Reg. No. GR/RNP/GOA/32

2003 YEAR OF THE CHILD

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Panaji, 29th December, 2003 (Pausa 8, 1925)

SERIES I No. 39

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7/25/2003-LA

The Goa Employment (Conditions of Service) and Retirement Benefit (Second Amendment) Act, 2003 (Goa Act 27 of 2003), which has been passed by the Legislative Assembly of Goa on 1-10-2003 and assented to by the Governor of Goa on 22-12-2003, is hereby published for general information of the public.

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

Panaji, 29th December, 2003.

The Goa Employment (Conditions of service) and Retirement benefit (Second amendment) Act, 2003

(Goa Act 27 of 2003) [22-12-2003]

AN

ACT

further to amend the Goa Employment (Conditions of Service) and Retirement benefit Act, 2001 (Act 35 of 2001).

BE it enacted by the Legislative Assembly of Goa in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (*1*) This Act may be called the Goa Employment (Conditions of Service) and Retirement Benefit (Second Amendment) Act, 2003.

(2) It shall be deemed to have come into force with effect from 19-9-2001.

2. *Amendment of section 1.*— In section 1 of the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Act 35 of 2001)(hereinafter referred to as the "principal Act"), in sub-section (*3*), in the second proviso, for the words "not exceeding beyond one year from the date on which this Act shall come into force", the words " as deemed fit, and from such dates as may be specified therein" shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act, in sub-clause (*i*) of clause (*n*), for the words " a shop or commercial", the word "an" shall be substituted.

4. *Amendment of section 3.*— In section 3 of the principal Act,—

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

"(1-A) Every employer shall ensure that every workman employed by him in any

industrial establishment to which this Act applies, is issued an identity card by the authorized agency containing such details as may be notified by the Government in this behalf and the cost of the identity card shall be borne by the employer. The employer, after issue of such identity card to the workman, shall, at no time dispossess the workman of the same, either during employment or otherwise.";

(*iii*) after sub-section (*2*), the following proviso shall be inserted, namely:—

"Provided that the Government may, by notification, authorize any agency to issue such identity card to such person and the expenses towards the issuance of such identity card shall be borne by such person.";

(*iii*) in sub-section (*3*), (a) for the words and figures "sub-section (*2*)" the words and figures "sub-section (1-A) or sub-section (*2*), as the case may be," shall be substituted; (b) for the words "competent authority", the words and figure "authorized agency or the competent authority, as case may be," shall be substituted.

5. Amendment of section 6.— In section 6 of the principal Act, after the words "public undertaking", the words "or if his monthly wages exceed rupees six thousand five hundred or he has completed the age of fifty years" shall be inserted.

6. Amendment of section 8.— In section 8 of the principal Act,—

(*i*) after the words "in the Official Gazette", the expression "and such employer shall also furnish to the competent authority and to such other agency as may be notified by the Government, monthly returns showing details of contribution in respect of individual workman in the prescribed form" shall be inserted;

(*ii*) in the second proviso, after the words "fifty years", the words "or whose monthly wages exceed rupees six thousand five hundred" shall be inserted.

7. Insertion of new section 13B.— After section 13-A of the principal Act, the following section shall be inserted, namely:—

"13-B. *Compounding of certain offence.*— (1) Any offence punishable under section 12 or section *13* and committed after the commencement of this Act, may, either before or after the institution of the prosecution, be compounded by such officer or authority and for such amounts as the Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence is compounded under sub-section (*1*), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded".

Secretariat Annexe,
Panaji - Goa.
Dated : 29-12-2003.

L. S. SHETTY,
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

Notification

7/28/2003-LA

The Goa Provision of Water Supply Act, 2003 (Goa Act 28 of 2003), which has been passed by the Legislative Assembly of Goa on 1-10-2003 and assented to by the Governor of Goa on 22-12-2003, is hereby published for general information of the public.

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

Panaji, 29th December, 2003.

The Goa Provision of Water Supply Act, 2003

(Goa Act 28 of 2003) [22-12-2003]

AN

ACT

to make provision for the supply of water in the State of Goa and for matters connected and incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the fifty-fourth year of the Republic of India as follows:—

1. *Short title and commencement.*— (*1*) This Act may be called the Goa Provision of Water Supply Act, 2003.

(2) It shall be deemed to have come into force with effect from 22nd July, 2003.

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

(a) "consumer" includes an individual, firm, company, society, corporation who have legally obtained piped water connection or utilized piped water for domestic, commercial, industrial, etc. purposes;

(b) "Government" means the Government of Goa;

(c) "notification" means a notification published in the Official Gazette;

(d) "Official Gazette" means the Official Gazette of the Government;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "PWD" means the Public Works Department of the Government.

3. *Supply of water.*— On and from the date of coming into force of this Act, the supply of water to consumers in the State of Goa shall be made by the PWD in accordance with the provisions of this Act.

