
11th August, 2015.

Adv. FRANCIS D'SOUZA
Minister for Revenue

Assembly Hall,
Porvorim, Goa.
11th August, 2015.

Shri NILKANTH SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

**Extract of the Goa, Daman and Diu Mundkars
 (Protection from Eviction) Act, 1975 (Act 1 of 1976)
 sought to be amended**

37A. *Time limit for applications and disposal.*—
 (1) No Mamlatdar shall entertain any application under section 8A and/or 16 of this Act unless it is filed within a period of three year from the date of commencement of the Goa Mundkars (Protection from Eviction) (Amendment) Act, 2014.

(2) Every application filed under sub-section (1) shall be disposed off by the Mamlatdar within a period of one year from the date of receipt thereof.

Porvorim, Goa.
 11th August, 2015.

N. B. SUBHEDAR
 Secretary

 LA/LEGN/2015/1244

The following bill which was introduced in the Legislative Assembly of the State of Goa on 12th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

 The Goa Agricultural Tenancy (Amendment)
 Bill, 2015

(Bill No. 16 of 2015)

A

BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Agricultural Tenancy (Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter referred to as the “principal Act”), in clause (23), the expression “but shall not include a person, who is cultivating, or undertaking and carrying out agricultural operations upon a land by an agreement referred to in sub-section (1) of section 4A of this Act;” shall be omitted.

3. *Omission of section 4A.*— Section 4A of the principal Act shall be omitted.

4. *Omission of section 60C.*— Section 60C of the principal Act shall be omitted.

5. *Insertion of new section of 60E.*— After section 60D of the principal Act, the following new section shall be inserted, namely:—

“60E. *Regarding duties, functions and powers of Mamlatdar.*— Notwithstanding anything contained in this Act, including clause (15) of section 2, the Mamlatdar shall be deemed to have validly performed the duties and functions and exercised the powers of the Mamlatdar, before the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2015, as if such powers were vested in him at all material times under this Act.”

6. *Insertion of new section 61A.*— After section 61 of the Principal Act, the following new section shall be inserted, namely:—

“61A. *Validation of notices, proceedings, orders, etc., of the Mamlatdar.*— (1) Notwithstanding anything contained in this Act or in any judgment, decree or order of any Court or Tribunal or any other authority to the contrary, all notices given inquiries held, proceedings conducted, disputes decided, orders passed and all actions taken or done by any Mamlatdar, purporting to act as the Mamlatdar under this Act, before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2015 shall, for

all purposes, be deemed to be and to have always been validly given, held, conducted, decided, passed, taken or done, as the case may be, in accordance with the provisions of this Act.

(2) No suit or other legal proceedings shall lie or be maintained or continued in any Court or any Tribunal or any other authority for challenging or questioning the validity of any notice given, inquiry held, proceeding conducted, dispute decided order passed or action taken by a Mamlatdar under this Act, before the commencement of the Goa Agricultural Tenancy (Amendment) Act, 2015 on the ground that appointment of Mamlatdar was illegal or invalid or irregular by reason of the fact that Mamlatdar was not duly appointed to perform the functions of the Mamlatdar in accordance with the provisions of this Act or on any other ground and no Court or Tribunal or any other authority shall enforce or recognise any decree, judgment or order passed declaring any such action taken or things done as invalid or unlawful”.

Statement of Objects and Reasons

The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter called as the “said Act”) was last amended vide the Goa Agricultural Tenancy (Amendment) Act, 2014 (Goa Act 19 of 2014).

Confusion was created in the minds of certain sections of people with regard to said amendment and the Government decided to do away with the provision relating to contract farming and sun-set clause.

The Bill seeks to omit section 4A of the said Act, so as to do away with the provision of contract farming. Amendment to section 2(23) is consequential in nature.

The Bill also seeks to omit section 60C of the said Act, so as to do away with the time limit for filing application under the said Act, 1964.

The Bill also seeks to insert new section 60E in the said Act so as to validate the notices given, inquiries held, disputes decided, proceedings conducted, orders passed and all actions taken or acts done by any Mamlatdar, by exercising the powers of the Mamlatdar, under the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa.
11th August, 2015.

Adv. FRANCIS D'SOUZA
Minister for Revenue

Assembly Hall,
Porvorim, Goa.
11th August, 2015.

Shri NILKANTH SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

**Extracts of the Goa, Daman and Diu Agricultural
Tenancy Act, 1964 (Act No. 7 of 1964)
sought to be amended**

4A. *Contract farming*.— (1) Notwithstanding anything contained in any other provisions of this Act, any person may, by an agreement entered into in writing, with the landlord or an owner of the land, and duly registered with the Sub-Registrar of the Taluka within whose jurisdiction such land is situated, cultivate, or undertake and carry out any agricultural operations upon, such land.

(2) A person referred to in sub-section (1) shall not be entitled to claim any benefits which a tenant is entitled to under this Act.

(3) A person referred to in sub-section (1) shall, immediately upon entering into such agreement, inform the Directorate of Agriculture about the details of such land and the agricultural operation being carried out or proposed to be carried out by him on such land:

Provided that nothing in this section shall apply to,—

(i) a land which is the subject matter of any proceeding pending disposal on the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014; and

(ii) a land which is the subject matter of an application under section 7, 7A, 8, 8A, 10, 11, 12, 14, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and/or 18K of this Act, filed after such commencement, within the time limit specified under section 60C of this Act, till final disposal of such proceedings.

60C. *Time limit for Applications.*— No Court of Senior Civil Judge shall entertain any application under section 7, 7A, 8, 8A, 10, 11, 12, 14, 18, 18A, 18B, 18C, 18E, 18F, 18G, 18H, 18J and/or 18K of this Act unless it is filed within a period of three year from the date of commencement of the Goa Agricultural Tenancy (Amendment) Act, 2014.

61. *Rules.*— (1) The Government may, by notification, make rules generally to carry out the purposes of this Act.

(2) All rules made under this Act shall be subject to the condition of previous publication and all rules shall be laid on the table of the Legislative Assembly after they are made and shall be subject to such modifications as the Assembly may make during the Session in which they are so laid or the session immediately following.

Assembly Hall,
Porvorim-Goa.
11th August, 2015.

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

LA/LEGN/2015/1245

The following bill which was introduced in the Legislative Assembly of the State of Goa on 12th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa State Guarantees (Fifth Amendment) Bill, 2015

(Bill No. 22 of 2015)

A

BILL

further to amend the Goa State Guarantees Act, 1993 (Goa Act 16 of 1993).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa State Guarantees (Fifth Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the Goa State Guarantees Act, 1993 (Goa Act 16 of 1993), in sub-section (1), for the expression “Rs. 800.00 Crores”, the expression “Rs. 1500.00 Crores” shall be substituted.

Statement of Objects and Reasons

In terms of sub-section (1) of section 3 of the Goa State Guarantees Act, 1993 (Goa Act 16 of 1993), the limit upto which the executive power of the State Government shall extend to the giving of guarantees as provided in clause (1) of Article 293 of the Constitution of India, shall be sum of Rs. 800.00 Crores only. Out of the ceiling limit of Rs. 800.00 Crores, the Government has already issued guarantees to various Corporations/Autonomous bodies to the extent of Rs. 624 Crores. Balance remaining is Rs. 176 Crores. Although, some Corporations/Autonomous bodies have repaid the loan/credit facility availed by them, to the tune of Rs. 72 Crores, this amount cannot be re-used as guarantee as most of the cases are under Block Guarantee, which cannot be revoked.

In view of the fall in the interest rate, Corporations, such as, Economic Development Corporation, Kadamba Transport Corporation, are able to get loans from Financial Institutions at lower rate of interest. They are approaching Government for guarantee. Corporations, such as Goa State Infrastructure Development

Corporation are undertaking various infrastructure related projects in the State by availing loan at low rate of interest from financial institutions.

Further, the limit of Rs. 800.00 crores as fixed in 2005 has lost much of its value in wake of significant rise in inflation and raise in wholesale and consumer price indices.

In view of the reasons stated above, it is proposed to increase the limit of giving guarantees from the present limit of Rs. 800.00 Crores to Rs. 1500.00 Crores by suitably amending sub-section (1) of section 3 of the said Act, 1993.

This Bill seeks to achieve the above objects.

