

OFFICIAL GAZETTE



सत्यमेव जयते

GOVERNMENT OF GOA

GOVERNMENT OF GOA

General Administration and Coordination Department

Notification

23/1/87-GAC (1)

In exercise of the powers conferred by article 166 of the Constitution and all other powers enabling him in that behalf, and in supersession of the existing rules and orders on the subject, the Governor of Goa is pleased to make the following Rules, namely:—

1. *Short title.*—These Rules may be called the Business of the Government of Goa (Allocation) Rules, 1987.

2. *Definitions.*—In these Rules, unless the context otherwise requires:—

- (a) "Article" means the article of the Constitution;
- (b) "Governor" means the Governor of the State of Goa;
- (c) "Councils" means the Council of the Ministers appointed under article 163;
- (d) "Government" means the Government of the State of Goa;
- (e) "Secretary" means a Secretary in a department and includes Secretary to the Governor; and the Chief Secretary; and
- (f) "Schedule" means a Schedule appended to these Rules.

3. *Allocation of subjects to departments.*—The entire business of the Government shall be transacted in the Departments and offices (all of which are hereinafter referred to as "Departments") specified in the Schedule and shall be classified and distributed between those Departments and office as laid down therein:

Provided that the Governor may, from time to time, make such additions to, or modifications in the list of business allotted to a Department as he thinks fit.

4. *Allocation of departments among Ministers.*—The Governor shall, in consultation with the Chief Minister, allocate to the Ministers so much of business of the Government as relates to matters with

respect to which the Council is required under article 163 to aid and advise the Governor in the exercise of his functions and for that purpose assign one or more Departments to the charge of a Minister:

Provided that nothing in these rules shall prevent the assignment of one Department to the charge of more than one Minister.

5. *Official head of Departments.*—There shall be a Secretary for each Department who shall be the official head of that Department;

Provided that—

- (a) more than one Department may be placed in charge of the same Secretary;
- (b) the work of a Department may be divided between two or more Secretaries.

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

G. G. Kambli, Under Secretary (GA).

Panaji, 30th May, 1987.

SCHEDULE

1. General Administration and Coordination Department:

- (a) Appointment and leave of the Governor.
- (b) Governor's allowances and privileges.
- (c) Raj Bhawan.
- (d) Council of Ministers.
- (e) Discretionary grants of the Chief Minister
- (f) Matters pertaining to the establishment of the Chief Minister, Ministers, Ministers of State and Deputy Ministers.
- (g) Governor's address.
- (h) Secretariat Building, Library and Records Room.
- (i) Secretariat Accounts.
- (j) House keeping functions of Secretariat.
- (k) Telephones.
- (l) Rules of Business of the Government.
- (m) Western Zonal Council.
- (n) Allocation of Business Rules.
- (o) Cabinet meetings/affairs.
- (p) Accommodation (both for office and residential) Rules.
- (q) Public Holidays.
- (r) Rules for authentication of orders of the Government
- (s) Staff Cars.
- (t) Official Languages and all matters pertaining thereto.
- (u) Posts & Telegraphs, including telephones, but not including village telephones system, wireless and other like forms of communications.
- (v) Establishment of the Secretariat Staff.
- (w) Residual matters.

cut at stock

2. Department of Personnel:

- (a) Cadre Planning and management of various state services, not otherwise provided for under any other department.
- (b) Services:
 - (i) All India Services.
 - (ii) State Civil Services.
 - (iii) Other Services, not otherwise provided for under any other department.
- (c) Policy regarding appointments, placements, etc.
- (d) Career planning/development/management.
- (e) Training and coordination (including Hindi Training Schemes).
- (f) Talent hunting.
- (g) Promotion Systems. Institutionalising arrangements for selection at senior/management levels.
- (h) Performance Appraisal systems.
 - (i) Recruitment and conditions of service and framing of rules and regulations in matters thereto.
- (j) Staff welfare-General conditions of service.
- (k) Joint Consultative Machinery.
 - (l) Rewards and punishments systems.
- (m) Motivation and morale.
- (n) Vigilance and discipline.
- (o) Review/evaluation and feedback of policy implementation.
- (p) Liaison with Central Government (Department of Personnel and the Union Public Service Commission).
- (q) Research in Personnel Administration.
- (r) Establishment of Collectorates in Goa.
- (s) State Public Service Commission.
- (t) Government Servants Association.
- (u) Advice in service matters.