4. *Class of consumers, tariff, etc.*— (1) The class of consumers, the tariff to be paid by such consumers, the manner of supply of water to such consumers by the PWD, etc. shall be such as may be prescribed.

(2) The Government shall, from time to time, frame a scale of rates at which and a statement of the conditions under which, any of the services including supply of water, issuing of water connections, cancellation of water connections and all other incidental and ancillary matters will be provided and appoint an authority or authorities in this regard to perform such functions:

Provided that different scales of rates for various services, works, supply, and conditions of such services or for such supply, may be framed for different classes of consumers or utilizing such services for different purposes.

(3) The Government shall also have the power to fix, levy, recover, or revise penalties, including compounding of interest in cases of default in payment, on delayed payment, illegal connection, tampering of meters or lines, pipes or for illegal use of piped water at such rate and for such period as the Government may, having regard to the general conditions, impose.

5. *Bill amount and resolution of disputes.*— The bill amount in respect of the water consumed shall be worked out in the prescribed manner and any claim or dispute in respect thereof shall also be resolved by the prescribed officers in the prescribed manner.

6. *Offences and Penalties.*— Whoever contravenes any provision of this Act or of any rules or orders made thereunder, shall, on conviction by a Judicial Magistrate, be either sentenced to simple imprisonment which may extend to a term of three months or to pay a fine of rupees five thousand, if the conviction is relating to the user of piped water for domestic purpose, and to a sentence which may extend to a term of six months of simple imprisonment or to a fine of rupees ten thousand, if the conviction be in connection with the user of piped water for commercial or industrial purpose.

7. *Exemptions.*— Where, in the opinion of the Government, reasonable grounds exist for doing so, the Government may, by notification and subject to such conditions and restrictions as it may impose, exempt any person or class of persons from all or any of the provisions of this Act or of the rules made thereunder, either throughout the State or in any specified part thereof or for any specified period or occasion.

8. *Power to make rules.*— (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) specifying the class of consumers who are supplied water, under sub-section (1) of section 4;

(b) specifying the tariff to be charged for water consumed and the manner of supply of water under sub-section (1) of section 4;

(c) specifying the type of use of water;

(*d*) specifying the fees to be levied for obtaining water connection by the consumer;

(*e*) fixing the timings for supply of water;

(*f*) specifying the form of application for obtaining water connection;

(*g*) specifying the connection charges to be paid by the consumer for obtaining water connection;

(*h*) specifying the amount of security to be deposited by the consumer at the time of obtaining water connection;

(*i*) specifying the type of water meter to be installed;

(*j*) specifying the condition of supply of water;

(*k*) specifying the scale of rates under sub-section (2) of section 4; and

(*l*) any other matter which has to be or may be prescribed or provided for by rules.

9. *Validation of previous actions, recoveries, etc.*— On the date of coming into force of this Act, all demands, or claims made, bills issued, compounding of interest on charges for any period done, recoveries made, amounts paid pending recoveries initiated or completed under any of the Government Notifications, Water Bye-laws, Orders, instruments, the Goa Revision of tariff for water Supply and meter rent Orders, instructions issued from time to time, under the Portaria No. 6802 dated 10th December, 1956, or Orders thereunder or under any law in force in the State of Goa, or under the Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962, shall be deemed to have been done under the powers conferred herein; and all such demands, recoveries and any actions shall stand validated and be deemed to have been done and issued under this Act, and by virtue of this Act.

10. *Repeal and saving.*— Portaria No. 6802 dated 10th December, 1956, and so much of any law as in force in the State of Goa relating to the supply of water to consumers shall stand repealed as from the coming into force of this Act:

Provided that such repeal shall not affect:—

(*a*) the previous operation of the Portaria No. 6802 dated 10th December, 1956 or any such law, rules, regulations, Government Orders, instructions, directions or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation, or liability acquired, accrued or incurred under the said Portaria or any such law;

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Portaria or any such law;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been enacted:

Provided further that subject to the preceding provisions, anything done or any action taken (including any appointment or delegation made, tax, fee or cess imposed, notification, order, instrument or direction issued, rules, regulations, forms, bye-laws or schemes framed, certificates obtained, permits or licences granted or registration effected) under the said Portaria or any such law shall be deemed to have been done or taken under the corresponding provisions of this Act.

11. *Repeal of Ordinance 1 of 2003 and saving.*— (*1*) The Goa Provision of Water Supply Ordinance, 2003 (Ordinance 1 of 2003), is hereby repealed.

(*2*) Notwithstanding such repeal, any order, rule, notification or scheme made or anything done or any action taken in pursuance of any provision of the said Ordinance shall be deemed to have been made, done or taken under the corresponding provisions of this Act.

Secretariat Annexe,
Panaji - Goa.
Dated : 29-12-2003.

L. S. SHETTY,
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

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