Financial Memorandum

Financial implications of the proposed Bill will arise only when Government Guarantees are invoked against the State Government, and the liability shall then be charged to the Consolidated Fund of the State.

The amount involved in such cases cannot be foreseen at this stage.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa. LAXMIKANT PARSEKAR
7th August, 2015. Chief Minister

Assembly Hall, NILKANTH SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
7th August, 2015. Assembly of Goa.

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

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa State Guarantees (Fifth Amendment) Bill, 2015, by the Legislative Assembly of Goa.

Governor.

ANNEXURE

The Goa State Guarantees Act, 1993 (Act No. 16 of 1993)

Fixation of limit upto which State may give guarantees:-

(1) The limit upto which the executive power of the State Government shall extend to the giving of guarantees including guarantees given before the commencement of this Act as provided in clause (1) of Article 293 of the Constitution of India, shall be sum of Rs. 800.00 Crores.

(2) The State Government shall lay before the State Legislature:—

(a) a statement of any guarantee given not later than 6 months from the close of each financial year.

(b) within 6 months after the close of any financial year.

LA/LEGN/2015/1246

The following bill which was introduced in the Legislative Assembly of the State of Goa on 12th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Land Revenue Code (Amendment and Validation of Proceedings and Orders) Bill, 2015

(Bill No. 24 of 2015)

A

BILL

further to amend the Goa Land Revenue Code, 1968 (Act 9 of 1969), and validate the proceedings and orders of the Deputy Collector.

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Land Revenue Code (Amendment and Validation of Proceedings and Orders) Act, 2015.

(2) It shall come into force at once.

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

(a) the “said Act” means the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(b) “Collector” means the Collector as defined under clause (7) of section 2 of the said Act;

(c) “Deputy Collector” means the Deputy Collector appointed in terms of section 4 of the said Act.

3. *Insertion of section 6A in the Act 9 of 1969.*— In the Goa Land Revenue Code, 1968 (Act 9 of 1969), after section 6, the following section shall be inserted, namely:—

“6A. *Duties and Powers of Deputy Collector.*— Notwithstanding anything contained in this Code or any order issued by the Collector, reserving his duties, functions and powers bestowed on the Deputy Collector in terms of sub-section (2) of section 6 of this Code unto himself, the Deputy Collector shall be deemed to have performed all the duties and functions and exercised validly, all the powers of the Collector before the date of commencement of the Goa Land Revenue Code (Amendment and Validation of Proceedings and Orders) Act, 2015, as if such powers were vested in him at all material times under this Code”.

4. *Validation of notices, proceedings, orders, etc. of the Deputy Collector under said Act.*— (1) Notwithstanding anything contained in said

Act or in any Judgment, decree or order of any Court or Tribunal or any other authority or notification or order issued by the Collector to the contrary, all notices given, inquiries held, proceedings conducted, disputes decided, orders passed and all actions taken or done by any Deputy Collector under any section of the said Act, by exercising powers of Collector, before the commencement of this Act shall, for all purposes, be deemed to be and to have always been validly given, held, conducted, decided, passed, taken or done, as the case may be, in accordance with the provisions of the said Act.

(2) No suit or other legal proceedings shall lie or be maintained or continued in any Court or any Tribunal or any other authority for challenging or questioning the validity of any notice given, inquiry held, proceeding conducted, dispute decided, order passed or action taken by a Deputy Collector under the said Act, before the commencement of this Act, and no Court or Tribunal or any authority shall enforce or recognize any decree drawn, Judgment or order passed declaring any such action taken or things done as invalid or unlawful.

Statement of Object and Reasons

Instances are noticed by the Government that the Administrative Tribunal has held in certain cases pertaining to section 33 of the Goa Land Revenue Code, 1968 (Act No. 1 of 1969) that the Orders passed by the Courts of Deputy Collector and Sub Divisional Officers are without jurisdiction and hence void. It is revealed that the Collectors from North Goa District in exercise of powers under section 6(2) of the code have delegated their powers under section 33 of the Code to the Deputy Collectors, whereas some Collectors have retained the powers with them. However the Courts of Deputy Collectors continued to hear and dispose of the cases under section 33 of the code irrespective of the fact that new incumbents who have been posted as

Collectors in North Goa District from time to time have not delegated their said powers to the Deputy Collectors. This has created void and confusion with regards to the authority and enabling powers of the Deputy Collector to hear and dispose cases under the said provision.

In view of the Judgment of the Administrative Tribunal as referred above, numerous cases heard and disposed of by the Court of Deputy Collectors may be presumed to have been issued without authority. This would create confusion and irreparable loss to the revenue of the exchequer and hardships to all the concerned litigants.

Hence in order to save all the cases so heard and disposed of by the Deputy Collectors from a technical interpretation and rendering it void, it is required to confer powers on to Deputy Collector for hearing such cases under Land Revenue Code and to validate their actions by a new legislation. It is also desired to clear the doubts about authority of the Deputy Collectors to hear and dispose such cases, and avoid multiplicity of litigations. Hence this "The Goa Land Revenue Code (Validation of Proceedings and Orders) Bill, 2015" is proposed to be enacted.

The Bills seeks to achieve the above objective.

Financial Implications

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in the Bill.

Porvorim, Goa. Adv. FRANCIS D'SOUZA
11th August, 2015. Minister for Revenue

Assembly Hall, Shri NILKANTH SUBHEDAR
Porvorim, Goa, Secretary to the Legislative
11th August, 2015. Assembly of Goa.

ANNEXURE

Relevant extracts of LRC Section 6(2)

6. *Function of the Collector and certain other revenue officers.*— (1) Each district shall be placed under the charge of a Collector who shall be in charge of the revenue administration of the district and exercise the powers and discharge the duties of the Collector under this Code or any other law for the time being in force and shall exercise such other powers of superintendence and control within the district and over the officers subordinate to him as may, from time to time, be prescribed.

(2) Each sub-division shall be placed under the charge of an Assistant or Deputy Collector who shall, subject to the provisions of Chapter XII, perform all the duties and functions and exercise all the powers conferred upon a Collector by this Code or any law for the time being in force, in relation to the sub-division in his charge. Such Assistant or Deputy Collector shall be called a Sub-Divisional Officer:

Provided that the Collector may whenever he may deem fit direct any such Sub-Divisional Officer not to perform certain duties or exercise certain powers and may reserve the same to himself or assign them to any Assistant or Deputy Collector subordinate to the Collector.

(3) Each Taluka shall be placed under the charge of a Mamlatdar.

(4) The duties and powers of the Mamlatdars and other revenue officers shall be such as may be imposed or conferred on them by or under this Code or any other law for the time being in force or by any general or special order of the Government published in the Official Gazette: Provided that in case of appointment of Additional Collectors or Joint Mamlatdars by Government in such number as it may deem necessary in each district, such officers shall exercise such of the powers and discharge such of the duties of the Collector, the Sub-Divisional Officer or the Mamlatdar under this Code or any other law for the time being in force As the Government may direct specifically, by notification, in this behalf.

Explanation:—

(a) An Additional Collector shall not be subordinate to the Collector in the district, except in such matters as Government may, by general or special orders, specify in this behalf.

(b) An Assistant Collector or Deputy Collector shall not be subordinate to the Sub-Divisional

Officer in the Sub-Division except in such matters as the Government may, by general or special orders, specify in this behalf.

(c) A Joint Mamlatdar shall not be subordinate to the Mamlatdar in the Taluka except in such matters as the Government may, by general or special orders, specify in this behalf.

Section 33

33. *Penalty for so using land without permission.*— (1) If any land held or assessed for one purpose is used for another purpose without obtaining permission of the Collector under section 32 or before the expiry of the period after which the change of user is deemed to have been granted under that section, or in contravention of any of the terms and conditions subject to which such permission is granted, the holder thereof or other person claiming through or under him, as the case may be, shall be liable to the one or more of the following penalties, that is to say,—

(i) to pay non-agricultural assessment on the land with reference to the altered use;

(ii) to pay such fine not exceeding the market value of the land as the Collector may, subject to rules made by the Government in this behalf, direct;

(iii) to restore the land to its original use or to observe the conditions on which the permission is granted within such reasonable period as the Collector may by notice in writing direct; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied.

