

Panaji, 5th December, 2013 (Agrahayana 14, 1935)

SERIES II No. 36

OFFICIAL GOVERNMENT OF GOA GAZETTE



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Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 35 dated 28-11-2013 namely, Extraordinary dated 29-11-2013 from pages 849 to 850 regarding Notification from Department of Finance (Revenue & Control Division).

GOVERNMENT OF GOA

Department of Animal Husbandry & Veterinary Services

Directorate of Animal Husbandry & Veterinary Services

Order

No. 11-1-81/AH/13-14/4863

Government is pleased to retire Dr. Ernest V. D'Costa, Deputy Director, in the Directorate of Animal Husbandry & Veterinary Services, w.e.f. 30-11-2013 (a.n.), upon completion of 6 (six) months beyond the date of his superannuation.

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

Dr. B. Braganza, Director & ex officio Joint Secretary (AH).

Panaji, 25th November, 2013.

Department of Education, Art & Culture

Directorate of Art and Culture

Order

Ref. No. DAC/Acctts/RGKM/Committee/2013/19666

The existing General Council of Rajiv Gandhi Kala Mandir, Ponda-Goa constituted by the Government, vide Order No. DAC/7/AUTOBODIES/COMITTIES/2012/2126, 2127 and 2128 dated 24-07-2012 stands dissolved with immediate effect.

This issues with the approval of the Government.

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

Prasad Lolayekar, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 27th November, 2013.

Order

Ref. No. DAC/Acctts/RGKM/Committee/2013/19667

In exercise of powers conferred under clause 5 of the constitution of Rajiv Gandhi Kala Mandir, Ponda, Goa the Government is pleased to nominate Shri Lavoo Mamledar, Durgabhat, Ponda-Goa as the Chairman of Rajiv Gandhi Kala Mandir, Ponda-Goa with immediate effect.

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

Prasad Lolayekar, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 27th November, 2013.

Order

Ref. No. DAC/Acctts/RGKM/Committee/2013/19668

In exercise of powers conferred under clause 6 of the constitution of Rajiv Gandhi Kala Mandir, Ponda, Goa the Government is pleased to nominate Shri Ajit Kerkar, Bandora, Ponda-Goa as the Vice-Chairman of Rajiv Gandhi Kala Mandir, Ponda-Goa with immediate effect.

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

Prasad Lolayekar, Director & ex officio Addl. Secretary (Art & Culture).

Panaji, 27th November, 2013.

Department of Finance

Revenue & Control Division

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Addendum

No. 15/1/2012-Fin (R&C)

Read: Notification No. 15/1/2012-Fin (R&C) dated 29-11-2013 published in the Official Gazette, (Extraordinary), Series II No. 35 dated 29-11-2013.

In partial modification of the Notification dated 29-11-2013 read above, Government of Goa, after taking into consideration the representations made by various licensees, has decided that the prohibition imposed vide above read Notification, shall apply during the timings from 08:00 hrs. upto 16:00 hrs. on the days notified, viz. from 30-11-2013 to 03-12-2013.

Further, no consumption of liquor shall be allowed during the aforesaid notified days, by any members of the public, in the open spaces/public places in and around Bom Jesus Basilica and Se Cathedral at Old Goa.

The Commissioner (Excise) and Director General of Police are required to ensure that no person is found selling and serving liquor during the aforesaid notified days and timings. Further, they are required to ensure that there shall be no consumption of liquor by any member of the public, in the open spaces/public places as above.

All the other contents of the Notification dated 29-11-2013 shall remain unchanged.

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

Michael M. D'Souza, Addl. Secretary (Finance).
Porvorim, 30th November, 2013.

—◆◆◆—
Department of Forest—
Order

No. 4-2-2011/FOR/303

Government is pleased to transfer Shri Shrikrishna Prabhu, Assistant Conservator of Forest, Zoo Manager, Bondla as Sub-Divisional Forest Officer, Mapusa and relieve Shri Anil Shetgaonkar, Assistant Conservator of Forests, holding additional charge in public interest with immediate effect.

Further, Shri Pradeep Verekar, Assistant Conservator of Forests, Sub-Divisional Forest Officer, Ponda shall look after the work of Zoo Manager, Bondla in addition to his own duties.

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

Sharmila Zuzarte, Under Secretary (Forests).

Porvorim, 22nd November, 2013.

—◆◆◆—
Goa Human Rights Commission—
Recommendations

Proceeding No. 87/2013

On the basis of the aforesaid conclusions we recommend as follows:

1. Respondent No. 1 should recall its Order dated 19-04-2013 and Order dated 21-05-2013 in Case No. 100/CWC/05.
2. Both the Respondents should take immediate steps to readmit the child in Nirakar Vidyalaya at Mashem, Canacona so that the education of the child should not be hampered and the school authority should consider this as a special case and readmit the child by condoning delay or other technical hurdles, if any.
3. During vacation of the school, the child may be kept in Margaret Bosco Bal Sadan Bardez-Goa or any other suitable Children's Home for care and protection and not in Apna Ghar, as requested by the child.
4. Respondent No.1 may make efforts to restore and/or rehabilitate the child by following the relevant provisions contained in the Act and the Rules, more particularly Section 39 and Chapter IV of the Act and Chapter IV and V of the Rules.

Justice P. K. Misra
Chairperson
Goa Human Rights
Commission

A. D. Salkar
Member
Goa Human Rights
Commission

GOA HUMAN RIGHTS COMMISSION

PANAJI-GOA

Proceeding No. 87/2013

Ms. Nishta Desai,
Children's Right in Goa
H. No. 754 (11) 2nd Floor,

... Complainant.

'Christina Apartments',
Alto-Porvorim, Bardez-Goa.

V/s

1. Child Welfare Committee,
Margao-Goa.
2. The State of Goa through ... Respondents.
the Chief Secretary,
Secretariat, Porvorim-Goa.

INQUIRY REPORT AND RECOMMENDATIONS

The proceeding relates to a child named Sai Kumar (hereinafter referred to as the Child) aged about 12 years. This case has been dealt with by the CWC, South Goa (hereinafter referred to as CWC, South Goa) in case No. 100/CWC/05. Keeping in view the provisions contained in Juvenile Justice Act, 2000 (hereinafter referred to as the Act) and Juvenile Justice Rules, 2007 (hereinafter referred to as the Rules), the name of the child concerned should not be published without the permission of CWC, South Goa.

2. Initially, the proceeding was placed before the Chairperson and two other Members on 19-06-2013 and again on 21-06-2013 when the Interim Recommendation was made. Subsequently, however, in the absence of one of the members viz; Shri J. A. Keny, the proceeding is being considered by the Chairperson and one member viz; Shri A. D. Salkar as the question raised required urgent consideration.

Though in the cause title of the proceeding Nistha Dessai is shown as the Complainant, factually the proceeding has been initiated on the basis of letters dated 11-06-2013 and 18-06-2013 of Children's Right in Goa, a registered organisation and reference to Complainant should be construed as a reference to the organisation "Children's Rights in Goa".

3. We have heard the Complainant represented by its office-bearers, the Respondent No. 1 represented by its Chairperson and Members and Advocate V. Sardessai representing both the Respondents. We have carefully perused the following:

- (A) Letter dated 11-06-2013 addressed to the Chairperson and Members of Goa Human Rights Commission which was treated as the Complaint and the accompanying Annexures.
- (B) Application filed by CWC, South Goa on 21-06-2013 alongwith enclosures.

(C) Preliminary reply of CWC, South Goa filed on 27-06-2013.

(D) Extract of protocol (5 pages) to be followed in inquiries filed by CWC, South Goa on 27-06-2013.

(E) Reply of CWC, South Goa filed on 04-07-2013.

(F) Transfer Order dated 19-04-2013 by CWC, South Goa, filed by Respondent No. 1 on 04-07-2013.