3. Department of Administrative Reforms:

- (a) Organisation studies — Organisational Analysis and Method Study.
- (b) Works Study — Works measurement, norms setting, etc.
- (c) Records and office management.
- (d) Form Design.
- (e) Office lay-out.
- (f) Delegation of powers — Agency to oversee the actual exercise of delegated powers.
- (g) Inspection of field offices for O&M purposes.
- (h) Modernisation of office management, introduction of modern gadgets and other mechanical aids/equipments.
 - (i) Manualisation/codification and simplification of rules and regulations.
 - (j) Management Information System.
 - (k) Organisation and Methods Training.
 - (l) Specific consultancy studies.
- (m) Submission and rationalisation of returns.
- (n) Liaison with Government of India (Administrative Reforms Wing).
 - (o) Preparation of Annual Administrative Report.
 - (p) Public Grievances.
 - (q) Secretariat Standing Orders, Government Records, Memorials, Rules regarding the disposal of complaints and representations, etc. from the members of public.

4. Protocol Department:

- (a) Arrangement for V.I.Ps.
- (b) Warrant of Precedence and Table of Precedence.
- (c) Ceremonials and Protocol.
- (d) Vehicles for V.I.Ps./State Guests.
- (e) Allotment of accommodation to VIPs/State Guests.
- (f) Government Circuit House, Panaji and Margao.
- (g) Hospitality Organisations.
- (h) Ceremonials including receptions etc. for illustrious personages, national dress, official mourning etc.

5. Home (General) Department:

- (a) Establishment and allied matters of Police, Home Guards and Civil Defence and Fire Services.
- (b) Law and order and security, including administration of National Security Act, Essential Services Maintenance Act, and COFEPOSA and matters connected therewith.
- (c) National Integration and Inter-State Migration.
- (d) Amusement, Betting and Gambling, Cinematography but excluding lotteries.
- (e) Repatriates/Rehabilitation/National Calamities.

- (f) Ex-servicemen/Soldiers/Sailors and Airmen Board.
- (g) Prisons and Jails; Remission/Commutation of sentences.
- (h) Freedom Fighters and matters relating thereto.
- (i) Appointment of Executive Magistrates and Special Executive Magistrates.
- (j) Preventive detentions for any or all purposes.
- (k) Railways and Village Police.
 - (l) Directorate of Prosecution.
- (m) Explosives poisons and inflammable substances, control, transport, storage, production, refining and blending of petroleum and other inflammable substances under the Petroleum Act, 1954, Carbide Calcium Rules.
- (n) Exhumations, missing persons, estate of deceased persons.
 - (o) Administration of borstal schools and institutions.
 - (p) Arms, firearms and ammunitions.
 - (q) Naval, Military and Air Forces and any other armed forces of the union; Intelligence Bureau and other similar Central Organisations.
 - (i) Internal security and Defence of India (Naval, Military or Air), matters bearing on Internal Security (including the use of Naval, Military or Air Forces in aid of Civil Powers).
 - (ii) Auxiliary and Territorial Forces.
- (r) The Emblems and Names (Prevention or Improper use) Act, 1950.
- (s) Confidential and Secret Codes.
- (t) Citizenship, foreigners, Passport of Extradition and Visa.
- (u) Foreign Missions and all matters connected therewith; foreign missionaries.
- (v) Pilgrimage to places outside India.
- (w) International bodies, gifts received from CARE etc. and from foreign countries.
- (x) Ecclesiastical Affairs, including European Countries.
- (y) Evacuee property.

Note: Subjects from srl. nos. t to y above will continue to be dealt with by the existing Home (Passport) Department till the date it is wound up.