(2) If any person fails within the period specified in the notice aforesaid to take steps required by the Collector, the Collector may also impose on such person a penalty not exceeding three hundred rupees for such contravention, and a further penalty not exceeding thirty rupees for each day during which the contravention continues. The Collector may himself take those steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

Explanation.— Using land for the purpose of agriculture where it is assessed with reference to any other purpose shall not be deemed to be change of user.

Porvorim, Goa.
11th August, 2015.

N. B. SUBHEDAR
SECRETARY

LA/LEGN/2015/1247

The following bill which was introduced in the Legislative Assembly of the State of Goa on 12th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Co-operative Societies (Amendment) Bill, 2015

(Bill No. 27 of 2015)

A

BILL

further to amend the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Co-operative Societies (Amendment) Act, 2015.

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

2. *Amendment of section 8.*— In section 8 of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) (hereinafter referred to as the “principal Act”),—

(i) in sub-section (2), the expression “In case no refusal is communicated within the said period of forty five days, the society shall be deemed to have been refused registration under this Act.” shall be omitted;

(ii) in sub-section (3), the expression “or deemed refusal, as the case may be” shall be omitted.

3. *Amendment of section 12.*— In section 12 of the principal Act, for sub-section (2), the

following sub-section shall be substituted, namely:—

“(2) If the society fails to make the amendment within the time specified, the Registrar may, after giving the society an opportunity of being heard, register such amendment and issue to the society a copy thereof certifying that the bye-laws shall be deemed to have been duly amended with effect from the date of such registration and the same shall be binding on the society and its members subject to the appeal made to the Tribunal, if any.”

4. *Amendment of section 59.*— In section 59 of the principal Act, in sub-section (6),

(i) in the second proviso, for the expression “such other office bearers as may be provided in the bye-laws”, the expression “office bearer of a Apex Society or Federal Society” shall be substituted.

(ii) for the third proviso, the following proviso shall be substituted, namely:—

“Provided also that, should the administrator be appointed or the Chairman and other office bearers are removed by no confidence motion or resign voluntarily within twenty-four months before the date on which the consecutive period of ten years would, but for such appointment or removal or resignation have been completed, the Chairman or office bearers shall be deemed to have completed the period of ten years on appointment of administrator or removal or resignation of Chairman or office bearers, as the case may be:”;

(iii) for the fourth proviso, the following proviso shall be substituted, namely:—

“Provided that no member shall hold the post of board of directors of more than one Apex society or Federal society or two other societies.”

5. *Amendment of section 60.*— In section 60 of the principal Act, in sub-section (3), for the words “two years”, wherever they occur, the words “three years” shall be substituted.

6. *Amendment of section 66.*— In section 66 of the principal Act, in sub-section (2), the expression “Where the Registrar fails to hold election to the board of any society”, the expression “Where the Registrar or authority or body, responsible for conduct of election, fails to hold election to the board of a society where there is no Government share holding or Government loan or Government financial assistance or any guarantee given by the Government in respect of loans raised” shall be substituted.

7. *Amendment of section 74.*— In section 74 of the principal Act, after sub-section (4), the following proviso shall be inserted, namely:—

“Provided that if any society fails to get its account audited within the said period, the Registrar shall appoint an auditor from the panel of auditors constituted under sub-section (2).”.

8. *Amendment of section 88.*— In section 88 of the principal Act, in sub-section (1), for the expression “section 86, or under section 95,” the expression “section 82 or section 86 or section 95” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend sub-section (2) of section 8 of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001) (hereinafter referred to as the “said Act”) so as to do away with the provisions regarding deemed refusal of registration of society.

The Bill further seeks to amend sub-section (2) of section 12 of the said Act so as to empower the Registrar to order the registration of the amendment of the bye-laws of the society, in case the society fails to make amendment to the bye-laws as desired by the Registrar within the time specified.

In order to encourage the people to take active part in the Co-operative sector, the Bill seeks to amend sub-section (6) of section 59 of the said Act so as to provide that the chairman and office bearers of Apex society or Federal society shall not be eligible for being re-elected for consecutive period of more than 10 years. Further, no member shall hold the post of board of directors of more than one Apex society or Federal society or of two other societies.

The Bill also seeks to amend sub-section (3) of section 60 of the said Act so as to provide that in order to be eligible for being chosen as director of the board of directors of a society which has been in existence for more than three years, a member shall have been a voting member of the society for at least three years immediately preceding the year of election.

The Bill also seeks to amend sub-section (2) of section 66 of the said Act so as to provide that the term of the office of the members of the board of only those societies where there are no Government share holding or Government loan or Government financial assistance or any guarantee given by the Government in respect of loan raised shall be deemed to have been extended till the date immediately preceding the date of first meeting of the newly elected board where the Registrar or authority or body fails to hold elections to the Board, of any society.

The Bill also seeks to insert a proviso after sub-section (4) of section 74 of the said Act so as to empower the Registrar to appoint an Auditor from the panel of the auditors constituted under sub-section (2) of section 74 of the said Act.

The Bill also seeks to amend sub-section (1) of section 88 of the said Act so as to empower the Registrar to direct attachment of property while taking action under section 82 of the said Act.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

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

This delegation is of normal character.

Porvorim, Goa. MAHADEV N. NAIK
11th August, 2015. Minister for Co-operation

Assembly Hall, Shri NILKANTH SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
11th August, 2015. Assembly of Goa.

ANNEXURE

Extract of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001)

- Section 8(2): Where the Registrar refuses to register a proposed society, he shall communicate his decision, with the reasons thereof, to the person making the application, within forty five days from the, date of receipt of the application. In case no refusal is communicated within the said period of forty five days, the society shall be deemed to have been refused registration under this Act.
- Section 8(3): An appeal against the order of refusal of registration under sub-section (2) shall be filled before the co-operative tribunal within a period of sixty days from the date of such refusal or deemed refusal, as the case may be.
- Section 12(2): If the society fails to make the amendment within the time specified, the Registrar may refer the matter to the co-operative tribunal for its decision. If the co-operative tribunal, after giving the society an

opportunity of being heard, orders registration of the amendment, the bye-laws shall be deemed to have been duly amended accordingly with effect from the date of the order of the Co-operative Tribunal and the bye-laws, as amended, shall, subject to appeal, if any, be binding on the society and its members.

Section 59(6): Provided further that, no person shall be, or shall continue to be, chairman and such other office bearers as may be provided in the bye laws, for a consecutive period of more than ten years and at the expiration of that period any such person shall cease to be chairman and or the office bearer of that society, and shall not be eligible for being re-elected or reappointed as a Chairman or office bearer, until a period of five years has elapsed after expiry of the aforesaid period of ten years:

Provided also that, should the administrator is appointed or the Chairman is removed by no confidence motion within twenty-four months from the date on which the consecutive period of ten years would, but for such appointment or removal, have been completed, the Chairman shall be deemed to have completed the period of ten years on appointment of administrator or removal of Chairman, as the case may be:

Provided also that no member shall hold the post of office bearer of more than one Apex or Federal society.

Section 60(3): In order to be eligible for being chosen as director of the board of directors of a society which has been in existence for more than two years, a member,—

(a) shall have been a voting member of the society for at least two years immediately preceding the year of election;

Section 66(2): Where the Registrar fails to hold election to the board of any society, the term of office of the members of the board of that society shall be deemed to have been extended till the date immediately preceding the

date of the first meeting of the newly elected board.

Section 74(4): New Insertion.

Section 88(1): Where a dispute has been referred to the Registrar or his nominee or board of nominees under section 86, or under section 95, the Registrar or his nominee or board of nominees, if satisfied on enquiry or otherwise that party to such dispute with intent to defeat, delay or obstruct the execution of any award or carrying out of any order that may be made,—

Assembly Hall.
Porvorim-Goa.
11th August, 2015.

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

LA/LEGN/2015/1248

The following bill which was introduced in the Legislative Assembly of the State of Goa on 12th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Agricultural Produce Marketing
(Development and Regulation)
(Amendment) Bill, 2015

(Bill No. 28 of 2015)

A

BILL

to amend the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Act 11 of 2007).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Agricultural Produce

Marketing (Development and Regulation) (Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Amendment of section 12.*— In section 12 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Act, 11 of 2007) (hereinafter referred to as the “principal Act”),—

(i) in sub-section (1), for the word “nineteen”, the word “twenty-one” shall be substituted;

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

“(a) Twelve agriculturist members to represent agriculturists, one from each taluka of the State of Goa, to be elected by the agriculturists only from the respective talukas;”;

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

“(c) two traders holding “A” or “B” class license to be elected from amongst traders of all classes; one from North Goa District and another from South Goa District”.