(G) Counter of the Complainant to the preliminary reply dated 27-06-2013 of CWC, South Goa with annexures filed on 04-07-2013.

(H) Written submissions alongwith annexures filed by Complainant on 04-07-2013.

(I) Document relating to admission of the child in Margaret Bosco Bal Sadan (MBBS) filed by the Member, CWC, Dharwad on 04-07-2013.

(J) Statement of child recorded on 04-07-2013 in camera by the Commission.

4. The following facts emerge from the pleadings and documents on record:

4.1 The child was found abandoned and produced before Child Welfare Committee, Goa on 29-08-2004. The custody of such child was given by Child Welfare Committee, Goa to the mother of the child on 12-01-2005. On 07-05-2005, within a period of four months he was readmitted to Apna Ghar under the direction CWC, Goa as he was found abandoned. On 21-12-2005, custody was given to Loukesh, the maternal uncle of such child. Even before expiry of three months, the child was again found abandoned and was readmitted to Apna Ghar on 07-03-2006 by CWC, Goa and subsequently he was admitted in Shri Nirakar Vidyalaya Mashem, Canacona for education.

4.2 On 06-10-2007, Jan Ugahi, Margao submitted a report signed by Mr. Christopher, the Co-ordinator of Childline to the CWC, Goa as apparent from Annexure-4 to the application filed by the present Complainant. The said report furnished to CWC, Goa pursuant to letter No. AGM/CWC/CORR/07-08/397 dated 11-09-2007 indicates that both the parents of the child had expired and his brother Kariyappa, aged 17 and sister Manjamma, aged 15 were in custody of maternal uncle Loukesh of Chitradurga, that time living in Dhandeli, in Allawar district of Karnataka.

4.3 On 09-04-2008, direction was issued by the Chairperson of CWC in case No. 100/CWC/05 to the Superintendent of Apna Ghar to get the birth of the concerned child registered in village Panchayat/Municipality after complying with the necessary procedures. Thereafter, the Superintendent filed necessary application and on 21-01-2010, CWC (Bench of Judicial Magistrate) passed Order in Criminal Miscellaneous Application No. 02/2010 directing to register the birth of the child concerned in accordance with the provisions of registration of Births & Deaths Act, 1969 and the Goa, Daman & Diu Registration of Births and Deaths Rules, 1999 and accordingly Birth Certificate was issued on 27-02-2010 indicating the date of birth as 22-11-2000 and the place of birth as Mercedes.

4.4 The child who was staying and studying in Apna Ghar, was admitted to Shri Nirakar Vidyalaya, Mashem, Canacona on 07-06-2010 on the initiative and co-operation of the Children's Rights in Goa (present Complainant).

5. While the matter stood thus and the child was under the care of Apna Ghar during vacation, he was examined by Mr. Mascarenhas, Counsellor, Apna Ghar on 18-04-2013. The report by such Counsellor to the SPO, Apna Ghar, indicates as under ".....during the interaction, the boy has said that he wants to back (sic) to his family in Hubli. When enquired about the family members, the boy said that his family is residing in Nadipur, Hubli, Karnataka"

The report further indicated that his father Lechappa was a labourer, mother Nagamma was a housewife and the whereabouts of his sister Manjamma and brother Kariappa were not known.

The past history of the child as contained in such report has already been narrated in paragraph 4.1.

The Counsellor further reported:- "Presently the boy is in boarding in Mashem, Canacona and is schooling in 7th Std. and the DOB of the boy is 22-11-2000. The boy has stated that he wants to go back to his family as he wants to stay with his family. When enquired as to whether he has any idea about the latest status about his family, he said that he does not have any knowledge but said that he remembers the place where he used to stay when he was small.

As the boy was hailing from Hubli, Karnataka and the boy wants to go back to his family, it is

recommended that the boy to be transferred in children's home for boys in Hubli, Karnataka for his further rehabilitation. Statement of the boy dated 18-04-2013 enclosed."

In such statement of the boy, it was stated inter-alia as under:-

" I want to go back home and stay with my mother and father".

6. On the basis of the aforesaid report of the Counsellor and the statement of the child, recorded by the Counsellor, which was received on 19-04-2013, CWC, South Goa without making any further inquiry issued direction on the very same day i.e. 19-04-2013 transferring the boy from Apna Ghar to Child Welfare Committee Dharwad, Hubli, (hereinafter referred to as CWC, Dharwad) The entire of Transfer Order is extracted hereunder:-

CHILD WELFARE COMMITTEE

SOUTH GOA DISTRICT
(BENCH OF MAGISTRATES u/s 29(5) of
Juvenile Justice Act, 2000)
Apna Ghar Complex, Mercedes-Goa.

Case No. 100/CWC/05/38

In the matter of **Master Sai Kumar son of Rachappa (Lechappa) father and mother Mrs. Nagamma r/o Nandipur, Hubli, Karnataka** aged about **12 years** taken charge for sole custody under Section-33 (3) of Juvenile Justice (Care and Protection of Children) Act, 2000 and Amendment Act, 2011.

Date of Admission 1) 29-08-2004.
2) 07-05-2005.
3) 07-03-2006.

TRANSFER ORDER

On making the necessary inquiry under Section 33(2) of the J. J. Act it is known, that the boy is from Hubli, Karnataka which is outside the jurisdiction of the Child Welfare Committee of Goa.

It is therefore decided by the Committee to transfer the said boy to the parents Mr. Lechappa (Rachappa)-father, Mrs. Nagamma-mother, Miss Manjamma-sister, Mr. Kariappa (Karyappa)-brother or any close relative/s at the above address.

Therefore the Child is to be sent with a proper escort by Police/NGO/Staff of Institution to the Child Officer, Childline, Observation/Children Home at Hubli, Karnataka:

**Child Welfare Committee,
Hubli, Karnataka**

For tracing and for handing her (sic) over to a fit person/parent/s or close relative/s of the said boy Master Sai Kumar residing at the aforesaid address or any other place which may be shown by the boy. If no such fit person/parent/s or relative/s are traced or if traced but if they are unwilling to take charge of the boy Master Sai Kumar, the boy may be kept in the custody, of Central Home/Observation Home for Children/ /Superintendent, Childline Hubli, Karnataka, Children's Home/Child Welfare Committee-Hubli, Karnataka and the said boy be produced before the concerned Child Welfare Committee for further orders.

ORDER

Pending Transfer, the said boy shall remain in the Children's Home, presently housed at Apna Ghar. The State/District Child Protection Unit or Police Department or non-governmental organisation/Childline shall positively make immediate arrangement not less than 15 days from the date of receipt of this order by them and send the said boy at her (sic) aforesaid place of residence.

**DATED THIS 19th DAY OF THE MONTH OF
APRIL OF THE YEAR 2013**

Sd/- Ms. Cheryl Colaco Member Child Welfare Committee South Goa.	Sd/- Ms. Lida Joao Member Child Welfare Committee South Goa.
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Sd/-
Ms. Martha Mascarenhas
Chairperson
Child Welfare Committee
South Goa.

1. The Suptd-cum-Probation Officer, Apna Ghar, Mercedes-Goa to make necessary arrangement.
2. The Superintendent, Children's Home/ /Observation Home for Boys/Central Home/ /Childline Hubli, Karnataka, Child Welfare Committee-Hubli, Karnataka, to do the needful and to take necessary action in the best interests of the boy and to monitor the case.
3. The In-charge, Escort Cell, Panaji-Goa.
4. The In-charge, Agassaim Police Station for information.

5. The In-charge, Hubli Police Station, P. O. Karnataka for information and to monitor the case.
6. Office File .
7. Guard File.

6.1 It is not shown that this direction of CWC, South Goa was communicated to the State Government (Respondent No. 2). However, the child was taken to CWC, Dharwad and left there on 29-04-2013.