6. Planning Department:

- (a) Five Year Plans.
- (b) Plan- Co-ordination, review and monitoring.
- (c) Vital Statistics including Registration of births and deaths.
- (d) Manpower planning.
- (e) Establishment of the Department of Economics, Statistics and Evaluation.
- (f) Census.
- (g) All matters pertaining to principles and policies regarding socio-economic planning.
- (h) All correspondence and dealings with the Planning Commission.
 - (i) Preparation of the Plan for the State keeping watch on implementation of the plans and review thereof from time to time.
 - (j) Development programmes and periodic progress reports of schemes included in the plan.
- (k) Computer Centre; Computerisation in Government departments.
 - (l) 20-point programme - functions, coordination and monitoring (individual schemes will be dealt with by the concerned departments).

7. Education Department:

- (a) General Education, including Primary, Secondary, Higher Secondary and College Education.
- (b) University Education.
- (c) Language, Other Institutions and Academies
- (d) Technical and Vocational Education including teaching and training institutions for Diploma, Degree, Post Graduate and Higher courses.
- (e) Archives, Archaeology, Museum and Gazetteers.
- (f) Copyright.
- (g) Libraries including Central District, Taluka and Village Libraries.
- (h) Auxiliary and National Cadet Corps.
 - (i) Scouts and Guides.
 - (j) National Service Corps.
 - (k) Sports and Cultural Affairs.
 - (l) Arts including Kala Academy

8. Agriculture Department:

- (a) Agriculture including agricultural extension agricultural engineering, agricultural (Statistics) Crop protection and agricultural research etc.
- (b) Soil Conservation.
- (c) Manure and fertilizers
- (d) Horticulture.

9. Department of Animal Husbandry & Veterinary Services:

- (a) Dairy Development and the matters connected therewith.
- (b) Animal Husbandry. —
 - (i) Cattle Development.
 - (ii) Sheep and Goat Development.
 - (iii) Piggery Development.
 - (iv) Poultry Development
- (c) Animal diseases - Investigations and control.
- (d) Veterinary aid and Animal feed.
- (e) Fitness of animals tendered for slaughter and maintenance of statistics regarding animals slaughtered and slaughter houses.
- (f) Prevention of cruelty to animals.
- (g) Goa Meat Complex.

10. Fisheries Department:

- (a) Development of marine and inland fishing.
- (b) Training of fisher-youth.
- (c) Improved fishing practices.
- (d) Schemes for financial assistance towards modernisation and mechanisation of fishing.
- (e) Brakish water fishing culture.
- (f) Assessment of marine and inland fishing stock and regulation of conservation and regulation of fishing.
- (g) All other allied matters.

11. Forest Department:

- (a) Social Forestry/Farm Forestry.
- (b) Regulation of trade in Forest Produce.
- (c) National parks and gardens other than maintained by local bodies.
- (d) Protection of wild birds and wild animals.
- (e) Indian Forest Act.
- (f) Vanamahotsava.
- (g) Afforestation of wastelands.
- (h) Protection and conservation of forest wealth and management of forest on scientific lines.

12. Irrigation Department:

- (a) Irrigation and canals, drainage and embankments, water storage and water power.
- (b) Tube wells for irrigation purposes.
- (c) Lift Irrigation.
- (d) Planning investigation; preparation and execution of Irrigation; Hydro Power and multipurpose projects.
- (e) Budgets and Accounts under Irrigation heads.
- (f) Management of completed Irrigation Projects.
- (g) Administration of Irrigation Acts.
- (h) Flood Control Works.
- (i) Preparation and execution of drainage schemes for improvement of water logged areas.
- (j) Rehabilitation of persons displaced by Irrigation.
- (k) Multi-purpose irrigation projects including water supply and Hydro-electric components.

13. Department of Rural Development:

- (a) Rural Development Agency and all schemes administered by it, e.g. Rural poverty alleviation programmes like integrated Rural Development Programme (IRDP), National Rural Employment Programme (NREP), Rural Landless Employment Guarantee Programme (RLEGP), Development of Women and Children in Rural Areas (DWCRA), Indira Awas Yojana (IAY) for Scheduled Castes & Scheduled Tribes, etc.
- (b) Rural Water Supply Scheme, Rural sanitation, Rural Roads and other rural development work not dealt with by any other specific departments.
- (c) National land use and conservation Board.
- (d) Western Ghats Development programme.