3. *Amendment of section 19.*—In section 19 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that the person so appointed by the Government shall hold such office during the pleasure of the Government.”.

Statement of Objects and Reasons

The Bill seeks to amend sub-section (1) of section 12 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Act 11 of 2007) (hereinafter referred to as “said Act”) so as to increase the membership of Agriculturist Members from 11

to 12 members in view of formation of new Taluka “Dharbandora” in the State of Goa, also to give representation to the trader holding ‘B’ class license on the Goa Agricultural Marketing Board.

The Bill further seeks to amend section 19 of the said Act so as to provide that the person appointed by the Government to fill the casual vacancy shall hold office during the pleasure of the Government.

This Bill seeks to achieve the above objects.

Financial Memorandum

The expenditure to be incurred on account of increase of two members of the Goa Agricultural Marketing Board shall be borne by the said board only. Hence, there is no financial burden on the Government on account of present Bill.

Memorandum Regarding Delegated Legislation

No delegated Legislation is envisaged in this Bill.

Porvorim, Goa.
11th August, 2015.

MAHADEV N. NAIK
Minister for Co-operation

Assembly Hall,
Porvorim, Goa.
11th August, 2015.

Shri NILKANTH SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

**Extract of the Goa Agricultural Produce Marketing
(Development and Regulation) Act, 2007
(Goa Act 11 of 2007)**

Section 19. Casual Vacancies.— Subject to the provisions of sub-section (2) of section 13, in the event of any vacancy occurring on account of death, resignation or removal of a member or otherwise,

the Chairman shall forthwith communicate the occurrence of such vacancy to the State Marketing Officer and the vacancy shall be filled in as soon as convenient as may be, by the election or by appointment or by nomination of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed or nominated would have held it, if the vacancy had not occurred:

Provided that, if the vacancy occurs within six months preceding the date on which the term of office of the member expires, the vacancy shall, unless the Government directs otherwise, not be filled.

Section 12. Constitution of the Marketing Board.— (1) Subject to the provisions of sub-section (2), the Marketing Board shall consist of the following nineteen members, namely:—

(a) eleven agriculturist members to represent agriculturists from each taluka of the State of Goa to be elected by the agriculturist only from the respective talukas;

(b) two female agriculturists members, one each from the North Goa District and the South Goa District, to be elected by the agriculturists only in the manner prescribed;

(c) one trader holding “A” class license to be elected from amongst traders of all classes;

(d) one chairman of a co-operative society registered in the State of Goa, having a valid license from the Marketing Board, doing the business of notified agricultural produce in the market area, to be elected from amongst the chairman of co-operative societies;

(e) two members to be nominated by the Government, one being from the office of the Registrar of Co-operative Societies, Government of Goa, and the other being from the Department of Agriculture, Government of Goa, to function during the term of the Marketing Board;

(f) President of the Goa Cashew Manufacturers Association;

(g) the Secretary of the Marketing Board, to function during the term of the Marketing Board.

(2) Notwithstanding anything contained in sub-section (1) or any other provisions of this Act,

when the Marketing Board is constituted for the first time, all the members, the Chairman and the Vice-Chairman thereof shall be nominated by the Government:

Provided that the Chairman and the Vice-Chairman shall be nominated from amongst the agriculturists from the State of Goa.

Assembly Hall, Shri NILKANTH SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
11th August, 2015. Assembly of Goa.

LA/LEGN/2015/1263

The following bill which was introduced in the Legislative Assembly of the State of Goa on 13th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Contingency Fund
(Fourth Amendment) Bill, 2015

(Bill No. 12 of 2015)

A

BILL

further to amend the Goa Contingency Fund Act, 1988 (Goa Act 4 of 1988).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Contingency Fund (Fourth Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Contingency Fund Act, 1988 (Goa Act 4 of 1988), for the words “thirty crores”, the words “one hundred crores” shall be substituted.

Statement of Objects and Reasons

Under Article 267(2) of the Constitution of India, the Goa Contingency Fund Act, 1988 (Goa Act 4 of 1988) was enacted providing for establishment and maintenance of a Contingency Fund for the State of Goa, for custody of such fund and for payment of moneys into and withdrawal of moneys from it. The corpus of the Contingency Fund was fixed at rupees thirty crores in the year 2002. However, having regard to inflation and change in price index over the last decade, the present corpus of the Contingency Fund of rupees thirty crores is found to be inadequate. Hence, it is necessary to enhance the corpus of the Contingency Fund from rupees thirty crores to rupees one hundred crores on permanent basis.

This Bill seeks to achieve the above objects.

Financial Memorandum

A provision has been made for augmenting the corpus of the Contingency Fund to Rs. 100.00 crores from the existing corpus of Rs. 30.00 crores by withdrawing like sum from the Consolidated Fund of the State of Goa.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa. LAXMIKANT PARSEKAR
14th August, 2015. Chief Minister/Finance Minister

Assembly Hall, N. B. SUBHEDAR
Porvorim-Goa. Secretary to the Legislative
14th August, 2015. Assembly of Goa.

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

In pursuance of Article 207 of the Constitution of India, I, Smt. Mridula Sinha, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Contingency Fund (Fourth Amendment) Bill, 2015, by the Legislative Assembly of Goa.

Raj Bhavan, Smt. MRIDULA SINHA
Dona Paula. Governor of Goa.
Date: 22-07-2015.

LA/LEGN/2015/1264

The following bill which was introduced in the Legislative Assembly of the State of Goa on 13th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Value Added Tax (Eighth Amendment) Bill, 2015

(Bill No. 26 of 2015)

A

BILL

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

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Value Added Tax (Eighth Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Amendment of section 29.*— In section 29 of the Goa Value Added Tax Act, 2005 (Goa Act 9 of 2005) (hereinafter referred to as the "principal Act"), in sub-section (3),—

(i) in the first proviso, for the words "two years", the words "three years" shall be substituted;

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

"Provided also that, where a registered dealer who has filed all the returns for a particular financial year, within the prescribed time limit, claiming for that financial year, in said return/s, a refund of any amount of tax paid in excess of the amount due from him under this Act or unduly paid by him and/or for excess of input tax credit over output tax payable under this Act, but remained unassessed beyond the limitation period specified in

the Act, the Commissioner shall, upon an application made by the dealer claiming refund of tax or excess of input tax credit, proceed to assess by himself or order in writing to any other officer appointed under section 13 of this Act to carry out assessment of, such dealer, after giving him an opportunity of being heard. The dealer who makes such application under this proviso shall be precluded from filing an appeal against any such order.”.

3. *Amendment of section 1 of Act 12 of 2013.*— In section 1 of the Goa Value Added Tax (Seventh Amendment) Act, 2013 (Act 12 of 2013), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Section 2(i) and sections 3 to 22 shall come into force on the 1st day of June, 2013 and section 2(ii) shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.”.

Statement of Objects and Reasons

The Bill seeks to insert a proviso in sub-section (3) of section 29 of the Goa Value Added Tax Act, 2005 (Act 9 of 2005), so as to allow processing of cases of refund, which could not be processed being beyond the period specified in the said Act, subject to an undertaking to the effect that any outcome of such assessment shall be binding on the dealer.

The levy of tax on consideration received or receivable by the builder or developer by way of agreement to sale the flats or housing project or dwelling units or row houses and the like, which are under construction or development, from 01-06-2013 is deferred until the formation of a composition scheme. Hence, suitable amendment is proposed to Act 12 of 2013, vide clause 3 of the Bill.

This Bill seeks to achieve the above objects.

Financial Memorandum

Financial implications, which involve increase in revenue collection, cannot be ascertained as of now.

Memorandum Regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to appoint a date for bringing into force sub-clause (b) of clause (ac) of section 2 of the said Act.

This delegation is of normal character.