7. CWC, Dharwad thereafter passed an order on 10-05-2013 purporting to be "RE-Transfer Order" wherein it was indicated that. the residence in Nandipur, Hubli could not be traced and the child is having language problem in as much as he does not know Kannada and there is difficulty regarding education of the child. Such order alongwith letter dated 20-05-2013 and the child were forwarded to Apna Ghar and on 21-05-2013 the order and other documents alongwith the child were received and another order was passed by CWC, South Goa on the same day by observing as follows: "the child is sent back to Child Welfare Committee, Hubli-Dharwad for education and rehabilitation in the male child/boys best interest as the said male child/ /boy is a native of Karnataka State."

7.1 On 31-05-2013, a letter was sent by CWC, Dharwad to CWC, South Goa requesting the latter to take back the child by indicating that according to the Birth Certificate/School Leaving Certificate, the place of birth is Mercedes, Goa and further indicating that relatives/parents of the child could not be traced out and the child should study in Goa.

7.2 Subsequently, the present Complainant was contacted and it filed an application before CWC, South Goa on 11-06-2013 to review the Order transferring the boy from Apna Ghar to CWC, Dharwad, which is still pending.

8. On 18-06-2013, an application alongwith the letter dated 11-06-2013 addressed to the Chairperson of Goa Human Rights was received in the office and on the basis of such letter alongwith other documents, this Commission passed order dated 19-06-2013 directing issuance of notice in the proceeding fixing 27-06-2013 as the returnable date. Keeping in view the urgency in the matter and the interest of the child, on 20-06-2013 this Commission passed an order as an interim measure recommending that the order dated 21-05-2013 passed by the Child Welfare

Committee, South Goa should be kept in abeyance and if the child has already been transferred, efforts may be made immediately to bring back the child to Apna Ghar, Mercas and to readmit in the same school. It was indicated"..... this direction by way of interim measure is issued without prejudice to the submissions to be made at the time of the enquiry to be held on 27-06-2013".

8.1 Immediately after receiving such order, Respondent No.1 filed an application before this Commission on 21-06-2013 for recalling the order dated 20-06-2013 passed by this Commission.

8.2 On 24-06-2013, even though the matter was not listed, this Commission considered such application of Respondent No.1 and directed that the copy of such application should be sent to the Complainant and matter shall be taken up on the date fixed i.e. 27-06-2013.

8.3 On 27-06-2013, the Respondent No.1 filed preliminary reply and made submissions to recall the order 20-06-2013 passed by this Commission. Respondent No. 1 also prayed for further time to file a detailed reply by stating that many relevant documents were in the office of CWC, North Goa. The date of hearing was fixed to 04-07-2013 in order to examine the child concerned and CWC, Dharwad was accordingly notified.

8.4 On 04-07-2013, one member of CWC, Dharwad, the Superintendent of Boys Home, Hubli, and Co-ordinator of Don Bosco Shelter Home at Ucassaim were present alongwith the child concerned. It was disclosed by them that in the meantime the child is under the temporary care of MBBS, Bardez-Goa and admitted to Govt. High School at Ucassaim for education as per instructions of CWC, Dharwad.

8.5 The child concerned was examined by us in camera and his statement was recorded and his writings and signatures were obtained in our presence, for the purpose of comparison of handwriting and signature of the child concerned. His signed statement and the paper containing his writing and signature have been kept on record.

9. In the above factual backdrop, the Complainant has submitted as follows:-

- (A) The CWC South Goa has passed the Orders of transfer of the Child to CWC Dharwad without following the procedure contemplated in the Act and the Rules.
- (B) The report dated 18-04-2013 on the basis of which the initial order dated 19-04-2013 was

passed by the CWC South Goa, proceeds on a basic wrong assumption that the parents of the child are alive.

- (C) The primary object of the Act is to keep the best interest of the child in view while passing any direction. Since the child knew only Konkani/Hindi and English and was not conversant with Kannada language and had remained in Goa for about 7 years he should not have, been sent to Hubli particularly when his mother and uncle had abandoned him earlier and therefore it was in the best interest of the child to continue his education in Canacona-Goa.
- (D) The statement of the child recorded by CWC, Dharwad also indicates that the child requested that he should be allowed to pursue his studies in Goa.

10. The submissions of the Respondent No. 1 as reflected in its application dated 21-06-2013 and the enclosed documents, the preliminary reply dated 27-06-2013 and the reply dated 04-07-2013 and oral submissions during hearing on 04-07-2013 are as follows:-

- (A) Parents of the Child, his uncle, brother and sister are from Karnataka and the child expressed desire to go back to native place.
- (B) The child has been repatriated in view of the order of the High Court of Bombay at Goa Bench in PIL-Writ Petition No. 2/2010 disposed vide order dated 5-11-2012 in terms of minutes and the subsequent report of One Man Committee relating to irregularities of the previous CWC. In view of that those cases where children were to be repatriated were transferred after considering facts of each case.
- (C) Transfer order in case the Child was passed upon proper inquiry and on interacting with counsellor, Superintendent-cum-Probation Officer, Apna Ghar and other involved with the said child keeping in view the best interest of the child.
- (D) Birth Registration was done only in the year 2010 and admission to School Nirakar Education Society Mashem, Canacona with help of present applicant but thereafter present Complainant had evinced no further interest in the child.
- (E) The complainant or any other aggrieved person has the right to file appeal to the Sessions Court against order of CWC.

11. In the above factual back drop and in the light of submissions of both the parties it is to be now considered if the order dated 19-04-2013 and subsequent order dated 21-05-2013 passed by CWC, South Goa have been passed violating the human rights of the child to be protected in accordance with various provisions of the Act and the Rules.

12. We make it amply clear that the purpose our inquiry is not to convert this Commission as the appellate authority with a view to find every single loophole in the orders of CWC, South Goa or CWC, Dharwad but to find out ways and means to safeguard the human rights of the child concerned by ensuring that his best interests are protected.

The present proceeding should not be considered as a private fight between Children's Right in Goa and CWC, South Goa or CWC, Dharwad and CWC, South Goa, but as a concerted and co-operative effort to protect the best interest of the unfortunate child in crying need of care and protection by all concerned.

13. The Supreme Court in *Childline Foundation & Anr v/s Alan John Waters & Ors.* decided on 18th March, 2011 has observed:- *"(24) Children are the greatest gift to humanity... There are special safeguards in the Constitution that apply specifically to children. The Constitution has envisaged a happy and healthy childhood for children which is free from abuse and exploitation. Article 15(3) of the Constitution has provided the State with the power to make special provisions for women and children. Article 21A of the Constitution mandates that every child in India shall be entitled to free and compulsory education upto the age of 14 years. The word "life" in the context of article 21 of the Constitution has been found to include "education" and accordingly this Court has implied that "right to education" is in fact a fundamental right. "*

"(26) the Directive Principles of State Policy embodied in the Constitution of India provides policy of protection of children with a self-imposing direction towards securing the health and strength of workers", particularly, to see that the children of tender age are not abused, nor they are forced by economic necessity to enter into avocations unsuited to their strength."

"(27) Article 45 has provided that the State shall endeavour to provide early childhood care and education for all the children until they complete the age of 14 years "

30) The above analysis shows our Constitution provides several measures to protect our children. It obligates both Central, State & Union territories to protect them from the evils, provide free and good education and make them good citizens of this country. Several legislations and directions of this Court are there to safeguard their interest. But these are to be properly implemented and monitored. We hope and trust that all the authorities concerned through various responsible NGOs implement the same for better future of these children."

14. The preamble of the Act recites inter alia that it is an Act to consolidate and amend the law relating to Juveniles in conflict with law and children in need of care and protection, by providing proper care, protection and treatment by catering their development needs and by adopting a child friendly approach in the adjudication and disposition of matters **in the best interest of children and for their ultimate rehabilitation** and for matters connected therewith or incidental thereto. It further indicates that it has been enacted keeping in view the provisions of the Article 15 (3), Article 39 (e) and (f) and Articles 45 and 47 of the Constitution of India and basic human rights and also to give effect to various international conventions.

