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OFFICIAL GAZETTE

GOVERNMENT OF GOA

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NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 37 dated 13-12-2012, namely, Extraordinary dated 14-12-2012 from pages 1501 to 1502 regarding Value Added Tax Act, 2005 Not.— No. 4/5/2005-Fin (R&C) (103) from Department of Finance (Rev. & Cont.) Division.

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GOVERNMENT OF GOA

Department of Home

Home—General Division

Notification

2/91/2010-HD(G)

In exercise of the powers conferred by sub-section (*1*) of Section 357 A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Goa in co-ordination with the Central Government hereby frames the following Scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely:—

1. *Short title and commencement.*— (*1*) This Scheme may be called the Goa Victim Compensation Scheme, 2012.

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

2. *Definitions.*— (*1*) In this Scheme, unless the context otherwise requires,—

(*a*) "Act" means the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(*b*) "District Legal Services Authority" means the District Legal Services Authority constituted under Section 9 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987); for a district of the State of Goa;

(*c*) "Form" means a form appended to this Scheme;

(*d*) "Fund" means the Victim Compensation Fund constituted under clause 3 of this Scheme;

(*e*) "Government" means the Government of Goa;

(*f*) "Offence" means any of the offences mentioned in the Indian Penal Code (45 of 1860) or in any other law for the time being in force;

(*g*) "Official Gazette" means the Official Gazette of the Government;

(*h*) "Schedule" means Schedule appended to this Scheme;

(*i*) "State" means the State of Goa:

(*j*) "State Legal Services Authority" means Legal Services Authority constituted under Section 6 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), for the State of Goa;

(*k*) "Victim" means a person who has suffered loss or injury as a result of the crime and who requires rehabilitation.

(*2*) Words and expressions used in this Scheme and not defined, shall have the same meaning as assigned to them in the Act.

3. *Victim Compensation Fund.*— (*1*) The Government shall constitute a fund called Victim Compensation Fund. There shall be credited into the said fund an amount allocated for the same by budgetary provision every year.

(*2*) Compensation from the said fund under this Scheme shall be paid to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

(*3*) The said fund shall be operated by the Secretary of the Legal Services Authority for the State of Goa.

4. *Eligibility for Compensation.*— Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation if,—

(*1*) he has not been compensated for the loss or injury under any other Scheme of the Central or State Government, insurance company or any other institution;

(*2*) the loss or injury sustained by the victim has caused substantial loss of income to his family making it difficult to meet their both ends without any compensation.

5. *Procedure for making application before the State or District Legal Services Authority.*— An application for the award of compensation shall be submitted in form "I" hereto alongwith a copy of the First Information Report (FIR)/complaint, medical report, death certificate, complaint made to the Court (in case where the police have not registered the FIR) newspaper report if any, to the State or District Legal Services Authority.

6. *Reliefs that may be awarded by the State or District Legal Services Authority.*— The State or District Legal Services Authority may award compensation to the victim or his dependent to the extent as specified in schedule hereto.

7. *Rejection of the application.*— The State or District Legal Services Authority may reject an application where it is of the considered opinion that,—

(*1*) the applicant has failed to take all reasonable steps to inform the police or other body or person considered by the State or District Legal Services Authority to be appropriate for the purpose about the circumstances giving rise to the loss or injury; or

(*2*) the applicant failed to co-operate with the police or the Court to bring the accused to justice; or

(*3*) the applicant has failed to give all reasonable assistance to the State or District Legal Services Authority for deciding the application; or

(*4*) the applicant has previously filed an application, in respect of the loss or injury suffered as a result of the same crime under this Scheme, for compensation and such application is already granted or rejected or pending adjudication;

(*5*) the applicant, after having filed the complaint, wilfully turned hostile in the trial and has not supported the case of the prosecution;

(*6*) the alleged crime prima-facie is collusive in nature and not based upon verifiable facts.

(*7*) any other reason deemed fit by State or District Legal Services Authority.

8. *Procedure for Grant of Compensation.*— (*1*) Whenever a recommendation is made by the Court or an application is made by any victim or his dependent to State or District Legal Services Authority, the State or District Legal Services Authority shall examine and verify the claim made with regard to the loss or injury caused to the victim and arising out of the reported crime. It may call for any other relevant information in order to determine genuineness of the claim. After verifying the claim and after due inquiry, the State or District Legal Services Authority shall award compensation within a period of two months from the date of such recommendation or application as the case may be, in accordance with provisions of this Scheme.

(*2*) The award of compensation under this Scheme shall be subject to the condition that if later on the trial court while passing the Judgment orders the accused person to pay any amount by way of compensation under sub-section (*3*) of Section 357 of the Act, the victim shall refund the amount of compensation awarded under this Scheme, or the amount of compensation received in pursuance of the order passed under sub-section (*3*) of Section 357 of the Act, whichever is less. An Undertaking in Form "II" hereto shall be obtained from the victim before the disbursal of the compensation amount under this Scheme.

(*3*) The State or District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or to his dependents on the basis of the loss or injury caused to the victim as a result of the crime and his/their requirements of rehabilitation.

(*4*) The compensation awarded under this Scheme shall be disbursed to the victim or his dependents, as the case may be, from the fund, by remitting the same into the bank account specified in the Application by the victim/dependents.

(*5*) In case where the victim or dependent is a minor, the amount of compensation shall be released to the guardian or whoever has filed the application on behalf of such minor after the State or District Legal Services Authority is satisfied about the proper utilization of funds in the best interest of and for the welfare of such minor.