Porvorim, Goa. Shri LAXMIKANT PARSEKAR
11th August, 2015. Chief Minister/Finance Minister

Assembly Hall, Shri NILKANTH SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
11th August, 2015. Assembly of Goa.

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

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, the Governor of Goa hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Value Added Tax (Eighth Amendment) Bill, 2015.

Raj Bhavan. Smt. MRIDULA SINHA
11th August, 2015. Governor of Goa.

ANNEXURE

Bill No. 26 of 2015

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

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

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

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

(b) transfer of property in goods (whether as goods or in some other form) involved in execution of a works contract including an agreement for carrying out the work of building, construction, manufacture, processing, fabrication, erection, installation, fitting, improvement, modification, repair or commissioning of any movable or immovable property, for cash, deferred payment or other valuable consideration;

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

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

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

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

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

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

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

29. *Assessment.*— (1) The returns submitted by the dealer shall be accepted as self-assessed:

Provided the Commissioner, as per the procedure prescribed, shall select upto twenty percent of the total number of such dealers or such percentage as may be notified by Government from time to time for detailed assessment:

Provided further when any dealer applies for cancellation of his registration certificate on the ground of closure or stoppage of his business, his last assessment shall be finalized on the basis of books of accounts and other records maintained by him after giving him an opportunity of being heard.

(2) Where—

(a) a person fails to file a return as required by section 24; or

(b) the Commissioner has reason to believe that the returns filed by a person are not correct and complete; or

(c) the Commissioner has reasonable grounds to believe that a person will become liable to pay tax under this Act but is unlikely to pay the amount due; or

(d) the Commissioner requires to get satisfied with the correctness of the refund so claimed, the Commissioner may make an assessment of the amount of tax payable by the person to the best of his judgement after giving him an opportunity of being heard.

(3) No assessment under this section for any year shall be made after a period of three years from the end of the year to which the return under section 24 is submitted by a dealer and no assessment under sub-section (9) shall be made after the expiry of five years from the end of the year in respect of which or part of which such assessment is to be made:

Provided that where assessment is made in consequence of or to give effect to, any order of an Appellate Authority or Revisional Authority or of a Court, the said period of two years shall be reckoned from the date of such order:

Provided further that in computing the period laid down in this sub-section, any period during which assessment proceedings are stayed by an order or injunction of any Court or authority such period shall be excluded.

Provided also that the Commissioner may, if it is considered necessary by him so to do, by notification published in the Official Gazette, extend the period specified in this sub-section by a further period not exceeding one year.

(4) The Commissioner shall make an assessment of the amount that in his opinion, is the amount of tax, penalty, interest or any other amount payable under this Act, after making necessary enquiries, as may be deemed fit by him.

(5).....

(6) The Commissioner shall serve a notice on completion of assessment under this section and the dealer shall pay the balance of tax in accordance with the terms of that notice.

(7) An amended assessment shall be treated in all respects as an assessment under this section.

(8) No assessment or other proceedings purporting to be made, issued or executed under this Act, shall be—

(a) quashed or deemed to be void or voidable for want of form; or

(b) affected by reason of mistake, defect or omission therein, if it is in substance and effect, in conformity with this Act or the rules made thereunder and the person assessed, or intended to be assessed or affected by the document is designated in it according to common understanding.

(9) Where, the Commissioner has reason to believe that a dealer is liable to pay tax in respect of any period, but has failed to apply for registration or has failed to apply for registration within the time as required by or under this Act or has failed to file a return as required by section 24, the Commissioner shall proceed to assess, to the best of his judgement, wherever necessary, the amount of tax due from the dealer in respect of such period and all subsequent periods and, in making such assessment, he shall give the dealer reasonable opportunity of being heard; and if he is satisfied that the default is without reasonable cause, direct the dealer to pay by way of penalty, in addition to tax assessed, a sum not exceeding the amount of tax assessed.

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Value Added Tax (Seventh Amendment) Act, 2013.

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

LA/LEGN/2015/1265

The following bill which was introduced in the Legislative Assembly of the State of Goa on 13th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Entertainment Tax (Amendment) Bill, 2015

(Bill No. 25 of 2015)

A

BILL

further to amend the Goa Entertainment Tax Act, 1964 (Act 2 of 1964).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Entertainment Tax (Amendment) Act, 2015.

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

2. *Omission of section 3D.*— Section 3D of the Goa Entertainment Tax Act, 1964 (Act 2 of 1964) (hereinafter referred to as the “principal Act”), shall be omitted.

3. *Amendment of section 3K.*— In section 3K of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

“(7) Whenever a owner or person in charge of any premises, stall or space, agrees to allow any other person to carry out entertainment in such premises, stall or space, he shall inform to the Commissioner about the same within reasonable time, not less than seven days, in advance, before the date on which such entertainment/event shall take place, failing which such owner or person shall be fully liable to pay the entertainment tax on such entertainment/ /event as if he himself has conducted the same.”.

4. *Amendment of section 6C.*— In section 6C of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Notwithstanding anything contained in sub-section (1), the time limit specified in this Act for assessment, re-assessment and/ /or for the levy of penalty shall not apply to a proprietor or person, as the case may be, who has evaded payment of tax in respect of any period or periods by not recording or recording in an incorrect manner, any transaction of receipts or turnover of receipts or where the claim was otherwise fraudulent:

Provided that no such assessment, re-assessment shall be carried out and/or penalty shall be levied without prior approval of the Government.”.

Statement of Objects and Reasons

The Bill seeks to omit section 3D of the Goa Entertainment Tax Act, 1964 (Act 2 of 1964) (hereinafter referred to as the “said Act”), so as to withdraw the composition of tax benefit available to the river cruises/boat cruises.

The Bill seeks to insert sub-section (7) in section 3K of the said Act so as to seek the details of events/entertainments carried out in the rented premises in order to prevent the revenue loss/avoidance of tax payments.

The Bill seeks to insert sub-section (4) in section 6C of the said Act so as to assess those proprietors or persons who have either not recorded a transaction of receipts/turnover of receipts or recorded it in an incorrect manner, or where the claim is otherwise fraudulent, beyond the period of limitation specified thereof, with prior approval of the Government.

This Bill seeks to achieve the above objects.

Financial Memorandum

An increase in revenue collection is expected by this amendment Bill, quantum of which cannot be ascertained as of now.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa,
11th August, 2015.

LAXMIKANT PARSEKAR
Chief Minister/Finance
Minister

Assembly Hall,
Porvorim-Goa.
11th August, 2015.

NILKANTH SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

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

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, the Governor of Goa hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa Entertainment Tax (Amendment) Bill, 2015.

Raj Bhavan.
Date: 11-08-2015.

Smt. MRIDULA SINHA
Governor of Goa.

ANNEXURE

Bill No. 25 of 2015

.....
**Extract of the Goa Entertainment Tax
 Act, 1964 (Act 2 of 1964)**

3D. *Composition of tax payable on entertainment provided by way of river cruises/boat cruises under section 3.*— In lieu of tax payable under section 3 for entertainment provided by way of river cruises/boat cruises, the proprietor may, at his option and in such manner as may be prescribed, pay the tax by way of composition at 50% or any lower rate of percentage that the Government may notify for such period of the aggregate value of notional receipts receivable for admission worked out as under:—

Aggregate notional receipts = total capacity of the boat or vessel by way of number of persons, on which entertainment is provided by way of river cruises/boat cruises X rate per ticket per adult person X number of trips.

3K. *Special provision regarding liability in certain cases.*— (1) Where a proprietor or person liable to pay tax under this Act, dies, then:

(a) if the activity of providing entertainment carried on by the proprietor or person is continued after his death by his legal representative or any other person, such legal representative or other person shall be liable to pay the tax including any penalty due from such proprietor or person under this Act in the like manner and to the same extent as the deceased proprietor or person;

(b) if the activity of providing entertainment carried on by the proprietor or person is discontinued, whether before or after his death, his legal representative shall be liable to pay out of the estate of the deceased, in the like manner and to the same extent as the deceased proprietor or person would have been liable to pay if he had not died, the tax including any penalty due from such proprietor or such person under this Act, whether such tax including any penalty has been assessed before his death but has remained unpaid or is assessed after his death.