15. There is no dispute that the child concerned is a "child in need of care and protection" as defined u/s 2(g) in the Act.

Chapter III of the Act relates to "child in need of care and protection".

Section 29 empowers the State Government to constitute Child Welfare Committee.

Section 31 (1) empowers the Committee to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and **protection of human rights.**

As per Section 31 (2) such Committee shall have the power to deal exclusively with all proceedings under this Act relating to children in need of care and protection.

Section 32 envisages production of child in need of care and protection before the Committee.

Section 33 obliges the Committee to hold an inquiry in the prescribed manner.

Section 33 (4) provides:-

"After completion of the inquiry, if, the Committee is of the opinion that the said child

has no family or ostensible support or is in continued need of care and protection, it may allow the child to remain in the children's home or shelter home till suitable rehabilitation is found for him or till he attains the age of eighteen years."

16. It is apparent that CWC, South Goa passed the initial order on 19-04-2013 and subsequent order on 21-05-2013 being swayed away by the report of the Counsellor and the statement of the child where he stated on 18-04-2013 that he wanted to live with his mother and father.

Unfortunately, the CWC, South Goa did not verify its own record wherein an earlier report dated 06-10-2007 of Mr. Christopher, the Co-ordinator of Childline was available to indicate that the parents of the child had expired. It is obvious that the child had not been informed about such death and rightly so, as otherwise he would have been traumatised. The report dated 18-04-2013 was received on 19-04-2013 and the order of transfer was passed on the very same day even without further interviewing the child and without any further inquiry. The basic erroneous assumption that the parents were alive has culminated in the order passed on 19-04-2013. Even the subsequent order dated 21-05-2013 was passed on the basis of a wrong assumption that the parents of the child were alive.

17. It is no doubt true that one of the primary object of the Act and the Rules is to make attempt to restore the child to his parent or guardian. However, such attempts had proved futile on two earlier occasions when the custody was given to mother on the first occasion and to maternal uncle on the second occasion. Equally important is the objective of providing protection to child as emphasised in Section 39 of the Act.

Section 39 envisages that restoration of and protection to a child shall be prime objective of any children's home. Section 39(2) obliges a children's home to take such steps as are considered necessary for the restoration of and protection to child deprived of his family environment temporarily or permanently where such child is under the care and protection of a children's home.

Under Section 39 (3), the Committee shall have powers to restore any child in need of care and protection to his parent, guardian, fit person or fit institution as the case may be, and give them suitable directions.

As per explanation to Section 39

"restoration of and protection of a child"

means restoration to (a) parents, (b) adopted parents, (c) foster parents, (d) guardian, (e) fit person, (f) fit institution. Keeping in view the definition of "fit institution" as per Section 2 (h), the action of CWC, South Goa cannot be justified in terms of Section 39 as by no stretch of imagination CWC, Dharwad can be considered as "fit institution", more so when it is not prepared to own the responsibility of the child.

18. The child when examined by us stated that his father had expired long back and he is not aware whether his mother is alive or not. Even assuming that they are alive, it is apparent that no attempt was made by CWC, South Goa to contact and persuade them to take charge of the child by following the procedure contemplated in Section 46 which provides "any competent authority may, whenever it so thinks fit require any parent to be present at any proceeding in respect of the juvenile or the child".

The child had been earlier abandoned and was found on 29-08-2004. Custody given to his own mother proved futile and the child was again readmitted to Apna Ghar. Custody was given to uncle Lokesh but again the child was found abandoned and readmitted to Apna Ghar on 07-03-2006 and since then when he was about 5 & 1/2 years old, he has continued to stay in Apna Ghar and continued his education by remaining in Goa for more than 7 years. The parents, uncle and any other relatives including the two siblings had never made any attempt to remain in touch with him. It is obvious the child had been abandoned because the parents were unable to support him being labourers.

19. It is but natural for the child to speak in Konkani because of constant interaction with other Konkani speaking people and in Hindr/English because of education. The observation of CWC, Dharwad that the child is unable to interact with others in Hubli is therefore very relevant and obviously it would be in best interest of the child to be brought back to same surroundings where he had remained for a considerable period rather than forcing him to stay in a new place on the mere pretext that he hails from Hubli particularly when he is unable to converse in Kannada. While being examined by us, the child practically begged to be brought back to his old school and stay in Goa.

20. CWC, South Goa has tried to justify its action by taking refuge under Section 38 (1) which is extracted hereunder:-

Section 38(1) Transfer: If during inquiry it is found that the child hails from the place outside the jurisdiction of the Committee, the Committee shall order the transfer of the child to the competent authority having jurisdiction over the place of residence of the child.

21. Section 38 should not be read in isolation. Apart from Section 38, Sections 50, 56, 57 and 58 also touch upon the question of transfer.

Section 50 envisages that "In the case of the child, whose ordinary place of residence lies outside the jurisdiction of the Competent Authority before which he is brought, the Competent Authority may, if satisfied after the inquiry that it is expedient so to do, send the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him notwithstanding that such place of residence is outside the jurisdiction of the Competent Authority....."

Section 56 empowers the Competent Authority to order a child in need of care and protection transferred from one children's home to another keeping in view the best interest of the child and his natural place of stay.

Section 57 contemplates that the State Government may direct any child to be transferred from any children's home within the State to any other children's home, special home or institution of like nature or to such institutions outside the State in consultation with the concerned State Government and with prior intimation to the Committee.

22. Section 68 contains the power of State to make Rules and as per proviso, the Central Government may frame model rules which shall apply to State until rules have been framed by concerned State. There is no dispute that the Central Government have framed such Rules in 2007. Chapter II of such Rules contain the Fundamental Principles of Juvenile Justice and Protection of Children. Rule 3(1) and (2) being extremely relevant are quoted in extenso:-

3) Fundamental principles to be followed in administration of these rules:-

(1) The State Government, the Juvenile Justice Board, the Child Welfare Committee or other competent authorities or agencies, as the case may be, while implementing the provisions of these rules shall abide and be guided by the principles, specified in sub-rule (2).

(2) The following principles shall inter-alia, be fundamental to the application, interpretation and implementation of the Act and the rules made hereunder:

Various principles have been laid down under different paras/headings.

Para IV contains the Principle of Best Interest. Para IV (a) provides that in all decisions taken in the context of administration of juvenile justice, the principle of best interest of child shall be the primary consideration.

Para VII (c) contemplates that positive measures shall include avenue for education and Para VII Clause (d) envisages measures must facilitate to provide the child with an inclusive and enabling environment.

Para X containing principle of equality and non-discrimination lays down in Clause (a) that there shall be no discrimination against a child inter alia **on the basis of place of birth, race, ethnicity of child.**

Rule 3 (2) XIII contains the principle of repatriation and restoration but Clause (b) specifically lays down that any child who has lost contact with his family shall be eligible for protection under the Act and shall be repatriated and restored at the earliest **to his family unless such repatriation or restorations is likely to be against the best interest of the child.**

Chapter IV of the Rules relates to child in need of care and protection. Rule 25 enumerates various functions and powers of the Committee.

Rule 26 relates to procedure in relation to Committee and under sub-rule (3) "the Committee shall take into consideration, the age, developmental stage, physical and mental health, **opinion of the child** and the recommendation of the child welfare officer or caseworker prior to disposal of cases.

Chapter VII of the Rules contains miscellaneous provisions.