14. Department of Community Development and Panchayats:

- (a) Community Development.
- (b) Panchayati Raj.

15. Department of Cooperation:

- (a) Cooperation.
- (b) Agricultural Marketing.
- (c) Cooperative Societies Act.
- (d) Cooperative Societies including Sanjivani Sakhar Karkhana and other similar factories by whichever name.

16. Public Works Department:

- (a) Public Works.
- (b) Water Supply.
- (c) Works, lands and buildings vested in or in the possession of Government for the purpose of the State other than of those assigned to any other department.
- (d) Works in Raj Bhavan Complex.
- (e) Execution and maintenance, on behalf of the Central Government, of such works debitable partly or wholly to Central Revenues as may be entrusted to the Government.
- (f) Construction and maintenance of electrical installations in Government Building.
- (g) Roads and Bridges.
- (h) Any other works specifically entrusted by or with the approval of State Government.

17. Department of Urban Development:

- (a) Town & Country Planning.
- (b) Housing including Housing Board.
- (c) Municipal Administration.
- (d) Slum Clearance and Slum Improvement.
- (e) New Township Planning and execution of Urban growth centres as may be specified.
- (f) Urban Housing Schemes, middle and Low-Income Group Housing.

18. Department of Power:

- (a) Public Generation
- (b) Distribution of Power.
- (c) Non-Conventional Sources of Energy.
- (d) Rural Energy Programme.
- (e) Administration of Indian Electricity Act.
- (f) Construction of Power Stations and Distribution of Power.

19. Civil Supplies Department:

- (a) Civil Supplies.
- (b) Price Control.
- (c) Weights and Measures.
- (d) Food Supplies to Districts, Food-grain prices and Price supports.
- (e) Supply and distribution of Cement.
- (f) Essential Commodities Act, 1955 including the distribution through Fair Price Shops.

20. Social Welfare Department:

- (a) Social Welfare.
- (b) Institute of Public Assistance.
- (c) Welfare of Scheduled Castes and Scheduled Tribes and other Backward Classes.
- (d) Special Component Plan.
- (e) Protection of Civil Rights Act, 1955.
- (f) Training for and research in social work including socio-economic surveys.
- (g) Coordination of social activities.
- (h) Beggars and all matters connected with them including institutions set up for them.
 - (i) Problems relating to the blind, the deaf and the dumb and the mentally retarded.
 - (j) Maintenance and care of displaced/unattached women and children, the aged and the infirm.
- (k) Immoral Traffic (Prevention) Act, 1986.
 - (i) All matters connected with the activities of the Central and State Social Welfare Boards.

21. Department of Information and Publicity:

- (a) Information and Publicity.
- (b) Public Relations and Broadcasting.
- (c) Newspapers, books and Printing Process including the Press and Registration of Books Act, 1867 and other legislations dealing with printed matter.

22. Department of Tourism:

- (a) Tourism.
- (b) Development of Tourists homes and resorts.
- (c) Tourism Development Corporation.

23. Transport Department:

- (a) Public and Private Transport.
- (b) Taxes on vehicles.
- (c) Kadamba Transport Corporation and any other Corporation/Body for Public Transport.
- (d) Airways, aircraft and air navigation provision of aerodrome, regulation and organisation of air-traffic and of aerodrome; provision for aeronautical education and training and regulation of such education and training provided by the State and other agencies.
- (e) Taxes on goods and passengers carried by road.
- (f) The Requisition of Motor Vehicles.
- (g) Railways and allied matters.

24. Department of Science & Technology:

- (a) All matters/correspondence pertaining to:
 - (i) Atomic Energy.
 - (ii) Electronics.
 - (iii) Ocean Development
 - (iv) Science & Technology.
 - (v) Futureology.
 - (vi) Space.
- (b) Application of Science and Technology.
- (c) Circulation of the latest know-how, data, information etc. in the fields of Science, Technology etc. as applicable to industries, trade, development of agriculture, animal husbandry, education, etc.

25. Department of Environment:

- (a) Environment.
- (b) Pollution Control.