Explanation.— For the purpose of this sub-section, the expression “legal representative”

has the meaning assigned to it in clause (11) of section 2 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(2) Where a proprietor or a person liable to pay tax under this Act is a Hindu undivided family and the joint property is partitioned amongst the various members or group of members, then, each member or group of members shall be jointly and severally liable to pay the tax including any penalty/interest due from the proprietor or the person, under this Act, upto the time of partition whether such tax including any penalty/interest has been assessed before partition but has remained unpaid or is assessed after partition.

(3) Where a proprietor or person liable to pay tax under this Act is a firm and the firm is dissolved, then every person who was a partner shall be jointly and severally liable to pay to the extent to which he is liable under section 3J, the tax including any penalty/interest due from the firm under this Act upto the time of dissolution, whether such tax including any penalty/interest has been assessed before such dissolution but has remained unpaid or is assessed after dissolution.

(4) Where a proprietor or person, liable to pay tax under this Act, transfers or otherwise disposes of his business in whole or in part or effects any change in the ownership thereof, in consequence of which he is succeeded in the business or part thereof by any other person, then, the proprietor or person and the person succeeding shall jointly and severally be liable to pay the tax including any penalty/interest due from the proprietor or person under this Act upto the time of such transfer, disposal or change, whether such tax including any penalty/interest has been assessed before such transfer, disposal or change but has remained unpaid or is assessed thereafter.

(5) Where a proprietor or a person liable to pay tax under this Act,—

(a) is the guardian of a ward on whose behalf the business is carried on by the guardian; or

(b) is a trustee who carries on the business under a trust for a beneficiary, then, if the guardianship or trust is terminated, the ward or, as the case may be, the beneficiary, shall be

liable to pay the tax including any penalty/ /interest due from the proprietor or person, upto the time of termination of the guardianship or trust, whether such tax including any penalty/ interest has been assessed before the termination of the guardianship or trust, but has remained unpaid, or is assessed thereafter.

(6) Where a proprietor or person liable to pay the tax under this Act is succeeded in the business by any person in the manner described in clause (a) of sub-section (1) or in sub-section (4), then such person, unless he already holds a certificate of registration, shall, within 30 days thereof, apply for registration.

6C. *Re-assessment of turnover escaping assessment, under-assessed, etc.*— (1) If a proprietor or a person has been assessed under section 6A for any year or part thereof and where for any reason the whole or any part of the turnover of receipts in respect of that year or part thereof has escaped assessment, or has been under-assessed or assessed at a lower rate, or any deduction has been wrongly made, then, the Commissioner may, at any time within three years of the end of that year, after giving the proprietor or the person a reasonable opportunity of being heard, proceed to assess or re-assess, to the best of his judgement, the amount of tax due from such proprietor or person:

Provided that, the amount of tax shall be assessed at the rates at which it would have been assessed had there been no under-assessment or escapements:

Provided further that, where in respect of such turnover of receipts an order has already been passed in appeal or revision under this Act, the Commissioner shall make a report to the appropriate appellate or revisional authority under this Act, which shall thereupon after giving the proprietor or the person concerned a reasonable opportunity of being heard, pass such order as it deems fit.

(2) Nothing in sub-section (1) shall apply to any proceeding (including any notice issued) under section 6D or section 6G.

(3) Nothing in sections 6D and 6G shall affect any proceeding under this section.

LA/LEGN/2015/1271

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation (No. 2) Bill, 2015

(Bill No. 10 of 2015)

A

BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2015-16.

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

1. *Short title.*— This Act may be called the Goa Appropriation (No. 2) Act, 2015.

2. *Issue of Rs. 13331,44,46,000/- out of the Consolidated Fund of the State of Goa for the financial year 2015-16.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule to this Act amounting in the aggregate to the sums of thirteen thousand three hundred thirty one crore forty four lakhs forty six thousand rupees towards defraying the several charges which will arise for payment during the financial year 2015-16 in respect of the services and for purposes specified in column (2) of the said Schedule.

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

SCHEDULE
(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
01	Legislature Secretariat	2038.00	94.00	2132.00
A1	Raj Bhavan (Charged)	—	565.50	565.50
02	General Administration and Co-ordination	8610.00	—	8610.00
03	District and Sessions Court, North Goa	1771.00	—	1771.00
04	District and Sessions Court, South Goa	1715.43	—	1715.43
05	Prosecution	714.00	—	714.00
06	Election Office	1264.00	—	1264.00
07	Settlement and Land Records	1316.20	—	1316.20
08	Treasury and Accounts Administration, North Goa	72278.35	—	72278.35
09	Treasury and Accounts Administration South Goa	456.17	—	456.17
A2	Debt Services (Charged)	—	159100.25	159100.25
10	Notary Services	908.00	—	908.00
11	Excise	2076.50	—	2076.50
12	Commercial Taxes	3782.00	—	3782.00
13	Transport	19683.50	—	19683.50
A3	Goa Public Service Commission (Charged)	—	365.50	365.50
14	Goa Sadan	436.10	—	436.10
15	Collectorate, North Goa	2407.00	—	2407.00
16	Collectorate, South Goa	2459.20	—	2459.20
17	Police	37474.20	—	37474.20
18	Jails	4565.50	—	4565.50
19	Industries, Trade and Commerce	8345.69	—	8345.69
20	Printing and Stationery	1425.45	—	1425.45
21	Public Works	111232.95	48.02	111280.97
22	Vigilance	483.00	—	483.00
23	Home	599.60	—	599.60
25	Home Guards and Civil Defence	1787.90	—	1787.90

(1)	(2)	(3)	(4)	(5)
26	Fire and Emergency Services	5395.25	1.50	5396.75
27	Official Language	1293.20	—	1293.20
28	Administrative Tribunal	204.50	—	204.50
29	Public Grievances	50.00	—	50.00
30	Small Savings and Lotteries	1867.50	—	1867.50
31	Panchayats	19764.92	—	19764.92
32	Finance	73475.00	—	73475.00
33	Revenue	4108.00	—	4108.00
34	School Education	111624.78	—	111624.78
35	Higher Education	21194.08	—	21194.08
36	Technical Education	7127.80	—	7127.80
37	Government Polytechnic, Panaji	2511.00	—	2511.00
38	Government Polytechnic, Bicholim	1050.80	—	1050.80
39	Government Polytechnic Curchorem	655.52	—	655.52
40	Goa College of Engineering	4643.85	—	4643.85
41	Goa Architecture College	539.60	—	539.60
42	Sports and Youth Affairs	26665.00	—	26665.00
43	Art and Culture	11429.90	—	11429.90
44	Goa College of Art	750.00	—	750.00
45	Archives and Archaeology	1320.00	—	1320.00
46	Museum	829.10	—	829.10
47	Goa Medical College	24582.30	—	24582.30
48	Health Services	38350.38	—	38350.38
49	Institute of Psychiatry and Human Behaviour	2130.56	—	2130.56
50	Goa College of Pharmacy	1361.25	—	1361.25
51	Goa Dental College	5081.76	—	5081.76
52	Labour	3605.50	—	3605.50
53	Food and Drugs Administration	1281.00	—	1281.00
54	Town and Country Planning	4070.00	—	4070.00
55	Municipal Administration	19642.65	—	19642.65
56	Information and Publicity	5254.30	—	5254.30
57	Social Welfare	33104.65	—	33104.65
58	Women and Child Development	34395.55	—	34395.55
59	Factories and Boilers	550.00	—	550.00
60	Employment	756.50	—	756.50
61	Craftsmen Training	7422.18	—	7422.18
62	Law	6876.40	—	6876.40
63	Rajya Sainik Board	384.80	—	384.80
64	Agriculture	19588.93	—	19588.93
65	Animal Husbandry and Veterinary Services	12521.65	—	12521.65
66	Fisheries	7059.42	—	7059.42
67	Ports Administration	3570.00	—	3570.00
68	Forests	6078.05	—	6078.05
69	Handicraft, Textile and Coir	2020.90	—	2020.90
70	Civil Supplies	9136.62	—	9136.62
71	Co-operation	3170.01	—	3170.01
72	Science, Technology and Environment	4991.56	—	4991.56

(1)	(2)	(3)	(4)	(5)
73	State Election Commission	475.50	—	475.50
74	Water Resources	35015.88	—	35015.88
75	Planning, Statistics and Evaluation	1690.39	—	1690.39
76	Electricity	212657.26	—	212657.26
77	River Navigation	3300.00	—	3300.00
78	Tourism	26009.10	—	26009.10
79	Goa Gazetteer	64.00	—	64.00
80	Legal Metrology	580.10	—	580.10
81	Department of Tribal Welfare	23560.00	—	23560.00
82	Information Technology	8058.00	—	8058.00
83	Mines	13243.00	—	13243.00
84	Airport	7000.00	—	7000.00
85	Appropriation to the Contingency Fund	—	—	—
TOTAL		1172969.69	160174.77	1333144.46

Statement of Objects and Reasons

The Budget for the year 2015-16 was presented to the Legislative Assembly on the 25th March, 2015. The Demands for Grants have since been discussed and voted by the Assembly. The Appropriation Bill is, therefore, introduced in accordance with the provisions of Article 204 of the Constitution of India to provide for appropriation out of the Consolidated Fund of the State of Goa of the moneys required for the services during the financial year 2015-16.