Rule 78 being extremely important and relevant in this case as the main controversy revolves around the question of transfer of the child from one place to another without fault of the child is extracted hereunder:

Rule 78 (1) During the inquiry, if it is found that the juvenile or child hails from a place outside the jurisdiction of the Board or Committee, the Board

or Committee shall order the transfer of the juvenile or child and send a copy of the order to the State Government or State or District Child Protection Unit:

Provided that—

- (i) Such transfer is in the best interest of the juvenile or child;
 - (ii) No child shall be transferred or proposed to be transferred only on the ground that the child has created problems or, has become difficult to be managed in the existing institution or, is suffering from a chronic or terminal illness or, on account of disability;
 - (iii) Such transfer shall only take place after the completion of evidence and cross-examination that may be required in a legal proceeding involving a juvenile or child; and
 - (iv) The reasons for and circumstances of such transfer are recorded in writing.
- (2) The State Government or State or District Child Protection Unit shall accordingly:
- (i) send the information of transfer to the appropriate competent authority having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee; and
 - (ii) send a copy of the information to the Officer-in-Charge of the institution where the child is placed for care and protection at the time of the transfer order.
- (3) On receipt of copy of the information from the State Government or State or District Child Protection Unit, the Officer-in-Charge shall arrange to escort the child at government expenses to the place or person as specified in the order.
- (4) On such transfer, case file and records of the juvenile or child shall be sent alongwith the juvenile or child.

23. Thus, Rule 78 (1) obliges the Committee to send a copy of the order of transfer to the State Government or State or District Child Protection Unit and Proviso (i) to Rule 78(1) specifically contemplates that such transfer should be in best interest of the child. Proviso (ii) contemplates inter-alia that “no child— shall be transferred..... only on the ground that the child..... has become difficult to be managed in the existing institution ” (Thus discounting the financial difficulty angle highlighted during hearing) and Proviso (iv) obliges that the reasons for and circumstances of such transfer are recorded in writing.

Respondent No. 1 has not produced any material whatsoever regarding compliance with Rule 3 and Rule 78.

24. Merely because the child “hails” from Hubli, should not have been used as a pretext to transfer him to CWC, Dharwad, particularly after providing protection for 7 years and even without bothering to locate any of the so called family members of the child. The fact that child is not conversant with Kannada should not have been lost sight of as his future development and education are likely to be hampered to a very great extent. The order of transfer cannot be said to be in the best interest of the child as emphasised in the Act and the Rules.

The conclusion of the Counsellor as per the report dated 18-04-2013 ‘that the boy “hails” from Hubli’ is also open to serious doubt. It is no doubt true that the parents of the child were from Hubli. However, there is absolutely no material whatsoever to indicate that the child was born in Hubli. The father of the child was a labourer and it is most likely that he must have moved to Goa in search of engagement as a labourer.

Judicial notice can be taken of the fact that majority of the daily wage earners/labourers/ /menial workers in Goa are migrants from neighbouring districts of Karnataka, or even far off places like Bihar, Odisha, etc. The child was found abandoned in Goa not merely once, but on three occasions. His place of birth has been shown as “Merces” in the Birth Certificate which has a presumptive value until proved to be patently wrong through contrary materials. Under such circumstances, the conclusion of the Counsellor that the child “hails” from Karnataka appears to be arbitrary. Moreover, even assuming that the child “hails” from Karnataka, the stark reality that he has spent more than seven years of his formative years in Goa when he was hardly five years old cannot be lost sight of and the best interest of the child lies in allowing him to continue his education in Goa under the protective umbrella of “Apna Ghar” or any other suitable institution in Goa and not as a stranger in some other “Home” in Karnataka.

25. CWC- South Goa has raised doubt regarding the Birth Certificate on the ground that it was issued in the year 2010 on the basis of direction of the then CWC. Prima facie the question of age and even place of birth of a “Child” is a matter for CWC to decide. Section 29(5) contemplates that the Committee shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure, 1973 on a

Judicial Magistrate of the First Class. Of course Section 29 (5) cannot be interpreted to mean that CWC would be considered as Judicial Magistrate First Class even for Criminal Trials etc. However, when a "Child" is produced before CWC, it has all the ancillary Jurisdiction such as determination of age, place of birth etc. and for that purpose obviously it would function as Judicial Magistrate, First Class. At any rate until such earlier order of CWC is set aside in a manner known to law, the presumptive value attached to birth certificate issued as per direction of CWC cannot be whittled down. Therefore, CWC, Dharwad was justified in its observation in letter dated 20-05-2013 that the documents sent by CWC, South Goa indicated that the child was born in Mercedes-Goa.

26. Section 38 contemplates transfer of the child to the Competent Authority having jurisdiction over the place of residence, not place of birth or native place. Moreover, Section 38 contemplates consideration of question of jurisdiction at the threshold and not when the child has been kept under the protection of CWC, Goa repeatedly and continuously for number of years. If "child" "hailing" from another State has been given protection for number of years, the question of invoking Section 38 suddenly after lapse of several years may not arise and the question of transferring such child is to be considered in the light of Sections 50, 56 and 57 as the case may be. It is self-evident that the jurisdiction under Section 57 to transfer a child from one State to another State is to be exercised by the State Government in consultation with the other State Government and not unilaterally by CWC of a district even without bothering to inform its own State Government. It is apparent that statutory principles relating to right of child so zealously sought to be protected by the Statute and the Rules have been violated with impunity.

27. A combined reading of Section 38, Section 50, Section 56 and Section 57 alongwith Rule 78 and Rule 79 make it amply clear that as per the scheme of the Act and the Rules, the power under Section 38 to transfer should be exercised at the threshold whereas the jurisdiction and powers of transfer of the child as envisaged under Sections 50, 56 or 57 may be exercised at any subsequent stage. However, the principle underlying in every provision is that the best interest of the child is required to be protected. Moreover, as earlier noticed, the power of transfer of the child from one institution in one State to an institution in another State has to be exercised by the State

Government as apparent from Section 57. There is no material to indicate that at any time the State Government has been consulted or even intimated about the unilateral decision of the CWC, South Goa to transfer the child to CWC, Dharwad. This is in our considered opinion a gross violation of statutory principle highlighted in Section 57 of the Act as well as Rule 78 of the Rules.

Even assuming that the power to transfer under Section 38 can be exercised by the Committee not only at the threshold but even subsequently, it is necessary to notice that as per Section 38 the child is required to be transferred to the Competent Authority having the jurisdiction over the place of residence of the child. (emphasis added).

In the present case, the order dated 19-04-2013 and the order dated 21-05-2013 indicate that the CWC, South Goa has thought it appropriate to transfer the child concerned because his native place/place of birth is Hubli. The place of birth has a different connotation as compared to place of residence. It is no doubt true that in the statement recorded on 18-04-2013 the child concerned has stated that during his early childhood he was staying in Hubli but from that alone it cannot be assumed that Hubli was the place of residence. Place of residence should be construed in the context of residence at or about the time when the child was produced before the Committee and not place of residence in very distant past. The very fact that the child had been found abandoned and produced in Goa on three different occasions within a period of two years between 2004-2006 is rather indicative of the fact that the child and the mother were ordinarily residing during those days somewhere in Goa rather than in a distant -place in Hubli.

28. The Advocate for the Respondents as well as the member of CWC, South Goa had made elaborate submissions justifying the order of transfer by referring to the Order of the High Court at Bombay (Goa Bench) in PIL Writ Petition No. 2/2010 and more particularly the minutes. A bare perusal of the Order indicates that the High Court has nowhere directed that in every case the child born outside Goa, is required to be sent back to his native place in a different State irrespective of tenure of stay of the child in Goa. As a matter of fact the High Court has merely disposed of the Writ Petition by observing that the grievance in the Writ Petition has been met in view of the joint minutes. The minutes are more or less repetition of some of the model rules and regarding steps to be taken or co-operation to be

extended by the State Government. As a matter of fact, minutes also referred to Rules 78 for the purpose of transfer. It is apparent that in the Order of CWC, South Goa dated 19-04-2013, Rule 78 itself has been ignored in as much as neither the best interest of the child has been kept in view nor the matter has been sent to State Government as required under Rule 78.