26. Revenue Department:

- (a) Land revenue including land records and survey and Consolidation of holdings.
- (b) Land including Land Tenures, land ceiling, land reforms and consolidation of holdings.
- (c) Relation of Landlords, Tenants and Mundkars.
- (d) Comunidades.
- (e) Religious endowments and institutions.
- (f) Rural indebtedness.
- (g) Mamlatdar's Court Act.
- (h) Requisitioning and acquisition of immovable property.
- (i) Stamps.
- (j) Land acquisition.
- (k) Public premises (Eviction of unauthorised occupants) Act.
- (l) Maps and State Boundaries
- (m) Territorial changes within the State.
- (n) Land of the Central Government.
- (o) Relief on account of fire, flood, and other natural or general calamities, etc.
- (p) Revenue section of Collector's Office.

27. Public Health Department:

- (a) Public Health and Sanitation.
- (b) Family Welfare, Universal Immunisation Programme, Malaria Control, Filaria Control, Leprosy Control, T. B. Control, Control Blindness, Mental Health, Nutrition, Early detection and control of Cancer and Public Health Programmes as required for the population from time to time.
- (c) Medical Education, Medical Colleges, Attached Hospitals and Dispensaries.
- (d) Nursing, Dental and Pharmaceutical Profession and Education excluding Pharmacy College.
- (e) Hospitals and Health Centres.
- (f) Drugs Control and Implementation of Drugs and Psychotropic Substances Act.
- (g) Prevention of Adulteration of Food Stuff
- (h) Poisons Act, 1919.
 - (i) Public Health Act.
 - (j) Lunacy and Medical Deficiency including places for the reception or treatment of lunatics and mentally deficient persons (except criminal lunatics)
- (k) Prevention to the extension from one unit or another of infection and contagious diseases affecting men
 - (l) Drug de-addiction.
 - (m) Acquired Immune Deficiency Syndrome (AIDS)

28. Industries Department:

- (a) Industries.
- (b) Monopolies and Restrictive Trade Practices Act, 1969.

- (c) Inventions, Patents, Designs, Trade Marks and Merchandise Marks.
- (d) Trade and Commerce, Production, Supply and distribution of goods and products of industries.
- (e) Supply of Steel and iron for industrial development.
- (f) Control of building materials and buildings construction for industrial undertakings.
- (g) Manufacture and use of Alcohol for industrial purposes.
- (h) Industrial Development Corporation.
- (i) Economic Development Corporation.
- (j) Goa Handicrafts Rural Small Scale Industrial Development Corporation.
- (k) Khadi and Village Industries Board.

29. Department of Mines:

- (a) Geological Surveys.
- (b) Regulation of mines and mineral development.

30. Department of Labour:

- (a) Labour and Employment including labour welfare.
- (b) Technical Training Schemes i.e. I.T.I.
- (c) Boilers and Factories.
- (d) Trade Unions.
- (e) Industrial and Labour Disputes, including reconciliation, adjudication and arbitration, strikes and lock-outs.
- (f) Welfare of Labour including conditions of labour, provident funds and amenities for labour.
- (g) Workmen's Compensation, employees liability, invalidity and old-aged pension.
- (h) Registration of Trade Unions.
- (i) Payment of Wages.
- (j) Conditions of Service, etc. in shops and Commercial establishments.
- (k) Industrial and Labour Courts.

31. Printing and Stationery Department:

- (a) Official Gazette.
- (b) Procurement of Government Stationery and Stores.
- (c) Printing of Government publications and other matters.
- (d) Setting up of Procurement of Agency for Government Store.

32. Finance (Expenditure) Department:

- (a) Financial scrutiny/concurrence to Schemes/Proposals.
- (b) All matters relating to equation of posts and revision of pay scales of absorbed employees.
- (c) Directorate of Accounts.
- (d) National Savings Scheme.
- (e) Chit Fund.
- (f) Pension.
- (g) Pay Commission.
- (h) Sales Tax, Excise including Narcotics and Entertainment.
- (i) Lotteries.
- (j) Institutional Finance.

33. Finance (Budget) Department:

- (a) Budget and Accounts.
- (b) Public Accounts Committee.
- (c) All financial rules and delegation of powers thereunder.
- (d) Audit.
- (e) Recovery of arrears of loans and advances.