Porvorim-Goa.
14th August, 2015.

LAXMIKANT PARSEKAR
Finance Minister/Chief Minister

Assembly Hall,
Porvorim-Goa.
14th August, 2015.

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

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

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 2) Bill, 2015, by the Legislative Assembly of Goa.

LA/LEGN/2015/1272

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Appropriation (No. 3)
Bill, 2015

(Bill No. 11 of 2015)

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2015-16.

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

1. *Short title.*— This Act may be called the Goa Appropriation (No. 3) Act, 2015.

2. *Issue of Rs. 859,45,18,000/- out of the Consolidated Fund of the State of Goa for the financial year 2015-16.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of eight hundred fifty nine crores forty five lakhs eighteen thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2015-16 in respect of the services and for purposes specified in column (2) of the said Schedule.

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

SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
01	Legislature Secretariat	450.00	—	450.00
A1	Raj Bhavan (Charged)	—	18.06	18.06
02	General Administration and Co-ordination	1957.00	—	1957.00
03	District and Sessions Court, North Goa	150.00	—	150.00
10	Notary Services	93.00	—	93.00
13	Transport	0.10	—	0.10
14	Goa Sadan	31.76	—	31.76
16	Collectorate, South Goa	5345.00	—	5345.00
17	Police	379.27	—	379.27
18	Jails	1280.00	—	1280.00
21	Public Works	25350.14	55.59	25405.73
23	Home	275.00	—	275.00
26	Fire and Emergency Services	417.38	—	417.38

(1)	(2)	(3)	(4)	(5)
33	Revenue	475.00	—	475.00
34	School Education	1000.00	—	1000.00
35	Higher Education	163.41	—	163.41
40	Goa College of Engineering	55.35	—	55.35
48	Health Services	845.00	1.50	846.50
54	Town and Country Planning	—	6.13	6.13
55	Municipal Administration	500.00	—	500.00
57	Social Welfare	100.00	—	100.00
62	Law	1802.00	—	1802.00
68	Forests	1954.89	—	1954.89
70	Civil Supplies	1778.00	—	1778.00
73	State Election Commission	30.00	—	30.00
74	Water Resources	1368.00	26.17	1394.17
75	Planning, Statistics and Evaluation	1000.00	—	1000.00
76	Electricity	5000.00	1.89	5001.89
78	Tourism	2000.00	—	2000.00
80	Legal Metrology	3.00	—	3.00
84	Airport	25032.54	—	25032.54
85	Appropriation to the Contingency Fund	7000.00	—	7000.00
TOTAL		85835.84	109.34	85945.18

Statement of Objects and Reasons

The Supplementary Demands for Grants for the year 2015-16 (First Batch) was presented to the Legislative Assembly. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa, to meet the expenditure on certain services, granted by the Legislative Assembly for those services, during the Financial year 2015-16.

Porvorim-Goa.
14th August, 2015.

LAXMIKANT PARSEKAR
Finance Minister/Chief Minister

Assembly Hall,
Porvorim-Goa.
14th August, 2015.

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

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

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 3) Bill, 2015, by the Legislative Assembly of Goa.

LA/LEGN/2015/1273

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Motor Vehicles Tax (Amendment)
Bill, 2015

(Bill No. 29 of 2015)

A

BILL

further to amend the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Motor Vehicles Tax (Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 7th day of July, 2015.

2. *Amendment of Schedule.*— In the Schedule appended to the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act No. 8 of 1974), (hereinafter referred to as the “principal Act”), in PART ‘B’, in item (B), for sub-items (1) and (2), the following sub-items shall be substituted, namely:—

“(1) Motor cycle/Motor scooter/ /Auto rickshaw, irrespective of its horse power, whose cost is upto Rs. 1.50 lakhs	8% of the cost of the Motor cycle/Motor scooter/Auto rickshaw.
(2) Motor cycle, irrespective of its horse power, whose cost is above Rs. 1.50 lakhs	14% of the cost of the Motor cycle.”.

3. *Repeal and saving.*— (1) The Goa Motor Vehicles Tax (Amendment) Ordinance, 2015 (Ordinance No. 4 of 2015) is hereby repealed.

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

Statement of Objects and Reasons

The Bill seeks to amend sub-items (1) and (2) of item (B) of PART ‘B’ of the Schedule appended to the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act 8 of 1974), so as to revise the rate of tax as specified therein.

The Bill also seeks to replace the Goa Motor Vehicles Tax (Amendment) Ordinance, 2015 (Ordinance No. 4 of 2015), promulgated by the Governor of Goa on the 7th day of July, 2015.

This Bill seeks to achieve the above objects.

Financial Memorandum

The amendments proposed in the Bill would result in an additional revenue collection of Rs. 70 lakhs, per annum, approximately.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa,
12th August, 2015.

Shri RAMKRISHNA ALIAS
SUDIN DHAVLIKAR
Minister for Transport

Assembly Hall,
Porvorim.
12th August, 2015.

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

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

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Motor Vehicles Tax (Amendment) Bill, 2015, by the Legislative Assembly of Goa.

ANNEXURE
(Bill No. 29 of 2015)

**Extract of the Goa, Daman and Diu Motor Vehicles
Tax Act, 1974 (Act 8 of 1974)**

The Schedule appended to the Act

PART 'B'

SCHEDULE OF TAXATION
(See section 3)

Class of vehicles	Two		Four	
	Wheelers		Wheelers and above	
1	2	3	4	5

Class of vehicles	Percentage on Rate of tax specified in PART 'A' and in item (B) of PART 'B'.	
	2	3
(A) If the vehicle is already registered in any State, at the time of re-registration and for assignment of new Registration Mark, when its age from the date of registration is,-		
(a) not more than two years	95%	95%
(b) more than two years but not more than three years	90%	90%
(c) more than three years but not more than four years	85%	85%
(d) more than four years but not more than five years	80%	80%
(e) more than five years but not more than six years	75%	75%
(f) more than six years but not more than seven years	70%	70%
(g) more than seven years but not more than eight years	65%	65%
(h) more than eight years but not more than nine years	60%	60%
(i) more than nine years but not more than ten years	55%	55%
(j) more than ten years but not more than eleven years	50%	50%
(k) more than eleven years but not more than twelve years	45%	45%
(l) more than twelve years but not more than thirteen years	40%	40%

1	2	3
(m) more than thirteen years but not more than fourteen years	35%	35%
(n) more than fourteen years but not more than fifteen years	30%	30%
(o) more than fifteen years	20%	20%
(B) At the time of registration of new vehicle:		
(1) Motor cycle/Motor scooter/ /Auto rickshaw irrespective of its horse power, whose cost is upto Rs. 2.00 lakhs	8% of the cost of the Motor cycle/ /Motor scooter	
(2) Motor cycle irrespective of its horse power, whose cost is above Rs. 2.00 lakhs	12% of the cost of the Motor cycle	
(3) Tricycle for every 25 kgs – weight or part thereof	Rs. 150/-	
(4) Motor vehicles belonging to the individuals	(i) 8% of the cost of the vehicle, where cost of vehicle does not exceed Rs. 6 lakhs. (ii) 9% of the cost of the vehicle, where cost of vehicle exceeds Rs. 6 lakhs but does not exceed Rs. 10 lakhs. (iii) 10% of the cost of the vehicle, where cost of vehicle exceeds Rs. 10 lakhs.	
(5) Motor vehicles belonging to the partnership firm and limited companies with share capital of less than Rs. 50 lakhs	(i) 9% of the cost of the vehicle, where cost of vehicle does not exceed Rs. 6 lakhs. (ii) 10% of the cost of the vehicle,	

1	2	3
	where cost of vehicle exceeds Rs. 6 lakhs but does not exceed Rs. 10 lakhs	
	(iii) 12% of the cost of the vehicle, where cost of vehicle exceeds Rs. 10 lakhs.	