29. On 24-06-2013, while pressing its application dated 21-06-2013, the Member of CWC, South Goa had raised the question of financing of the child by stating that why should State of Goa spend on a child belonging to Karnataka. Such a callous stand is also highlighted in the reply filed on 04-07-2013.

Geographically, Goa may be a small State, but historically its people are known for their large heartedness. It is not that the inhabitants of others States do not contribute to ultimate development of Goa. As already noticed most of the work force consisting of labourers/menial workers are from neighbouring districts of Karnataka or even far off places. Moreover, we are sure, the State Government would not hesitate to bear this "very light burden" relating to the expenses of the child who came to be under the protective arm of "Apna Ghar" which has acquired all India fame as an ideal home for the destitute, the poor, the abandoned children. Let not the best interest of an innocent child be sacrificed at the altar of expediency, monetary constraints or needless fight over trivials.

30. This Commission had recommended to the Respondents purely as an interim measure to get the child readmitted to school. The recommendation clearly indicated that it was meant to be a temporary measure without prejudice to the submitted to be made on the date of hearing that is 27-06-2013 and yet, the Respondent No. 1 thought it proper to make it a "prestige issue", by filing an application to recall the interim order of this Commission dated 20-06-2013. All the Institutions, Organizations and Authorities under the Act exist affording better protection to a child and not for indulging in "bitter fight" ignoring the best interest of child.

31. CWC, South Goa has raised a technical objection that its order could have been challenged in appeal under Section 52. It may be so, but by the same logic, the Order passed by CWC, Dharwad could also have been challenged in appeal. In such trivial battle over mere technicalities, one should not sacrifice the interest of the child which is of paramount importance.

32. Having exercised power and jurisdiction under Section 39 on two occasions earlier by restoring the child to mother maternal uncle and thereafter having exercised jurisdiction under Section 33 (4) and having extended the umbrella of benevolent protection by allowing the child to remain in Apna Ghar for more than seven years and having got him admitted to Shri Nirakar Vidyalaya, Mashem, the sudden "U turn" in invoking Section 38 to "get rid" of the child on the specious plea that the child is a native of Karnataka on the basis of an apparently erroneous assumption to the effect that the parents of the child were alive and thereby giving false hope to the unfortunate child to be reunited with parents and without considering the "best interest of the child" principle, amounts to gross violation of the human rights of the child in crying need of protection and virtually amounts to abdication of the duty cast by the Constitution, the Act and the Rules. And trying to justify such action on the plea that the Government exchequer should not be burdened with expenditure for a child who is a native of Karnataka, even without bothering to consult the Government though mandatorily required by the Rules can be described as cynical not befitting the status of a statutory body entrusted with the onerous task of protecting a child as its ultimate guardian.

Looking into the manner in which the child was transferred by CWC, South Goa to CWC, Dharwad in a most haphazard manner without taking into consideration the principle of "best interest of the child", we are convinced that the basic human rights of the child are grossly violated and as such the orders by CWC, South Goa should be reconsidered in exercise of jurisdiction under Section 55.

33. Section 55 enables the Committee to amend its order without prejudice to the provision for appeal. However such power under Section 55 (1) is to be exercised on the basis of an application, in contrast to power under Section 55(2) regarding correction of clerical error which can be exercised suo motu. It is not in dispute that Complainant has filed an application for recalling the order dated 21-05-2013 and 19-04-2013 which is still pending before CWC, South Goa.

34. On the basis of the aforesaid conclusions we recommend as follows:

1. Respondent No.1 should recall its Order dated 19-04-2013 and Order dated 21-05-2013 in Case No. 100/CWC/05.
2. Both the Respondents should take immediate steps to readmit the child in Nirakar

Vidyalaya at Mashem, Canacona so that the education of the child should not be hampered and the school authority should consider this as a special case and readmit the child by condoning delay or other technical hurdles, if any.

3. During vacation of the school, the child may be kept in Margaret Bosco Bal Sadan Bardez-Goa or any other suitable Children's Home for care and protection and not in Apna Ghar, as requested by the child.
4. Respondent No.1 may make efforts to restore and/ or rehabilitate the child by following the relevant provisions contained in the Act and the Rules: more particularly Section 39 and Chapter IV of the Act and Chapter IV and V of the Rules.

Dated: 4th July, 2013,

Place: Panaji-Goa.

Justice P. K. Misra
Chairperson
Goa Human Rights
Commission

A. D. Salkar
Member
Goa Human Rights
Commission



Department of Labour

Human Resource Development Foundation Society
State Directorate of Craftsmen Training

Order

Ref. No. 3/4/2011/HRDF/PART (I)/369

Read: 1) Government Order No. 3/4/99-HRDF/
/203 dated 4-1-2008.

2) Government Order No. 3/4/2010/HRDF/
/(Part)/889 dated 27-04-2011.

On expiry of the tenure of non-official members appointed on the Governing Committee of the Human Resource Development Foundation Society, vide No. 3/4/2010/HRDF/(Part)/889 dated 27-04-2011, Government is pleased to appoint the following new non-official members on the Governing Committee of Human Resource Development Foundation Society.

Consequently in the Order No. 3/4/99-HRDF/
/203 dated 4-1-2008, subentries' at Serial No. 8 shall be replaced by the following entries:

- (a) Mr. Sudesh Rane,
M/s. Amey Industries,
Plot No. 43, Kakoda Industrial Estate,
Kakoda, Curchorem-Goa.

- (b) Mr. B. T. Boke,
Senior GM-HR,
Dempo Group of Companies Ltd.,
Dempo House, Campal, Panaji-Goa.
- (c) Mr. Binayak Datta,
Managing Partner,
Binayak Datta & Associated Chartered
Accountants, A 505, Bay Village,
Alto-Dabolim-Goa.
- (d) Mr. Gaurish M. Dhond,
Managing Partner,
Hotel Manoshanti,
Dr. Dada Vaidhya Road,
Behind EDC House, Panaji-Goa.
- (e) Mr. Bruno Gomindes,
Managing Director,
Travco Aviation Academy,
Ranghavi Chambers,
Opp. MMC Bldg., Margao-Goa
- (f) Mr. William F. Vaz,
Principal,
Comtech Computer Academy,
T-1, 3rd Floor, Royal Chambers,
Above HDFC Bank,
Tisk-Ponda-Goa 403 401.

The tenure of office of the non-official members shall be for a period of 2 years, with effect from the date of issue of this order. The role, responsibilities and functions of the non-official members shall be as specified in the Rules and Regulations of the said Society.

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

Aleixo F. da Costa, State Director & ex officio
Jt. Secretary (Craftsmen Training).

Panaji, 22nd November, 2013.

Corrigendum

No. 28/20/2012-Lab/784

Read: Government Order No. 28/20/2012-LAB/
/272 dated 28-05-2012, published in the
Official Gazette, Series II No. 10 dated
07-06-2012.

In the schedule to the Government Order cited above, in issue No. (1), after the words "in Karnataka State", the expression "from 01-12-2011", shall be inserted.

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

Shashank V. Thakur, Under Secretary (Labour).
Porvorim, 22nd November, 2013.

Department of Law & Judiciary

Law (Establishment) Division

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Corrigendum

No. 2-3-86/LD/2095

Read: Order No. 2-3-86/LD/2057 dated 22-11-2013.

In the above referred order the word in the last line after the date may be substituted as “forenoon” instead of “afternoon”.

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

Vasanti H. Parvatkar, Under Secretary (Law-Estt.).
Porvorim, 29th November, 2013.

—◆◆◆—
Department of Personnel—
Order

File No. 10/12/2013-PER

Government of Goa is pleased to grant extension in service to Smt. Jyoti Mhamai Kamat, Chief Biochemist in Asilo Hospital, Mapusa under Directorate of Health Services beyond superannuation for a period of one year w.e.f. 01-12-2013 to 30-11-2014 or till Government appoints a replacement based on the recommendation of Goa Public Service Commission, whichever is earlier.