34. Law (Legal and Legislative Affairs) Department:

- (a) Advice on legal matters.
- (b) Statutory rules, orders and notifications.
- (c) Drafting and vetting of Bills.
- (d) Supervision of Government litigation and arbitration.
- (e) Conveyancing including agreements and deeds, etc.
- (f) Appeals against acquittals.
- (g) Summoning and prorogation of Legislative Assembly.
- (h) Salaries and allowances etc., of MLAs.
- (i) Publication of Acts, Rules, Notifications, Codification of Laws and Maintenance of up-to-date laws, rules and notifications.
- (j) Law Library.
- (k) Personal laws and other laws of general nature.
- (l) Parliamentary and Legislative Affairs.

35. Law (Establishment) Department:

- (a) Notaries.
- (b) Official receivers, legal practitioners and Government Counsel/Government pleaders.
- (c) Administration of justice.
- (d) Registration of documents and Societies.
- (e) Administrative Tribunal.
- (f) Goa Judicial Service Cadre.
- (g) Election excluding Municipal Elections.
- (h) Legal Aid.
- (i) Advocate General.

36. Department of Inland Water Transport:

- (a) Inland Waterways.
- (b) Navigation and navigational aids.
- (c) Ferries
- (d) Matters relating to Ports.
- (e) Light-houses including lightships, beacons and other provisions for the safety of shipping.
- (f) Passengers and goods carried on inland waterways.
- (g) Maritime shipping and navigation, including shipping and navigation on tidal water; provision of education and training for the mercantile marine and regulation of such education and training provided by the State Inland Steam Vessels Act.
- (h) Maritime School.

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GOVERNMENT OF GOA, DAMAN AND DIU

Law Department

Legal Affairs Branch

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Notification

7-10-87/LA

The Goa University (Amendment) Act, 1987 (Act No. 8 of 1987) which has been passed by the Legislative Assembly on 24-3-1987 and assented to by the Administrator of Goa, Daman and Diu on 9-5-1987, is hereby published for the general information of the public.

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

Panaji, 13th May, 1987.

The Goa University (Amendment) Act, 1987

(Act No. 8 of 1987) [9-5-1987]

AN

ACT

further to amend the Goa University Act, 1984.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa University (Amendment) Act, 1987.

(2) The provisions of section 2 shall be deemed to have come into force on the 22nd day of September, 1986 and the remaining provisions of this Act shall come into force at once.

2. *Substitution of new section for section 39.* — For section 39 of the Goa University Act, 1984 (Act

7 of 1984) (hereinafter referred to as the "principal Act"), the following section shall be substituted, namely:—

"39. *Completion of courses of study in colleges or institutions affiliated to the University of Bombay or South Gujarat.* — Notwithstanding anything contained in this Act or the Statutes, Ordinances and Regulations, any student of a college or institution situated within the Union territory and affiliated to the University of Bombay or South Gujarat University who immediately before the date of commencement of this Act was studying or was eligible for any examination of the University of Bombay or South Gujarat University, shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as it may decide for the instruction, teaching and training of such student in accordance with the courses of studies of the University of Bombay or South Gujarat University and such student shall be permitted to appear at the different examinations held by the University of Bombay or South Gujarat University for such period or periods, as the appropriate University may decide, and be eligible to receive the degree, diploma, certificate or any other distinction of the University of Bombay or South Gujarat University."

3. *Insertion of new section.* — After section 39 of the principal Act, the following section shall be inserted, namely:—

"39A. *Taking over of charge of Centre for Post-graduate Instruction and Research.* — (1) From such date as may be fixed by the University in consultation with the University of Bombay, the University shall take over charge of the Centre for Post-graduate Instruction and Research operating in Goa and all rights, interests, titles and liabilities vested in that Centre immediately before that date, shall vest in the University.

(2) The University may, as and when it deems fit, declare that the Centre taken over by it under sub-section (1) shall be closed with effect from such date as may be specified in the declaration and that Centre shall be deemed to be closed accordingly:

Provided that any student who was studying in that Centre immediately before that date, shall be permitted to complete his course of study and the University shall provide him instructions, teaching and training for a period of five years from that date and such student shall be eligible to take such examination:

Provided further that any other student who was eligible for any examination of the University of Bombay immediately before that date may take such examination."