(6) Any other motor vehicle not covered under clause (4) and (5)

(i) 10% of the cost of the vehicle, where cost of vehicle does not exceed Rs. 6 lakhs.

(ii) 12% of the cost of the vehicle, where cost of vehicle exceeds Rs. 6 lakhs but does not exceed Rs. 10 lakhs.

(iii) 14% of the cost of the vehicle, where cost of vehicle exceeds Rs. 10 lakhs but does not exceed Rs. 25 lakhs.

(iv) 16% of the cost of the vehicle, where cost of vehicle exceeds Rs. 25 lakhs.

Assembly Hall,
Porvorim-Goa.

N. B. SUBHEDAR
Secretary, Legislature

LA/LEGN/2015/1274

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Preservation of Trees
(Amendment) Bill, 2015

(Bill No. 18 of 2015)

A

BILL

further to amend the Goa, Daman and Diu
Preservation of Trees Act, 1984 (Act 6 of 1984).

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Preservation of Trees (Amendment) Act, 2015.

(2) It shall come into force at once.

2. *Omission of section 1A.*— Section 1-A of the principal Act shall be omitted.

3. *Amendment of section 2.*—In section 2 of the principal Act, for clause (j), the following clause shall be substituted, namely:—

“(j) “tree” means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than fifteen centimeters in diameter at a height of one meter from the ground level and is not less than one and half meter in height from the ground level but shall not include a coconut tree and a cashew tree.”.

Statement of Objects and Reasons

The Bill seek to amend the Goa Preservation Trees Act, 1984 (Act 6 of 1984) hereinafter referred to as said Act seeks to omit section 1(A) where coconut tree is included in definition of tree. This Clause is aimed to be deleted as Coconut tree is an agricultural tree and is grown widely in Goa in all homes and in orchards. Sometimes the trees planted close to house, develops weak roots and there is danger of such coconut tree falling on the house causing damage to property and to life. Similarly cashew tree is also an agricultural tree and same reasons exists as in coconut tree.

The Bill also seeks to substitute clause (j) of section II of the said act thereby laying the new criteria and deciding definition of tree. This criteria for amendment of measurement of diameter of tree from 5 centimeters to 15 centimeters in diameter at a height of one meter from the ground level as permission is required even to cut a small bush which grows by the road side or close to house and attains girth of 5 centimeters in diameter in no time.”

Financial Memorandum

LA/LEGN/2015/1275

No financial implications are involved in this Bill.

Memorandum of Delegated Legislation

No Delegated Legislation is involved in this Bill.

Porvorim, Goa. SIDHARTH KUNCALIENKAR
24th July, 2015. MLA

Porvorim, Goa. N. B. SUBHEDAR
24th July, 2015. Secretary.

ANNEXURE-----
**Extract of the Goa, Daman and Diu Preservation of
Trees Act, 1984 (Act 6 of 1984)**

1-A Definition of the term "tree". Notwithstanding anything in the Goa, Daman and Diu Preservation of Trees Act, 1984 or in any other Act for the time being in force, the term "tree" used in this Act, shall besides other trees, included coconut trees."

2- Definitions

In this Act A unless the context otherwise requires.

(j) "tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimetres in diameter at a height of thirty centimetres from the ground level and is not less than one meter in height from the ground level."

Porvorim, Goa. N. B. SUBHEDAR
24th July, 2015. Secretary.

The following bill which was introduced in the Legislative Assembly of the State of Goa on 14th August, 2015 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Registration of Tourist Trade
(Amendment) Bill, 2015**

(Bill No. 17 of 2015)

A

BILL

further to amend the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982).

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

1. *Short title, extent and commencement.*—
(1) This Act may be called the Goa Registration of Tourist Trade (Amendment) Act, 2015.

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

(3) It shall come into force at once.

2. *Amendment of section 6.*— In section 6 of the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982) (hereinafter referred to as the "principal Act"),—

(i) after clause (d) of sub-section (1) the following clause shall be inserted, namely:—

"6(1) (e). "if he had obtained the registration by making a false statement or producing a false document.".

3. *Amendment of section 7.*— In section 7 of the principal Act for the sub-section (3), the

following sub-section shall be substituted, namely:—

“(3) Every application made under sub-section (1) shall be disposed off within a period of one month from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.”.

4. *Substitution of section 8.*— For section 8 of the principal Act, the following section shall be substituted, namely:—

“8. *Certificate of registration.*— (1) The prescribed authority shall, unless registration is refused under section 9, direct that the name and the particulars of the hotel and the hotel-keeper be entered in the register maintained for the purpose and shall issue a certificate to the hotel-keeper in the prescribed form.

(2) The validity of the Certificate of Registration issued shall be for a period of five years from the date of issue, subject to provisions of section 10 enumerated hereunder.

(3) The applicant shall have to pay in advance, a non-refundable fee for the entire five years period of validity of Certificate of Registration at the time of applying for the Registration of Hotel/s.”.

5. *Amendment of section 10.*— In section 10 of the principal Act, after clause (d) of sub-section (1) the following clause (e) shall be inserted, namely:—

“10 (1) (e).— if hotel-keeper had obtained the registration by making a false statement or producing a false document.”.

Statement of Objects and Reasons

The Goa, Daman and Diu Registration of Tourist Trade Act, 1982 is presently struggling to cope with the Tourism growth that Goa has witnessed since 1982. The existing laws are

inadequate to deal with the situations now arising which were not available in 1982.

We need to regulate the trade by bringing strength to penalty for false representations for procuring registrations. There is need to lay guidelines and we need to simplify registration laws to see that Goa retains its position as the premier international tourist destination.

This Bill seeks to achieve the above objective.

Financial Memorandum

No additional financial burden will be upon the Government as the existing machinery will be charged with the implementation.

Memorandum of Delegated Legislation

Delegated Legislation is envisaged which is normal character.

Porvorim, Goa.
7th August, 2015.

Shri ROHAN KHAUNTE
MLA

Assembly Hall,
Porvorim, Goa.
7th August, 2015.

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

ANNEXURE

The extract from the Goa Registration of Tourist Trade Act, 1982 (Act No.10 of 1982)

6. *Removal of the name from the Register.*— (1) The prescribed authority may after affording a reasonable opportunity of being heard, by an order in writing, remove the name of a dealer from the register and cancel his certificate on any of the following grounds, namely:—

(a) if he ceases to be a dealer;

(b) if he is convicted of any offence under Chapter XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding,

smuggling or profiteering or adulteration of food or drugs or corruption;

(c) if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against him.

(2) Any dealer whose name is removed from the register under sub-section (1) shall forthwith cease to be a dealer.

7. *Registration.*— (1) Every person intending to operate a hotel in a tourist area shall, before operating it, apply for registration to the prescribed authority in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1), any person already operating a hotel in a tourist area on the date of notification under clause (k) of section 2, shall apply for registration within three months from the aforesaid date.

(3) Every application made under sub-section (1) shall be disposed off within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

8. *Certificate of registration.*— The prescribed authority shall, unless registration is refused under section 9, direct that the name and the particulars of the hotel and the hotel-keeper be entered in the register maintained for the purpose and shall issue

a certificate to the hotel-keeper in the prescribed form.

10. *Removal of the name from the Register.*— (1) The prescribed authority may, after giving an opportunity of being heard by an order in writing, remove the name of a hotel from the register and cancel its certificate on any of the following grounds, namely:—

(a) if the hotel-keeper ceases to operate the hotel in the tourist area for which it is registered;

(b) if the hotel-keeper is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption;

(c) if the hotel-keeper is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against a hotel-keeper.

(2) Any hotel the name of which is removed from the register under sub-section (1) shall forthwith cease to operate.

Assembly Hall,
Porvorim, Goa.
7th August, 2015.

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

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