The extension is subject to termination without assigning any reasons at any time during the period of extension.

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

Rahamntulla Aga, Under Secretary (Personnel-II).
Porvorim, 21st November, 2013.

—◆◆◆—
Department of Public Health—
Order

No. 12/3/96-IV/PHD

Read: 1) Order No. 8-16-87/IV/PHD dated 13-05-1997.

2) Corrigendum No. 12/3/96-IV/PHD dated 18-06-2012.

The Corrigendum cited at preamble (2) stands cancelled. Consequent upon cancellation of the

said Corrigendum, the Order read at preamble (1) stands.

This issues with the approval of the Government.

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

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 18th November, 2013.

—◆◆◆—
Department of Revenue—
Order

No. 23/5/2013-RD

Whereas, the Government of Goa, vide Notification No. 23/5/2013-RD dated 29-01-2013, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the “said Act”), and published in the Official Gazette, Series II No. 45, dated 07-02-2013, notified that the land specified in the Schedule thereof (hereinafter referred to as the “said land”) is likely to be needed for public purpose viz. Land Acquisition for the construction of road at Tontem Morod in V. P. Cansaulim, Arossim, Cuelim in Cortalim Constituency. (hereinafter referred to as the “said public purpose”);

And whereas, the Government of Goa, considered the report made by the Collector under sub-section (2) of Section 5-A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/5/2013-RD dated 26-08-2013, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 23, dated 05-09-2013, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

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

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 27th November, 2013.

Notification

No. 22/31/2013-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for Segregation of dry waste at Colva in Sr. No. 11/6 & 8 of Salcete Taluka.

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act the Deputy Collector (LA) South Goa District Margao-Goa to perform the functions of a Collector, North Goa District, Panaji-Goa under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.

2. The Deputy Collector (LA), South Goa District, Margao-Goa.

3. The Block Development Officer, Salcete, Margao-Goa.

4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector (LA), South Goa District, Margao-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Salcete *Village:* Colva

Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
11/6	O: Raghunath Shet Alve.	375
11/8	O: Josina Fernandes.	1775

Boundaries :

North : Road, S. No. 11/1 & 4.

South : S. No. 13/5, 8, 9, S. No. 12/1.

East : S. No. 11/5, S. No. 10/3,
S. No. 12/1.

West : S. No. 11/1.

Total: 2150

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

Ashutosh Apte, Under Secretary (Revenue-I).

Porvorim, 28th November, 2013.

Notification

No. 22/34/2013-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for setting up an Industrial Estate at Latambarcem Village of Bicholim Taluka.

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894)

(hereinafter referred to as “the said Act”) that said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act the Special Land Acquisition Officer, Goa IDC, Panaji-Goa, to perform the functions of a Collector, North Goa District, Panaji-Goa under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji-Goa.
2. The Special Land Acquisition Officer, Goa IDC, Panaji-Goa.
3. The Chief General Manager, Goa Industrial Development Corporation EDC, Complex, Patto, Panaji-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Special Land Acquisition Officer, Goa IDC, Panaji-Goa, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Village: Bicholim Taluka: Latambarcem

Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
625/1	O: Comunidade Latambarcem. T: 1) Vithal Sukdo Matnekar. 2) Mosso Sukdo Matnekar. 3) Sakharam Sukdo Matnekar.	191125
627/0	O: 1) Radhakrishna Raghala Gaonkar. 2) Shantaram Nakul Gaonkar.	18075
632/0 (part)	O: Geetabale Manohar Naik Parulekar.	125430
633/0 (part)	O: Comunidade Latambarcem.	9155
<i>Boundaries :</i>		
North : S. No. 632, S. No. 633, S. No. 653, S. No. 654, S. No. 626/1, 2.		
South : S. No. 618/1, 16, 17, S. No. 619, S. No. 620, S. No. 626/1, 2.		
East : S. No. 625/2.		
West : S. No. 628, S. No. 626/2, S. No. 616, S. No. 618/1, 16.		
		Total: 343785

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

Ashutosh Apte, Under Secretary (Revenue-I).

Porvorim, 21st November, 2013.

Notification

No. 22/33/2013-RD

Whereas it appears to the Government of Goa (hereinafter referred to as “the Government”) that the land specified in the Schedule hereto (hereinafter referred to as the “said land”) is likely to be needed for public purpose, viz. Land Acquisition for development of Government Village School Playground at Goa Velha in Tiswadi Taluka.

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894)

(hereinafter referred to as "the said Act") that said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act the Director, Directorate of Sports & Youth Affairs Campal, Panaji-Goa to perform the functions of a Collector, North Goa District, Panaji-Goa under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji-Goa.
2. The Director, Directorate of Sport & Youth Affairs, Campal, Panaji-Goa.
3. The Special Land Acquisition Officer, Goa State Infrastructure Development Corporation (GSIDC), EDC House, Panaji-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Special Land Acquisition Officer, Goa State Infrastructure Development Corporation EDC House, Panaji-Goa, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE		
(Description of the said land)		
Village: Tiswadi		Taluka: Goa Velha
Survey No./ /Sub-Div. No.	Name of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
175/3	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Eufermenia.	2300
175/4	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Natalina Mendes.	1100
175/5	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Domingo Correia.	1175
175/6	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Venacio Mendes.	2350
175/7	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Agnelo Sebastiao do Rosario.	1250
175/8	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Santana Lopes.	1150
175/9	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Venacio Mendes.	925

1	2	3	1	2	3
175/10	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). 3. Directorate of Sports & Youth Affairs, Panaji. T: Ana Francisca D'Cunha.	1550		2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Esmeraldo Pegado.	
177/6	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Nil.	25	177/22	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Florina Raposa.	500
177/7	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Esmeraldo Pegado.	500	177/23	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Esmeralda Pegado.	625
177/8	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Florina Raposa.	525	177/24	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Florina Raposa.	700
177/9	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Esmeraldo Pegado.	650	177/25	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Esmeralda Pegado.	675
177/10	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Florina Raposa.	725	177/28	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Nil.	25
177/11	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Esmeraldo Pegado.	725	177/29	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Nil.	25
177/12	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Florina Raposa.	775	177/30	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Nil.	25
177/20	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Florina Raposa.	500	177/31	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Nil.	25
177/21	O: 1. Datta Zuakar.	525	177/32	O: 1. Datta Zuakar. 2. Vassudev Zuarkar. 3. Ramnath Comotim Bomalkar. T: Nil.	25

1	2	3	1	2	3
173/1P	O: 1. Flora Menezes. 2. Government of India Ministry of Surface Transport (Most). T: Nil.	50		2. Government of India Ministry of Surface Transport (Most). T: Angelina Silva.	
173/2P	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Santana Rego.	340	173/10P	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Luis de Rego.	265
173/3P	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Antonio Dias.	400	<i>Boundaries :</i>		
173/4P	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Florina Raposa.	230	North :	S. No. 172/5, 175/3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, S. No. 174/1 to 7, 10 & 173/1.	
173/5P	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Joao Francisco Raposa.	210	South :	S. No. 173/1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, S. No. 179/1 S. No. 178/1.	
173/6P	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Antao Francisco Rego.	410	East :	S. No. 159/1, S. No. 177/13, 26, S. No. 174/1.	
173/7P	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Antonio Alvaro Lopes.	400	West :	S. No. 174/10, Road, S. No. 175/2, S. No. 177/5, 19 & 13.	
173/8P	O: 1. Comunidade de Goa-Velha. 2. Government of India Ministry of Surface Transport (Most). T: Thomas Silva.	225	Total: 22,175		
173/9P	O: 1. Comunidade de Goa-Velha.	220	By order and in the name of the Governor of Goa.		
			<i>Ashutosh Apte</i> , Under Secretary (Revenue-I). Porvorim, 21st November, 2013.		
			----- Notification No. 22/35/2013-RD		
			Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Acquisition of land for Garbage Treatment Plant in Calangute & Saligao Village of Bardez Taluka.		
			Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that said land is likely to be needed for the purpose specified above.		