4. *Repeal and Saving.* — (1) The Goa University (Amendment) Ordinance, 1986 (Ordinance No. 1 of 1986) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the principal Act, as amended

by the said Ordinance, shall be deemed to have been done or taken in the exercise of the powers conferred by or under the principal Act as amended by this Act as if this Act were in force on the day on which such thing or action was done or taken.

(M. RAGHUCHANDER)
 Secretariat, Secretary to the Government
 Panaji - Goa of Goa, Daman and Diu
 Dated 13th May, 1987. Law Department
 (Legal Affairs)

Notification

7-25-86/LA

The Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986 (Act 10 of 1987) which has been passed by the Legislative Assembly of Goa, Daman and Diu on 5-8-1986 and assented to by the President of India on 22-5-1987, is hereby published for the general information of the public.

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

Panaji, 9th June, 1987.

The Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986

(Act No. 10 of 1987) [22-5-1987]

AN
 ACT

to provide for the speedy recovery of certain classes of dues payable to the State Government, Financial Corporations and other Corporations owned or controlled by the State Government, Government Companies and nationalised and other Banks.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

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

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

(a) "Agriculture" includes horticulture, raising of crops, grass or garden produce, animal husbandry, dairy farming, poultry farming and breeding of livestock;

(b) "Bank" means

(i) a banking company as defined in the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;

(iv) a corresponding new bank constituted, under the Banking Companies (Acquisition and transfer of undertakings) Act, 1970;

(v) any banking Institution notified by the Central Government under section 51 of the Banking Regulations Act, 1949;

(vi) any other financial institution notified by the State Government by a notification in the Official Gazette as a bank for the purposes of this Act.

(c) "Corporation" means the Financial Corporation established or functioning in this Union territory and includes any other Corporation owned or controlled by the Central or the State Government specified by the State Government by a Notification in the Official Gazette.

(d) "Financial Assistance" means any kind of financial assistance given:—

(i) for establishing, expanding, modernising, renovating or running any industrial undertaking; or

(ii) for the purpose of vocational training; or

(iii) for the development of agriculture or agro industry; or

(iv) for the purpose of any kind of planned development recognised by the State Government; or

(v) for relief against distress caused by fire, or serious drought, flood, or other natural calamities; or

(vi) for the purpose of carrying out any Government sponsored scheme; or

(vii) for any other prescribed purpose;

(e) "Government Company" means a Government Company as defined under section 617 of the Companies Act, 1956.

(f) "Industrial concern" shall have the same meaning as is assigned to that expression in the State Financial Corporation Act, 1951.

(g) "Industrial undertaking" includes any undertaking for the manufacture, preservation, storage or processing of goods or the generation or distribution of electricity or any other form of energy, or for the development of any contiguous area of land as an industrial estate.

Explanation: The expression "processing of goods" includes any act or process for producing, repairing or making an article by subjecting any material to a manual, chemical, electrical or any other like operation;

(i) "prescribed" means prescribed by rules made under this Act.

(ii) "Government sponsored scheme" means a scheme sponsored or adopted by the State Government or an Officer authorised by it in this behalf for development of agriculture or industry and notified as such by the Govern-

ment or the authorised officer, by a notification in the Official Gazette for the purpose of this Act.

(h) "State Government" means the Government of Goa, Daman and Diu.

3. Recovery of dues as arrears of land revenue. —

(1) Where any person is a party —

(a) to any agreement relating to a loan, advance or grant given to him or relating to credit in respect of, or relating to hire purchase of goods sold to him by the State Government, the Corporation or as the case may be; the Government Company by way of financial assistance; or

(b) to any agreement relating to a loan, advance or grant given to him relating to credit in respect of, or relating to hire purchase of goods sold to him by a Bank or Government Company, as the case may be under Government sponsored scheme; or

(c) to any agreement relating to a guarantee given by the State Government or the Corporation in respect of a loan raised by an industrial concern; or

(d) to any agreement providing that any money payable thereunder to the State Government or the Corporation shall be recoverable as arrears of land revenue;

and such person —

(i) makes any default in payment of the loan or advance of any instalment thereof; or

(ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in the refund of such grant or portion or any instalment thereof, or

(iii) otherwise fails to comply with the terms of the agreement —

then, in the case of the State Government such Officer as may be authorised in that behalf by the State Government by Notification in the Official Gazette, in the case of a Corporation or a Government Company, the Managing Director thereof or where there is no Managing Director, the Chairman thereof, by whatever name called, and in the case of a Bank, the local agent thereof by whatever name called, may send to the Collector a certificate as early as possible in the prescribed form mentioning the sum due from such person and requesting that such sum may be recovered as if it were an arrear of land revenue.