(*6*) The compensation already received by the victim or his dependents from the Insurance Company or from the Government in relation to the crime in question, including ex-gratia and/or other payment received under any law or under Central or State run Scheme, shall be treated as the compensation awarded under this Scheme, and if the amount of compensation to be received under this Scheme exceeds the payment already received by the victim from the sources mentioned above, the balance amount shall be paid out of fund to the victim.

(*7*) The cases covered under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) wherein the compensation is to be awarded by the Motor Accidents Claims Tribunal, shall not be covered under this Scheme.

(*8*) The State or the District Legal Services Authority, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate

of the area concerned, or any other interim relief as it may deem fit.

9. *The order to be placed on record.*— Copy of the order of compensation passed under this Scheme shall be placed on record of the trial Court so as to enable the trial Court to pass an appropriate order of compensation under sub-section (*3*) of Section 357 of the Act.

10. *Limitation.*— An application for compensation under sub-section (*4*) of Section 357 A of the Act shall he made within one hundred and eighty days from the date of Commission of the Crime:

Provided that the State or District Legal Services Authority may entertain the application received after the expiry of said period of one hundred and eighty days if it is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

11. *Appeal.*— (*1*) Any victim or his dependent if aggrieved by the Order of the District Legal Services Authority may file an appeal before the State Legal Services Authority within a period of ninety days from the date of such Order:

Provided that the State Legal Services Authority may admit the appeal after the expiry of the period of ninety days if it is satisfied that the victim or his dependent was prevented by sufficient cause from filing the appeal in time.

(*2*) The decision or order of the State Legal Services Authority on all matters shall be final.

12. *Accounts and Audit of the Fund.*— (*1*) The Secretary of the Legal Services Authority of the State of Goa shall maintain proper accounts and other relevant records and prepare an annual statements of accounts including the income and expenditure account and the Balance sheet in respect of said fund. These accounts shall be audited by an auditor appointed by the Government.

(*2*) An audited statement of Accounts shall be submitted by the Secretary of the Legal Services Authority of the State of Goa, to the Government, every year.

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

Sd/- (Neetal P. Amonkar), Under Secretary (Home).

Porvorim, 17th December, 2012.

SCHEDULE

(*See* Clause 6)

(1)	In case of death of the sole earning member of the family where children are minor and or unemployed	Upto Rs. 2,00,000/-
(2)	Loss of any limb or part of the body resulting 80% or above disability including acid attack	Upto Rs. 50,000/-
(3)	Loss of any limb or part of the body resulting in 40% and below 80% disability including acid attack	Upto Rs. 25,000/-
(4)	In case of death of non-earning Member.....	Upto Rs. 25,000/-
(5)	Loss of any limb or part of the body resulting below 40% disability including acid attack	Upto Rs. l0,000/-
(6)	In case of injury causing, severe mental agony to women and child	Upto Rs. 10,00,000/-

(e.g. in human trafficking and rape cases, Acid cases)

Form "I"

Application for the award of compensation

(1) Name of the victim:
Name of the Dependent:
(2) Age of the victim/dependent:
(3) Name of the parents (a) Father:
(b) Mother:
(4) Address:
(5) Date and time of the incident:
(6) Name of the Applicant:

(7) Relationship with the Victim (Legal Heir or NGO):

(8) Whether FIR has been lodged? If 'Yes', enclose a copy of the FIR.
If 'No' give reasons thereof.

(10) Whether a complaint has been filed in the Court?: If Yes,

Enclose a copy of complaint.

(11) Whether medical examination has been done?

If yes, enclose Medical report/death certificate.

(12) Details of Bank Account:

Date: *Signature of Applicant*

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Department of Personnel

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Notification

1/3/88-PER (Pt. file)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India read with Section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897) the Governor of Goa hereby makes the following rules so as to amend the Goa Governor's Secretariat (Recruitment and Conditions of Service) Rules, 2010, published vide Notification No. 1/3/88–PER(PF II) dated 8-4-2010, in the Official Gazette, Series I No. 3 dated 15-04-2010, as follows, namely:—

1. *Short title and commencement*.— (*1*) These rules may be called the Goa Governor's Secretariat (Recruitment and Conditions of Service) (Amendment) Rules, 2012.

(*2*) They shall come into force from the date of their publication in the Official Gazette.

2. *Amendment of Schedule I*.— In the Goa Governor's Secretariat (Recruitment and Conditions of Service) Rules, 2010, in the Schedule I, for the existing entries against Serial Nos. (6) and (8), the following entries shall be respectively substituted, namely:—

" (6)	Assistant.	02 (2012) (Subject to variation dependent on workload).	Group 'C' Non-Ministerial, Non-Gazetted.	PB-1 Rs. 5,200-20,200 + Grade pay Rs. 2,400.	N. A.	Not exceeding 40 years (Relaxable for Government servants upto 5 years in accordance with the orders or instructions issued by the Government from time to time).	N. A.	*Essential:* (1) Degree from a recognised University in any stream or equivalent. (2) Certificate in Computer Education of atleast three months duration. (3) Knowledge of Konkani. *Desirable:* Knowledge of Marathi.	N. A. Two years.	By transfer on deputation/absorption/promotion, failing which, by direct recruitment.	(1) *Transfer on deputation/transfer:* Assistant or Junior Assistant from Secretariat cadre or L.D.C. from any other Government Department with minimum 4 years experience in the grade. (2) *Absorption:* A person working as an Assistant or a Junior	N. A. (1) Secretary to Governor –Chairman. (2) Special Secretary to Govemor –Member. (3) Under Secretary (General Administration Department) –Member.

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

Sd/- (Yetindra M. Maralkar), Additional Secretary (Personnel).

Porvorim, 10th December, 2012.