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act the Dy. Collector/SDO, Mapusa, Sub-Division, Mapusa to perform the functions of a Collector, North Goa District, Panaji-Goa under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji-Goa.
2. The Dy. Collector/SDO, Mapusa Sub-Division, Mapusa, Goa.
3. The Director, Department of Science, Technology and Environment, Saligao, Bardez-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector/SDO, Mapusa, Sub-Division, Mapusa, Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Village: Calangute Taluka: Bardez

Survey No./ Sub-Div. No.	Name of the persons believed to be interested	Area in sq. mts.
1	2	3

47/1 (part)	<i>Name of the Occupant:</i>	138500
	O: Comunidade of Calangute.	
	<i>Other Rights:</i>	
	O/R: 1. Cashew trees on rent for Rs. 63/- for 12 yrs. with Gangaram Vasudev Korgaokar.	
	O/R: 2. Cashew trees on rent for Rs. 24/- for 12 yrs. with Sitaram Yeshwant Naik.	
	3. Cashew trees on rental basis with a Heraldo Rosario D'Souza.	
		Total: 138500

Village: Saligao Taluka: Bardez

112/1 (part)	<i>Name of the Occupant:</i>	
	O: Comunidade of Saligao.	27120
114/1 (part)	<i>Name of the Occupant:</i>	
	O: Comunidade of Saligao.	1945
115/1 (part)	<i>Name of the Occupant:</i>	
	O: 1. Comunidade of Saligao.	60
	O: 2. The State Remote Sensing Centre.	
116/1 (part)	<i>Name of the Occupant:</i>	
	O: 1. Comunidade of Saligao.	305
	O: 2. Antonio Francisco D'Mello.	
	O: 3. Timoteo Adolfo D'Mello.	
	O: 4. Bemira Eulalia D'Mello.	
	O: 5. The State Remote Sensing Centre.	
	O: 6. Chief Electrical Engineer, Panaji.	
117/1 (part)	<i>Name of the Occupant:</i>	565
	O: 1. Comunidade of Saligao.	
		Total: 29995

Boundaries :

- North : Saligao S. No. 112, 116, 117.
Calangute S. No. 47, 49.
- South : Saligao, S. No. 113, 115.
Calangute S. No. 50.
- East : Saligao S. No. 112, 116, 117.
Calangute S. No. 49,
Village Boundary Saligao.

1	2	3
West : S. No. 112, 114. Calangute S. No. 47, Village Boundary Calangute.		
		Grand Total: 168495

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

Ashtosh Apte, Under Secretary (Revenue-I).
Porvorim, 22nd November, 2013.

Corrigendum

No. 22/37/2013-RD

Read: Notification No. 22/37/2013-RD dated 29-11-2013 regarding Land Acquisition for setting up an Industrial Estate at Shiroda village in Ponda Taluka (Phase-II).

In the Schedule appended to the above referred Notification, the following names appearing against survey No. 965 stands deleted.

2. Dr. Sakharam Gopal Gude.
3. Village Panchayat of Shiroda.
(or) House belongs to Pandurang Gopinath Naik.

The rest of the contents of above referred Notification shall remain unchanged.

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

Anju S. Kerkar, Under Secretary (Revenue-I)/
(Link).

Porvorim, 2nd December, 2013.

Department of Science, Technology & Environment

Notification

No. 5/20/87/87-STE/DIR/Part-I

In exercise of powers conferred by Section 40(3) of the Water (Prevention & Control of Pollution) Act, 1974, the Government of Goa on the advice of the Comptroller and Auditor General of India, vide their letter No./CA.V/FRM/GOA, GOPOLB(1)/1134 dated 12-9-2013 hereby appoints M/s Rege Kunkolienkar & Angle, 29, Kadar Manzil, Opp. Hari Mandir, Margao-Goa, as the Auditors of the Goa State Pollution Control Board (GSPCB), 1st Floor, Dempo Tower, Patto, Panaji-Goa, for the financial

year 2012-13 on the fixed remuneration/fees of ₹ 50,000/- (Rupees fifty thousand only).

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

Levinson J. Martins, Director & ex officio Joint Secretary (DSTE).

Saligao, 26th November, 2013.

◆◆◆
Department of Transport

Directorate of Transport

Notification

No. 5/9/90-Tpt/2013/4387

In exercise of powers conferred by Clause (xii) of sub-rule (1) of Rule 22 of the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, the Government of Goa hereby exempts Vehicle No. GA-08/U-2442 bearing chassis No. 460051KSZU01417 and Engine No. 483DLTC55JSZ722120 owned by All Goa Muslim Educational Social Welfare Society, Uzair Apartment, Ground Floor, Colmorod, Navelim, P. O. Margao, South Goa, from payment of Road Tax due to this State, being a Charitable Institution.

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

Arun L. Desai, Director & ex officio Addl. Secretary (Transport).

Panaji, 22nd November, 2013.

Notification

No. 5/9/90-Tpt/2013/4529

In exercise of powers conferred by Clause (xii) of sub-rule (1) of Rule 22 of the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, the Government of Goa hereby exempts Vehicle No. GA-01/T-9759 bearing chassis No.T58035394K08 and Engine No. D18023815 owned by Domnic & Joan Ministries, H. No. 315/4, Near Sodiem Panchayat, Trova Vaddo, Sodiem, Siolim, Bardez-Goa, from payment of Road Tax due to this State, being a charitable Institution.

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

Arun L. Desai, Director & ex officio Addl. Secretary (Transport).

Panaji, 2nd December, 2013.

Department of Tribal Welfare
Directorate of Tribal Welfare

—
Notification

No. 1-35-2013-14/Admn/PMSC (fee)/DTW/4266

Government is pleased to constitute Committee of the following Officials for the purpose of approving benefit under the Scheme for the self financed course affiliated to Distance Education Council or the Universities outside Goa State, taken up by ST students for release of benefit under the post-matric Scholarship.

- | | | |
|---|---|-------------------|
| 1. Secretary (Tribal Welfare) | — | Chairman. |
| 2. The Director of Higher Education, Panaji-Goa | — | Member. |
| 3. The Director of Technical Education, Porvorim-Goa | — | Member. |
| 4. The Director, Directorate of Tribal Welfare, Patto, Panaji-Goa | — | Member Secretary. |

The main purpose of the said Committee is to approve the benefit under above mentioned Scheme of the beneficiaries to Distance Education Council or the University outside Goa for the ST students taking benefit under the post-metric Scholarship scheme implemented by the Directorate of Tribal Welfare, Panaji-Goa.

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

Sandhya Kamat, Director of Tribal Welfare.
Panaji, 22nd November, 2013.

Department of Women & Child Development
Directorate of Women & Child Development

—
Order

F. No. 8/1/94/W&CD/part/7349

Read: Letter No. 1/8/97(Reconst)SBA/Goa/208 dated 30-10-2013 from Central Social Welfare Board, New Delhi.

On the recommendation of Central Social Welfare Board, New Delhi conveyed vide letter dated 30-10-2013 referred above, the Director, Directorate of Women and Child Development, Government of Goa is hereby appointed as Officer-in-Charge/Administrator of Goa State Social Welfare Board with immediate effect in public interest, purely as a stop gap arrangement to discharge the duties of Chairperson, Goa State Social Welfare Board till the State Board reconstituted or until further orders to ensure that implementation and monitoring of the programmes of the State Board is not hampered and the day-to-day functioning of the State Board.

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

P. Krishnamurthy, Secretary (Women & Child Development).

Porvorim, 25th November, 2013.

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