(2) The Collector on receiving the certificate shall after making such enquiries (including giving hearing to the party affected) as he deems fit proceed to recover the amount stated therein as aforesaid as arrears of land revenue.

(3) On recovery of any amount under sub-section (2), the same shall be paid over to the State Government, Corporation, Government Company or as the case may be, bank after deducting, except in the case of amount to be paid to the State Government,

such portion of the amount realised, as cost of collection, as the Collector, may deem to be reasonable.

(4) No suit for the recovery of any such due as aforesaid shall lie in a Civil Court against any person referred to in sub-section (1) and no injunction shall be granted by a Civil Court in respect of any action taken or intended to be taken in pursuance of the right conferred by this section.

4. Interest of State Government, Corporation, etc. not to be affected. — (1) Nothing in section 3 shall —

(a) affect any interest of the State Government, the Corporation or the Government Company or any bank in any property, created by any mortgage, charge, pledge, or other encumbrance; or

(b) bar a suit or affect any other right or remedy against any person other than a person referred to in that section, in respect of a contract of indemnity or guarantee entered into in relation to an agreement referred to in clause (a).

(2) Where the property of any person referred to in section 3 is subject to any mortgage, charge, pledge, or other encumbrance in favour of the State Government, the Corporation, a Government Company or a Bank then —

(a) in every case of a pledge of goods, proceedings shall first be taken for sale of the goods pledged, and if the proceeds of such sale are less than the sum due, then proceedings shall be taken for recovery of the balance as if it were an arrear of land revenue:

Provided that where the Collector is of the opinion that it is necessary so to do for safeguarding the recovery of the sum due to the State Government, Corporation, Government Company or Bank, as the case may be, he may, for reasons to be recorded direct proceedings to be taken for the recovery of the sum due as if it were an arrear of land revenue before or at the same time the proceedings are taken for sale of the goods pledged.

(b) in every case of mortgage, charge or other encumbrance of immovable property the said property or as the case may be the interest of the defaulter therein, shall first be sold in proceedings for recovery of the sum due from that person as if it were an arrear of land revenue, and any other proceedings may be taken thereafter only if the Collector certifies that there is no prospect for realisation of the entire sum due through the first mentioned process within reasonable time.

5. Act not to debar recovery of dues in respect of financial assistance given by the bank to agriculturist. — Subject to the provisions of sub-section (3) of section 3, nothing in this Act shall debar the recovery of dues in respect of financial assistance given by a bank to an agriculturist or the security of a charge or mortgage created by the agriculturist on any land or interest therein in favour of the bank, where such dues are recoverable by the Bank under the provisions of any other law for the time being in force.

6. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette and subject to the condition of previous publications, make rules for the purpose of carrying out the provisions of this Act.

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

(a) any other purpose to be prescribed under sub-clause (vii) of clause (d) of section 2.

(b) the form of certificate to be sent under sub-section (1) of section 3.

(c) any other matter which is to be or may be prescribed.

7. *Suits in Civil Courts to abate.*—All suits of the nature referred to in sub-section (4) of section 3 pending in any Civil Court immediately before the commencement of this Act shall abate upon such commencement so however that such abatement shall be without prejudice to the right of the State Government, Corporation, Government Company or Bank, as the case may be, to recover any sum which may be the subject matter of such suit in accordance with the provisions of this Act, or any other law for the time being in force.

Secretariat,
Panaji - Goa
Dated 9th June, 1987.

(M. RAGHUCHANDER)
Secretary to the Government
of Goa, Daman and Diu
Law Department
(Legal Affairs)